

Criminal Scenarios: Deferred and DSC

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Resources:

www.tjctc.org

- Deskbooks, Forms, Charts, and Checklists
- Legal Question Board and Legal Calls
- Recordings and Self-Pace Modules

www.sll.texas.gov/legal-help

- Has Texas Laws and Court Rules

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Agenda

This is a scenarios discussion class about Deferred & DSC!

- You will discuss the question on the slide at your table
- Feel free to use www.tjctc.org as a resource
- Nominate table spokesperson who will share your answer

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Deferred Disposition

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Warm Up Questions

- Share at your table the most unusual/wildest deferral condition you have imposed or heard of someone imposing?
- Would you impose that condition again (if it was not you-would you ever impose it)?
- What is the standard for determining if a condition is proper?

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Scenario 1

Dolly Parton is charged with speeding going 94 mph on I-10 where the speed limit is 80 mph. She has a Tennessee driver's license and is not in active-duty military service. She is also charged with no insurance. Is she eligible for a deferred disposition? If so, what conditions would you impose as a condition of the deferral?

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Scenario 2

Fill out the deferred disposition order (Handout 1) for the following defendant: Uma Thurman, 53 years old, offense is Unsafe Lane Change. The maximum fine for that offense is \$200 and court costs are \$129. Select optional conditions, if any, you think will be useful.

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Scenario 3

Mr. Rogers has a Class C Assault which has a fine range of “not to exceed \$500”, and JP orders deferral. JP also orders \$1650 for restitution, \$200 as an initial fine, and \$500 as the fine as punishment for the offense if non-compliant with the deferral. JP also orders counseling and a psychosocial assessment. Are these permissible? Why or why not?

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Scenario 4

Jeff Goldblum was given a citation for speeding in a construction zone with workers present. He requested deferred disposition, and the court denied the request. He filed a document titled, “Notice to Appeal the Denial of Deferred Disposition”. Was the court correct in its decision? Can Jeff appeal a deferral denial?

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Scenario 5

Kermit received a ticket for electronic message while driving. He just wanted to pay the ticket, but the court told him he must complete deferred disposition instead. Kermit does not comply with the deferral order. Should the court force deferral? What is the proper procedure for non-compliance with the order? Are contempt or FTA charges appropriate here?

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Driving Safety Course (DSC)

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Scenario 6

Fill out the DSC order (Handout 2) for the following defendant: Miss Piggy, 55 years old, offense is Driving without lights when required. The maximum fine for that offense is \$200 and court costs are \$129.

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Scenario 7

If all other DSC requirements are met, is Michael Myers eligible for DSC if:

- His driver's license is currently suspended?
- Has an ODL?

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Scenario 8

Mark Antony is charged with an unsafe lane change. He is 38 years old. He did not have a valid Texas license at the time of the offense but does now. He enters a plea of guilty and requests DSC by certified mail before his answer date. He has not taken DSC in the previous 12 months. Mr. Antony also provided the court proof of insurance. Must the court grant DSC? Why or why not?

What if he mailed the plea/request via regular mail?

What if he had completed DSC 11 months ago?

Does it matter if his license was an Alabama license?

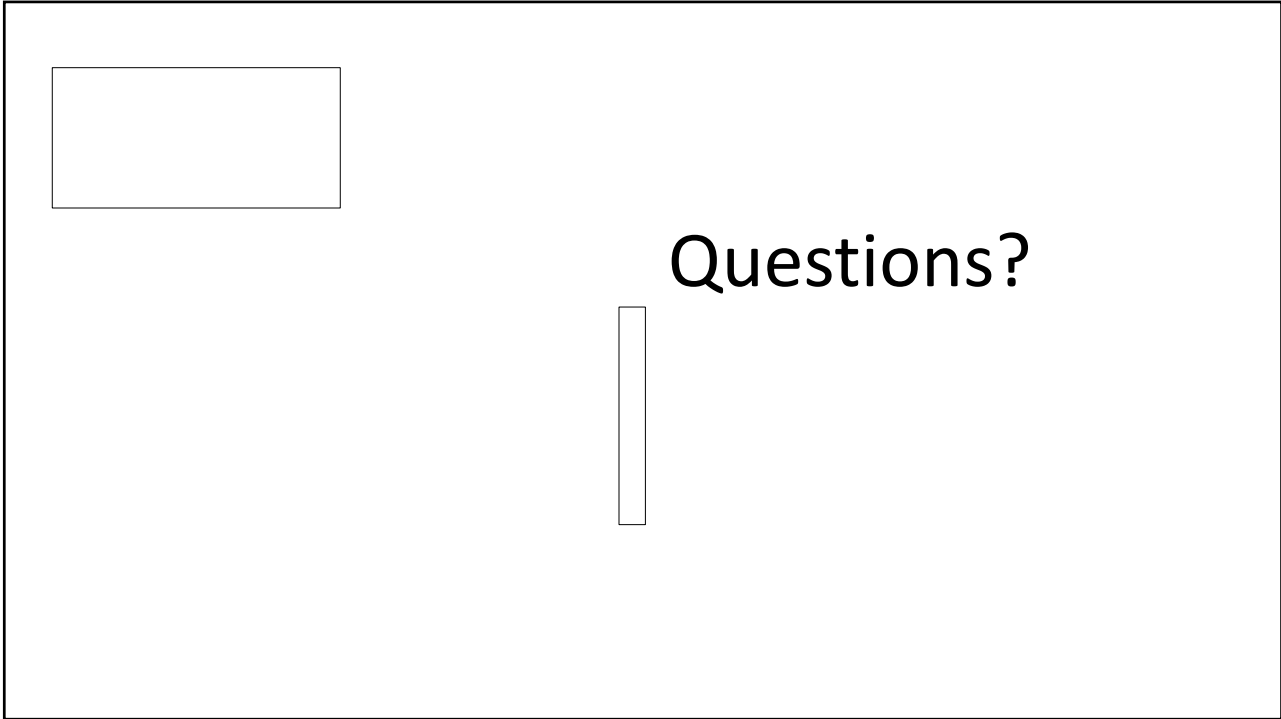
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Scenario 9

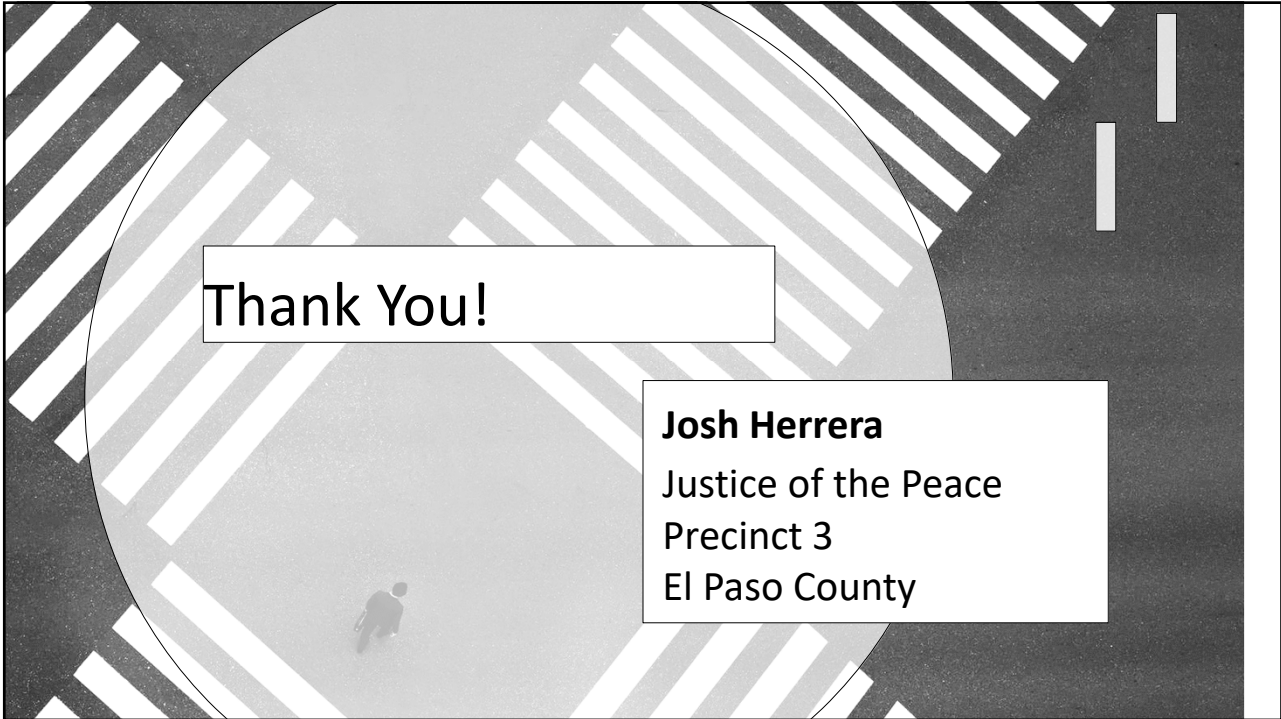
Patsy Cline is charged with speeding 10 miles per hour over the speed limit in a school zone. If she meets all other criteria, is she eligible for DSC here?

Ms. Cline also has a ticket pending in municipal court for not wearing a seat belt. She is wanting to take one course for both tickets. Can she use that course for this JP Court?

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