JUDGE'S STANDING ORDER NO. 10
DEFERRED DISPOSITION

On this date, the Court entered the following **ORDER** with respect to deferred disposition:

A. PREVIOUS POLICY RESCINDED

The previous policy of the Court regarding deferred disposition, titled "Deferred Adjudication Policy (Traffic Offenses) of the Amarillo City Attorney and Amarillo Municipal Court Administrator" which was adopted by the Court in its Administrative Order of October 7, 2002, is hereby rescinded and replaced with this Standing Order.

B. PROCESSING A REQUEST FOR DEFERRED DISPOSITION AT THE CASHIER'S WINDOW

The following requirements apply to processing a deferred disposition at the Cashier's Window:

1. *General provisions:* The Court Clerk may process a request for a deferred disposition at the Cashier's window if the Defendant:
   a. requests deferred disposition while the case is in an approved status, as described in Section D below;
   b. tenders full payment of the special expense fee at the time of request;
   c. signs an application for deferred disposition, and provides a current mailing address;
   d. provides valid proof of a policy of financial responsibility naming the Defendant as a covered driver, if the deferred disposition is for the offense of Fail to Maintain Financial Responsibility; and
   e. does not hold, and did not hold at the time of the offense, a commercial driver's license or permit if the offense is classified by state law or city ordinance as a violation involving motor vehicle operation or control.

2. *Mandatory shows.* Those offenses designated as Mandatory Shows must appear in court to request deferred disposition from the Judge.

3. *Provisional licenses.* A Defendant with a provisional license must appear in court to request deferred disposition from the Judge.

4. *Construction zone, workers present.* A Defendant is <u>not</u> eligible for deferred disposition for a moving violation if the offense occurred in a construction or maintenance work zone when workers were present.

5. *Required driving safety course.* A Defendant under 25 years of age at the time of the offense must take a driving safety course as a condition of deferred disposition for any violation classified as a moving violation under rules established by the Texas Department of Public Safety. If a driving safety course is required as a condition of deferred disposition, the Defendant may take one course for all moving violations arising out of the same incident.

6. *Length of deferral period.* The length of a deferred disposition processed at the Cashier's window shall be as follows:
   a. 180 days
      1. Fail to Maintain Financial Responsibility
   b. 90 days
      1. Moving violations by Defendants under 25 years of age
      2. Speeding in a School Zone
      3. License Violations – DWLI, No DL, Expired DL, Fail to Display DL, Violate DL Restriction
   c. 30 days
      1. All others

C. PROCESSING A REQUEST FOR DEFERRED DISPOSITION MADE ONLINE OR BY MAIL

The Clerk may process a request for deferred disposition made online or by mail under the same requirements as processing such a request at the window. For requests made online or by mail, the Defendant must present a copy of a Government issued photo ID, unless such requirement is waived by a Judge. For online requests, once payment is made the deferred disposition will be conditionally approved, and all required documentation must be turned in to the Court by the last day of the deferral period. Failure to turn in the required documentation may be a basis for revocation of the deferred disposition, and such cases will be set for hearing.

D. PROCESSING A REQUEST FOR DEFERRED DISPOSITION ACCORDING TO STATUS

The following requirements apply to processing a request for deferred disposition made by a pro se Defendant:

1. *Certain statuses processed at window.* The Clerk may process a request for deferred disposition from a pro se Defendant at the window for those cases with the following status, provided the offense is not designated as a mandatory show:
   a. Initial Appearance (IA);
   b. Summons Issued (SI);
   c. Pro Se Appearance Docket (PA).
2. *Cases with warrants.* If the case has an active warrant, the Defendant must appear in court to request deferred disposition.
3. *Requests by mail.* If a request for deferred disposition is made by mail for a case in which the status would require a defendant to appear in court, the Clerk shall place the request in the Judges' correspondence queue.

E. PROCESSING A REQUEST FOR DEFERRED DISPOSITION MADE BY AN ATTORNEY

An attorney for an adult Defendant may make a request for deferred disposition at the Cashier's Window, by mail or through the Prosecutor's office for cases with a status of Attorney Docket (AD), Attorney Trial (TA) or Warrant Issued (WI), in addition to the other allowable statuses

listed in Section D. Requests for deferred disposition made by attorneys are subject to the same requirements as listed in Section B for pro se defendants, except that cases designated as mandatory shows and Defendants with provisional licenses do not have to appear in court. Deferred applications presented by attorneys need not contain the Defendant's signature, but must contain a current address for the defendant. The deferred disposition application and order must be made on a form approved by the Court. If the Defendant is a juvenile, the Defendant and a parent or guardian must appear along with the attorney in open court, pursuant to Article 45.0215 of the Texas Code of Criminal Procedure.

F. TRIAL COSTS TO REMAIN

Once trial costs have been added to a case, those costs will remain as part of the special expense fee even if the defendant is later granted deferred disposition.

G. PROOF OF COMPLIANCE

The following requirements apply to proof of compliance with the terms of deferred disposition:

1. *General procedure.* The Clerk may accept proof of compliance with the terms of deferred disposition at the Cashier's window, or by computer download or mail. After the Clerk receives proof of compliance, the Clerk will make appropriate comments in the computer system and send the case to the proper Judge's queue for dismissal. The Court shall dismiss the case if the Defendant has complied with all conditions as ordered by the Court.

2. *Motion to revoke.* If the Defendant fails to provide evidence of successful completion of the terms of the deferred disposition within the time period allowed, the Clerk shall notify the Prosecutor, who may elect to file a Motion to Revoke the deferred disposition. If such motion is filed, the Court will set the matter for hearing and the Clerk will send notice of the hearing date to the Defendant, the Defendant's Attorney, if any, and the Prosecutor.

3. *Driving safety course and similar requirements.* If a driving safety course, community service, or other similar conditions are required by the Court as a condition of the deferred disposition, completion of such requirements on a date or dates outside the deferral period will not be accepted for compliance.

IT IS SO ORDERED. Signed and Entered this 21 day of May, 2015.

Sonya Letson
Presiding Judge