

STANDING ORDER NO. 2

§ **IN THE MUNICIPAL COURT**
§
§ **CITY OF SUNSET VALLEY**
§
§ **TRAVIS COUNTY, TEXAS**

DEFERRED DISPOSITION FOR CERTAIN MOVING-TRAFFIC OFFENSES

IT IS ORDERED, ADJUDGED, AND DECREED that this Standing Order No. 2 [Deferred Disposition for Certain Moving-Traffic Offenses] shall apply to all pending and future cases in the Municipal Court of the City of Sunset Valley, Texas ("Court").

If a defendant receives a citation alleging that the defendant committed a traffic offense ("Offense"), the Offense is classified as a moving violation pursuant to the Texas Transportation Code ("T.C."), and the eligibility requirements set forth below are met, then the Court Clerks are authorized to process the defendant's request for deferred disposition of the Offense.

A defendant may be eligible for deferred disposition of the Offense if:

1. The defendant is **INELIGIBLE** to take a driving safety course (approved by the Texas Department of Licensing and Regulation) or a course under the motorcycle operator training and safety program (approved by the designated state agency under Chapter 662 of the Texas Transportation Code), as applicable, for the Offense.
2. The defendant has **NOT** been granted deferred disposition by the Court (or been obligated to comply with a Court order granting deferred disposition) during the twelve (12) month period immediately preceding the date of the defendant's request for deferred disposition of the Offense.
3. The defendant is **NOT** currently obligated to comply with an order issued by a court (other than the Court) deferring disposition of criminal offenses other than the Offense.
4. The defendant completes a written request for deferred disposition (in a form approved by the Court), agrees to comply with the terms of the Court's order deferring disposition of the Offense, and presents evidence to the Court of the defendant's eligibility for deferred disposition (in a form satisfactory to the Court).

If the Court grants a defendant's request for deferred disposition, the term of the deferred disposition shall be **ninety (90) days** and the defendant must:

1. Enter a plea of "guilty" or "no contest" to the Offense.
2. Waive his or her right to **ANY** trial, including a jury trial.
3. Provide the Court with a copy of his or her valid driver's license.
4. Pay all of the court costs and the special expense fee for the Offense to the Court.
5. Submit a copy of his or her driving record to the Court.

6. Submit proof of financial responsibility (as required by law) to the Court that shows that the defendant kept in force financial responsibility during the entire deferral period.
7. Notify the Court, in writing, if defendant's address changes during the deferral period.
8. Commit **NO** offense in the State of Texas during the deferral period (regardless of the conviction date) that is a traffic offense classified, pursuant to the T.C., as a moving violation.
9. Successfully complete (if the defendant is younger than 25 years of age) a driving safety course that has been approved under Chapter 1001 of the Texas Education Code and provide proof of such completion to the Court.
10. Successfully complete (if the defendant is younger than 25 years of age and holds a provisional Texas driver's license) a driver's license examination by the Texas Department of Public Safety (as required by Section 521.161(b)(2) of the T.C.), regardless of whether the defendant was previously examined, and provide proof of the defendant's successful completion of the examination to the Court.
11. Comply with all other terms and conditions of the Court's order deferring disposition of the Offense.
12. Present evidence to the Court of the defendant's compliance with the Court's order deferring disposition of the Offense (in a form satisfactory to the Court).

If a defendant successfully complies with all of the terms and conditions of the Court's order deferring disposition of the Offense, then the cause shall be **DISMISSED** by the Court and shall **NOT** be reported as a conviction.

If a defendant fails to comply with all of the terms and conditions of the Court's order deferring disposition of the Offense, then the Court shall (a) notify the defendant of the defendant's failure to comply with the Court's order deferring disposition, and (b) require the defendant to appear before the Court to show cause why the Court's order deferring disposition should not be revoked. If the defendant fails to appear for the show cause hearing or fails (at the show cause hearing) to provide the Court with good cause as to why the defendant failed to comply with the Court's order deferring disposition, then the Court may enter an order of the defendant's final **CONVICTION** of the Offense (which will be reported as required by law), order the defendant to pay the **FINE** (and all unpaid court costs) provided for in the Court's order deferring disposition, and take other actions allowed by law.

A defendant is **NOT** eligible for deferred disposition of the Offense if:

1. The defendant was the holder of a commercial driver's license or a juvenile on the date of the Offense.
2. The Offense is related in any way to an accident resulting in property damage or personal injury.
3. The Offense occurred in a construction or maintenance work zone when workers were present.
4. The Offense involves passing an authorized emergency vehicle.
5. The Offense involves operating a motor vehicle at a speed of twenty-five (25) miles per hour, or more, over the posted speed limit.

6. The Offense involves operating a motor vehicle at a speed of fifteen (15) miles per hour, or more, in a school zone.
7. Other than as provided herein, the Offense is related in any way to endangering children, including, without limitation, passing a school bus or failing to obey a school crossing guard.

SIGNED AND ENTERED this 2nd day of NOVEMBER, 2016.



Kenton D. Johnson, Presiding Judge
City of Sunset Valley Municipal Court