



808 Hwy 77-A South
Phone #: (361) 293-6321

P. O. Box 738
Fax #: (361) 293-3318

Yoakum, Texas 77995
website: www.cityofyoakum.org

**JUDICIAL STANDING ORDER #1
Personal Recognizance Bonds
Jail Credit on Plea**

IT IS ORDERED that after a defendant has been released from incarceration on a personal recognizance bond and chooses to waive trial by jury and enter a plea of guilty or no-contest., the clerks, under guidance of this order shall process said plea and apply jail credit for a total of \$100.00/ day served in jail consecutively toward each case subject to the defendant's case.

The defendant will be responsible for any fines owing in excess to that jail credit amount and be obligated to pay as directed by a payment plan as processed and approved by the judge.

SIGNED AND ENTERED on this the _____ day of _____, 2018.

Daniel W. Pelech
Presiding Municipal Court Judge
City of Yoakum
Dewitt County Texas



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JUDICIAL STANDING ORDER #2

TO: All Yoakum Police Personnel and Jailers

RE: Prisoners in need of medical assistance

All prisoners who have been determined by the EMS to be in need of medical assistance and be transferred to a hospital emergency room may be transferred without further Order of a Judge or Magistrate using this Order as authority.

The transfer is to take place after the following matters have been completed:

1. PRISONER CHARGED WITH CLASS C MISDEMEANOR IN JAIL UNDER FTA
WARRANT OR WARRANTLESS ARREST:

The prisoner shall be released to EMS upon execution of a complete PR bond with a court date to be set for 10:00 a.m. on the Friday following week from the date of release.

2. PRISONER CHARGED WITH CLASS C MISDEMEANOR IN JAIL UNDER CAPIAS PRO
FINE WARRANT:

The prisoner shall be released to EMS upon execution of a time payment agreement where the fine is to be paid within thirty (30) days from the date of release (after all applicable jail credit is granted).

This Order is a Standing Order made for clarification of our policy in the jail and it will not be necessary to contact any Magistrate or Judge to get further authority to release a prisoner for medical reasons.

SIGNED AND ENTERED on this the _____ day of _____, 2018.

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JUDGE'S STANDING ORDER NO.1 FINES

IT IS ORDERED that the fines as set forth at the Window fines, available at the court office shall be assessed upon a finding of no contest or guilty for the stated violations unless individually altered by the Judge.

SIGNED AND ENTERED on this the _____ day of _____, 2018. .

Daniel W. Pelech
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JUDGE'S STANDING ORDER NO. 2 COURT SETTINGS

DOCKET SETTINGS

IT IS ORDERED that a Defendant or his attorney, who appears at the Court Clerk's Window on or before the Friday prior to their arraignment may, without the requirement of posting a bond, obtain a setting on the Court's arraignment docket.

IT IS ORDERED that if a Defendant fails to appear for a properly noticed Court date, the Defendant must have another Court Date.

CONTINUANCES FOR ARRAIGNMENT DOCKET

If a request for a reset arraignment date is given by the Friday after the arraignment docket there is no requirement of posting a bond. Any additional resets must be approved by the Judge.

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JUDGE'S STANDING ORDER NO. 3 COMPLIANCE DISMISSALS

IT IS ORDERED that the Court Clerks may accept for processing and dismissal, after proof of compliance, the following cases:

1. Expired Motor Vehicle Registration
2. Expired Inspection Certificate
3. Expired Texas Driver's License
4. Operate a Motor Vehicle without License Plates or with One Plate
5. Violate Driver's License Restriction or Endorsement
6. Failure to Report Change of Address or Name within 30 days – TC 521.054(a)(b)

ACCEPTABLE PROOF OF COMPLIANCE

Expired Motor Vehicle Registration (\$20 fee) - TC 502.473 (d)

- A. The form generated by the County Tax Assessor's office stamped by the County Tax Assessor's office with the amount paid and date paid; or
- B. The new registration receipt form generated by the County Tax Assessor's office stamped by the County Tax Assessor with the amount paid and date paid;
- C. The date of compliance is not more than 20 working days after the date of offense.
- D. The Motor Vehicle Registration has not been expired for more than 60 days.

Expired Inspection Certificate (\$20 fee) – TC 502.407(a)(2)

- A. The standard Texas Vehicle Inspection Report showing the vehicle "passed" inspection, including the license plate number, make and model, the date inspected, and the amount paid, or other document evidencing compliance with the state inspection;
- B. The date of compliance is not more than 20 working days after the date of offense;
- C. The inspection certificate has not been expired for more than 60 days.

Expired Driver's License (\$20 fee) TC 521.026.(a)(b)

- 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 20 working days after the date of offense;
- C. The Driver's License has not been expired for more than 60 days.

Operate a Motor Vehicle without License Plates or with One Plate (\$10 fee) TC - 504.943 (1)(2)

- A. Registration for the vehicle must be current during period offense was committed; **and**
- B. License Plate (s) was attached to the car before the Defendant's first court appearance.

Violate Driver's License Restriction or Endorsement (\$20 fee) TC – 521.211

- A. Driver's license endorsement was imposed because of a physical condition that was surgically or otherwise medically corrected before the date of the offense; **and**
- B. The Department of Public Safety removes the restriction or endorsement before the defendant's first court appearance.

Failure to Report Change of Address or Name within 30 days (\$20 fee) – TC 521.054

- A. The temporary license issued by the Department of Public Safety indicating the change of address or name and the date renewed;
- B. The date of compliance is not more than 20 working days after the date of offense.

In the event the proof does not comply with the above requirements, the Clerk may set the case on the Arraignment docket for hearing before the Court.

IT IS ORDERED that if the acceptable proof of compliance is presented within the time period allowed the Clerk shall collect the appropriate dismissal fee and present the case to the Judge for dismissal.

SIGNED AND ENTERED on this the _____ day of _____, 2018.

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JUDGE'S STANDING ORDER No. 4 WARRANTS

IT IS ORDERED that a Defendant who appears at the Municipal Court or Clerk's Window for whom a warrant has been issued shall be arrested, the outstanding fine is paid in full, or the case is otherwise disposed of.

A defendant may pay, cashier's check, money order, credit or debit card or other cash equivalent. **No personal checks shall be accepted.**

Upon payment in full of the fine and court cost, the warrant shall be **immediately** recalled and notification shall be sent to the Yoakum Police Department for removal of the warrant from appropriate computers.

SIGNED AND ENTERED on this the _____ day of _____, 2018.

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JUDGE'S STANDING ORDER NO. 5 EXTENTIONS

IT IS ORDERED that a Defendant who appears at the Court Clerk's Window to plead "guilty" or "no-contest" may receive an extension to pay the fine. Subject to Judge's approval.

IT IS ORDERED that a Clerk may process an extension to pay the fine, subject to Municipal Judge's approval, unless a warrant has been issued by the Court.

SIGNED AND ENTERED on this the _____ day of _____, 2018.

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City of Yoakum, Texas



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JUDGE'S STANDING ORDER NO. 6 DRIVING SAFETY COURSE

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

1. The Defendant requests DSC prior to or by the "due date" stated on the citation or within the same calendar week of 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) of 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 No. 5.
4. The Defendant presents a valid Texas Driver's License or Military Driver's License
5. The Defendant pays the DSC fee instanter

IT IS ORDERED that the Court Clerks may accept proof of a Driving Safety Course (DSC) at the Clerk's Window or by mail under the following circumstances:

1. The Defendant presents a uniform course completion certificate for DSC and a driving record certified by the Texas Department of Public Safety with the date of issuance **after** the date the court grants DSC prior to or on the due date.
2. The Defendant presents a driving record indicating the Defendant has not completed a driving safety course for the purposes of disposing of a moving violation citation for the 12 months preceding the date of the citation.
3. The course certificate is the standard State issued "court copy" of the uniform certificate, with no alterations made, and signed by the Defendant.

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

If the Defendant fails to provide evidence of successful completion of the DSC within, **90 days**, the Clerk shall summon the Defendant to Court to show cause why such evidence was not timely submitted. If the Defendant fails to appear, a final judgment shall be prepared for the judge's signature without unnecessary delay.

IT IS ORDERED if the Defendant presents the above referenced documents that show completion of the course was timely even though the certificates were late, as long as they are presented to the

clerk prior to their show cause hearing, the Clerk may accept their proof of DSC completion and present the case to the Judge for dismissal.

Time payment fee shall not be assessed until the 31st day after a final judgment has been entered by the Court.

IT IS ORDERED that in the event the Defendant presents a uniform course completion certificate for DSC that indicates the course was completed prior to the date the court grants DSC, the Clerk shall refer the case to the Judge for consideration.

SIGNED AND ENTERED on this the ____ day of _____, 2018.

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JUDGE'S STANDING ORDER NO. 7 FAIL TO DISPLAY DRIVER'S LICENSE

IT IS ORDERED that a charge of Fail to Display Driver's License pursuant to section 521.025 of the Texas Transportation Code shall be dismissed if the Defendant presents to a Clerk:

- 1) a valid Texas Driver's License;
- 2) issued to the Defendant **before** the time and date of the offense; **and**
- 3) appropriate for the type of vehicle being operated; **and**
- 4) pays the \$20 dismissal fee instanter

IT IS FURTHER ORDERED that a Clerk shall obtain a copy of the Defendant's driver's license and retain said copy in the file, complete the dismissal section of the judgment by indicating the date of dismissal as the date the Defendant appeared at the clerk's window and present the file to the judge for dismissal.

SIGNED AND ENTERED on this the _____ day of _____, 2018.

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JUDGE'S STANDING ORDER NO. 8 DISMISSAL OF UNADJUDICATED CASES AND UNEXECUTED ARREST WARRANTS

IT IS ORDERED that, pursuant to the Standing Motions of the City Prosecutor, all unadjudicated cases filed with the Yoakum Municipal Court more than **seven (7) years** from the date of offense shall be and hereby **DISMISSED**.

IT IS FURTHERED ORDERED that all unexecuted *Alias Capias* warrants for unadjudicated cases issued more than **seven (7) years** from the date of this Order shall be and hereby **DISMISSED**.

IT IS FURTHERED ORDERED that during the month of **October** of any year, the Clerk of the Court of the City of Yoakum shall prepare or cause to be prepared a list of unadjudicated cases pending with the Court for more than **seven (7) years** from the date of offense, said list to be incorporated by reference into the dismissal order for the relevant period, for dismissal pursuant to this Standing Order.

IT IS FURTHERED ORDERED that during the month of **October** of any year, the Clerk of the Court of the City of Yoakum shall prepare or cause to be prepared a list of unexecuted warrants issued by the Court for more than **seven (7) 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.

SIGNED AND ENTERED on this the _____ day of _____, 2018.

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Presiding Municipal Court Judge
City of Yoakum, Texas



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PROSECUTOR'S STANDING MOTION COMPLIANCE DISMISSALS

IT IS ORDERED that the Court Clerks may accept for processing and dismissal, after proof of compliance, the following cases:

1. Expired Motor Vehicle Registration
2. Expired Inspection Certificate
3. Expired Texas Driver's License
4. Operate a Motor Vehicle without License Plates or with One Plate
5. Violate Driver's License Restriction or Endorsement
6. Failure to Report Change of Address or Name within 30 days – TC 521.054(a)(b)

ACCEPTABLE PROOF OF COMPLIANCE

Expired Motor Vehicle Registration (\$20 fee) - TC 502.473 (d)

- A. The form generated by the County Tax Assessor's office stamped by the County Tax Assessor's office with the amount paid and date paid; or
- B. The new registration receipt form generated by the County Tax Assessor's office stamped by the County Tax Assessor with the amount paid and date paid;
- C. The date of compliance is not more than 20 working days after the date of offense.
- D. The Motor Vehicle Registration has not been expired for more than 60 days.

Expired Inspection Certificate (\$20 fee) – TC 502.407(a)(2)

- A. The standard Texas Vehicle Inspection Report showing the vehicle "passed" inspection, including the license plate number, make and model, the date inspected, and the amount paid, or other document evidencing compliance with the state inspection;
- B. The date of compliance is not more than 20 working days after the date of offense;
- C. The inspection certificate has not been expired for more than 60 days.

Expired Driver's License (\$20 fee) TC 521.026.(a)(b)

- 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 20 working days after the date of offense;
- C. The Driver's License has not been expired for more than 60 days.

Operate a Motor Vehicle without License Plates or with One Plate (\$10 fee) TC - 504.943 (1)(2)

- A. Registration for the vehicle must be current during period offense was committed; **and**
- B. License Plate (s) was attached to the car before the Defendant's first court appearance.

Violate Driver's License Restriction or Endorsement (\$20 fee) TC – 521.211

- A. Driver's license endorsement was imposed because of a physical condition that was surgically or otherwise medically corrected before the date of the offense; **and**
- B. The Department of Public Safety removes the restriction or endorsement before the defendant's first court appearance.

Failure to Report Change of Address or Name within 30 days (\$20 fee) – TC 521.054

- A. The temporary license issued by the Department of Public Safety indicating the change of address or name and the date renewed;
- B. The date of compliance is not more than 20 working days after the date of offense.

In the event the proof does not comply with the above requirements, the Clerk may set the case on the Arraignment docket for hearing before the Court.

IT IS ORDERED that if the acceptable proof of compliance is presented within the time period allowed the Clerk shall collect the appropriate dismissal fee and present the case to the Judge for dismissal.

SIGNED AND ENTERED on this the _____ day of _____, 2018.

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Presiding Municipal Court Judge
City of Yoakum, Texas



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PROSECUTOR'S STANDING MOTION No. 2 PROOF OF INSURANCE FOR DISMISSAL BEFORE HEARING

IT IS SO MOVED that I, the undersigned Prosecutor for the City of Yoakum recommend dismissal of a case that at any time prior to the date of hearing for "Fail to Maintain Financial Responsibility" the Clerk accepts proof of financial responsibility for dismissal, pending verification, if it complies with the following requirements of acceptable proof.

ACCEPTABLE PROOF

Any typewritten, company generated proof of insurance coverage covering the day the citation was issued as long as the proof contains the following information:

1. the name and address of the insurer;
2. the insurance policy number;
3. the policy period;
4. the name and address of each insured;
5. the make and model of the covered vehicle;
6. a statement that the insurance coverage meets the minimum standards or liability coverage as required by Texas state law.

It will be requested that defendant sign affidavit for insurance verification, allowing court to contact insurance provider for verification that policy was effective on the date **and** time of the violation.

IT IS MOVED that if a Clerk cannot verify financial responsibility for the vehicle of the date the citation was issued, the case will be set on the docket for the Judge.

SIGNED AND ENTERED on this the _____ day of _____, 2018.

City Prosecutor
Yoakum Municipal Court
City of Yoakum, Texas



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PROSECUTOR'S STANDING MOTION No. 3 FAIL TO DISPLAY DRIVER'S LICENSE

IT IS SO MOVED that a charge of Fail to Display Driver's License pursuant to section 521.025 of the Texas Transportation Code shall be dismissed if the Defendant presents to a Clerk:

- 1) a valid Texas Driver's License;
- 2) issued to the Defendant **before** the time and date of the offense; **and**
- 3) appropriate for the type of vehicle being operated; **and**
- 4) pays the \$20 dismissal fee

SIGNED AND ENTERED on this the _____ day of _____, 2018.

City Prosecutor
Yoakum Municipal Court
City of Yoakum, Texas



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PROSECUTOR'S STANDING MOTION No. 4
DISMISSAL OF UNADJUDICATED CASES AND
UNEXECUTED ARREST WARRANTS

IT IS SO MOVED that, I the undersigned Prosecutor for the City of Yoakum, request all unadjudicated cases filed with the Yoakum Municipal Court prior to **December 31, 2010** shall be deemed and hereby **DISMISSED** for want of prosecution.

IT IS FURTHERED ORDERED that the Clerk of the Court of the City of Yoakum shall prepare or cause to be prepared a list of unadjudicated cases pending with the Court prior to **December 31, 2010** that are subject to dismissal, said list to be incorporated by reference into the dismissal order for the relevant period, for dismissal pursuant to this Standing Order.

SIGNED AND ENTERED on this the _____ day of _____, 2018.

City Prosecutor
Yoakum Municipal Court
City of Yoakum, Texas