

Criminal Case Resolution

Judge Brad Cummings

Justice of the Peace, Hopkins County, Pct. 2

Funded by a Grant from the Texas Court of Criminal Appeals

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Resources

- 1 www.tjctc.org
 - Deskbooks, Forms, Charts, and Checklists
 - Legal Question Board and Legal Calls
 - Recordings and Self-Pace Modules
- 2 www.sll.Texas.gov/legal-help
 - Has Texas Laws and Court Rules
- 3 CCP Ch. 45A & Transportation Code Ch. 706
- 4 statutes.capitol.texas.gov

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Agenda

Discussions of various scenarios relating to the enforcement of criminal judgments.

Note: Step-by-step information regarding the enforcement of criminal judgments can be found in Ch. 8 of the TJCTC Criminal Deskbook.
www.tjctc.org/tjctc-resources/deskbooks

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Alternative Satisfaction of Court Costs and Fines

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Tools of the Trade

Omni

Scofflaw

Warrants-Capias
and Capias Pro Fine

Commitment Order

Civil Enforcement

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Tools of the Trade: Omni

- Denies the renewal of a person's driver's license
- \$10 fee
 - ! Acquitted
 - ! Error
 - ! Records misplaced
 - ! Indigent
 - ✓ Attend school
 - ✓ Income >125%
 - ✓ Recipient of government assistance

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Tools of the Trade: Civil Enforcement

Art. 45A.263.

Civil Collection of Fines and Costs After Judgment

If, after a judgment and sentence is entered, the defendant defaults in payment of a fine, the justice or judge may order the fine and costs collected by execution against the defendant's property in the same manner as a judgment in a civil suit.

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Tools of the Trade: Scofflaw

- Denies the renewal of vehicle registration
- \$20 fee
 - ! Indigent
 - ! Any other good cause

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Tools of the Trade: Driver Safety Course

**Art. 45A.306
Show Cause
Hearing**

Shall:

- Defendant elects
- Posses a valid TX DL or Permit
- Has not completed DSC in the last 12-month period preceding the date of offense
- Written request – Can be emailed as of 09/01/2025
- Insurance

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Tools of the Trade: Driver Safety Course

Art. 45A.352(b)

If a defendant is charged with more than one offense arising out of the same criminal transaction, each charge is eligible for dismissal following the successful completion of *one* course for all of the charges.

provided that:

- (1) each charge on its own would be eligible for dismissal under this subchapter; and
- (2) the defendant otherwise satisfies the requirements of this subchapter.

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Art. 45A.306
Show Cause
Hearing

Tools of the Trade:

Deferred

- Pay fines and court costs
- Perform community service/tutoring
- Counseling
- _____ prevention/awareness course
- Psychological testing
- Restitution
- (10) Comply with *any other reasonable condition*

Mandatory

- < 25 years old = DSC [Moving violation]
- Provisional DL = DPS examination

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Tools of the Trade: Deferred Disposition

- Share at your table the most unusual/wildest deferral condition you have imposed or heard of someone imposing?
- Would you impose that condition again?
- What is the standard for determining if a condition is proper?

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