

JUDGE'S STANDING ORDER NO. 1
FINES

IT IS ORDERED that the fines as set forth by the State of Texas and the City of Alpine Shall be assessed upon a finding of Guilty for the stated violations unless individually altered by the Court

JUDGE'S STANDING ORDER NO. 2
ACCEPTING A PLEA

IT IS ORDERED that a Clerk may accept, a plea of "guilty," "no contest," or "not guilty" at the Court's Window, via US Postal mail, or via email by the Defendant or his/her attorney.

The Clerk shall direct a "Child" to plea in open court with the mandatory accompaniment of a parent or legal guardian.

The Clerk shall direct a "Minor" to plea in open court if charged with the following alcohol violations:

1. Minor in Possession
2. Consumption of Alcohol/Minor
3. Purchase of Alcohol by Minor
4. Attempt to Purchase Alcohol by Minor
5. Sale to Minors
6. Driving or Operating a Watercraft Under the Influence of Alcohol by a Minor
7. Purchase of Alcohol for a Minor; Furnishing Alcohol to Minor
8. Misrepresentation of Age by a Minor
9. Importation by a Minor

JUDGES STANDING ORDER NO. 3
EXTENSIONS TO PAY FINES

IT IS ORDERED that a Defendant who appears at the Court Clerks' Window to plead "guilty" or "no contest" may receive an extension to pay the fine of up to 30 days from the date of the required appearance date. The Defendant shall complete and sign the appropriate extension forms.

IT IS ORDERED that the Clerk may process a request for extension to pay a fine unless a Capias Pro Fine Warrant has been issued for the Defendant by the Court.

JUDGE'S STANDING ORDER NO. 4
INSTALLMENT AGREEMENTS

IT IS ORDERED that a Clerk may process a request for an installment agreement (payment plan) from a Defendant who appears at the Clerk's window claiming an inability to pay their fine in full if the Defendant has not previously defaulted on a payment plan ordered by the Court;

If the Defendant complies with these conditions, the Clerk may proceed to process either of the three (3) installment agreement options elected by the defendant;

Option 1: 30 Day Extension to Pay in Full

1. The Defendant shall complete and sign the appropriate extension form.
 - a. Admonishment as to Financial Changes,
2. The balance of the fine and court fees shall be paid in full within 30 days of the request;
3. The Clerk is allowed to process only one (1) extension

The Clerk shall advise the Defendant that failure to comply with the 30 day extension will result in:

- a. An Additional \$15.00 time-payment fee;
- b. No further extension to pay the fine;
- c. Issuance of a Capias Pro Fine Warrant for Failure to pay the fine;
- d. Inability to renew driver's license via TXDPS;
- e. Referral of the case(s) to a collection agency (resulting in an increase of 30% of the remaining balance).

Option 2: Limited Time Payments

1. A \$15.00 time-payment fee will be added to each pending case;
2. The Defendant shall complete the
 - a. Admonishment as to Financial Changes
3. Only one (1) additional extension to pay the fine(s) shall be granted by the Clerk;
4. The Clerk shall prepare the Installment Agreement according to the following schedule;
 - a. Subtotal owed,
 - b. Adding \$15.00 time-payment fee to each pending balance and
 - c. Divided by the number of months agreed by the Defendant to make his/her monthly installments

The Clerk shall advise the Defendant that failure to comply with the Installment Agreement will result in:

- a. The Clerk is allowed to process only one (1) additional extension of up to two (2) weeks to pay the fine in full;
- b. Issuance of the Capias Pro Fine Warrant for failure to pay the fine;
- c. Inability to renew driver's license via TXDPS;

- d. Referral of the case to a collection agency (resulting in an increase of 30% on the remaining balance).

A Clerk may use the system-generated form or the standard two-part form to create the Installment Agreement so long as the Defendant signs the form and is advised of the agrees to appear in the event of non-compliance.

Option 3: Indigence Hearings

All persons who allege an inability to pay the fine(s) in accordance with Options 1 or 2 above, shall be ordered to appear before the Court to determine the Indigency of the Defendant. The Clerk shall provide the Defendant with a “Financial Information Affidavit” and advise the Defendant to bring to the hearing sufficient documentation to establish indigency and inability to discharge the fine through an Installment Agreement.

The Clerk shall advise the Defendant that failure to comply with the Installment Agreement will result in:

- a. No further extension to pay the fine;
- b. Issuance of a Capias Pro Fine Warrant for failure to pay the fine;
- c. Inability to renew driver’s license via TXDPS;
- d. Referral of the case to a collection agency (resulting in an increase of 30% on the remaining balance).

JUDGE’S STANDING ORDER NO. 5 PAYMENT OF FINES AT WINDOW

IT IS ORDERED that a Clerk may accept a payment of a fine and/or fee at the Clerk’s window. However, if the case has not been adjudicated (plea entered of guilt/innocence determined by the Court), a Clerk may accept payment of a fine and/or fee from the Defendant only. The Clerk shall verify the identity of the person paying the fine and/or fee before acceptance.

JUDGE’S STANDING ORDER NO. 6 COMPLIANCE DISMISSALS

IT IS ORDERED that certain cases are eligible for compliance dismissals with administrative fees. The Clerk shall scan the proof of compliance for the file and present the file to the Court for dismissal of the citation.

ACCEPTABLE PROOF OF COMPLIANCE AND DISMISSAL PROCEDURES

- 1. EXPIRED REGISTRATION/LICENSE PLATE (Transportation Code §502.407(b))**

- a. If a defendant presents satisfactory evidence that he/she remedied the defect within 20 working days of the date of the offense or before the defendant's appearance date listed on their citation (whichever is later); and
 - b. Presents evidence of payment of late fee for registration with the appropriate tax office; and
 - c. The defendant pays the administrative fee of \$20.00.
- 2. EXPIRED DRIVER'S LICENSE (Transportation Code §521.026)**
 - a. The temporary license issued by the Department of Public Safety indicating renewal of the license and the date renewed;
 - b. The date of compliance is not more than 25 working/business days after the date offense;
 - c. The defendant pays the administrative fee of \$20.00.
- 3. FAIL TO DISPLAY DRIVER'S LICENSE (Transportation Code §521.025)**
 - a. A defendant presents a valid Texas driver's license;
 - b. The Texas driver's license was valid at the time of the offense;
 - c. The defendant pays an administrative fee of \$10.00.
- 4. OBSCURED LICENSE PLATES (Transportation Code §502.409)**
 - a. If defendant presents photographic evidence that he/she remedied the defect before the appearance date listed on the citation; and;
 - b. The defendant pays the administrative fee of \$10.00.
- 5. FAIL TO CHANGE ADDRESS/NAME ON DRIVER'S LICENSE (Transportation Code §502.409)**
 - a. If defendant presents satisfactory evidence that he/she remedied the defect before the appearance date listed on the citation; and
 - b. The defendant pays the administrative fee of \$20.00.
- 6. FAIL TO CHANGE ADDRESS/NAME ON DRIVER'S LICENSE (Transportation Code §502.404(f) and (g))**
 - a. For the offense of not having both a front and/or rear license plate attached:
 - b. Upon presentation of the following evidence:
 - i. The defendant remedied the defect before the appearance date listed on the citation (photographic evidence required)
 - ii. The registration for the vehicle is current during the period the offense was committed; and
 - iii. The registration insignia was attached to the car before the defendant's appearance date listed on the citation.
 - c. The defendant pays the administrative fee of \$10.00.
- 7. VIOLATION OF DRIVER'S LICENSE RESTRICTION (Transportation Code §521.221)**

- a. A valid Texas driver's license without the restriction or endorsement;
 - b. A receipt issued by the (DPS) dated s of or before the Defendant's first court appearance;
 - c. Defendant pays the administrative fee of \$10.00.
- 8. LICENSE ENDORSEMENTS (Transportation Code §521.221)**
- a. If defendant presents satisfactory evidence that the driver's license endorsement was imposed because of a physical condition that was surgically or otherwise medically corrected before the date of offense, or was in error;
 - b. The Department of Public Safety (DPS) removes the restriction or endorsement before the appearance date listed on the citation; and
 - c. Defendant pays the administrative fee of \$10.00.
- 9. EQUIPMENT VIOLATIONS (Transportation Code §547.004 (c) and (d))**
- a. If the offense does not involve a commercial motion vehicle;
 - b. The defendant presents satisfactory evidence that he/she remedied the defect before the appearance date listed on the citation; and;
 - c. Defendant pays the administrative fee of \$10.00.
- 10. EXPIRED HANDICAP PARKING PLACARD (Transportation Code §682.012)**
- a. If the placard has been renewed on or before the appearance date listed on the citation;
 - b. Defendant pays the administrative fee of \$10.00.

JUDGE'S STANDING ORDER NO. 7
DEFERRED DISPOSITION

IT IS ORDERED that a Clerk may process requests for Deferred Disposition (DD) from a Defendant, or his/her attorney, at the Court Clerk's Window and may complete the paperwork for the Court's signature if the Defendant meets the eligibility requirements set forth below. Defendants not meeting said eligibility requirements may present their request for Deferred to the Court by setting the case of the Court's "No Contest," or "Show Cause" docket.

MOVING VIOLATIONS:

A defendant is eligible for DD at the Clerk's Window for a moving violation if:

- 1. The Defendant shows proof of valid Driver's License (not restricted to Texas driver's license);
- 2. The Defendant pays in full at the time of the request all court costs;
- 3. The defendant is at least 25 years of age, or if less than 25 years of age is mandated to complete a driving safety course approved under Chapter 1001, Texas Education Code;
- 4. The Defendant is not currently on DD in any other jurisdiction.

IT IS ORDERED that the deferral period shall be 90 days unless otherwise indicated by these orders.

A Defendant is **NOT** eligible for DD at the Clerk's Window for a moving violation **IF**:

- 1. The driver is the holder of a Commercial Driver's License (Class A);
- 2. The offense occurred in a **construction or maintenance work zone when workers are present**;

3. The Defendant was involved in an **accident resulting in property damage or personal injury**;
4. The offense involves **passing a school bus**;
5. The offense involves **failing to obey school crossing guard**;
6. The offense involves speeding in excess of **25 mph or more over the posted speed limit or in excess of 90 mph**; or
7. The case is in "Warrant Status" as defined by the Court's Standing Order.

NON-MOVING VIOLATIONS:

A Defendant is eligible for DD at the Court Clerk's Window for non-moving violation if:

1. The Defendant pays in full at the time of the request all court costs;
2. The Defendant is not currently on DD in any other jurisdiction.

IT IS ORDERED that the deferral period shall be 90 days, unless otherwise indicated by these orders.

A Defendant is **NOT** eligible for DD at the Court Clerk's Window for non-moving violations **IF**:

1. The offense involves a violation of the **Alcohol Beverage Code**;
2. The offense is for **Driving Under the Influence** pursuant to 106.041 of the Texas Alcoholic Beverage Code;
3. The offense involves violations of **Chapter 161 of the Texas Health and Safety Code (Tobacco violations)**;
4. The offense involves personal complaints;
5. The case is in "Warrant Status" as defined by the Court's Standing Order.

FAIL TO MAINTAIN FINANCIAL RESPONSIBILITY:

A Defendant is eligible for DD at the Court Clerk's Window for the offense of Failing to Maintain Financial Responsibility if:

1. The Defendant pays in full at the time of the request all court costs;
2. The Defendant is not currently on DD in another jurisdiction; and
3. The Defendant presents proof of Financial Responsibility that is valid on the day of the request, maintains financial responsibility for the entire deferral period of 90 days and provides proof of financial responsibility to the Court at the end of the deferral period, either in person or by US postal mail.

If the Defendant fails to comply with the terms of the deferral order, the Clerk shall summons the Defendant to Court to show cause why such evidence was not submitted timely. If defendant fails to appear, a final judgment shall be prepared for the Court's signature.

The time payment fee shall be assessed on the 31st day after the final judgement has been rendered

IT IS ORDERED that a Clerk may accept request for Driving Safety Course (DSC) at the Clerk's Window, if the following requirements are met:

1. The Defendant request DSC no later than the "appearance date" stated on the citation;
2. The Defendant files with the Court a signed affidavit complying with all eligibility requirements for DSC as set forth in Sec 45.0511(c)(3) if the Texas Code of Criminal Procedure;
3. The Defendant provides proof of financial responsibility, pursuant to the Texas Transportation Code, valid and in force as of the date the Defendant "signs up" for DSC with the court. Proof must conform to Standing Order dismissal of Financial Responsibility Violations;
4. The Defendant presents a valid Texas Driver's License, permit, or Active Duty Military Identification;
5. The Defendant pays the DSC fee immediately.

IT IS ORDERED that a Court Clerk may accept proof of completion of DSC for dismissal of the case at the Clerk's window or by mail under the following circumstances:

1. The Defendant presents a certificate indicating completion date, within the ordered time given, for the submission of DSC certificate of completion and driving record certified by the Texas Department of Public Safety (DPS) issued after the offense date;
2. The driving record presented by the Defendant indicates the Defendant has NOT completed DSC for the purpose of dismissing a moving violation citation within twelve (12) months preceding the date of the citation;
3. The DSC certificate of completion indicates "Court Copy," is signed by the Defendant and contains no alterations, modifications and/or erasures.

IT IS ORDERED that upon presentation and verification of completion, the Clerks shall present the case to the Court for dismissal.

If the Defendant fails to provide evidence of successful completion of the DSC within the time period allowed, the Clerk shall summon the Defendant to Court to show cause why such evidence was not submitted timely. If the Defendant fails to appear at the ordered show cause hearing, a final judgment shall be prepared for the Court's signature.

IT IS FURTHER ORDERED that if Defendant presents a uniform course completion certificate for DSC that indicates that course was completed after the citation was issued by prior to the date the Court granted the DSC, the Clerk shall accept the certificate a process the case as ordered above.

JUDGE'S STANDING ORDER NO. 9
DISMISSAL OF FINANCIAL RESPONSIBILITY VIOLATIONS

IT IS ORDERED that any time prior to the initial appearance date on the citation that includes the violation "Fail to Maintain Financial Responsibility," a Court Clerk may accept proof of the financial responsibility for dismissal IF it complies with the following requirements for acceptable proof:

1. Any typewritten, company generated "Owner's Policy" of insurance coverage in effect for the day and time the citation was issued.
2. Proof MUST contain the following:
 - a. Name of Defendant;

- b. Make model of vehicle, in question, the Defendant was driving;
- c. Minimum liability coverage that meets State of Texas requirement.

Fleet policies may be accepted by a Court Clerk for dismissal if the Defendant presents valid proof consistent with the criteria above and proof of authorization to drive the covered vehicle.

All documents presented to the Court as proof of Financial Responsibility shall be submitted for verification prior to dismissal, unless otherwise directed by the Court.

IT IS FURTHER ORDERED that a Court Clerk shall set any case regarding the sufficiency or validity of proof of financial responsibility for hearing before the Court.

If a Defendant presents acceptable proof for the case for which a warrant has been issued, a Court Clerk shall attempt immediately to verify proof.

IT IS ORDERED that if a Court Clerk CANNOT verify financial responsibility for the Defendant or the vehicle on the date the citation was issued, the Defendant shall be required to choose alternative methods to satisfy the citation.

JUDGE'S STANDING ORDER NO. 10
DEFENSIVE DRIVING (DSC)/DEFERRED DISPOSITION (DD) FOR DEFENDANTS
UNDER THE AGE OF 25 YEARS AND CHARGED WITH TWO MOVING VIOLATIONS
ISSUED ON THE SAME CITATION

IT IS ORDERED that a Defendant, under the age of 25 years, who was issued two moving violations on the same citation, and said Defendant qualifies to take mandatory DSC option for violation dismissal, but who would like the opportunity to have the companion moving violation dismissed by DD, shall only take one 6 hour, State of Texas approved, defensive driving safety course and submit the one DSC certificate of completion for violation dismissal for both moving violations that which issued on the same citation.

IT IS FURTHER ORDERED that the Defendant SHALL present a certified copy of said Defendant's driver record, that he/she will order from the Texas Department of Public Safety (TXDPS); either by application or by TXDPS website, when submitting proof of DSC completion.

JUDGE'S STANDING ORDER NO. 11
COURT SETTINGS

DOCKET SETTINGS

IT IS ORDERED that a defendant or their attorney, who appears at the Court Clerk's window any time prior to the issuance of a warrant, may, without requirement of posting a bond, obtain a setting on the Court's "Pre-Trial" docket or the "Attorney Plea docket, if applicable.

IT IS ORDERED that if a defendant fails to appear for a properly noticed court date, a failure to appear charge may be issued by the prosecutor. A personal, surety, or cash bond may be required to ensure appearance for court to be determined by the Judge upon completion of bond request form submitted to the court.

CONTINUANCES

IT IS ORDERED that a motion or continuance must be in writing and filed with the Court 48 hours prior to the Court setting in order to continue a case on the Court's docket. Any deviation from this procedure must be approved by the Judge.

Any party may obtain one (1) continuance without the agreement of the opposing party and without the requirements of posting a bond. Any Motion for Continuance requested at the Court Clerk's window must be made within that time period. Any additional resets must be approved by the Judge

Motion to Withdraw. Any attorney who makes an appearance on behalf of the defendant or represents to the court that they are the attorney of record shall remain the attorney of record until a motion to withdraw as counsel or substitute other counsel is granted.

Without a Hearing. A motion to withdraw as attorney of record will be granted without a hearing only if the moving attorney filed a certificate stating the last known mailing address of the Defendant, and files a written consent to the withdrawal signed by the client.

In the alternative, the motion may include a specific statement: 1) of the circumstances that prevent the moving attorney from obtaining the client's written consent and 2) that the client has been notified of the attorney's intent to withdraw by forwarding a copy of the motion to said client and notice of any current settings.

JUDGE'S STANDING ORDER NO. 12

(RESERVED)

MODIFIED POST-COVID COURT PROCEDURE FOR IN-PERSON AND CONCURRENT VIRTUAL COURT SETTINGS, HEARINGS, AND TRIALS

IT IS ORDERED, that recognizing the ongoing need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of City of Alpine Municipal Court will implement the following protective measures:

General

1. The Municipal Judge of Alpine will comply with the 36th Emergency Orders issued on March 5, 2021 by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
2. The Municipal Judge of Alpine will use all reasonable ongoing efforts to conduct proceedings remotely.

3. The Municipal Judge of Alpine will maintain regular communication with the local health authority and mayor and adjust this operating plan as necessary with conditions in the city.
4. The Municipal Judge of Alpine will begin setting in-person jury and bench proceedings no sooner than June 8, 2021.
5. This Order contains the minimum health standard protocols which must be followed by all parties and Court Staff. The minimum health standard protocols shall be reevaluated at the end of June, 2021.

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible:
2. Judge and Court Staff Monitoring Requirements: self-monitor for symptoms, COVID screening questions, and temperature checks.
3. Judge or court staff who feel feverish or have measured temperatures equal to or greater than 99.6°F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19 will not be permitted to enter the building and should seek medical advice.
4. Judge and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all time.
5. Protective Measures: clear plastic window for window clerk; face masks, gloves, hand sanitizer, and hand soap available for court staff. In the lobby, there are maximum occupancy signs posted in the lobby, stations in the lobby area, social distancing stickers are directional signs, and hand sanitizer available for customers.

Virtual or E-Court

1. Virtual Court or E-Court will be held concurrently with modified in-person court hearings.
2. Broadcasting of Virtual Court or E-Court will occur on the City of Alpine's YouTube channel, to satisfy open court access requirements. However, there is no recording of the broadcasting; and broadcasting shall be promptly removed from the channel.
3. If citizens appear before the City of Alpine Municipal Court during a remote or virtual proceeding, any citizen's plea and agreement will be accepted in open court by the Municipal Court Judge and any related plea and agreement documentation is legal and binding if adopted by the citizen in open court.

4. At this time, a computer kiosk will be available for any citizen who wishes to attend Virtual Court or E-Court, but lacks technological knowledge or equipment. No citizen will be required to appear in open court, and may instead choose to use the kiosk.
5. For the protection of court staff, any citizen using the computer kiosk must wear a mask and use hand sanitizer while in the court building.

Scheduling

1. The following court schedules are established to reduce occupancy in the court building:
 - a. The City of Alpine Municipal Court will hold all hearings remotely through the Zoom platform or teleconferencing as needed for citizens without access to video capability. The usage of remote proceedings is necessary to limit the number of required in-person hearings.
 - b. Every effort to provide remote hearings will be made including, but not limited to arraignments, pretrials, bench trials, jury trials, juvenile hearings, animal hearings, and property hearings. Alternative options for resolving cases will be made available to citizens including, but not limited to, online, mail, drop box, and e-mail.
 - c. The court is limiting in-person proceedings to be held only when absolutely necessary. Citizens will be allowed to appear in-person for hearings to utilize the court's kiosk when access to remote proceedings is not available and assault family violence dockets when finger printing is required at the time of plea in open court. Citizens will be allowed to appear before the Court with best safety practices in place. Masks and hand sanitizer are required.
 - d. In-person hearings will be staggered to limit number of defendants in the court room. Defendants will not be allowed to bring other guests with them to a hearing. Juvenile defendants shall only be accompanied by no more than two parent(s) or guardian(s) and no other guests including siblings. Accommodations will be made to comply with the Open Courts provision but at no time will the Courtroom exceed 25% normal Courtroom Capacity.
 - e. Beginning in April, 2021, the Municipal Court of Alpine, Texas will hold two court dockets a month.
 - f. All in-person Jury trials will be rescheduled until June 1, 2020, as long as municipal courts are permitted to hold in-person jury trial.

Vulnerable Populations

1. Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
2. The Municipal Court of Alpine, Texas will include information on orders setting hearings, dockets notices, and in other communications notifying individuals who are in vulnerable populations of the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations. A notice with this information will be posted on the courts' websites and in conspicuous locations around the court building (a copy of which is attached).
3. Vulnerable populations who are scheduled for court will be accommodated by being given alternative solutions to resolving cases including, but not limited to, appointment-based scheduling, teleconference, online payment options, and mail.

Social Distancing

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
2. No more than four individuals not from the same household will be permitted in the courtroom Civil Center waiting room/computer kiosk location.
3. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
4. Public common areas, including breakrooms and snack rooms, have been closed to the public.

Civic Center/Waiting Room

5. The maximum number of persons permitted in the gallery of the courtroom has been determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.

6. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

Courtroom/City Council Hall

7. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space.

Hygiene

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of the courtroom and outside of bathrooms.
2. Tissues have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.

Screening

1. When individuals attempt to enter the court building, court staff or emergency personnel will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate yes to any of these questions will be refused admittance to the court building.
2. Staff who are screening individuals entering the court building will be provided personal protective equipment, including face masks, gloves, sanitizer, and sanitizing wipes/spray.

Face Coverings

1. All individuals entering the court building to attend a court session will be required to wear face coverings at all times.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every 2 hours and on an as needed basis.
2. Court building cleaning staff will clean the courtroom between every hearing, between morning and afternoon proceedings, and at the end of

each day the courtroom is used.

3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

Other

The court will continue to evaluate the effectiveness of the plan and adjust as needed with continued collaboration with the Mayor, City Manager, City Council and the Presiding Judge of the 6th Administrative Region.

JUDGE'S STANDING ORDER NO. 13 WARRANTS

IT IS ORDERED that a Defendant who appears at the Court Clerk's window for whom a warrant of arrest has been issued and enters a plea of "guilty" or "no contest", the Clerk may process the full payment and clear the warrant. The warrant shall immediately be recalled upon the receipt of full payment of fine and court costs.

IT IS FURTHER ORDERED if a defendant is requesting a hearing, court date, or a payment plan option, refer to standing order 16 for the process regarding voluntary surrender of defendants with arrests or *capias pro fine* warrants. The judge may require a personal, cash, or surety bond to ensure appearance in court accordance with Art. 45.016 CCP.

JUDGE'S STANDING ORDER NO. 14 CAPIAS PRO FINE WARRANTS

IT IS ORDERED that upon a Defendant's presentation of self at the Court Clerk's window, the Clerk may process the cases as follows:

- 1) Paid in Full, upon receipt of full payment of the amount due and owing;
- 2) Turn them into the jail for magistration.

Payment Plan agreement shall not be allowed for *Capias Pro Fine* warrants unless explicit approval is received by the Judge. Court personnel shall instruct defendants of open docket.

JUDGE'S STANDING ORDER NO. 15 VOLUNTARY SURRENDER OF PERSONS WITH ARREST WARRANTS AND CAPIAS PRO FINE WARRANTS

In order to promote justice, ensure due process and the equal treatment of all persons, some of

whom may be indigent or facing financial hardships, and to help clear outstanding arrest warrants and capiases, this court will initiate a policy of not arresting or failing any person who voluntarily surrender themselves to the City of Alpine Municipal Court.

THEREFORE, IT IS ORDERED, that any Defendant who voluntarily appears in open Court before the judge will not be arrested or jailed and will be able to:

- 1) Appear before the judge without the requirement of posting a cash bail or a surety bond by setting their case for a court date to discuss legal options available to them regarding their case.
- 2) Defendants who have already been convicted and who have outstanding Capias Pro Fines are not eligible for trial.
- 3) Upon appearance in court, the Judge may recall any pending warrants or capiases.

IT IS ORDERED that all Court personnel and Court Clerks shall instruct all voluntary surrender defendants of the option listed above and provide all available dates for said docket. The defendant will be informed that the warrant will remain outstanding until the appearance in court is made.

JUDGE'S STANDING ORDER NO. 16 PRE-TRIAL CONFERENCE

Any defendant requesting a bench trial or jury trial, or as otherwise specified herein, may be set for a pretrial conference with the prosecutor.

Any defendant who requests a bench trial or jury trial must be advised that failure to appear on the day of the trial will cause the assessment against the defendant of the costs of impaneling the jury, unless good cause is shown to the Court, pursuant to Article 45.251 of the Texas Code of Criminal Procedure. A pretrial with the prosecutor may be reset once without the agreement of the prosecutor. Thereafter, resets will only be granted upon agreement with the prosecution, or for good cause shown to the Court.

JUDGE'S STANDING ORDER NO. 17 USE OF ELECTRONIC DEVICES

On this date, the Court entered the following order with respect to the use of cellular devices, laptop computers, tablet computers and any other electronic recording device or photographic equipment.

IT IS ORDERED that there is no photographing, recording, broadcasting or television of any person, objects or proceedings inside of the Municipal Court of Alpine, Texas unless previously authorized by the judge. There will be no recording of the Municipal Court of Alpine's YouTube channel's broadcasting of Virtual or E-Court.

Any party who experiences technical difficulties will be assisted by the court, as long as efforts to resolve said difficulties are made in good faith. For parties appearing virtually, no comical filters may be used, or any filter that creates distortion of the party's face on camera. There will be no

penalty for good faith errors, however, bad faith use of filters can result in sanctions by the Court. Sanctions can include but not limited to having video turned off by host and if party to a proceeding, finding the party absent from the court proceeding, and issuing warrants accordingly.

**JUDGE’S STANDING ORDER NO. 18
MAGISTRATION PROCEDURES**

IT IS JUDICIALLY NOTED that guidance for Alpine Municipal Court magistration procedures has been found in the current Alpine Municipal Court Judge duties description and the current Presiding Municipal Court Agreement addressing magistration duties for the Alpine Municipal Judge

IT IS JUDICIALLY NOTED that the Alpine Municipal Court Judge Duties provides for the following magistration procedures for the Alpine Municipal Judge:

1. Magistrates prisoners arrested over night at the County Jail and prisoners arrested during working hours at Municipal Court;
2. Magistrates juveniles and verifies statements during operating hours and after hours for the Alpine Police Department and for the Alpine Independent School District;
3. Issues Protective Orders;
4. Reviews and signs complaints, summons, subpoenas, affidavits for search and arrest warrants, appeal bonds, prisoner transfer documentation, affidavits, etc;
5. Arraigns prisoners held in the County Jail

IT IS JUDICIALLY NOTED that the Court has agreed to the following terms regarding Magistration duties, as followed in the Presiding Municipal Court Judge Agreement:

1. Section 5 entitled Arraignments, provides for the following:
 - a. The Presiding Judge will be “on call” during business hours to conduct arraignments as requested or required, for no additional compensation.
 - b. If called “after hours” (7:00 p.m. – 8:00 a.m.) see section 6 below.
 - c. When “on call”, the Presiding Judge must use best efforts to return Calls within (30) minutes.

2. Section 6 provides the following related to magistration procedure:

- a. Magistrations or search warrant reviews and/or signing will be Performed for an additional [fee] if required between 7:00 p.m. And 8:00 a.m.
- b. Alpine Police Department shall not contact magistrate until all Paperwork required for magistration is fully prepared and the Accused is placed in the correct location for magistration.
- c. If not ready, another [fee] will be charged.

IT IS JUDICIALLY NOTED that magistration is for the benefit of the detainee, To provide detainee's with their constitutional rights and to have the nature of The charge against them explained to them. Magistration must be performed Within 24-48 hours of the detainee being taken into custody. Magistration may Not be given to a detainee who is under the influence of a mind altering Substance or who is mentally incompetent unless they are lucid and restored to Competency to the degree that they legally understand their constitutional Warnings and the nature of charges being levied against detainee.

IT IS JUDICIALLY NOTED that if a detainee is under the influence of a mind Altering substance or mentally unstable so as to be imcompetent, the detainee May require safe and secure pre-magistration detention by Alpine Police Department or the County Jail.

IT IS JUDICIALLY NOTED that Alpine Police Department is responsible for safe Detention of pre-magistration detainees in their custody, or arranging safe Detention at the County Jail, while the individual "dries out" or mentally stabilizes.

IT IS JUDICIALLY NOTED that Alpine Police Department is responsible for Safe detention of pre-magistration detainees in their custody, and that issue is not The Court's responsibility.

IT IS JUDICIALLY NOTED that "on-demand" twenty-four hour magistration may Not be utilized to circumvent a custodial law enforcement agency's legal Responsibility to provide safe and secure pre-trial and pre-magistration detention For an individual in their custody.

IT IS THEREFORE ORDERED that the following magistration procedures be Followed by Alpine Police Department and other local law enforcement agency Needing magistration assistance from this court:

1. Magistration Procedures:

- a. In-person magistration duties may only occur at the Alpine Municipal Court's location in the Council Chambers when the Court is on the Bench, or in County Jail.
- b. Magistrations and magistration duties may occur virtually on Videomagistration software at any time, pursuant to the Court's Magistration procedure.
- c. The Alpine Municipal Judge is not "on call" after 7:00 p.m. or before 8:00 a.m. and is not required to exercise best efforts to return calls from APD within half an hour when not on call.
- d. Alpine Police Department shall only contact magistrate for in-person Magistration once all magistration paperwork is fully completed, and the Detainee is in the County Jail or proper physical location.
- e. Alpine Police Department shall only contact magistrate for virtual Magistration once all paperwork is completed, and the session is Created by APD on videomagistration, and APD has sent the judge the Invitation from videomagistration to the session.
- f. Alpine Police Department must leave a full voicemail for each call To the Court explaining their magistration need in detail, a confirmation That all paperwork is ready, and that the detainee is in the proper Location for in-person or virtual magistration, and the caller must leave The full name of the caller (officer or dispatch); they may also use a Text to convey aforementioned details of the matter and their full name.
- g. It is preferred that Alpine Police Department contact the Court for Magistration services after 7:00 p.m. and before 8:00 a.m. only for Serious felonies or serious misdemeanors involving assaults or family Violence, or juvenile cases.
- h. Magistration shall only occur in person at the Alpine Municipal Court,

County Jail, or virtually using videomagistrate software.

- i. All warrants and probable cause statements/complaints must be Submitted, reviewed, and issued virtually using videomagistration Software, to document the chain of custody of any magistration Documents issuing from the Alpine Municipal Court.
- j. Each virtual magistration session/matter shall have a cause number Issued to it by the Court in the following format: AMCYear-date-case Of the day (i.e. AMC2023-09-29-1)
- k. No probable cause statement may be presented to the Court by an officer Other than the direct affiant to the facts of the probable cause, unless It is properly verified by a notary.
- l. The Court may make exceptions to the above magistration procedures At its own discretion, and exceptions will be rare and under extraordinary Circumstances.
- m. The Court will use every effort to be available for all magistration needs For juvenile cases, at all times.

**JUDGE'S STANDING ORDER NO. 19
COURTROOM FORMS & PROCEDURES**

IT IS ORDERED that the following instructions and forms be utilized by all parties During in-person court and virtual court. Virtual Court User Attendees may virtually Sign forms by permitting the Court or Court Clerk to sign on their behalf. No case Will be disposed of without the following steps and forms:

1. First Announcements:

- a. The Court shall admonish the Defendant in open court and accept their Plea. An admonishment means the Court will warn the Defendant of their Constitutional rights and explain the nature of the citation(s).
- b. A Defendant may plead guilty, not guilty, or nolo contendere (no contest).

- c. If the Defendant wishes to speak with a prosecutor about their case, They should plead “not guilty”, after which they may attempt to negotiate A mutually beneficial plea agreement. A Defendant is not required to Speak with a prosecutor, but may. If this option is chosen, the Defendant’s case(s) will be placed on recall.
- d. If in-person, the Defendant will speak with the City Prosecutor in a room Outside of the courtroom; if virtual, the Defendant will have an opportunity To speak with the City Prosecutor in a private “break-out” Zoom room.
- e. If no agreement is reached with the prosecutor, a Defendant shall ask For their case to be recalled by the Court, at which time the Defendant May plead guilty or nolo contendere and ask for the Court to assess Punishment.
- f. If a Defendant pleads not guilty, they may ask for a bench or jury trial, And a new trial date will be given to the Defendant. The Defendant must Attend their trial date, or a failure to appear warrant shall be issued for Their arrest.
- g. The Defendant shall sign the plea form presented by the Court Clerk, And the following procedures shall be followed.

2. PLEA AGREEMENT PROCEDURE

- a. If the Defendant and the City Prosecutor reach a plea agreement, Including pretrial diversion, the City Prosecutor shall fill out the “Jury Waiver and Plea Agreement Form” which shall contain all Terms of the plea agreement.
- b. If the plea agreement is for multiple cases, only one “Jury Waiver and Plea Agreement Form” is necessary, as long as all cause numbers And their dispositions as plea terms, are clearly written on the form.
- c. The “Jury Waiver and Plea Agreement” must be signed and dated by The City Attorney and Defendant before the case will be recalled By the Court.

3. Bench Trial Procedure

- a. If the Defendant opts for a trial before the bench (this means the Judge Will determine innocence and guilt, and normally assess punishment Upon a finding of guilty), the Defendant and City Prosecutor must sign And date the “Jury Waiver for Bench Trial” form and submit the form To the Court Clerk before the case will be recalled.
- b. If there are more than one case, only one form is necessary as long as It contains all cause numbers for any pending cases.
- c. A bench trial date shall be set, and the Defendant must attend their bench Trial, or a failure to attend warrant shall be issued for their arrest.

IT IS JUDICIALLY NOTED AND THEREFORE ORDERED that all court Participants have an equally important voice which deserves to be heard in the Municipal court process, so the following forms shall be permitted in Alpine Municipal Court files:

1. Allocutions:

- a. To allow Court User/Defendant’s an opportunity to create a public “record”, Since Alpine Municipal Court is not a court of record, the following form Shall be permitted for filing whether the case is dismissed or the Court User/Defendant receives a finding of guilt and sentence.
- b. The Court User may submit a “Court User Court Dismissal or Sentencing Allocation” form, where they can express whatever issues that they believe Merit public notice.
- c. This form will allow a public record to be created for examination by the Public, and for City Council and City Leadership to consider when Setting public policies involving similar cases.
- d. A Court User or Defendant may submit this form for any past case filed Within 2 years, but they must understand that the form becomes public, And that the form must be sworn.
- e. There may be civil or criminal consequences, if information in the allocution Is knowingly false or made in bad faith.

- f. This form is only allowed to be filed by a Court User/Defendant in their Own case, not another person's case.
- g. This form is not intended to substitute for the Court User/Defendant's right To interact with the Court verbally, or in writing, during appropriate court Procedures, this form is only intended to allow Court User/Defendant a Way to create a public record in their case upon final disposition.

2. Witness Statements:

- a. To allow all case participants an opportunity to create a public "record," Since Alpine Municipal Court is not a court of record, the following form Shall be permitted for filing into a case's file.
- b. If a complaining or material witness does not agree with the City Prosecutor's plea offer or decision to dismiss for a certain case, the Complaining or material witness shall be allowed to submit a "Desire to Prosecute and Non-Consent Complaining or Material Witness Statement."
- c. This statement shall be sworn, and must be carefully considered, because There are consequences for misusing this form, including a contempt of Court finding or a subsequent criminal prosecution for false statements.
- d. The City Prosecutor has the discretion to decide how they wish to handle A municipal case. The City Prosecutor represents the City of Alpine, not The witness. If the City Prosecutor's plea offer or decision to dismiss a Case is reasonable to the Court, the Court shall grant or accept the City Prosecutor's recommendation or motion, even if a complaining or Material witness does not agree with the City Prosecutor's decision.
- e. However, this form will allow a public record to be created for examination By the public, and for the City Council and City Leadership to consider When setting public policies involving such cases.
- f. If a community member wishes to file a complaint based on their Disagreement with the City Prosecutor's case disposition decision, they Should use the "City of Alpine Citizen Complaint" process, not this form.

JUDGE'S STANDING ORDER NO. 20
FAILURE TO APPEAR WARRANT PROCEDURE

IT IS ORDERED that once a citation is issued, it is the Court User's responsibility to contact the Court and/or attend Court in person or virtually on the court date stated on their citation. If there is a time conflict, the Court User shall be allowed one Court Reset if the Court is contacted at least three days prior to the scheduled court date. Any subsequent rescheduling will require the Court User to file a motion for continuance with the Court. Because Virtual Court is now available, the Court User may not use lack of physical proximity to Alpine as an excuse to miss court.

IT IS ORDERED that for cases filed after June, 2022, there will be one follow up letter sent to the Court User if a court date is missed, and one new court date assigned. If the newly assigned court date is missed, a Failure to Appear ("FTA") warrant shall be issued at the end of the second missed court date for the Court User.

IT IS ORDERED that if a Court User fails to responsibly handle a citation's sentencing terms, they will be found to be in default, a show cause setting will be set, and if the Court User misses their court date, a FTA warrant shall be issued for the Court User's arrest.

IT IS ORDERED that if a Court User contacts the Court to handle their missed citation or default court date in a responsible manner after the FTA warrant is issued, but before arrest, the Court will recall the warrant. The responsible Court User will be allowed amnesty to attend the next regularly scheduled court date, virtually or in person, for a show cause hearing where the Court User can explain their absence or default, and with sufficient explanation, resolve their citation or default without arrest.

IT IS ORDERED that "amnesty" means that a Court User with pending FTA warrants may enter the courtroom during regularly scheduled court days virtually or in person to handle their citation, without fear of being arrested.

IT IS ORDERED that whenever possible, the Municipal Court shall issue release without bonds/order to appear in an effort to relieve APD of the burden and the pressure of fully processing FTA arrestees for warrants issued from the Alpine Municipal Court. Videomagistration for these warrants may be done from the arrest site or APD station, or in person during normal court session hours.

IT IS ORDERED that FTA warrants are meant to be tools of compliance and not Tools of oppression, and public notice and warnings will be given prior to FTA warrants Being issued, but failure to receive notice shall not excuse a Court User from being Held responsible for cases pending against them, or sentencing defaults, before Alpine Municipal Court.

JUDGE'S STANDING ORDER NO. 21
CITY OF ALPINE CITIZEN COMPLAINANT FILING PROCEDURE

IT IS ORDERED that the Alpine Municipal Court belongs to all community members, And it is an appropriate venue for a City of Alpine complainant to file a complaint Against another citizen or local city agency.

IT IS THEREFORE ORDERED that a form entitled City of Alpine Application for Complaint be made available to the public. Any application for complaint may be Accepted if it materially complies by providing information required in the Court's Form, including a sworn verification.

IT IS ORDERED that this complaint form may also be used for Alpine Independent School District ("AISD"), so that AISD may file complaints of truancy and any Other complaints for which Alpine Municipal Court has jurisdiction to hear.

IT IS ORDERED that the complaint may be filed with the Alpine Municipal Court Clerk, who may refer the complaint to the City Attorney, or directly to the Court If there is a conflict or if the complainant so specifically requests.

IT IS ORDERED that Alpine Municipal Court will endeavor to remain unbiased And fair in any case filed by one citizen against another, and the Court shall Recuse itself whenever justice so requires.

JUDGE'S STANDING ORDER NO. 22
DISMISSAL OF UNADJUDICATED CASES AND UNEXECUTED WARRANTS

IT IS ORDERED that, pursuant to the Standing Motions of the City Prosecutor, all Unadjudicated cases filed with the Alpine Municipal Court more than **three (3) years** From the date of the offense shall be and hereby, with prejudice, **DISMISSED**.

IT IS FURTHER ORDERED that all unexecuted *Alias Capias* warrants for unadjudicated Cases issued more than **three (3) years** from the date of this order shall be and hereby **DISMISSED**.

IT IS FURTHER ORDERED that during the month of February of any year, the Clerk Of the Court of the City of Alpine shall prepare or cause to be prepared a list of Unadjudicated cases pending with the Court for more than **three (3) years** from the Date of offense, said list is to be incorporated by reference into the dismissal order for The relevant period, for dismissal pursuant to the Standing Order.

IT IS FURTHER ORDERED that during the month of February of any year, the Clerk Of the Court of the City of Alpine shall prepare or cause to be prepared a list of Unexecuted warrants issued by the Court for more than **three (3) years** from the date Of issuance, said list to be incorporated by reference into the dismissal order for the Relevant period for dismissal pursuant to this Standing Order.

JUDGE'S STANDING ORDER NO. 23
DESIGNATION OF OFFICIAL ALPINE MUNICIPAL COURT LOCATION

IT IS JUDICIALLY NOTED that a judicial bench should be used for conducting the In-person court dockets and in-person magistrations for safety reasons for any Municipal Judge, and to provide and official courtroom setting for the Community Members of Alpine and any other Court Users.

IT IS JUDICIALLY NOTED that at one time Alpine Municipal Courtroom and Court Offices were physically located at 309 West Sul Ross Avenue, Alpine, Texas, 79830, And the Courtroom physically existed in an entire space dedicated to court business; and The space contained an official court bench from which the Municipal Judge conducted Court sessions and magistrations safely.

IT IS JUDICIALLY NOTED that at some point in history, under past Alpine City Leadership, most of the Alpine Municipal Court space was converted into a physical Work-out room, or “gym”, for the Alpine Police Department, and court sessions were Conducted from a tiny portion of the former courtroom, from behind a temporary room Partition, at a folding table in a space with no electricity provided for the Municipal Judge.

IT IS JUDICIALLY NOTED that a safe and suitable location for the Alpine Municipal Court has been found at the Alpine Council Chambers located in Alpine City Hall, And this location has been successfully used to conduct court and court business since The reopening of hybrid court after pandemic related court closures.

IT IS THEREFORE ORDERED that Alpine Council Chambers, located at Alpine City Hall is designated as the official physical location for Alpine Municipal Court, only During court sessions, and the Alpine Municipal Court and Court Clerk’s new physical Address at all times is located at 803 West Holland Avenue, Alpine, Texas, 79830.

IT IS ORDERED that Alpine City Council business will always take precedence over Alpine Municipal Court sessions, and that if there is a chamber usage conflict, Alpine Municipal Court will always change the court date so as not to conflict with Alpine City Council Business.

IT IS FURTHER ORDERED that the Alpine Municipal Court Clerk’s Office and Files be officially moved to 803 West Holland Avenue, Alpine, Texas, 79830 by October 2021, and that absolutely no court business, by the Alpine Municipal Judge Or Alpine Municipal Court Clerk, is conducted out of the old address at 309 Sul Ross Avenue location by this date, October, 2021.

SIGNED AND ENTERED on this the 6th day of July, 2023.



Honorable Gilbert Valenzuela

Reviewed and approved by:

Presiding Judge of

Municipal Court of Alpine, Texas

JUDGE'S STANDING ORDER NO. 24
VIRTUAL HEARINGS

IT IS ORDERED that Judge's Standing Order No. 12 for Modified Post-Covid Court Procedure for In-Person and concurrent virtual Court Settings, Hearings and Trials be recalled until such time as needed.

IT IS ORDERED that for all court dates after October 12, 2023, alternate court appearances for the Alpine Municipal Court may be granted on a case-by-case basis in limited situations. Limited situations eligible under this order are:

- A. Defendant must be eligible to be placed on the Court Docket
- B. Defendant must live out of town
- C. Attending court physically will cause defendant undue hardship

IT IS ORDERED that the only exception to the above limited situations is a a Capias Pro Fine hearing. Capias Pro Fine Defendants may appear virtually.

IT IS ORDERED that the Municipal Court Clerk shall send a Notice of Acceptance to Defendants that meet the criteria listed above. Only defendants explicitly authorized by the court for virtual attendance will be admitted to the virtual courtroom.

IT IS ORDERED that any court attendee in the virtual hearing setting that does not identify themselves or becomes disruptive will immediately be ejected from the virtual hearing and held in contempt of court.

SIGNED AND ENTERED on this the 31 day of August, 2023.



Honorable Gilbert Valenzuela

Reviewed and approved by:

Presiding Judge of

Municipal Court of Alpine, Texas

JUDGE'S STANDING ORDER NO. 24

VIRTUAL HEARINGS

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IT IS ORDERED that for all court dates after October 12, 2023, alternate court appearances for the Alpine Municipal Court may be granted on a case-by-case basis in limited situations. Limited situations eligible under this order are:

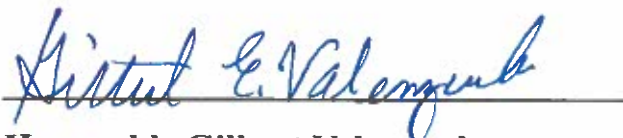
- A. Defendant must be eligible to be placed on the Court Docket
- B. Defendant must live out of town
- C. Attending court physically will cause defendant undue hardship
- D. City of Alpine Prosecuting Attorney – (out-of-town)
- E. Defense Attorneys that are out-of-town

IT IS ORDERED that the only exception to the above limited situations is a Capias Pro Fine hearing. Capias Pro Fine Defendants may appear virtually.

IT IS ORDERED that the Municipal Court Clerk shall send a Notice of Acceptance to Defendants that meet the criteria listed above. Only defendants explicitly authorized by the court for virtual attendance will be admitted to the virtual courtroom.

IT IS ORDERED that any court attendee in the virtual hearing setting that does not identify themselves or becomes disruptive will immediately be ejected from the virtual hearing and held in contempt of court.

SIGNED AND ENTERED on this the 9th day of November, 2023.



Honorable Gilbert Valenzuela

Review and approved by:

Presiding Judge of Alpine Municipal Court