

Pre Judgment Criminal Scenarios

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Scenario 1:

- At your criminal docket today, several defendants failed to appear. The prosecutor asked you to draft complaints for all the cases. They also asked you to draft a complaint for FTA for all the defendants.
- What should you do?

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Scenario 2:

- A Defendant charged with speeding refuses to sign their traffic citation and is taken to jail but then signs the Magistrates Warning with an Order to Appear and a new appear by date. They then fail to appear by the appearance date.
- Can the prosecutor file an FTA or VPTA?
- Which charge should they file?

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Scenario 3:

- You had a defendant fail to appear in court, and your judge asked you to place the defendant in OMNI, refer them to collections, and issue a warrant.
- Is this allowed?

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Scenario 4:

- A defendant failed to appear at their original appearance date. Your court sends a courtesy letter, and your judge asks you to place them in OMNI.
- Do you look for any information before placing them in OMNI?

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Scenario 5:

- Your county just signed a contract with a new collections company. The representative provided you with templates for letters to send out when you have referred a case to collections (in addition to the work that they will do). Part of the letter includes a blank for you to put an amount due and warn that a warrant may be issued if they fail to pay the money.
- Do you see any issues with this?

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Scenario 6:

- Your office somehow lost track of a case. The defendant failed to appear by their appearance date last January. The Prosecutor filed a sworn complaint, and the Court issued a courtesy letter. Since last February, nothing has been done on the case.
- What options do you have now?
- Would you change your mind if there was no sworn complaint filed?
- Is it too late to issue a warrant?

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Quiz Activity:

- Which offenses are required to be reported to DPS if a defendant fails to appear before the court under Transportation Code Ch. 521 for DL Nonrenewal?

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Scenario 7:

- A 20-year-old defendant comes to your window with her citation for speeding. She knows that she was speeding, and wants to plea, but she asks you what her options are.
- What do you tell her or give her?

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Scenario 8:

- You receive a plea in the mail on a class c family violence based on a fight between two college roommates.
- How do you proceed?

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Scenario 9:

- You are opening the mail and received a payment in full for a CDL driver defendant's citation for speeding. Only the copy of the citation and the check from ABC Trucking, LLC are included in the envelope.
- What do you do?

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Scenario 10:

- The young defendant from Scenario 7 pled not guilty and agreed to come to a pretrial docket to talk with a prosecutor, but she failed to appear at the pretrial docket.
- What are your options?

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Scenario 11:

- A defendant is charged with speeding by going 96 mph on I-10 where the speed limit is 80 mph. He has an Alabama driver's license and is not in active-duty military service. He is also charged with no insurance.
- Is he eligible for a deferred disposition? If so, what conditions would you recommend as a condition of the deferral?

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Scenario 12:

- A 23-year-old defendant 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?

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Scenario 13:

- A defendant is charged with going 35 mph in a school zone.
- Are they eligible for DSC?

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