

**LOCAL RULES OF THE MUNICIPAL COURT
OF THE CITY OF KATY, TEXAS**

BE IT KNOWN that on this 1st day of November 2014, under inherent power and duty of all Texas Courts as specified in § 21.001 of the Texas Government Code and pursuant to the Texas Code of Criminal Procedure § 45.203(b) the following Rules of the Katy Municipal Court are hereby promulgated and adopted in order to provide efficiency, uniformity and fairness in conducting the business of this Honorable Court.


Jeffrey C. Brashear
Presiding Judge

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RULE 1 – AUTHORITY AND HOURS

- 1.1 The Local Rules of this Honorable Court shall apply to each attorney, to each Defendant representing himself/herself (hereinafter referred to as “Pro Se Defendant”) in the Municipal Court of Katy, Texas, to all Court Staff, as well as to any and all witnesses or observers who appear in the Municipal Court of Katy, Texas. A Judge may promulgate rules for his/her Court which do not conflict with these rules and the applicable law. Failure to comply with these Rules may result in the imposition of sanctions including contempt.
- 1.2 A copy of these Rules shall be available in the courtroom, the courthouse and on the City of Katy, Texas website under the Municipal Court section.
- 1.3 These Rules shall be known as the Local Rules of the Municipal Court of Katy, Texas and each rule may be cited as “Katy Local Rules.”
- 1.4 The Municipal Court of the City of Katy, Texas is one Court. Each Judge, whether the Presiding Judge or an Associate Judge, has all authority within the Court as does any Municipal Judge in the State of Texas. Each Municipal Judge, whether the Presiding Judge or an Associate Judge, is also a Magistrate for every Texas County into which the City of Katy, Texas goes and has all authority as a Magistrate in any of those Texas Counties as set forth in Texas State Law.
- 1.5 The Municipal Court of the City of Katy, Texas shall be open Monday thru Friday from 8:00 a.m. to 5:00 p.m., with the exception of City observed holidays or when the Court is otherwise closed by order of the Administrative Judge or the City of Katy, Texas.
- 1.6 A Judge cannot ethically speak to any party regarding the merits of a case without both sides present, except as authorized by the Texas Code of Judicial Conduct.
- 1.7 Each Katy Municipal Judge is “on call” 24 hours a day 7 days a week for emergency situations and for Magistrate duties.

RULE 2 – COURTROOM DECORUM

- 2.1 The Court shall maintain proper order and decorum and require all litigants, jurors, witnesses, lawyers, and others appearing before the court, in the courthouse or courtroom, to conduct themselves in a manner respectful of the Court's authority and function.
- 2.2 All persons present in the Court shall be dressed in a manner that shows dignity and respect for the Court.
 - 2.2.1 Unacceptable attire includes, but is not limited to:
 - 2.2.1.1 Shorts, cut-offs, baggy pants, flip-flops, hats, muscle shirts, t-shirts, clothing indicating gang affiliation, clothing with offensive, vulgar, racist, sexist, obscene, suggestive words, slogans, depictions, or pictures, including grotesque creatures.
 - 2.2.1.2 Facial or body piercings which are visible and worn to provoke emotion, disruption or distract from the Court.
- 2.3 No electronic devices may enter the Court. If an electronic device is brought into the Court or generates an audible tone while Court is in session, the possessor of such electronic device will immediately forfeit the electronic device to the Bailiff.
- 2.4 All persons should be prepared to present their cases in proper manner. It is **NOT THE COURT'S DUTY** to represent you nor instruct you on evidence, rules, or how to present and prove your case. If you are unprepared, unaware and not knowledgeable as to presenting your case, you may lose your case.
- 2.5 All persons entering or present in the Court shall be subject to the following:
 - 2.5.1 ***YOU ARE SUBJECT TO SEARCH.*** Weapons of any kind are prohibited in the courtroom or the court building except for law enforcement personnel.
 - 2.5.1.1 Persons who have Concealed Handgun Licenses may **NOT** enter the courtroom or the court building with a concealed firearm.

- 2.5.1.2 In order to provide notice that entry on property by a licensed holder with a concealed handgun is forbidden, Texas Penal Code § 30.06(c)(3)(A) requires that a written communication contain the following language:

“PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY HOLDER OF A LICENSE TO CARRY A CONCEALED HANDGUN) A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (CONCEALED HANDGUN LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.”

“CONFORME A LA SECCION 30.06 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CONDIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO.”

2.5.2 Be on time.

2.5.3 Rise when the Judge enters and remain standing until the Judge or Bailiff announces “Be Seated”, or until the Judge is seated. Rise when the Judge exits the courtroom.

2.5.4 Do not argue with the Court.

2.5.5 ***DO NOT APPROACH THE JUDGE’S BENCH WITHOUT PERMISSION.*** Do not rests arms on the bench or on the file ledge poriton of the Judge’s Bench.

2.5.6 Do not bring drink or food items into the Courtroom.

2.5.7 Do not talk at the same time as the Court, opposing counsel, or witnesses. Courtroom visitors should not engage in conversation while the Court is in session.

- 2.5.8 Racist, sexist, obscene, or profane language is prohibited unless it is pertinent to a case, and is elicited and quoting from facts in the case.
- 2.5.9 Do not enter or depart the courtroom excessively and do not slam the doors.
- 2.5.10 Do nothing to disturb or distract the Court, counsels, witnesses, or other Court personnel while the Court is in session.
- 2.5.11 Do not bring infants or young children into a Court proceeding unless the presence of the child is necessary for the proceeding before the Court.
- 2.5.12 All property in the Courtroom and Court building must be treated with respect. No writing on any papers posted nor on any furniture is allowed.
- 2.5.13 No recording devices are allowed without judicial approval.
- 2.5.13.1 Any person that records without obtaining judicial approval shall be subject to contempt.
- 2.5.14 No reading of newspapers, magazines, books, etc. in the Courtroom during proceedings.
- 2.5.15 All shirts *MUST* be tucked inside pants.
- 2.5.14 All pants or trousers *SHALL* be pulled up around the person's waist. No underclothing or undergarments *SHALL* be visible at anytime.

RULE 3 – ARRAIGNMENT

- 3.1 The court appearance date that appears on a citation is the arraignment setting.
- 3.2 An arraignment takes place for the purpose of fixing a defendant's identity and hearing his plea.
- 3.3 At the arraignment, the defendant may enter a plea of *not guilty*, *guilty* or *nolo contendere (no contest)*.
- 3.4 If the defendant enters a plea of *guilty* or *nolo contendere*, the defendant may offer proof as to the offense to the prosecutor, and should a plea bargain agreement be

made between the defendant and the prosecutor, the punishment shall be assessed by the court.

- 3.5 If the plea is *not guilty*, the case shall be set for a pre-trial conference by the court.
- 3.6 A plea of *not guilty* shall be entered by the court if the defendant refuses to enter a plea to the allegation(s).
- 3.7 Arraignment for those persons detained in the City jail for criminal offenses within the jurisdiction of the City of Katy, Texas Municipal Court shall be held at times prescribed by the Presiding Judge.

RULE 4 – CONTINUANCES

- 4.1 A written continuance may be requested by mail or facsimile.
 - 4.1.1 No continuances shall be granted over the phone.
- 4.2 A case may be continued upon written motion of the prosecution or of the defendant or defendants attorney. A case may be reset at the discretion of the Court upon sufficient cause shown.
- 4.3 In the event the defendant is unavailable to file his motion for continuance, a representative of the defendant may file a written motion signed and sworn to by the defendant, setting forth the reason for the continuance.
- 4.4 A request for continuance of a trial setting may be granted by the Court only upon written motion made at least ten (10) days prior to the trial date.
- 4.5 All motions for continuance based upon grounds arising for the first time within the ten (10) day period prior to trial date shall be heard at such time as the Court may specify.
- 4.6 Non-Issue continuances may be granted to allow later presentation of documentation that the defendant met the requirements for an absolute defense or a mandatory dismissal. Non-Issue continuances may also be granted to allow a defendant an opportunity to pay court costs for mandatory and discretionary driver safety course or to post a bond for a deferred disposition.

- 4.7 Non-Issue continuances may include a plea of nolo contendere or guilty. In the event the Defendant fails to return on or before the scheduled continuance date or fails to return with the required documentation, a judgment in the amount of the maximum fine will be entered against the defendant.

RULE 5 – PRE-TRIAL CONFERENCE

- 5.1 Pre-Trial conference shall be required in all cases wherein the defendant's plea is Not Guilty.
- 5.2 Pre-Trial motions shall be filed in writing in all cases where defendant claims there are legal issues involving the sufficiency of the criminal complaint or the law from which the complaint is drawn. These issues shall include, but not be limited to, any factual situations that would invalidate the premise upon which a law or ordinance has been promulgated.
- 5.3 No more than one Pre-Trial conference shall be set per case without leave of the Court. Failure to file Pre-Trial motions as indicated herein shall constitute a waiver of having those issues heard before trial without good cause.
- 5.4 Unless leave of Court has been granted, all Pre-Trial motions shall be filed at least ten (10) days prior to trial.
- 5.4.1. Examples of pre-trial motions include but may not be limited to:
- 5.4.1.1 Motion for Certified Court Interpreter
 - 5.4.1.2 Motion in Limine
 - 5.4.1.3 Motion to Suppress
 - 5.4.1.4 Motion to Recuse
 - 5.4.1.5 Motion to Quash
 - 5.4.1.6 Motion to Dismiss
- 5.5 The prosecution is responsible for the appearance of all necessary witnesses in response to a defendant's motion to suppress evidence. In all other cases, each party shall be responsible for subpoenaing its own witnesses and physical evidence.
- 5.6 All interested parties shall be present and in the courtroom for all Pre-Trial hearings. Interested parties shall include but not be limited to: Defendant(s), Defense Counsel(s) and Prosecutor(s).

5.7 If the defendant fails to appear in person for Pre-Trial conference(s), the Court may charge the defendant with failure to appear. The defendant may be required to post a bond to secure a new Pre-Trial setting. Failure to secure a new date will result in a warrant of arrest. Failure to Appear at the time and date on which your case is set shall constitute a Failure to Appear criminal charge to be issued against the defendant and may also be grounds for a contempt of court charge being filed against the attorney as well as referral to the State Bar of Texas for disciplinary proceedings.

5.8 Disclosure pursuant to Article 39.14 of the Texas Code of Criminal Procedure for offenses committed on or after the 1ST day of January 2014 shall be made by the prosecutor as follows:

5.8.1 The prosecutor and the defendant shall approach the Judge and conduct an hearing to determine if the defendant wishes to requests disclosure pursuant to Article 39.14 of the Texas Code of Criminal Procedure beyond any of the following specified items:

- 5.8.1.1 Probable Cause Complaint
- 5.8.1.2 Offense Report and Supplements
- 5.8.1.3 Reports of Scientific Testing and Analysis
- 5.8.1.4 Revocation or Motion to Adjudicate Guilt Documentation
- 5.8.1.5 Opportunity to Review Any Physical Evidence Obtained in Connection with the Alleged Offense
- 5.8.1.6 Electronic, Audio, Video Recordings, Digital Media Obtained by Law Enforcement Pertaining to the Alleged Offense
- 5.8.1.7 Photographs
- 5.8.1.8 Statement of Defendant
- 5.8.1.9 Witness Statements
- 5.8.1.10 Business Records
- 5.8.1.11 Any Brady Material

5.9 The prosecutor and defendant shall be given a compliance date for the prosecutor to turn over and present the defendant with those items which are specifically set forth under 5.8 and any other items which the defendant has requested disclosure of pursuant to Article 39.14 of the Texas Code of Criminal Procedure.

RULE 6 – TRIAL DOCKET

- 6.1 The prosecutor and the defendant shall announce "ready" or "not ready," and the Court shall then consider any properly filed pre-trial motions.
- 6.2 If the defendant, without good cause shown, fails to announce ready for trial at the time the case is called for trial, the Court will enter a plea of "not guilty" on the defendant's behalf and proceed with the trial.
- 6.3 If the State, without good cause shown, fails to announce ready for trial at the time a case is called for trial, the Court will dismiss the case.
- 6.4 If the defendant fails to appear in person at the time the case is called for trial a warrant may be issued for his arrest.

RULE 7 – JUVENILES

- 7.1 A defendant who is younger than 17 years of age and is charged with an offense within the jurisdiction of the Municipal Court, must be accompanied by a parent or legal guardian at all appearances. No action will be taken unless the defendant is accompanied by such parent or legal guardian, provided, however, the Court may hear the case upon finding that due diligence has been used to obtain the presence of the parent or legal guardian.

RULE 8 – MOTION FOR NEW TRIAL

- 8.1 A motion for new trial must be made not later than the tenth (10th) day after the date on which judgment is rendered.

RULE 9 – APPEAL BOND

- 9.1 An appeal bond is required to perfect an appeal in the Municipal Courts. Appeal bonds, other than cash appeal bonds, require approval from the Clerk of the Municipal Courts before they are presented to the Court for approval. All appeal bonds require the signature and address of the defendant. An appeal bond must be approved by the Court and must be filed not later than the 10th day after the date the judgment was entered.

RULE 10 – BAIL BONDS

- 10.1 A bail bond for a defendant, whether or not in the custody of the Katy Police Department, will be made in the Clerk of the Municipal Courts Office or public services counters.
- 10.2 In all cases where the defendant is in the custody of any other law enforcement agency and there is a "hold order" placed upon said defendant by the City for delinquent charges, the defendant may secure his release by:
 - 10.2.1 Posting a cash bond in the Clerk of the Municipal Court after the defendant is transferred to the City of Katy jail; or
 - 10.2.2 Posting a surety bond by having the defendant sign a properly executed surety bond and returning it to the Clerk of the Municipal Court; or
 - 10.2.3 Posting a recognizance bond, which will be granted only by a magistrate assigned to hear the jail arraignment docket.
- 10.3 All bonds must be signed by the defendant.

RULE 11 – AMOUNT OF BOND

- 11.1 The Presiding Judge shall provide a bond schedule that shall be followed unless or until modified by the Presiding Judge.

RULE 12 – FORFEITURE OF BAIL BOND

- 12.1 If a defendant is bound by bail and fails to appear in person in court as scheduled, the Court will (1) issue a bond forfeiture order, (2) enter a judgment nisi and (3) issue a warrant for the defendant's arrest and may order an increase of future bail in the case.
- 12.2. If the defendant fails to appear in court as scheduled and has posted a cash bond, entered a written and signed plea of nolo contendere and waiver of jury trial, the Court will enter a judgment.

RULE 13 – REVIEW OF COURT DOCUMENTS

- 13.1 Court documents shall be made available for review by the Clerk of the Municipal Court under reasonable conditions and safeguards, and as required by law.

RULE 14 – CERTIFIED COPIES

- 14.1 Certified copies of court documents may be obtained from the Clerk of the Municipal Court at the fees set forth in the City Code of ordinances. A defendant is entitled to only one (1) free uncertified copy of the complaint of a pending case.

RULE 15 – ATTORNEY’S APPEARANCE

- 15.1 Attorney’s shall appear in Court in accordance with the Rule set forth by the Second Administrative Judicial Region. Failure to properly notify the Court may result in grounds for a contempt of Court charge being filed against the attorney as well as referral to the State Bar of Texas for disciplinary proceedings.

15.1.1 Attorney’s should be mindful the Katy Municipal Court is a criminal court and therefore follows the Second Administrative Judicial Region Rules

RULE 16 – ASSOCIATE JUDGES

- 16.1 Associate Judges shall have the same powers as other municipal court judges, including the duties of magistrate and shall serve in such courts and at such times as prescribed by the Presiding Judge.