

DSC and Deferral Scenarios

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Resources

- This class is designed to cover specific common questions in deferred & DSC cases. For a full review of procedures, consult the following resources:
 - Criminal Deskbook Chapter 5
 - Chapter 45A of the Code of Criminal Procedure
 - TJCTC forms & flowcharts

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Scenario 1

- A defendant has requested deferred disposition for a speeding ticket (they were going 28 miles over the speed limit). They have never had a CDL and the offense did not occur in a work zone. They also did deferred disposition on a different case a few months ago.
- Are they eligible for deferred disposition?
- If so, does the court have to allow them to do it?

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Scenario 2

A justice court granted deferred disposition on a case and allowed the defendant to set up a payment plan. The maximum fine for the offense is \$200. In the deferral order, they assessed a special expense fee of \$200, a deferral fee of \$150, court costs, and a time payment reimbursement fee of \$30 because the payment plan would result in the defendant paying later than 30 days after the order.

- Any issues with this?

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Scenario 3

A 21-year-old defendant is placed on deferred disposition for the offense of public intoxication. They have already been convicted of public intoxication once before.

- What conditions could be reasonable for the court to include?
- Are the community service and alcohol awareness course orders that must be ordered on Alcoholic Beverage Code offenses required in this deferral order?
- What if the court wanted to order community service, but the defendant didn't have transportation or had work hours that would make doing regular community service impossible? What creative options could the court consider?

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Scenario 4

A 17-year-old defendant is placed on deferred disposition for going 78 mph when the speed limit was 65 mph. This is their 3rd traffic offense this year.

- Are any specific conditions required?
- What other conditions might be reasonable?
- What are examples of conditions that would **not** be reasonable?

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Scenario 5

A defendant requests DSC dismissal. They have a driver's license, but it is currently suspended. They are otherwise eligible.

- Are they eligible to do DSC dismissal?
- What if they have Occupational Driver's License? Are they eligible to do DSC dismissal?

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Scenario 6

Jess, 23 years old, gets a ticket for Unsafe Lane Change in a construction zone with workers present. Judge rules she is not eligible for deferred disposition. Is the judge correct? Can Jess appeal the judge's deferral denial?

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Scenario 7

Now Jess gets a speeding ticket going 17 over, and requests deferral again, and again the judge denies her. Can Jess appeal this deferral denial?

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Scenario 8

- Amber is placed on DSC dismissal but does not turn in any of the paperwork. The court sends a show cause hearing notice, but she does not appear for that either. Which of the following can the court do?
- Hold her in contempt
- Charge her with VPTA
- Charge her with FTA
- Fine her an additional \$200 for the failure to appear
- Issue a capias pro fine

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Scenario 9

Mark is placed on deferred disposition, but fails to comply with the conditions. The court holds a show cause hearing, and Mark is convicted.

He now files a notice of appeal. Is he entitled to appeal at this point?

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Scenario 10

- Rebecca is pulled over and receives citations for no seat belt, speeding, texting while driving, and expired DL.
- She meets the requirements for mandatory DSC.
- Can she dismiss all of these offenses with a single DSC? How much can the court charge?

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State v. Tucker

- Bronson is charged with going 15 miles over the speed limit. He has an Oklahoma driver's license and is not in active-duty military service. He does not have a current insurance policy
- Is he eligible for DSC? Deferred disposition?
- If he is eligible for deferred disposition, what conditions would you impose?

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Questions?
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