

**CITY OF ELGIN MUNICIPAL COURT**

**Larry A. Dunne, II, Presiding Judge**

P.O. Box 591/310 North Main Street

Elgin, Texas 78621

512.281.0318

**The following information is provided as a courtesy to assist you in making an informed decision about options available to you with regard to the charges that have been filed against you with this court.**

**YOUR PLEA**

A plea of **GUILTY** is an admission that the charge against you is true.

A plea of **NOLO CONTENDERE** or **“NO CONTEST”** will carry the same penalty as a plea of “guilty.” A plea of nolo contendere cannot be used against you in a civil trial.

A plea of **NOT GUILTY** entitles you to a trial by either judge or jury.

**DRIVING SAFETY COURSE OR DEFERRED DISPOSITION**

If you enter a plea of either guilty or nolo contendere, you may request in writing a driving safety course for purposes of ticket dismissal. You must meet the requirements under the section of this brochure entitled “Driving Safety Course Eligibility and Request.”

If you request deferred disposition, you must submit a certified check or money order equal to the amount of the fine along with your plea of guilty or no contest and a certified copy of your driving record obtained from the Texas Department of Public Safety. The driving record must be the type “3a” and may be secured from DPS for a fee of \$10.

**\*\*Please note that you must have written permission from the court prior to taking a driving safety course\*\***

**ABOUT YOUR APPEARANCE**

YOUR SIGNATURE ON THE CITATION IS YOUR PROMISE TO APPEAR BEFORE THIS COURT ON OR BEFORE THE APPEARANCE DATE THAT APPEARS ON YOUR CITATION. You must appear either in person or by mail by that date. If your appearance is by mail, your plea must be postmarked on or before the appearance date. Neither telephone calls nor fax transmissions constitute an appearance. **Neither driving safety courses nor deferred disposition orders will be considered if your plea is not received on or before your appearance date.**

**SOBRE SU APARICION**

SU FIRMA EN LA CITACION ES SU PROMESA DE APARECER ANTE LA CORTE ANTES O EN LA FECHA DE APARICION QUE APARECE EN SU CITACION. Debe de aparecer en persona o por correo antes de el dia de aparicion. Si su aparicion es por correo, su declaracion debe de ser marcado por correo postal antes o en la fecha de su aparicion. Ni llamadas por telefono ni transmisiones fax constituyen una aparicion. **Si su declaracion no es recibida antes o en el dia de su aparicion no se considera clase de manejo ni aplazamiento de disposicion.**

JUVENILES-16 AND YOUNGER

All juveniles must appear in open court with their parent or legal guardian on their appearance date.

YOUR ADDRESS-YOUR RESPONSIBILITY

It is your responsibility to notify the court in writing of any change of address. The court will use the address on the citation unless notified of a change.

FAILURE TO APPEAR

In the event that a defendant fails to appear by the appearance date on the citation, an entry will be made into a statewide database administered by the Texas Department of Public Safety.

IMPORTANT INFORMATION – [PLEASE READ CAREFULLY.]

If you use the U.S. Postal service, it is recommended that all correspondence with the court be mailed CERTIFIED-RETURN RECEIPT REQUESTED. THIS IS FOR YOUR PROTECTION.

It is your responsibility to prove that you mailed your plea, your request or any other document in a timely manner.

If charges filed against you are for the offense(s) of expired driver's license, expired inspection certificate (certificate expired 60 days or less) or expired registration, the charge may be dismissed if you remedy the defect within 20 working days of the issuance of the citation, and comply with the following requirements: present proof to the court of vehicle inspection, vehicle registration (including payment of the "late penalty"), or driver license renewal on or before your appearance date. A \$20.00 dismissal fee (money order or cashier's check) must accompany your plea and proof of remedy.

NOTICE

**"A conviction of an offense under a traffic law of this State or a political subdivision of this State may result in the assessment on your driver's license of a surcharge under the Driver Responsibility Program."**

THANK YOU AND REMEMBER TO

DRIVE TEXAS FRIENDLY!

**REQUEST FOR A DRIVING SAFETY COURSE (Art. 45.0511 (b), CCP)**

Please Print Or Type

**Summons # A-** \_\_\_\_\_

**Name** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**THE CHARGE AGAINST YOU MAY BE DISMISSED BY COMPLETING A DRIVING SAFETY COURSE.**

I request permission to take a driving safety course and under penalty of perjury, I attest to the truth of the following:

1. I certify that (a) I have a valid texas driver's license/permit, or (b) I am active duty military and have not completed a driving safety course or motorcycle operator's course in another state during the preceding 12 months, and,
2. That I am not charged with speeding 25 or more miles above the posted speed limit,
3. That I am not currently taking a driving safety course for another court,
4. That I have not completed a driving safety course within 12 months prior to the offense date on my citation,
5. That I have not completed a driving safety course not currently reflected on my driving record.

I hereby enter my appearance on the following offense:

\_\_\_\_\_.

I understand that I have a right to a jury trial. I hereby waive my right to a jury trial, and plead

- CHOOSE ONE:  GUILTY  
 NO CONTEST

And elect under ART. 45.0511, CCP, to take a driving safety course.

**I understand that i must present to the court the following with this request:**

1. Proof of Valid Texas Driver's License/Permit or Valid Military ID,
2. Proof of Financial Responsibility Pursuant To Chapter 601, Transportation Code (Automobile Liability Insurance),

Payment of **\$107.10** in the form of a cashier's check or money order made payable to Elgin Municipal Court (Includes Court Cost Of 97.00 and Non Refundable Fee of \$10.00).Or \$132.00 School Zone.

\_\_\_\_\_  
Defendant Signature

\_\_\_\_\_  
Date

**NOTE: moving violations occurring in a work zone with workers present are not eligible for a driving safety course. Deferred disposition orders will not be granted in these cases. COMMERCIAL DRIVERS LICENSE HOLDERS DO NOT QUALIFY FOR A DRIVING SAFETY COURSE OR DEFERRED DISPOSITION ORDER.**

**\*\*PLEASE NOTE THAT YOU MUST HAVE WRITTEN PERMISSION FROM THE COURT PRIOR TO TAKING A DRIVING SAFETY COURSE\*\***

**FINE SCHEDULE**

**Remit by Cashier's check or Money Order.**

**No personal checks are accepted by the Court.**

**The Court must be contacted for all Construction and School Zone Violations.**

**Contact the Court regarding offenses not listed.**

**SPEEDING OFFENSES**

◦ 1-10 MILES OVER THE POSTED SPEED LIMIT	\$104.00
◦ 11-15 MILES OVER THE POSTED SPEED LIMIT	\$154.00
◦ 16-20 MILES OVER THE POSTED SPEED LIMIT	\$204.00
◦ 21 MILES AND OVER THE POSTED SPEED LIMIT	\$284.00

**OTHER OFFENSES**

◦ FAILURE TO CONTROL SPEED/ UNSAFE SPEED	\$284.00
◦ UNSAFE CHANGE OF LANE	\$284.00
◦ DRIVER/PASSENGER NOT SECURED BY SAFETY BELT	\$129.00
◦ CHILD NOT SECURED BY SAFETY BELT/SEAT	\$204.00
◦ FAILURE TO YIELD RIGHT OF WAY	\$284.00
◦ RAN STOP SIGN/DISREGARD STOP SIGN	\$280.00
◦ FAILED TO DIM HEADLIGHTS	\$284.00
◦ OPERATING UNREGISTERED MOTOR VEHICLE	\$154.00
◦ DISPLAYING EXPIRED INSPECTION CERTIFICATE	\$134.00
◦ DEFECTIVE EQUIPMENT	\$134.00
◦ PROHIBITED EQUIPMENT [SUNSCREEN/LAMPS]	\$139.00
◦ NO DRIVER'S LICENSE *	\$304.00
◦ DRIVING WHILE LICENSE EXPIRED	\$130.00
◦ FAILURE TO DISPLAY DRIVER'S LICENSE	\$134.00
◦ VIOLATE DRIVER'S LICENSE RESTRICTION	\$134.00
◦ FAILURE TO REPORT ADDRESS CHANGE	\$104.00
◦ VIOLATION CITY ORDINANCE-NOISE	\$254.00

**FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY\***

◦ 1 <sup>ST</sup> OFFENSE	\$254.00
◦ 2 <sup>ND</sup> OFFENSE	\$504.00
◦ 3 <sup>RD</sup> OFFENSE	\$1004.00

**\*Drivers cited and convicted of No Driver's License and Failure to Maintain Financial Responsibility will be fined \$404.00 for the charge of Failure to Maintain Financial Responsibility and \$284.00 for the charge of No Driver's License.**

**YOUR PLEA**

If you wish to enter a plea of guilty or nolo contendere and pay your fine, please check the appropriate line below and mail this plea with a cashier's check or money order to the court. If you wish to plead not guilty and request a trial before a jury or the court, simply check the appropriate line and submit the plea to the court.

\_\_\_\_\_ I WAIVE MY RIGHT TO A TRIAL BY JURY AND PLEAD GUILTY.

\_\_\_\_\_ I WAIVE MY RIGHT TO A TRIAL BY JURY AND PLEAD NOLO CONTENDERE.

\_\_\_\_\_ I PLEAD NOT GUILTY, WAIVE MY RIGHT TO A JURY TRIAL AND REQUEST A TRIAL BY COURT (JUDGE).

\_\_\_\_\_ I PLEAD NOT GUILTY AND REQUEST A TRIAL BY JURY.

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Date

A-\_\_\_\_\_  
Summons No.