

Municipal Court



by Alan Bojorquez

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Basic Municipal Law Seminar**

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Creation

■ **By Statute**

■ **By Ordinance**



Jurisdiction

■ **Exclusive Jurisdiction**

■ **Concurrent Jurisdiction**



Judge

■ Selection of Judge

- ❑ *Home-Rule*
- ❑ *General-Law*

■ Term of Office

- ❑ Two years unless...
 - Ordinance
 - Charter

■ Training

- ❑ Non-Lawyers: 32-hour course within one year
 - 12 hours each calendar year
- ❑ Lawyers
 - Within one year – 12-hour course
 - 12-hour course each year



Court Clerk

- **General-Law**
- **Home-Rule**
- **Term**
 - **Two-year term of office unless...**
- **Duties**
 - **Minutes**
 - **Performs the duties a county clerk performs**



Complaint

■ Proceedings Commenced by Complaint

■ Requisites of Complaint

1. Writing
2. “In the name and by the authority of the State of Texas
3. Name of the accused
4. Committed an offense
5. Date
6. Signature
7. “Against the peace and dignity of the State
8. Committed in the territorial limits
9. Be sworn



Complaint (Continued)

Statute of Limitations

Complaint for any
Class C misdemeanor
may be presented within
two years from the date
of the commission of the
offense.



Prosecutions

- **By the city attorney or a deputy city attorney**
- **County attorney**
- **Primary duty of the municipal prosecution is not to convict, but to see that justice is done**



Trials

- **Before the municipal judge**
- **Defendant may waive a trial by jury**
- **Jury of six members**
- **Representation**
 - **Defendant may appear in person or by attorney**
- **Evidence**
 - **Supply Rules of Evidence that govern the trials of criminal cases in the district court**

Appeals

■ To County Court

■ Notice

- ❑ Given within 10 days from date of judgment
- ❑ Filing of an appeal bond perfects the appeal

■ Disposition on Appeal

- ❑ With the consent of the county attorney, the appeal may be prosecuted by the city attorney or deputy city attorney
- ❑ If the municipal court is a court of record, the appellate court shall only consider the record of the trial

Court Costs

- **Service of a warrant**
- **Defensive driving course**
- **Deferred disposition**
- **Technology Fund**
- **Security Fund**
- **Criminal Justice Planning Fund**
- **Municipal Court Judges and Personnel Training Fund**
- **Indigent defense representation**
- **Support of the judiciary**
- **Payment by credit card**



Court Consulting Program

CCP offers these services:

- Assessments & Recommendations
- Interim Services
- Municipal Court 101 Training



Conclusion



Thank you!

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