

403rd DISTRICT COURT:

All defendants must appear in Court at 9:00 am.

Defendants are required to appear in Court with or without their attorney for Designation, Pretrial, Pretrial with Witness, Trial Before the Court with Witness, Jury settings, and/or other settings determined by the Court.

Unindicted status

If a case is unindicted and the defendant is represented by an attorney, the defendant does generally not have to appear. However, if the defendant is out of jail without an attorney, appearance for all settings is required.

Bond Procedures

The 403rd District Court hereby adopts the following procedures with respect to an attorney's application, on behalf of his or her client, for a personal or cash deposit bond:

1. Before making any request for a personal or cash deposit bond, a Defendant's attorney should present such bond application to Pre-Trial Services ("PTS") and obtain their recommendation;
2. An application for personal or cash deposit bond should be presented in open court. During a non-jury week, such request should be made by handing the bond application to the clerk of the court, as if the case was on the docket for that day. The Court may or may not call the bond application case in the order in which it was received, depending on the caseload at that time. The Court will call the case as soon as possible. During a jury week, such request should be made before the trial begins in the morning, during a break, or after court is recessed at the end of the day.
3. In each case the Court will give the State an opportunity to be heard (see item no. 6 below). Therefore, the Court suggests that the Defendant's attorney notify a prosecutor assigned to the 403rd Court, in advance of his or her bond request, so that such prosecutor may obtain the Defendant's file or, otherwise, obtain information related to the Defendant's case.
4. The prosecutor may waive his or her opportunity to be heard on the bond issue.

5. An attorney seeking a bond should be able to provide, upon request, the following information:
 - the existing bond amount and the date upon which it was set;
 - the name of the Magistrate who set the existing bond amount;
 - the Defendant's employment;
 - the Defendant's ties to the community;
 - the Defendant's criminal history, including arrests;
 - any recommendation made by PTS; and
 - any other information relevant to whether the Defendant is a flight risk, a danger to the victim or the community;
6. A prosecutor responding to a Defendant's bond request should be able to provide, upon request, the following information:
 - any facts showing that the circumstances of the offense are egregious;
 - any facts showing that the Defendant, if released on bond, will be a flight risk;
 - any facts showing that the Defendant, if released on bond, will be a danger to the victim or the community, or both;
 - the Defendant's adult and juvenile criminal history, if any, including arrests;
7. In an exceptional case and when court is not in session, the Court may deviate from the procedures specified above.

Early Discharge Procedures

Will be set by the coordinator upon request of counsel or applicant for a time in excess of 30 days from filing of petition;

1. Attorney or applicant must send a copy of the petition to the supervision court officer and to the District Attorney's office, prior to presentation of the motion to the Court;
2. Defendant must be present;
3. Judge will review letters, affidavits, etc. but does not desire witnesses;
4. Input from the District Attorney's office is necessary in cases involving reductions pursuant to a negotiated plea agreement; the case involves a victim; or, the Early Discharge request and any conditions thereof, was contemplated and a part of the initial plea negotiations stated at the time that the plea agreement was accepted by the Court;

5. The victim is contacted by the CSCD supervision office and told about the discharge motion, and, has the opportunity to respond and/or appear at the setting;
6. No witnesses will be heard unless requested by the court, however, counsel may provide additional information: i.e. witness letters, affidavits, and any other supporting data;
7. If the term of probation was the result of a plea negotiation, prior consultation with the State is necessary to determine if they will be opposing the motion or not, and the reasons for such opposition.
8. The defendant must not have any prior Motions to Revoke/Motions to Proceed with an Adjudication of guilt, unless administrative violations only.
9. The defendant must not have previously been in absconder status
10. The Judge will only consider if the defendant has no prior convictions above a Class A misdemeanor.

Expunction Procedures

1. Expunctions are set on Monday of non-jury weeks. Magistrate checks over case file and makes recommendations to ensure paperwork is in order; any comments or problems noted should be discussed with the Magistrate before presentation to the Court;
2. Applicant not required to be present unless there is a contested issue or problem; and,
3. Supporting data pertaining to the underlying case, be it dismissals or any other paperwork should be provided along with the necessary order.