

# **RULES OF COURT**

## **CITY OF PASADENA, TEXAS MUNICIPAL COURT**

**INTRODUCTION:** City of Pasadena Municipal Court is not a court of record. Citations filed with the Court set forth a date and time for the initial appearance of the Defendant. Proceedings in the Pasadena Municipal Court are governed by the Texas Code of Criminal Procedure in general and by the provisions of Chapter 45 thereof in particular. These rules are intended to supplement and not supplant the provisions of the Code of Criminal Procedure applicable to Municipal Court practice. In the event of an apparent conflict between the Rules of Criminal Procedure and these rules, an attempt will be first made to harmonize the apparently conflicting provisions, but in the event of an irreconcilable conflict, the provisions of the Code of Criminal Procedure will control.

### **RULE ONE: COURTROOM DECORUM**

**1.1 ORDER:** Proper order shall be maintained at all times.

**1.2 ATTIRE:** All persons should dress appropriately for court. Clothing that is not appropriate includes, but is not limited to: clothing that is torn (whether by design or otherwise) or that contains offensive messages whether visual, written or otherwise. Other prohibited items of clothing include, but are not limited to: tank tops, muscle shirts, flip flops, tube tops, halter tops or tops that have plunging necklines or allow for an exposed midriff. Shorts of all kinds are prohibited. For the purpose of this Rule 1.2, shorts are defined as any garment that does not extend at least to a point six inches above the ankle. Clothing that is otherwise permissible under the terms of this rule may not be worn in such a way as to expose undergarments. Persons not appropriately attired are subject to removal from the courtroom.

**1.2.1 ATTORNEYS:** Attorneys are expected to dress in the same manner as they would for an appearance in District or County Court, provided, however, that between Memorial Day and Labor Day attorneys may wear appropriate summer attire when appearing for non-trial settings.

**1.3 HATS:** No hats shall be worn in the courtroom except as allowed by a judge.

**1.4 FOOD/DRINK:** No open containers of food or drink shall be brought into a courtroom and no food or drink shall be consumed therein except as may be permitted by the judge.

**1.5 FIREARMS:** No firearms are permitted on the premises of the court except for those carried by peace officers or as otherwise permitted by the presiding judge.

**1.6 ELECTRONIC DEVICES:** All electronic devices must be turned off in the courtroom.

## **RULES TWO: APPEARANCES AND PLEAS**

**2.1 WRITTEN PLEA:** All pleas shall be in writing, except for pleas entered in open court before a judge. Payment of a fine or an amount accepted by the court constitutes a finding of guilty in open court as though a plea of “no contest” had been entered and further constitutes a waiver of jury trial.

**2.2 PLEA BY MAIL:** A plea by mail is deemed to be timely if it contains proper postage and is post marked on or before the date of appearance on the citation. No plea will be accepted by mail in matters involving family violence. A person accused of an offense involving family violence must enter a plea in open court before a judge. No plea may be accepted by mail in juvenile matters nor for the status offenses involving the possession or use of alcohol, tobacco, vaping (e-cigarettes) by persons under the age of twenty-one (21) years of age.

**2.3 EFFECT OF “NOT GUILTY” PLEA:** Defendants who enter a plea of “not guilty” may be set for pretrial conference at the discretion of the judge and/or may be set for trial by judge or jury at the request of the defendant. A defendant not represented by counsel must be present at any pre-trial proceeding.

## **RULE THREE: NOTICE**

**3.1 RESPONSIBILITY:** It is the responsibility of all persons with business before the Court to update or notify the Clerk of the Court of any change of address.

**3.2 NOTICE:** Notice of the date, time and nature of each setting shall be given by the Clerk of the Court to each party in writing in person or by mail or

electronic means to the last known address of a party or counsel. A copy of each such notice shall be included among the papers of the case and marked as to the manner of delivery.

**3.3 VERBAL REPRESENTATIONS:** Reliance upon verbal information allegedly given by a clerk concerning a matter shall not be considered grounds for continuance, recall of a warrant or any other relief. Reliance upon a police officer's alleged verbal statement(s) regarding the disposition of a charge or charges is not binding upon the Court.

#### **RULE FOUR: AUDIO AND VIDEO RECORDING IN THE COURTROOM**

**4.1** Except as otherwise allowed by law, all proceedings in the Pasadena Municipal Court are subject to the open courts provision of the Texas Constitution. All trials and proceedings in the Pasadena Municipal Court shall be public unless otherwise provided by law.

**4.2** No audio, video or photographic recording shall be permitted within the courtroom except as may be allowed by the judge then presiding at the proceeding.

**4.3** No defendant shall be video recorded or photographed during such court proceedings in such a way as to make him/her identifiable without first having secured the written consent of that individual; provided that, in no event, shall any person not having reached the age of majority be video recorded or photographed in such a way as to make him/her identifiable under any circumstances.

#### **RULE FIVE: COUNSEL AND MOTION PRACTICE:**

##### **5.1 Motions for Continuance.**

a. Continuances are governed by Chapter 29, Texas Code of Criminal Procedure. All rules concerning Motions for Continuance shall apply to *pro se* Defendants in the same manner as would apply to a defendant represented by an attorney.

b. Motions for Continuance shall be in writing and filed with the Clerk of the Court. Filing by facsimile or email is acceptable. Motions for Continuance shall be filed immediately upon discovering the necessity for a continuance. Each motion shall contain:

1. The case number;

2. The name of the defendant;
3. The date and time of the setting to be continued;
4. The specific and detailed facts justifying the continuance;
5. Must be sworn to by a person having personal knowledge of the facts relied on for the continuance.

c. Nothing herein contained shall preclude an agreed motion made in open court or an oral motion made in open court for good cause shown.

d. A form of Motion for Continuance is attached to these Rules of Court and available on request from the Clerk of the Court.

e. Conflicting Engagements of Attorneys are governed by Rule 13 of The Regional Rules of Administration for the Eleventh Administrative Judicial Region and Rule 10 of the Harris County District Judges Rules of Administration.

**5.2 Motions to Withdraw.** Any attorney who makes an appearance on behalf of a defendant in writing, in open court or posts a bond for a defendant shall remain attorney of record until a final judgment is entered unless a motion to withdraw or substitute as counsel is filed and granted. A form of Motion Withdraw is attached to these Rules of Court and available upon request from the Clerk of the Court. The foregoing notwithstanding, a defendant may release counsel by a writing included in any Order Granting Deferred Disposition.

**5.3 Pre-Trial Motions.** Cases may be set for Pre-Trial Motions upon request of an attorney for the State, for the Defendant or at the direction of the Court. Unless the Judge shall otherwise direct, all motions shall be set for a date and time certain.

a. Pre-trial Motion practice is governed by Chapter 28 of the Texas Rules of Criminal Procedure and Section 45.019(f) of the Code of Criminal Procedure.

b. Pursuant to Section 45.019(f), any defect, error, or irregularity of form or substance not raised before the fourteenth day before the date that a case is set for trial, whether for the first or any succeeding time, is waived and the defendant forfeits the defendant's right to object to such defect, error, or irregularity.

c. A form of pretrial order is attached to these Rules of Court and available from the Clerk of the Court upon request.

## **RULE SIX: TRIALS.**

**6.1** All trial shall be set for a date certain, subject to the filing of a Motion for Continuance or conflicting engagement of counsel as set forth in these rules.

**6.2** A *pro-se* defendant shall be held to the same standards at time of trial as would a lawyer.

**6.3** Subpoenas. All requests for a subpoena of a witness shall be made in writing and filed with the Clerk of the Court. The Clerk of the Court shall prepare the subpoena unless there should be pending a pre-trial motion concerning the subpoena. In the event that a pre-trial motion to quash or prohibit the issuance of a subpoena should be filed, the motion shall be directed immediately to the court for review.

### **Exhibits:**

- **Standing order relating to audio and visual recordings in the courtroom**
- **Standing order relating to continuance of issue settings with form of Motion for Continuance**
- **Standing order relating to withdrawal of counsel**
- **Notice of pretrial hearing with related statutory references**
- **Standing order relating to motions for new trial with form of Motion for New Trial**
- **Standing order relating to defendant's right to object to a defect, error, or irregularity**
- **Standing order relating to the acceptance of coins in payment of fines, fees, and costs**



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LESTER G. RORICK  
Presiding

**IN THE MUNICIPAL COURT OF CITY OF PASADENA, TEXAS  
STANDING ORDER RELATING TO CONTINUANCE OF ISSUE  
SETTINGS**

WHEREAS, TEX. REV. CIV. STAT. ANN., Code Crim. Pro., Chapter 29 provides for continuance in criminal matters and provides in pertinent part as follows:

Art. 29.02 A criminal action may be continued by consent of the parties thereto, in open court, at any time on a showing of good cause, but a continuance may be only for as long as necessary.

Art. 29.03 A criminal action may be continued on the written motion of the State or of the defendant, upon sufficient cause shown; which cause shall be fully set forth in the motion. A continuance may be only for as long as is necessary.

Art. 29.08 All motions for continuance must be sworn to by a person having personal knowledge of the facts relied on for the continuance. NOW THEREFORE,

IT IS ORDERED that unless made by consent of the parties in open court, all motions to continue issue settings, whether a motion or a trial by judge or by jury, shall be made in writing setting forth sufficient cause and sworn to by a person having knowledge of the facts relied on for the continuance. It is further,

ORDERED that a copy shall be served upon the opposing party or counsel. It is further,

ORDERED that an appropriate order that grants or denies the requested relief accompany the motion. It is further,

ORDERED that no case may be reset from any motion or trial docket except in the manner stated, provided, however, the judge hearing the case may continue any case on his/her own motion or may grant an oral motion made at the time of the trial setting to be continued. It is further,

ORDERED that each original setting before the court may be continue one time without the formality at the transaction windows by a deputy clerk of the court so long as the defendant appears personally to request and agree to the reset.

  
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JUDGE, Presiding

NO.

THE STATE OF TEXAS

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IN THE MUNICIPAL COURT

VS.

OF THE CITY OF PASADENA

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HARRIS COUNTY, TEXAS

MOTION FOR CONTINUANCE

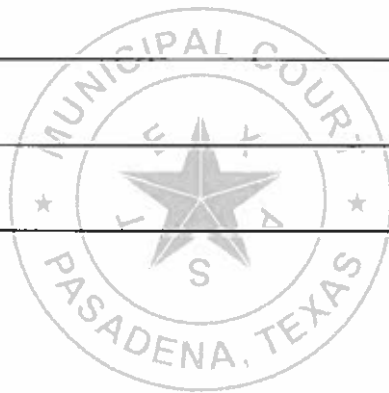
TO THE HONORABLE JUDGE OF SAID COURT:

1. This motion is made and presented by \_\_\_\_\_.
2. The reason for this motion is: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Respectfully submitted,

\_\_\_\_\_

BEFORE ME, THE UNDERSIGNED AUTHORITY on this date personally appeared \_\_\_\_\_, a person to me well-known who being by me first duly sworn did, upon oath, depose and say that he has read the allegations of fact contained in paragraph 2 hereof and they are within his/her personal knowledge true and correct.

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Printed Name of Notary  
or other person authorized to administer oaths

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing motion has been served upon the State/Defendant.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

**ORDER**

This motion is granted/denied. It is so ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE, Presiding





**IN THE MUNICIPAL COURT OF THE CITY OF  
PASADENA, TEXAS**

**STANDING ORDER RELATING TO AUDIO AND VISUAL  
RECORDINGS IN THE COURTROOM**

**SET FORTH HEREIN** are the terms and conditions for allowing audio, video or photographic recording of matters in the Pasadena Municipal Court.

**WHEREAS**, all proceedings in the municipal court are subject to TEX. REV. CIV. STAT. ANN., *Code Crim. Pro.*, §1.24 requiring that proceedings and trials in all courts shall be public; and,

**WHEREAS**, TEX. REV. CIV. STAT. ANN., *Code Crim. Pro.*, Art. 45.001(2) provides that procedures for Municipal Courts are intended to be construed to ensure appropriate dignity in court procedure without undue formalism; and,

**WHEREAS**, Canon 3 of the Code of Judicial Conduct provides that (a) judge shall require order and decorum in proceedings before the judge; and,

**WHEREAS**, TEX. REV. CIV. STAT. ANN., *Government Code*, §21.001(b) provides that (a) court shall require that proceedings be conducted with dignity and in an orderly and expeditious manner and control the proceedings so that justice is done; and,

**WHEREAS**, Pasadena Municipal Court is not a court of record, **NOW THEREFORE**,

**IT IS ESTABLISHED AS THE POLICY OF THE  
PASADENA MUNICIPAL COURT AND ORDERED THAT:**

1. All trials and proceedings in the Municipal Court shall be public, but not *ipso facto* subject to audio, video or photographic recording from within the courtroom unless approved by the presiding judge and by the judge to whom the docket is assigned.

2. No audio, video or photographic recording shall be permitted within the courtroom as may in the opinion of the judge in that courtroom adversely impact on the order and decorum in the proceedings before the judge.
3. No audio, video or photographic recording shall be permitted within the courtroom that in the opinion of the judge in that courtroom will adversely affect the dignity of the proceedings or the expeditious disposition of cases.
4. The judge to whom the docket is assigned may, at any time, modify or prohibit further recording to give full effect to this policy.
5. No defendant shall be video recorded or photographed during such court proceedings in such a way as to make him/her identifiable without first having secured the written consent of that individual; provided that, in no event shall any person under the age of 17 be video recorded or photographed in such a way as to make him/her identifiable under any circumstances.

  
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JUDGE, Presiding



**IN THE MUNICIPAL COURT OF THE CITY OF PASADENA,  
TEXAS**

**STANDING ORDER RELATING TO WITHDRAWAL OF  
COUNSEL**

1. An attorney remains attorney of record for a Defendant until the case is concluded by dismissal, verdict of not guilty or final payment of any fine and costs or until the attorney is relieved by written order of the Court.
2. An attorney may withdraw from representing a party only for good cause shown. If another attorney is to be substituted for the party, a motion to withdraw shall state: the name, address, telephone number, telecopier number, and email address, if any, and the State Bar of Texas identification of the substitute attorney; that the party approves the substitution; and that the withdrawal is not sought for delay only.
3. If another attorney is not to be substituted as attorney for the party, the motion must state: that a copy of the motion has been delivered to the party; that the party has been notified in writing of his right to object to the motion; whether the party consents to the motion; the party's last known address and all pending settings and deadlines. If the motion is granted, the withdrawing attorney shall immediately notify the party in writing of any additional settings or deadlines of which the attorney has knowledge at the time of the withdrawal and has not already notified the party.
4. Motions to withdraw or to substitute are set by the Clerk of the Court at the convenience of the Court, provided, however no hearing will be required if:
  - a. the motion includes a substitution of another attorney who signs the motion and/or approves the order unless the motion causes a delay in which case a hearing will be required; or
  - b. the motion is approved by the client and attorney for the State unless the motion causes a delay in which case a hearing will be required.

**SO ORDERED**

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JUDGE, Presiding

No.

THE STATE OF TEXAS

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IN THE MUNICIPAL COURT

VS.

OF THE CITY OF PASADENA

HARRIS COUNTY, T E X A S

NOTICE OF PRE-TRIAL HEARING

PURSUANT TO TEX. REV. CIV. STAT.ANN., *Code Crim. Pro.*, §28.01, it is ORDERED that your case(s) is/are set for a pre-trial hearing on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. in Courtroom No. \_\_\_\_\_ of the Pasadena Municipal Court located at 1114 Davis St., Pasadena, Texas.

You, your attorney of record, if any, and the State's attorney are directed to appear at the time and place stated above for a conference and hearing. The pre-trial hearing shall be to determine any of the following matters:

- (1) Arraignment of the defendant, if such be necessary; and appointment of counsel if such be necessary;
- (2) Pleadings of the defendant;
- (3) Special pleas, if any;
- (4) Exceptions to the form or substance of the complaint;
- (5) Motions for continuance by either the State or Defendant;
- (6) Motions to suppress evidence;
- (7) Motions for change of venue by the State or Defendant;
- (8) Discovery;
- (9) Entrapment; and
- (10) Motion for appointment of interpreter.

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE, Presiding

## CERTIFICATE OF SERVICE

Notice of this Pre-trial Hearing has been served upon defendant and/or attorney by:

\_\_\_\_\_ Announcement in open court in the presence of defendant or attorney  
\_\_\_\_\_ By personal service upon defendant or attorney  
\_\_\_\_\_ By properly addressed and stamped mail deposited at least six days  
before the hearing.

Date: \_\_\_\_\_

\_\_\_\_\_  
Clerk

### NOTICE: The Statute Relating to Pre-trial Conferences Further Provides:

Sec. 2. When a criminal case is set for such pre-trial hearing, any such preliminary matters not raised or filed seven days before the hearing will not thereafter be allowed to be raised or filed, except by permission of the court for good cause shown; provided that the defendant shall have sufficient notice of such hearing to allow him not less than 10 days in which to raise or file such preliminary matters. The record made at such pre-trial hearing, the rulings of the court and the exceptions and objections thereto shall become a part of the trial record of the case upon its merits.

Sec. 3. The notice mentioned in Section 2 above shall be sufficient if given in any one of the following ways:

(1) By announcement made by the court in open court in the presence of the defendant or his attorney of record;

(2) By personal service upon the defendant or his attorney of record;

(3) By mail to either the defendant or his attorney of record deposited by the clerk in the mail at least six days prior to the date set for hearing. If the defendant has no attorney of record such notice shall be addressed to defendant at the address shown on his bond, if the bond shows such an address, and if not, it may be addressed to one of the sureties on his bond. If the envelope containing the notice is properly addressed, stamped and mailed, the state will not be required to show that it was received.

**IN THE MUNICIPAL COURT OF THE CITY OF PASADENA,  
TEXAS**

**STANDING ORDER RELATING TO MOTIONS FOR NEW  
TRIAL**

It is **ORDERED** that the following procedures shall apply to any motion for new trial or motion to withdraw a plea filed in this court:

A form of Motion for New Trial is attached. The Clerk may accept other written documents asking for this or similar relief and in particular when these documents are prepared and filed by an attorney.

The Clerk will accept and file-stamp all motions for new trial whether timely or not.

The Clerk will make two copies of the file-stamped motion. The original will be kept with the court's file; a copy will be forwarded to the prosecutor and a copy will be given or otherwise forwarded to the defendant.

The Clerk will set the matter for oral hearing not later than ten days after the date of judgment unless this is impossible because of late filing or holiday or weekend, etc.

The Clerk will set the matter on a docket presided over by the judge who signed the original judgment – even if the docket is not of the same kind as the docket where the judgment was originally signed.

If the case cannot be reset to a docket presided over by the judge who signed the judgment, the matter will be assigned to the presiding judge or, as a last resort, handled off docket by the presiding judge.

The defendant will be informed that should he or she not appear for the oral hearing, the motion will be considered as by submission – that is, without oral argument.

No more than one new trial may be granted.

If a motion for new trial is granted, the matter may be referred to the prosecutor if (s)he is available or set for hearing as the judge who grants the motion may direct.



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JUDGE, Presiding



No. \_\_\_\_\_

THE STATE OF TEXAS

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IN THE MUNICIPAL COURT

VS.

OF THE CITY OF PASADENA

HARRIS COUNTY, TEXAS

**DEFENDANT'S MOTION FOR NEW TRIAL**

Defendant moves for a new trial of the captioned matter(s) showing in support of this motion:

1. This motion is made within five days after rendition of judgment and sentence.
2. Good cause exists for the granting of a new trial in that justice was not done in the prior trial or plea made by defendant for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OR**

3.  (CHECK IF APPLICABLE) This motion is filed within ten days following a plea taken in jail and the granting of a new trial is mandatory.

**FOR THE REASON(S) STATED ABOVE**, defendant prays for new trial and for such other relief as may be appropriate in the circumstances.

Respectfully submitted,

\_\_\_\_\_  
Defendant

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing motion has been served upon the Assistant City Attorney for City of Pasadena by delivery to a Deputy Clerk of the Municipal Court.

\_\_\_\_\_  
Defendant

**ORDER SETTING HEARING**

This motion is set for hearing on \_\_\_\_\_, 202\_\_ at \_\_\_\_\_ O'Clock. \_\_\_\_\_.M.

\_\_\_\_\_  
Judge/Clerk

**ORDER**

Defendant's motion for new trial is (GRANTED) (DENIED).

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE



**IN THE MUNICIPAL COURT OF THE CITY OF PASADENA,  
TEXAS**

**STANDING ORDER RELATING TO DEFENDANT'S RIGHT TO  
OBJECT TO A DEFECT, ERROR OR IRREGULARITY**

**WHEREAS**, TEX. REV.CIV. STAT. ANN., Code Crim. Pro., Sec. 45.019 (f) provides that..."(i)f the defendant does not object to a defect, error, or irregularity before the date on which the trial on the merits commences, the defendant waives and forfeits the right to object to the defect, error or irregularity. Nothing in this article prohibits a trial court from requiring that an objection to a charging instrument be made at an earlier time; and,

**WHEREAS**, the proper and expeditious handling of trial dockets in this court necessarily requires that defects of the kind mentioned in the preceding paragraph be resolved in advance of the date that a case is set for trial to avoid unnecessary summoning of witnesses and trial preparation by court staff; and,

**WHEREAS**, this court has an active motion docket dedicated to the resolution of matters mentioned in the preceding paragraphs; **NOW THEREFORE**, It is

**ORDERED THAT** any defect, error, or irregularity not raised before the fourteenth day before the date that a case is set for trial, whether for the first or any succeeding time is waived and the defendant forfeits his/her right to object to such defect, error or irregularity.



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JUDGE PRESIDING

**IN THE MUNICIPAL COURT OF THE CITY OF  
PASADENA, TEXAS**

**STANDING ORDER RELATING TO ACCEPTANCE OF COINS  
IN PAYMENT OF FINES, FEES, COSTS OR OTHER PAYMENT  
TO PASADENA MUNICIPAL COURT**

**WHEREAS**, 32 U.S.C. 5103 commonly known as the Coinage Act of 1965 states in part that United States coins and currency are legal tender for all debts, public charges, taxes and dues; and,

**WHEREAS**, the United States Treasury Resource Center has provided the following guidance regarding acceptance of otherwise legal tender: “There is, however, no Federal statute mandating that a private business, a person or any organization must accept currency or coins as for payment of goods and/or services. Private businesses are free to develop their own policies on whether or not to accept cash unless there is a State law which says otherwise”; and,


**WHEREAS**, no guidance has been found in State law regarding acceptance of coins in satisfaction of a debt; and,

**WHEREAS**, acceptance of payment in excess of Ten (\$10.00) Dollars in coins would work a substantial inconvenience and undue hardship on the business of the municipal court; **NOW THEREFORE**,

**IT IS DECLARED** to be the policy of the Pasadena Municipal Court to accept no more than Ten (\$10.00) Dollars in coins in payment of any and all fines, fees, costs or other payments made to the Municipal Court.

**IT IS ORDERED** that the foregoing policy is adopted as a standing order of the Pasadena Municipal Court.

**IT IS ORDERED** that the clerk of the Court purchase and display appropriate signage to give notice to the public of the provisions of this Policy and Order.

  
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JUDGE, Presiding