

LOCAL RULES OF PROCEDURE
AND
RULES OF DECORUM
FOR
MUNICIPAL COURT
CITY OF ROCKPORT, TEXAS

EFFECTIVE 01/10/2023

LOCAL RULES OF THE MUNICIPAL COURT OF THE CITY OF ROCKPORT, TEXAS

Be it known that on this, the 10th day of **January, 2023**, the Municipal Court of the City of Rockport, Texas has adopted its Local Rules of Procedure, in order to provide efficiency, uniformity, fairness, and justice in conducting the business of the Court.



Diana McGinnis, Administrative Judge/Court Administrator

Municipal Judge:



Diana McGinnis

Associate Municipal Judge:

Diane Dupnik

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LOCAL RULES OF THE MUNICIPAL COURT OF THE CITY OF ROCKPORT, TEXAS

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Chapter 1
GENERAL

1.1 Objective

These rules are promulgated to provide a uniform system for the fair, impartial, and prompt disposition of matters properly before the Municipal Courts of City of Rockport, Texas. They are to be interpreted consistent with this objective.

1.2 Scope

These rules govern cases filed in the Municipal Courts of City of Rockport, Texas. They are promulgated pursuant to Section 27.061 of the Texas Government Code. These rules apply to each attorney, to each Defendant representing himself/herself (hereinafter referred to as “Pro Se Defendant”) in the Municipal Court of the City of Rockport, Texas, to all Court staff, as well as to any and all witnesses or observers who appear in the Municipal Court of the City of Rockport, Texas. Failure to comply with these Rules may result in the imposition of sanctions including contempt. The Local Rules of Procedure and Rules of Decorum for Municipal Court are effective October 14, 2014.

1.3 Citation Form

These rules shall be known as the Local Rules of Procedure and Rules of Decorum for Municipal Court City of Rockport, Texas.

1.4 Organization

Municipal Court in City of Rockport, Texas has a specific geographical area of jurisdiction. City of Rockport is within the city limits of Rockport.

1.5 Calendar

The Municipal Court will keep a docket of scheduled hearings and trials. A weekly docket shall be available to the public for each week's proceedings.

The appointed judges will generally be available as indicated by these rules and the calendar. However, when a judge is on vacation, at a judicial or educational conference, or has medical or dental need, it is the policy of the Municipal Court to obtain an alternate appointed judge, whenever possible, so that there will be no interruption in the work of the court. Alternate appointed judges are also scheduled to help with heavy workload or crowded dockets. Notice of the assignment of an alternate appointed judge will be posted as soon as is practical.

1.6 Jury Selection

The Municipal Court utilizes the electronic method of selecting names of persons assigned for jury service. Jury impaneling is conducted in cooperation with the Voter Register. Questions about the jury impaneling process and jury service may be addressed to the jury office. District Clerk's Office 361-790-0128 or Voter Register 361-729-7431.

1.7 Authority of Sitting Municipal Judges

The Municipal Court of the City of Rockport is one court. Each Judge, whether a full time Judge or an Associate Judge sitting for a full time Judge, has all authority within the Court in which he/she is sitting and in the Rockport Municipal Court in general as does any Municipal Judge in the State of Texas. Each Municipal Judge, whether full time or Associate, is also a Magistrate for Aransas County of which the City of Rockport is a part, and has all authority as a Magistrate in that county, as set forth in state law.

1.8 Hours of Operation

The Municipal Court/Judges' Office shall be open from 8 AM to 5 PM, with the exception of City observed holidays or when the Court is otherwise closed by order of the Administrative Judge, Court Judge or City Manager. The Court will be open until all pending matters on that day's docket are resolved.

1.9 Ethics of Judge

A Judge cannot ethically speak to any party regarding the merits of a case without both sides present, except as authorized by the Texas Code of Judicial Conduct. Each Judge, whether a full time Judge or an Associate Judge for the City of Rockport Municipal Court, is "on call" 24 hours a day, 7 days a week for emergency situations and for County Magistrate duties.

Chapter 2

Criminal Cases

2.1 Filing Cases

Municipal Court cases shall be filed at 402 E. Laurel Street located in Rockport, Texas,.

The Municipal Court may transfer a school attendance case to Juvenile Court whenever a defendant also has pending juvenile cases in the City of Rockport.

2.2 First Appearance

Unless otherwise directed, defendants will appear at the Municipal Court in which the case is filed, according to the date and location written on their citations or summonses. Subsequent appearances will be as scheduled by the Court.

2.3 Setting Cases

All Criminal “Not Guilty” Pleas will be brought to trial as promptly as practicable in the court in which the case is docketed. Municipal Court shall be responsible for setting hearings and trials in court and for notices thereof.

Attorneys or defendants may request that a case be reset or continued no later than 5 business days before the current setting in accordance with court rules.

Court clerks are authorized to allow (one continuance per party). All other resettings must be approved by the Judge.

(a) Announcement Docket

Defendants may discuss their cases with a prosecutor, or Judge when pleading guilty or no contest to resolve the case, or reset the case for trial.

(b) Pretrial Hearing

Pretrials are routinely conducted in Class C cases. All pretrial motions must be in writing, filed with the court and served to the City Attorney fifteen (15) days prior to any pretrial hearing. Special pretrial settings must be requested and approved by the Court.

All pretrial motions will be heard on the day set for pretrial hearing unless a written State or Defense motion for continuance is granted.

(c) Trial Before the Court (TBC)

Attorneys and Defendants should not set a case for TBC unless the Defendant and the State intend to waive jury. All cases shall be tried when set unless a written State or Defense motion for continuance is granted.

(d) Jury Trial

Defense attorney and/or defendant shall appear at the scheduled jury setting. State and Defense must either announce ready or file a written motion for continuance. If the defendant waives jury at the docket call, a written waiver, signed by counsel and/or defendant must be presented.

2.5 Plea of Guilty or Nolo Contendere

Defendants may enter pleas of “guilty” or “no contest” at any time, with or without a plea agreement. Municipal Court shall maintain a list of “standard” fines for various offenses.

Defendants may also elect to enter a plea of “guilty” or “no contest” and address the Judge regarding punishment.

2.6 Appointment of Counsel

Indigent defendants, when charged with a fine – only offense, are not entitled to court appointed attorney, as a matter of law.

2.7 Motions to Withdraw or Substitute

An attorney becomes attorney of record in a misdemeanor case by listing his or her name on pleadings or by setting or resetting the case. He or she remains attorney of record until relieved by written order of the Court.

An attorney’s motion to withdraw will be heard after the defendant has had notice to appear or whenever the defendant agrees in writing. Adequate notice is by certified mail, return receipt requested.

Motions to substitute counsel will be granted without hearing so long as the scheduling of trial will not be delayed by the change in counsel.

Chapter 3

Rules of Decorum

3.1 Opening Procedure

Immediately before the scheduled time for the first court session on each day the bailiff shall direct all persons to their seats and shall cause the courtroom to come to order. As the judge enters the courtroom, the bailiff or the court clerk shall state:

“All rise.”

While everyone is still standing, the bailiff shall announce: “Municipal Court of the City of Rockport, Texas, is now in session, Judge _____ presiding. Please be seated.”

3.2 Recess

When the Judge announces a recess, the bailiff shall state: “All rise.” All shall remain standing until the Judge leaves the courtroom, whereupon the bailiff shall announce: “The Court is now in recess.”

In reconvening after a recess, the bailiff shall call the courtroom to order and request everyone to rise as the Judge enters, and shall state:

“Please be seated.”

Before recess of a jury trial, the jury will be excused and all other persons present shall remain seated while the bailiff escorts the jury from the courtroom into the jury room.

After a recess, the bailiff shall direct all jurors to the jury room, call the courtroom to order and request everyone to rise as the Judge enters, as in non-jury trials. The jury shall be returned to the jury box from the jury room, upon the instruction of the Judge.

3.3 General Rules of Courtroom Conduct

All officers of the court (except the Judge and jurors) and all other participants (except witnesses who have been placed under the rule) shall promptly enter the courtroom before the scheduled time for each court session. When the bailiff calls the Court to order, complete order should be observed.

In the courtroom there shall be:

- (a) No smoking or use of tobacco products, including snuff or chewing tobacco;
- (b) No eating of food, drinking of beverages, or chewing and/or popping of gum;
- (c) No inappropriate attire, including shorts, tank tops, sleeveless shirts, T-shirts, low pants with underwear showing, and/or inappropriate “message” shirts;
- (d) No reading of extraneous materials, such as books, newspapers or magazines;
- (e) No audible cell phones or pagers;
- (f) No bottles, cups or beverage containers except court water, pitchers and cups or as otherwise permitted by the Judge;
- (g) No loud noises;

- (h) No propping of feet on tables or chairs;
- (i) No noise or talking that interferes with court proceedings;
- (j) No animals except service animals;
- (k) No standing in the Courtroom, particularly in front of Bailiff or in front of the Bench,
except when addressing the Court, or by direction of the Judge, or as necessitated by the
business of the Court;
- (l) No gestures, facial expressions, or sounds indicating approval or disapproval of a ruling
of the Court or a comment of a witness;
- (m) No unattended children in the Courtroom;
- (n) No hats or head coverings, including scarves, bandanas or do-rags, worn in the
courtroom unless such items are religious in nature;
- (o) No person other than the Presiding Judge, a peace officer or a security guard
employed by the City of Rockport and on duty who has a current appropriate license
possessing a weapon in the Courthouse.

The Judge, the attorneys, and other officers of the court will refer to and address other court officers and other participants in the proceedings respectfully and impersonally, as by using appropriate titles and surnames rather than first names.

All officers of the court should dress appropriately for court sessions.

3.4 Attorneys

(a) Attorneys should observe the letter and spirit of all canons of ethics, including those dealing with discussion of cases with representatives of the media and those concerning improper “ex parte” communications with the Judge.

(b) Attorneys should advise their clients and witnesses of Local Rules of Decorum that may be applicable.

(c) All objections, arguments, and other comments by counsel shall be directed to the Judge or jury and not to opposing counsel.

(d) While another attorney is addressing the Judge or jury, an attorney should not stand for any purpose except to make an appropriate motion, request or objection to the Court.

(e) Attorneys should not approach the bench without leave of court and must never lean on the bench.

(f) Attorneys shall remain seated at the counsel tables at all times except:

(1) when the Judge enters and leaves;

(2) when addressing the Judge or jury; and

(3) whenever it may be proper to handle documents, exhibits, or other evidence (leave of court is not required).

(g) Attorneys should anticipate any need to move furniture, appliances, or easels, and should make advance arrangements with the Court. Tables should not be moved during court sessions, unless approved by the Court.

3.5 Broadcast Media

Requests to broadcast court proceedings shall be determined by each Judge on a case by case assessment after consultation with all parties to a case.

3.6 Conduct Required of All Attorneys and *Pro Se* Defendants

(a) *Pro se* Defendants (Defendants acting as their own attorney) shall conform their behavior to all provisions of the canons of ethics applicable to licensed Attorneys.

(b) All parties shall be prompt in arriving for Court and attending to Court business. Attorneys, defendants represented by Attorneys and *pro se* Defendants shall be on time, and if the Attorney is required to be in another Courtroom, he/she shall notify the respective Bailiff of such. The Attorney for the Defendant shall sign in for the Defendant on the Court's docket sheet prior to the docket call. The State shall not be required to make an announcement for trial on a case where the Defendant failed to answer the docket call personally. The Defendant shall appear as required by law. All witnesses shall be present at docket call.

(c) Once an individual has entered the Courtroom and appeared before the Court, whether Defendant, attorney or witness, he/she shall not leave the Courtroom without obtaining permission from the Judge.

(d) During trial or hearing, any objections, arguments and comments shall be directed to the Court and not to the opposing counsel or to *pro se* Defendant. Any objections raised during a hearing or trial shall be supported by a legal basis for such objection. Argument upon an objection will not be entertained except with the permission of the Court.

(e) During trial or any hearing, attorneys and *pro se* Defendants shall remain seated at the counsel tables at all times, except when objecting to the opposing party.

(f) Attorneys (and *pro se* Defendants) shall not approach the Bench except after requesting and receiving permission from the Judge.

3.7 Entry of Plea

A plea of not guilty, guilty or no contest must be filed with the Clerk of the Court on or before the court date on citation.

3.8 Request for Assistance

A motion by a party for an interpreter pursuant to Texas Government Code Section 57.002, shall be made in writing at the time a plea is entered or as soon as practical thereafter as a party becomes aware of the need for interpreter services.

3.9 Visual/Audio Aids

Any parties seeking to use video or audio aids must provide their own necessary equipment.

Chapter 4

Notice

4.1 Responsibility

It is the responsibility of all persons with business before the Court to determine the date, time and nature of each setting of the case(s) and to update or notify the Clerk of the Court of any changes of address of the Defendant or of counsel for the Defendant.

4.2 Notice

Notice of the date, time and nature of each setting shall be given by the Clerk of the Court to each party in writing, in person or by mail, addressed to the last known address of a party and counsel for the party. A copy of each notice shall be marked as to the manner of its delivery, and shall be properly filed and maintained in the Court's file by the Clerk of the Court.

4.3 Verbal Representations

Reliance by any party upon verbal representation from any Court personnel or a police officer concerning any matters shall not be binding as grounds for continuance, setting aside a warrant, or any other relief.

4.4 Complaint

A copy of the Complaint shall be made available to the Defendant or counsel for the Defendant no later than one (1) day before the pretrial hearing. A Complaint shall not be considered timely if this deadline is not met.

Chapter 5

Motions

5.1 Motions for Continuance

Motions for Continuance require reasonable basis in fact and will not be granted for purposes of delay, but only to ensure that justice is done.

5.1.1 Code

Continuances are governed by Chapter 29, *Texas Code of Criminal Procedure*. **Rule Five** of the Local Rules of Court is intended to augment and not to replace the provisions of the *Code of Criminal Procedure*.

5.1.2 Form

a. All Motions for Continuance shall be in writing and shall be filed at least five working days prior to the scheduled court date. Such Motions shall be filed immediately upon discovering the necessity for the continuance.

b. Each Motion for Continuance shall contain:

- 1) The cause number;
- 2) The name of the Defendant
- 3) The date and time of the setting requested to be continued;
- 4) The requested date for the new setting of the case, if any;
- 5) The specific facts justifying the continuance;

- 6) A certificate of conference indicating the agreement or disagreement of the opposing party; and
- 7) An oath attesting to the truth of the matters contained in the Motion.

5.1.3 Emergency Motions

Where the underlying facts that form the basis for a motion for continuance were not discovered and could not have been discovered through the exercise of due diligence, an emergency motion for continuance may be filed. Emergency Motions for Continuance may be filed at any time prior to the respective Court proceeding, and will be ruled on by the Court at the call of the docket.

5.1.4 Factors

Except in cases where constitutional or statutory continuances are sought, the following factors will be among those considered in determining whether to grant or deny a Motion for Continuance:

- a). The specific nature of the conflict in scheduling;
- b). The time from the date on which the charge was initiated by citation or affidavit to the date that the continuance is sought;
- c). The number of continuances previously granted to each party; and
- d). The timeliness of the filing of the Motion, including the date on which the scheduling conflict, if any, became known to Movant.

5.1.5 Forum

A Motion for Continuance shall be presented in the same Court where the case is set to be heard. In all cases, the ruling on a Motion for Continuance shall be at the discretion of the Judge of the Court where the case is set to be heard.

5.1.6 Denied Motion

If a Defendant's Motion for Continuance is denied, in order for the Defendant to avoid a warrant, a bond in the amount set by the Court may be required to be posted, at the discretion of the Judge, denying the Motion. It is the responsibility of the Defendant to determine whether the Motion was granted or denied and to determine whether a bond is required. If a State's Motion for Continuance is denied, the case will proceed to trial, plea or other disposition.

5.2 Motions to Withdraw

Any attorney who makes an appearance on behalf of a Defendant or represents to the Court that he/she is the attorney of record for a party shall continue to be considered by the Court as the attorney of record for that Defendant until a Motion to Withdraw as Counsel is filed by that attorney and is granted by the Court.

5.2.1 Withdrawal Without a Hearing

A motion to Withdraw as Counsel for Defendant may be granted without a hearing only if the moving attorney obtains an agreement by the State, files a verified certificate stating the last known mailing address of the Defendant, and files, along with the Motion a written consent to the withdrawal signed by the client, which consent acknowledges that the Defendant has been advised of all future court settings.

5.2.2 Withdrawal With a Hearing

If all requirements of Rule 5.2.1 are not satisfied, a Motion to Withdraw must be presented to the Court at a hearing after notice to the Defendant and to all other parties, as prescribed by **Chapter 7**.

5.2.3 Substitution of Counsel

If a Motion to Withdraw as Counsel for Defendant also contains a Motion to Substitute Counsel and a Notice of Appearance by another attorney, and obtains a written agreement by the State, that appearance will satisfy the requirements of Rule 5.2.1, and the attorney named in the Notice of Appearance will thereafter be considered by the Court as attorney of record for the Defendant.

Chapter 6

Transfer of Cases/Docket Exchange/ Bench Exchange

6.1 Criminal Cases

(a) A judge may transfer a pending misdemeanor case to another Municipal Court Judge of the City of Rockport, provided that the receiving Judge has no objection to the transfer.

(b) The defendant has 10 days to object in writing to the transfer.

(c) Once transferred, the case proceeds as if it arose originally in the court to which it was transferred.

(d) Either Municipal Court Judge may act for the other Municipal Court during Magistration.

Chapter 7

Off – Docket Procedures

7.1 Off – Docket Motions

An off – docket motion is any motion filed in a case not set on that particular day's docket. Attorneys seeking to discuss cases with the City Attorney's Office (the Prosecution) shall obtain the imaged record of the case if needed, prior to meeting with the Prosecution.

- a). If the Prosecution agrees with the attorney's Motion, the Prosecutor shall so indicate by signing on the Motion form, and the Motion form shall be presented back to the judge of the Court where the case is set and then to the Attorney's Window of the Department of Court and Detention Services for updated entry into the imaged record of the case. If the case has not been set in any Court, the attorney shall present the Motion to the Presiding Judge of Magistrate Court.
- b). If the Prosecution opposes the Motion, the Prosecution shall so indicate on the Motion form and sign such form. The attorney and the prosecutor shall then present the imaged record and the signed opposition first to the Judge of the Court in which the case is set for decision. If the case has not been set in any Court, the attorney shall present the Motion to the Presiding Judge of the Magistrate Court.

7.2 Files

Defendants and their attorneys shall have access to Court files during regular hours of the Municipal Court. Clerks shall not release imaged documents to anyone except Court personnel, licensed attorneys or their staff, or the Defendant, unless the documents are released pursuant to

the Public Information Act or some other legal means. Copies of the imaged records which are within the Courtroom shall not be removed from the Courtroom except by specific authorization of the Judge.

Chapter 8

Pretrial Settings

Entry of Not Guilty Plea

8.1 A plea of not guilty may be timely entered by mail or in person at: Clerk, Municipal Court, 402 E. Laurel St., Rockport, TX 78382.

8.2 Proof or Plea Docket

Attorneys and *pro se* Defendants may utilize the Proof or Plea Docket process to handle certain cases off – docket. Under the Proof or Plea Docket process, any Defendant may appear before the Proof or Plea Court before or on the court date on citation to provide to the Court either: 1) proof of compliance for all cases where State law provides the opportunity for dismissal of the citation upon a showing of compliance (such as no registration, no driver's license, no inspection certificate, or failure to maintain financial responsibility), or 2) a plea of any such case and request the entry of a fine or request deferred disposition, defensive driving, community service, work release, or other means of resolving the case, as appropriate.

8.3 Pretrial Conference

Pursuant to Order of the Administrative Judge, the Clerk shall set an attorney pretrial conference for all attorneys who file a letter of representation and request a court date. A defendant's presence is not required at the pretrial conference. The complaint shall be made available to the Defendant or Defendant's counsel at the pretrial conference. A plea bargain offer may be presented by the City Attorney to the Defendant or Defendant's counsel.

8.4 Pretrial Hearing

Pursuant to Order of the Administrative Judge, no adult criminal trial setting shall be docketed unless the Defendant has first appeared in person at a pretrial hearing under Article 28.01, Texas Code of Criminal Procedure. A plea bargain offer may be presented by the City Attorney to the Defendant; if such offer is rejected, such rejection shall be evidenced in writing by the Defendant or Defendant's counsel, and the case shall then be set down for trial.

8.5 Pretrial Motions

Pretrial Motions shall be in writing and filed with the Clerk of the Municipal Court, 402 E. Laurel St., Rockport, TX 78382, with a courtesy copy to the presiding Judge of the respective Court. Pretrial Motions shall be filed no later than seven days prior to the date of the pretrial hearing. Pretrial Motions shall be relevant and specific as to the case involved. Service of a motion or response shall be made pursuant to law. Each motion shall contain a certificate of service signed by the Movant, indicating that a copy of such motion has in fact been served on the opposing party and setting out the manner and date of service.

8.6 Requests for Disclosure

Requests for disclosure pursuant to Article 39.14 of the Texas Code of Criminal Procedure for offenses committed on or after October 14, 2014 shall be in writing and presented to the State at the City Attorney's Office, 402 E. Laurel Street, Rockport, TX 78382. The request shall also be filed with the Clerk at the Municipal Court, 402 E. Laurel Street, Rockport, TX 78382 for inclusion in the Court's file. Unless good cause is shown, requests for disclosure shall be made and filed no later than twenty – one days prior to the pre-trial hearing. The State shall investigate to determine if the State or any agent of the State has possession, custody or control of the

requested material. The State shall respond no later than fourteen days before the pretrial hearing.

Chapter 9

Trial Settings

9.1 Docket Order

Subject to the discretion of the Judge calling the docket, the order of cases actually proceeding to trial (both trial by the Court and trial by jury) shall be as follows:

- a). Preferential settings
- b). Cases set according to age, oldest first
- c). Docket as set by the Court
- d). Other circumstances as determined by the Court in the interest of justice.

All cases not reached for trial and not otherwise disposed of on a particular day's docket will be noted as a Court's reset unless a reset is requested by a party and granted by the Court. Jury trials shall take precedence over trials by the Court.

9.2 Preferential Setting

To receive a preferential setting, subject to the Judge's approval, a party must meet one of the following criteria:

- a). Reside more than fifty miles outside of the city limits of Rockport, Texas;
- b). Have a condition, illness, or injury that would necessitate expedited disposition of the case; or
- c). Have an outside witness who has appeared on at least one prior trial setting without the case having been reached.

Nothing herein shall prevent a Judge from assigning a preferential setting on his/her own Motion in the interest of justice.

9.3 Record of the Proceedings

Upon written request of any party prior to the commencement of a hearing or trial, court proceedings, limited to trial testimony and Motions before the court, shall be recorded.

9.4 Case Settings

A Defendant or defense counsel may request that the case be set for trial. A trial before the Court will not take place unless the Defendant and Defendant's counsel sign a form waiving the Defendant's right to a jury trial. Once a case is set in a particular Court, that case shall remain in such Court unless the case is transferred to another Court by agreement of the respective Judges or by the Administrative Judge.

Chapter 10

Deferred Disposition Probation

9.1 Payment of Deferred Disposition Fees

The Clerk shall not accept payment of deferred disposition fees after the deadline set out in the deferred disposition order. However, if the Court is not open for business the day of the deadline set out in the deferred disposition order, the Clerk is authorized to accept the deferred disposition fee on the first regular business day of the Court thereafter.

Chapter 11

Juvenile Proceedings

11.1 Juvenile Defined

A juvenile is defined as someone who is at least 10 years of age and younger than 17 years of age on the date an offense is committed.

11.2 Parent's Presence Required

A parent's presence is required for all juvenile court proceedings. A parent (includes a person standing in parental relation, a managing conservator, or a custodian) is required to be present with a juvenile at all court proceedings.

11.3 Notice of Current Address

The parent and child have a continuing obligation to give written notice of current address to the Court.

11.4 Alcohol Beverage Code

A minor (anyone under the age of 21 years) may enter a plea of only guilty or no contest to an Alcohol Beverage Code violation in open Court.

Chapter 12

Satisfaction of Fines, Court Costs and Fees

12.1 Payment

All fines, court costs and fees assessed are due and payable at the time judgment is entered.

12.2 Extension to Pay Fines, Court Costs and Fees

If a Defendant is unable to pay fines, court costs, and fees assessed on the day judgment is entered, an extension may be granted by the Court, conditional upon the Defendant completing a contact information form in the office of the Clerk.

12.3 Credit for Time Served to Satisfy Fines, Court Costs and Fees

In the event a Judge allows credit for time served to satisfy fines, court costs and fees, unless otherwise ordered a Defendant who is found guilty shall receive credit for time served in that case at the rate of \$150 per 24 – hour period to be applied to the fine, court costs and fees owed. Unless otherwise ordered by a Judge, Defendants shall be given concurrent credit for time served on cases in alias warrant status and consecutive credit for time served on cases in capias pro fine status. A Defendant who is arrested on a capias pro fine warrant shall receive credit for time in custody once committed to jail at the rate \$150 per 24 – hour period, to be applied to the fine, court costs and fees owed. In no case shall the credit for time served exceed the balance owed in a case.

12.4 Work Release/Community Service to Satisfy Fines, Court Costs and Fees

A Defendant is eligible to satisfy fines, court costs and fees assessed by the Court if the Defendant can prove indigence. In order to prove indigence, the Defendant must submit to the Court a Financial Disclosure/Affidavit of Indigence in a format approved by the Administrative Judge, and the Court must make a finding of indigence.

12.5 Indigence During Appeal

If a Defendant is indigent or otherwise financially unable to pay either the Appeal Bond or to pay for the transcript, she/he may file an Affidavit of Indigence with the Court and file a Motion to Waive Costs on forms approved by the Court. Such Affidavit of Indigence and/or Motion to Waive Costs must be filed within the ten day statutory period to file an Appeal Bond. A hearing on the Motion to Waive Costs shall then be scheduled by the Court that has entered the Order being appealed.

Chapter 13

Severability and Construction

13.1 Severability

If any provision of these policies, rules and regulations as contained in the Local Rules of Procedure and Rules of Decorum or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of these policies, rules and regulations, which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of these policies, rules and regulations are severable.

13.2 Not Applicable to Civil Cases

The Local Rules of Procedure and Rules of Decorum are not applicable to the civil cases heard in the City of Rockport Municipal Court; exception being Chapter 3 Rules of Decorum.