



# **What Do I Do? There is a warrant out for my arrest!**

## **OPTIONS AFTER AN ARREST WARRANT OR CAPIAS PRO FINE IS ISSUED**

### **IMPORTANT NOTICE**

**IF YOU HAVE AN ACTIVE WARRANT AND YOU VOLUNTARILY APPEAR IN THE LAKEWAY MUNICIPAL COURT OR AT THE COURT CLERK'S WINDOW YOU WILL NOT BE ARRESTED. YOU WILL BE ALLOWED TO SET YOUR CASE FOR COURT TO SPEAK TO A JUDGE OR YOU CAN WAIVE YOUR RIGHT TO TRIAL, PLEAD TO THE CHARGE, AND SET UP A TIME-PAYMENT PLAN OR REQUEST COMMUNITY SERVICE IN LIEU OF PAYING A FINE IF YOU CAN PROVE THAT YOU HAVE A FINANCIAL HARDSHIP.**

### **TYPES OF WARRANTS**

#### **WARRANT OF ARREST (Texas Code of Criminal Procedure, Article 45.014)**

When a sworn complaint or affidavit based on probable cause has been filed before the municipal court, the judge may issue a warrant for the arrest of the accused and deliver the same to the proper officer to be executed.

#### **CAPIAS PRO-FINE (Texas Code of Criminal Procedure, Article 45.045)**

A Capias Pro-Fine is an order directing any Texas Peace Officer to immediately arrest a defendant and bring that defendant immediately before the court to show cause (good reason) why that person has failed to satisfy the judgment (pay their fine and court costs). Unlike an Arrest Warrant, a Capias Pro Fine is issued after a defendant has been convicted of an offense.

If you have active warrants with our court it is either because you failed to appear in court to answer the criminal charges against you and an Arrest Warrant was issued or you already were convicted of the charge and you failed to pay your fine and a Capias Pro Fine was issued.

If you have already have a judgment rendered against you and you have failed to satisfy that judgment, you must either pay the fine and court costs or ask to be set on the court docket as a "walk in" to ask the judge to place you on a time payment plan or ask the court to allow you to perform community service if you cannot afford to pay the fine and court costs. If you are indigent (poor) and unable to pay your fine or court costs, the Court will listen to your sworn testimony about your financial situation and may offer you different alternatives rather than the payment of your fine, such as allowing you to perform community service which is credited at the rate of \$10 for every hour worked. All community service must be for non-profit organizations and must be pre-approved by the court. Examples of approved non-profit agencies that we allow community service include: Goodwill, Salvation Army, Habitat for Humanity, Meals on Wheels, The Food Bank, Austin Animal Shelter, and Austin Humane Society.

In cases of indigence (poverty) or financial hardship, the judge has the authority to lower the amount of the fine or decrease the number of community service hours required depending on the severity of the defendant's financial situation. In severe hardship situations the judge may discharge all or part of the fine and court costs, pursuant to Article 45.0491, Texas Code of Criminal Procedure.

If you have an active arrest warrant for a case in which you have not yet appeared in court there are several ways to get the arrest warrant lifted and recalled. Bail is a dollar amount that must be posted to

have the warrant recalled and allow your release from jail. There are different ways to post bail: by posting CASH, a SURETY BOND, and getting PERSONAL BOND.

Usually, Personal Bond is not an option since you previously failed to appear in court after promising to do so. However, if you can prove there was a valid reason why you failed to appear in court, such as an illness or inability to appear in court, the judge may grant a Personal Recognizance (PR) Bond without requiring you to post cash or a surety bond. After you post bail you will get a court setting so that you can appear in court and discuss different options to resolve your case, including your right to Discovery of evidence (even evidence that may help prove your innocence) and your right to a jury trial.

When you appear in court there may be options other than a trial or final judgment, which may include an offer to dismiss one charge if you plead guilty to another charge; a reduction in your fine; dismissal of the case by upon completion of a Driver Safety Course; or dismissal of the case upon completion of a deferred disposition (probation).

Even if you cannot afford to post bail or pay your fine or court costs, you have the right to request that the Court Clerk or Warrant Clerk put you on the docket to see the judge as a “walk-in” so you can discuss your case and options with the judge and explain your situation if you are indigent. All arrest warrants remain active until they are recalled by the judge or until you post bail. Again, if you are indigent and cannot afford to post cash bail or hire a bail bond company to post a surety bond, you can appear before the judge and make a request for Personal Bond.

It is always best to appear in court and take care of your court cases rather than refusing to appear. **If you voluntarily appear at our municipal court to work out a payment plan or to request a court hearing- you will not be arrested!** If you have questions about your warrant, contact Warrant Clerk Martina Brazell at (512) 314-7566 or City Marshal Fred Johnson at (512) 314-7580. If you wish to communicate with Judge Madison, you can mail him a letter addressed to: Judge Kevin Madison, 104 Cross Creek, Lakeway, TX 78734 or fax your letter to: (512) 314-7561.

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Presiding Judge  
Lakeway Municipal Court of Record #1  
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