

Criminal Scenarios: When The Defendant Doesn't Show

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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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Class Scenario Rules

- 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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Useful Questions?



What is the weirdest experience you have with someone not showing up? Describe.



Best excuse you have heard for not showing?

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Scenario 1

The court had a visiting judge yesterday. Justin Theroux had a bench trial scheduled for a no driver's license charge. Theroux failed to appear for his hearing, and the visiting judge entered a judgment of guilty. However, Theroux came in today wanting to appeal but said he needed to appeal using a Statement of Inability. Any issues you spot? What are your next steps in the situation?

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Scenario 2

Frankie Avalon gets a citation for an unrestrained child. He never appears to enter a plea. No complaint is filed, but a courtesy letter is sent out giving him an appearance date and time in the next 30 days. The notice also explained the consequences of not appearing. Is the courtesy letter a requirement? Can we issue a warrant or capias for non-appearance yet? Why or why not?

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Scenario 3

Annette Funicello gets a citation for running a red light. She does not appear to enter a plea. A complaint is filed, and proper notice is sent out. A capias is issued for her arrest. Before the arrest takes place, she shows up at the court. Must you recall the warrant?

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Scenario 4

Frida Kahlo received a citation for operation of vehicle under improper registration and failed to appear. She signed the citation when it was issued to her. The prosecutor in your court has filed a VPTA charge based on that failure to appear. At the bench trial for the VPTA, Frida explains (and provides documentation) that she was in a bus crash on the trial date on her way to court and taken to the hospital. What are the elements of the offense? What is your ruling and why?

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Scenario 5

Diego Rivera was charged with a fine-only misdemeanor via compliant and never appeared at his pretrial hearing. Your clerk suggests referring the case to the prosecutor for an FTA charge. What is your response? Any other facts that would be helpful to know? Explain your reasoning.

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Scenario 6

James Madison failed to appear to enter his plea for unsafe lane change. It has been 14 days since he was supposed to appear. He has a New York driver's license. No sworn complaint has been filed yet. Is Omni available in this situation? Any other options available? Explain.

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Scenario 7

Dolley Madison failed to appear to enter her plea for her theft charge. The court sent her a notice that if she does not take care of the case, she will be sent to pre-trial collections after 60 days has passed and the collections entity may add 45% fee to all amounts collected. The notice stated that she owes not less \$500 for her misdemeanor charge and failure to pay will result in a warrant. Was this proper? Why or why not?

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Scenarios 8

Travis Kelce did not appear for his charge in your court. Case properly referred to pre-trial collections. However, Travis later entered a plea of not guilty. After the trial, you entered a judgment of acquittal. How much can the collections entity collect if the fine range for the charge was \$1-\$200.

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Questions?
Thank you!

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