

# THE MUNICIPAL COURT IN ROCKDALE, TEXAS

## ARRAIGNMENT

### Information for Defendants

This Arraignment Hearing is not a trial.

The sole purpose is to identify you and to allow you to enter a plea to the charges against you. If you enter a plea of Guilty or Nolo Contendere, you may also discuss any mitigating circumstances that may impact any penalty this court assesses.

This Municipal Court is a criminal court of the State of Texas created by the Texas legislature in the municipality of Rockdale, Texas. (Tex. Gov. Code §29.002) It is governed by Texas law.

Texas law provides that this Court has jurisdiction in criminal cases that arise under city ordinances that are punishable by fines up to \$500 for each violation, and under city ordinances that concern fire safety, zoning, public health, sanitation, and dumping of refuse that are punishable by fines up to \$2,000 for each violation. (Tex. Gov. Code, §29.003).

This Court also has concurrent jurisdiction with the Justice Court of Milam County, Texas in all state law Class C Misdemeanor violations punishable by fine only. (Tex. Code Crim. Proc., Art. 4.01).

This Court cannot order the confinement of a person in jail except (a) for defaulting in the discharge of a judgment (Tex. Code Crim. Proc., Art. 45.046(a)) and/or (b) for contempt, i.e., conduct that tends to impede the judicial process by disrespectful or uncooperative behavior in open court or by unexcused failure to comply with clear court orders.

This court may, upon default in the payment of a fine, order the fine and costs collected by execution against the defendant's property in the same manner as a judgment in a civil suit. (Tex. Code Crim. Proc., Art. 45.047) and/or instruct the Department of Public Safety to deny renewal of defendant's driver's license. (Tex. Trans. Code §706.004).

Today, you may plead Guilty or Not Guilty; enter a plea of Nolo Contendere or a special plea of double jeopardy as described by Art. 27.05 of the Texas Code of Criminal Procedure. (Tex. Code Crim. Proc., Art 45.023). If you do not enter a plea, a plea of 'Not Guilty' will be entered for you by the court. (Tex. Code Crim. Proc., Art. 45.024)

#### **Plea of Guilty**

By a plea of Guilty, you admit that (1) the act you are charged with is prohibited by law, (2) you committed the act, and (3) you have no defense or excuse for your actions.

Before entering this plea, you should understand that (1) the state must prove your guilt beyond a reasonable doubt, you do not have to prove your innocence; (2) you have a right to hear the State's evidence against you; and (3) a guilty plea may be used against you in a civil suit.

If you plead guilty, you must (a) waive, in writing, your right to a jury trial, (b) be prepared to pay the fine assessed before you leave the court today with cash, money order or cashier's check payable to ROCKDALE MUNICIPAL COURT, or (c) sign a Promise to Appear (to pay fine and costs) before 5:00 P.M. on or before the expiration of thirty-one (31) days from today, subject to arrest, additional charges, fines and court cost for failure to appear and pay such fines and costs.

#### **Plea of Nolo Contendere**

Entering a plea of Nolo Contendere means that (1) you do not contest the State's charge against you, (2) you will be found guilty; however, (3) a plea of Nolo Contendere cannot be used against you in a civil suit.

If you plead Nolo Contendere, you must (a) waive, in writing, your right to a jury trial, and (b) be prepared to pay the fine assessed before you leave court today with cash, money order or cashier's check payable to ROCKDALE MUNICIPAL COURT, or (c) sign a Promise to Appear (to pay fine and costs) before 5:00 p.m. on or before the expiration of thirty-one (31) days from today, subject to arrest, additional charges, fines and court cost for failure to appear and pay such fines and costs.

#### **Plea of Not Guilty**

Entering a plea of Not Guilty means that (1) you deny guilt, or have a good defense, and (2) you are requesting a trial, at your election, either (a) by a jury, [if convicted, you must pay a jury fee of three dollars (\$3.00)] or (b) by this court. You must make that election in court today.

You will be advised today of the date and time you must appear in this court for a pre-trial hearing or trial.

You will be released upon your own recognizance (awaiting trial) after signing a Promise to Appear (for pre-trial or trial) in this court at the date and time set for your pre-trial hearing or trial; subject to a warrant being issued for your arrest, additional charges, fines and court costs if you fail to timely appear.

In Texas, all persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that a person has been arrested, confined, or indicted for, or otherwise charged with, the offense gives rise to no inference of guilt at that person's trial. [Tex. Pen. Code, §2.01].

Judge Jerry Waggoner -