

## Local Rules of the Municipal Court of Uvalde

City of Uvalde, Texas

Adopted and effective March 14, 2017

1. Be respectful. Court attendees shall be respectful of the Court, Court clerks, and everyone else in Court.
  - a. Talking in Court is not allowed until the Court is hearing your matter. If you are attending Court and wish to have a conversation, you are free to exit the Courtroom. No one may talk while the Judge is talking.
  - b. All electronic devices must be powered off or in silent mode with no vibration. The Judge has discretion whether to grant use of such a device to a particular person.
  - c. Electronic recording of Court proceedings is not allowed, including audio recordings, video recordings, and still photography.
2. If a police officer or anyone else associated with government makes an incorrect statement regarding the law or the disposition of an offense, the statement shall not have standing with the Court. Promises made by the Clerk of Court shall not bind the Court.
3. In civil matters, the Court allows notice pleading.
4. Any person may be represented by an attorney at the Court.
  - a. After the person and an attorney form a client-lawyer relationship, the attorney shall communicate a notice of appearance in a written document to the Court by mail, commercial delivery service, fax, personally-delivered document, or e-mail. The notice shall state the identity of the person; the identity of the lawyer; an assertion that the lawyer is representing the defendant; and the attorney's signature and the date.
  - b. A copy of the notice of appearance shall be served on the prosecutor in the case. If not known, the contact information for the prosecutor for the case can be received from the Clerk.
  - c. The Court requests attorneys to also include the following in the notice of appearance:
    - i. The lawyer's State Bar of Texas number, or other statement as to why the lawyer should be allowed to represent a defendant in Texas, such as by *pro hac vice*; and
    - ii. Some minimal information on the scope of the representation. On what case or cases does the attorney represent the defendant?
  - d. The Court will communicate exclusively with the party's attorney unless otherwise requested.
  - e. A notice of withdrawal is needed to withdraw and the same rules as above apply.
  - f. *Pro se* defendants (defendants who represent themselves) are not governed by this rule.
5. Motions.
  - a. The following motions are required to be presented to the Court in writing on or before the time and day set for the last pretrial hearing in the case: motion to quash, motion to dismiss, motion in limine, and motion for discovery.
  - b. A motion for a new trial, or a motion for credit for time served shall be made in writing.
  - c. A motion in writing can only be filed with the Court by mail, personal delivery, commercial delivery service, fax, or e-mail.
  - d. The Municipal Court has discretion to allow a verbal motion under the following conditions.
    - i. The party is a defendant to a criminal action;
    - ii. The party is not represented by an attorney;
    - iii. The party makes the motion in good faith; and
    - iv. The party is in the custody of law enforcement or corrections officials at the time of making the motion; or the party is not fluent in English; or the party is illiterate.

- e. Motions for continuance.
  - i. The Code of Criminal Procedure, Chapter 29, governs motions for continuance. The Local Rules govern when the Code of Criminal Procedure is silent.
  - ii. A motion for continuance may only be made by a party, not by a witness.
  - iii. A party may make a motion for continuance orally in open court.
  - iv. Motions for continuance shall be filed two (2) weeks prior to the jury trial date, or five (5) business days prior to the pre-trial hearing or the non-jury trial date. Motions for continuance for other dates may be filed on the day or before. The Court has discretion to make exceptions for good cause.
- 6. Form of Pleadings.
  - a. All written pleadings, including criminal complaints, shall meet the following conditions:
    - i. Printed on white or light-colored paper no greater in size than 8.5 inches in width and 11 inches in length;
    - ii. Printed single-sided;
    - iii. Readable and legible, and if printed by device, with a Courier, Times, or Arial family typeface, with a point size between 10 and 14;
    - iv. If printed by device, set in a plain, roman style of type, plus optionally use of no more than three of the following variant styles: italics, boldface, small caps, all caps, and underlining;
    - v. Using only the colors black, dark gray, or dark blue;
    - vi. Without highlighting; and
    - vii. Without any other documents or pictures attached to the pleading, although documents or pictures may be notarized and attached as separate items and filed with the pleading.
    - viii. Pleadings that do not meet these conditions are invalid, although the Court has discretion to permit such a pleading if doing so is profoundly in the interest of justice.
  - b. A criminal complaint “is a sworn allegation charging the accused with the commission of an offense.” Texas Code of Criminal Procedure article 45.018.
    - i. Each complaint shall afford the defendant the right enshrined in the Sixth Amendment to the Constitution of the United States, “. . . to be informed of the nature and cause of the accusation. . . .”
    - ii. Each complaint shall afford the defendant as enshrined in the Texas Constitution, Article I, Section 10, “. . . the right to demand the nature and cause of the accusation against him, and to have a copy thereof.”
    - iii. Each complaint shall satisfy Texas Code of Criminal Procedure article 15.05.
    - iv. Each complaint shall satisfy Texas Code of Criminal Procedure article 45.019.
- 7. Records Requests.
  - a. All records requests shall be made in writing. They may be delivered by hand, by mail, by commercial delivery service, by fax, or by e-mail to the Clerk of Court. The Judge will decide whether to release records.
  - b. The Clerk shall provide copies of any adjudicative record in a case without requiring a writing to any of the following:
    - i. the prosecutor in the case,
    - ii. the defendant,
    - iii. the defendant’s attorney in the case
    - iv. parents with legal custody, legal guardians, or managing conservators of a defendant under the age of 17;
    - v. the Texas Department of Public Safety; or
    - vi. a criminal justice agency for a criminal justice purpose.