

**STANDING ORDER NO. 1- FINES**

**IT IS ORDERED** that all fines shall be set by the judge. The fines will be recorded in the Incode Court Management System and the fines recorded in the system shall be assessed upon a plea of guilty or no contest at the clerk's window unless individually altered by the judge.

A handwritten signature in black ink, reading "Jennifer M. Cates", is centered within a light gray rectangular box.

Jennifer Cates  
Judge, City of Canyon Municipal Court

Any Judge's Standing Order dated prior to April 19, 2023 is rescinded.

**STANDING ORDER NO. 2- CONTINUANCES and PRETRIALS**

**IT IS ORDERED** that a Motion for Continuance must be in writing and filed with the court three (3) days prior to the court setting in order to continue a case on the court's docket. Any deviation from this procedure must be approved by the judge.

Any party may obtain one (1) continuance without agreement of the opposing party and without the requirement of posting a bond. Any Motion for Continuance requested at the court clerk's window must be made within the required time period. Any additional resets must be approved by the judge.

**IT IS ORDERED** that the defendant, the defendant's attorney, or the city's attorney may request that a pretrial hearing be placed on the docket of the court at the clerk's window. The pretrial must be placed on the docket of the court no later than the 10<sup>th</sup> business day before the scheduled trial. All pro se defendants who have requested a jury trial will be required to attend a pretrial conference to discuss courtroom and trial procedures. The clerk will notify all parties of pretrial dates and times.

**IT IS FURTHER ORDERED** that any pretrial motion(s) must be submitted in writing to the court no later than the 10<sup>th</sup> business day before the scheduled trial. Pretrial motions may be submitted at the clerk's window and copies of the motions must be provided to the other party. If a pretrial motion has not been ruled upon before the trial date, such motion shall be heard on the date of the trial.

Failure to file pretrial motions as indicated herein shall constitute a waiver of having those issues heard before trial.



Jennifer Cates  
Judge, City of Canyon Municipal Court

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**STANDING ORDER NO. 3 - EXTENSIONS**

**IT IS ORDERED** that a defendant who appears at the court clerk's window to plead "guilty" or "no contest" may receive an extension to pay the fine and court costs of up to 30 days from the date of the "guilty" or "no contest" plea. The defendant shall complete and sign the appropriate plea form and any other documents that the court may require. A time payment fee will be added for all defendants who require more than 30 days to complete payment of a fine and court costs as allowed by the State of Texas.

**IT IS ORDERED** that any defendant needing more than 30 days to pay a fine and court costs, shall schedule a hearing with the court to determine indigence and complete and/or provide all documents required for such a hearing. A defendant may request an "Indigence Hearing" as allowed by law.

A handwritten signature in black ink that reads "Jennifer M. Cates". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Jennifer Cates  
Judge, City of Canyon Municipal Court

## **STANDING ORDER NO.4- INDIGENCE HEARING**

**IT IS ORDERED** that all persons who claim an inability to pay a fine and court costs shall be ordered to appear before the court to determine if the defendant is indigent. The clerk shall provide the defendant with a "Financial Information Affidavit" and advise the defendant to bring to the court sufficient documentation to establish that the defendant is indigent and unable to discharge the fine and court costs. A defendant may request an "Indigence Hearing" as allowed by law. The defendant will need to bring documentation showing that he/she is receiving assistance through any of the following government programs:

- a) Supplemental Security Income (SSI)
- b) Medicaid
- c) Food Stamps
- d) Temporary Assistance for Needy Families (TANF)
- e) Public Housing Assistance
- f) Women, Infants, Children Food and Nutrition Services (WIC)
- g) Worker's Compensation Benefits
- h) Unemployment Benefits
- i) Documentation of receipt of any other government assistance programs being received by the defendant for low income individuals.

If the defendant is not receiving any type of government assistance for low income individuals, then the defendant must provide the following at the hearing:

- a) Past 2 years Federal Income Tax returns;
- b) Past 3 bank(s) statements (3 most recent months);
- c) Past 3 pay stubs;
- d) Address and telephone number of references who can verify financial information.



Jennifer Cates  
Judge, City of Canyon Municipal Court

## **STANDING ORDER NO.5 - COMPLIANCE DISMISSALS**

IT IS ORDERED that the clerk may accept for processing and dismissal, after proof of compliance, the following cases:

Display Expired Vehicle Registration (T.C. 502.407(b))  
Expired Texas Driver's License (T.C. 521.026)(a)  
Fail to Display Driver's License (T.C. 521.025(d))  
Fail to Change Address/Name on Driver's License (T.C. 521.054)  
Violation of Driver's License Restriction or Endorsement (T.C. 521.221)(d)  
Financial Responsibility Violation (T.C. 601.193)  
No Driver's License (T.C. 521.021)  
Handicap Violations (T.C. 681.011)

The clerk shall make a copy for the file of the document(s) establishing proof of compliance and present the file to the judge for dismissal of the citation.

### **ACCEPTABLE PROOF OF COMPLIANCE EXPIRED VEHICLE REGISTRATION**

1. The defendant must remedy the defect and show proof of payment of late registration fee to county assessor-collector; and
2. The date of compliance is not more than twenty (20) working days after the date of the offense or before the defendant's first court appearance, whichever is later.
3. The clerk shall collect a fee of \$20.00 before the case may be processed for dismissal.

### **EXPIRED DRIVER'S LICENSE**

1. The defendant must remedy the defect and show proof of the remedy; and
2. The date of compliance is not more than twenty (20) working days after the date of the offense or before the defendant's first court appearance, whichever is later.
3. The clerk shall collect a fee of \$20.00 before the case may be processed for dismissal.

### **FAILURE TO DISPLAY DRIVER'S LICENSE**

The defendant may remedy the defect by presenting:

1. A valid driver's license;
2. Issued to the defendant before the time and date of the offense; and
3. Appropriate for the type of vehicle being operated.
4. The clerk shall collect a fee of \$10.00 before the case may be processed for dismissal.

### **FAIL TO CHANGE ADDRESS/NAME ON DRIVER'S LICENSE**

The defendant may remedy the defect by presenting:

1. A valid driver's license that indicates the name and address of the defendant has been corrected; or
2. A receipt issued by the Department of Public Safety indicating that the change was made within 20 working days after the date of the offense;
3. The clerk shall collect a fee of \$20 before the case may be processed for dismissal.

### **VIOLATION OF DRIVER'S LICENSE RESTRICTION**

The defendant may remedy the defect by presenting:

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1. A valid driver's license without the restriction or endorsement;
2. A receipt issued by the Department of Public Safety dated as of or before the defendant's first court appearance;
3. The clerk shall collect a fee of \$10 before the case may be processed for dismissal.

In the event the proof does not comply with the above requirements, at the request of the defendant, the clerk may set the case on a docket for a hearing before the Court.

### **FINANCIAL RESPONSIBILITY VIOLATIONS**

**IT IS ORDERED** that any time prior to the date of hearing for a citation of "Failure to Maintain Financial Responsibility" the clerk may accept proof of financial responsibility for dismissal if it complies with the following requirements for "acceptable proof".

**IT IS ORDERED** that the status of the violator's driver's license or right to obtain a driver's license shall not be considered when determining eligibility for dismissal.

### **ACCEPTABLE PROOF**

Any typewritten, company generated "Owner's Policy" of insurance coverage covering the day the citation was issued as long as the proof contains the name of the defendant or the make and model of the vehicle the defendant was driving and the state required minimum coverage was in effect.

Premium notices, payment receipts and/or handwritten documents are not "acceptable proof" of financial responsibility.

Fleet policies may be accepted by the clerk for dismissal if the defendant presents valid proof consistent with the criteria above and indicia of authorization to drive the covered vehicle.

All documents presented to the court as proof of financial responsibility shall be submitted for verification prior to dismissal, unless directed otherwise by the court.

### **NO DRIVER'S LICENSE**

Upon presentation of a driver's license, valid on the date of the offense, the clerk may dismiss the violation, or the defendant may request to see the judge.

### **HANDICAP VIOLATIONS**

If the defendant presents satisfactory evidence that he/she has had a placard on the date of the offense and the placard has the driver's license or ID of the defendant, the clerk may dismiss.

**IT IS FURTHER ORDERED** that the clerk shall set any cases regarding the sufficiency or validity of proof of financial responsibility for hearing before the court.

If a defendant presents acceptable proof for a case for which a warrant has been issued, the clerk shall attempt to immediately verify the proof.

No fee shall be collected if the defendant provides acceptable proof of financial responsibility for Any Judge's Standing Order dated prior to April 19, 2023 is rescinded.

the offense date and time.

**THE COURT CLERK** is authorized to process any other compliance dismissals not specifically mentioned in this order at the window, if it is authorized by statute and any supporting documentation required by the statute is provided. Any compliance dismissal fee will be collected as authorized by statute.

A handwritten signature in black ink that reads "Jennifer M. Cates". The signature is written in a cursive style with a horizontal line extending from the end.

Jennifer Cates  
Judge, City of Canyon Municipal Court

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## **STANDING ORDER NO. 6- DEFERRED DISPOSITION**

**IT IS ORDERED** that the clerk may process requests for deferred disposition ("deferred") from a defendant, or his/her attorney, at the clerk's window and may complete the paperwork for the Court's signature, if the defendant meets the eligibility requirements set forth below. Defendants not meeting said eligibility requirements may present their requests for deferred to the court by setting the case on the court's initial appearance docket.

The clerk may process a request for deferred disposition made online or by mail under the same requirements as processing such a request at the window. For online requests, once payment is made the deferred disposition will be conditionally approved and all required documentation must be turned in to the court within the period of deferred disposition. Failure to turn in the required documentation may be a basis for revocation of the deferred disposition, and the setting of the case for a Revocation Hearing.

## **MOVING VIOLATIONS**

A defendant is eligible for deferred disposition at the clerk's window for a moving violation if:

The defendant shows proof of a valid driver's license (not restricted to a Texas D.L.);  
The defendant agrees to pay all fees, court costs and fines which is equal to the window fine; payment is due at the time of the plea.  
The defendant is at least 25 years of age, or if less than 25 years of age, agrees to complete a driving safety course approved by the State of Texas;  
The defendant is not currently on deferred disposition with the Canyon Municipal Court;  
If the defendant is 17 years of age and has a provisional driver's license, the defendant must also complete a road test with the Department of Public Safety.

**IT IS ORDERED** that final disposition shall be deferred for 90 days, unless otherwise indicated by these orders or approved by the Court.

A defendant is **not eligible** for deferred disposition at the clerk's window for a moving violation if any of the following are true:

1. The driver is the holder of a commercial driver's license;
2. The offense occurred in a construction or maintenance work zone when workers are present;
3. The defendant was involved in an accident resulting in property damage in excess of \$1,500 or personal injury;
4. The offense involves passing a school bus;
5. The offense involves failing to obey a school crossing guard;
6. The offense involves speeding in excess of **25 mph or more over** the posted speed limit or in excess of **94 mph**;
7. The defendant is under the age of 17 years at the time of the offense;

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8. The defendant has violated his original promise to appear date by more than thirty (30) calendar days or the case has proceeded to warrant;
9. The defendant is not currently on a deferred disposition.

**NON-MOVING VIOLATIONS:**

A defendant is eligible for deferred disposition at the clerk's window for non-moving violations if:

1. The defendant agrees to pay all fees, court costs and fines; payment is due at the time of the plea
2. The defendant is not currently on deferred disposition.

**IT IS ORDERED** that final disposition shall be deferred for 90 days, unless otherwise indicated by these orders or approved by the Judge.

A defendant is **not eligible** for deferred disposition at the clerk's window for non-moving violations if any of the following are true:

1. The offense involves a violation of the Texas Alcoholic Beverage Code;
2. The offense is for Driving Under the Influence pursuant to 106.041 Texas Alcoholic Beverage Code;
3. The offense involves violations of Chapter 161 of the Texas Health and Safety Code (Tobacco violations); or
4. The offense is classified as a criminal violation under the Texas Penal Code;
5. The offense is a violation of the City of Canyon's Code of Ordinances;
6. The defendant has violated his original promise to appear date by more than thirty (30) calendar days or a warrant has been issued.

**TRIAL COSTS, WARRANT FEES AND LATE FEES TO REMAIN**

Once trial costs, warrants fees or late fees have been added to a case, those costs will remain as part of the deferred disposition fee.

**FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY:**

A defendant is eligible for deferred disposition at the clerk's window for the offense of Failure to Maintain Financial Responsibility if:

1. The defendant agrees to pay all fees, court costs and fines at the time of the plea; and
2. The defendant is not currently on Deferred Disposition and
3. The defendant presents proof of Financial Responsibility that is valid on the day of the request (**proof of financial responsibility as a listed, covered driver must be valid on/or before the appearance date indicated on the citation**);
4. Maintains financial responsibility for the entire deferral period of 180 days and
5. Provides proof of compliance to the Court at the end of the period, either in person or

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by mail.

**PROOF OF COMPLIANCE**

The following requirements apply to proof of compliance with the terms of deferred disposition:

1. General Procedure. The clerk may accept proof of compliance with the terms of deferred disposition at the cashier's window or by mail/email. After the clerk receives proof of compliance, the clerk will make appropriate comments in the computer system and send the case to the judge's queue for dismissal. The court shall dismiss the case if the Defendant has complied with all conditions as ordered by the court.
2. Conditions of deferred disposition. If a driving safety course, community service, or other similar conditions are required by the court as a condition of the deferred disposition, completion of such requirements on a date or dates outside the deferral period will not be accepted for compliance. The clerk will file documentation presented but note the completion date outside the period of deferred disposition.



Jennifer Cates  
Judge, City of Canyon Municipal Court

## **STANDING ORDER NO. 7-DRIVING SAFETY COURSE**

**IT IS ORDERED** that the clerk may accept a request for the driving safety course (DSC) at the clerk's window **if the following requirements are met:**

1. The defendant requests DSC no later than the "appearance date" stated on the citation. If the appearance date falls on a non-business day, then the first business day after the appearance date stated on the citation is the deadline.
2. The defendant files with the court a signed affidavit complying with all eligibility requirements for DSC set forth in Sec. 45.0511(c)(3) of the Texas Code of Criminal Procedure.
3. The defendant provides proof of financial responsibility, pursuant to the Texas Transportation Code, valid and in force on the violation date and as of the date the Defendant "signs up" for DSC with the Court. Proof must conform to Standing Order No. 5.
4. The defendant presents a valid Texas class C driver's license or permit or proof the defendant is currently serving in a branch of the United States military.
5. The defendant is not under 17 years of age.
6. The defendant pays the DSC fee instanter.
7. The defendant is charged with a moving violation, other than a speeding 25 miles per hour or more over the posted speed limit.

**IT IS FURTHER ORDERED, the Defendant is not entitled to a mandatory Driving Safety Course if charged with one of the following:**

1. Passing a School Bus (TC §545.066)
2. Accident Involving Damage to a Vehicle (TC §550.022)
3. Failure to Give or Render Aid (TC §550.023)
4. Construction or Maintenance Work Zone (TC §542.404)
5. Holds a commercial driver's license
6. Violation of §522.011 (license or permit required); §522.042 (commercial driver's license endorsement); §522.015 (license or permit issued by another jurisdiction)

**IT IS ORDERED** that the Clerk may accept proof of completion of a Driving Safety Course for dismissal of the case at the Clerk's window or by mail under the following circumstances:

1. The defendant presents a certificate indicating timely completion of the DSC and a driving
2. record certified by the Texas Department of Public Safety (DPS) issued after the offense date.
3. The driving record presented by the defendant indicates the defendant has not completed a driving safety course for the purpose of dismissing a moving violation citation within the twelve (12) months preceding the date of the citation.
4. The course certificate indicates "court copy," is signed by the defendant and contains no alterations, modifications and/or erasures.

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**IT IS ORDERED** that upon presentation and verification of completion, the clerk shall present the case to the court for dismissal.

If the defendant fails to provide evidence of successful completion of the DSC within the time period allowed, the clerk shall summon the defendant to court to show cause why such evidence was not submitted timely. If the defendant fails to appear, a final judgment shall be prepared for the court's signature and the defendant shall have thirty days to pay the remaining balance owed.

No time payment fee shall be assessed until the 31<sup>st</sup> day after a final judgment has been entered by the court.

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Jennifer Cates  
Judge, City of Canyon Municipal Court

**STANDING ORDER NO. 8- PAYMENT OF FINES/COSTS AT WINDOW OR BY MAIL**

**IT IS ORDERED** that the clerk may accept payment of a fine or fee at the clerk's window. However, if the case has not been adjudicated (plea of Guilty or No Contest entered or guilt determined by the court), the clerk may accept payment of a fine or fee from the defendant only. The clerk shall verify the identity of the person paying the fine or fee before acceptance.

**IT IS FURTHER ORDERED** that the clerk may accept payment of a fine or fee in the form of a cashier's check, cash, money order, bank debit card or credit card received by mail. The mail received shall indicate the defendant's identity. The amount enclosed shall be applied to all the outstanding violation and a plea of No Contest shall be applied to the violation. If the amount received by mail is more than \$15.00 deficient from the established window fine or judgment amount, the payment shall be deemed untimely. The defendant shall be given thirty (30) days to pay the remaining balance in full along with any late fees. The clerk shall send the defendant a balance due letter via US Mail and email. The defendant shall be liable for any additional fees resulting from the untimely receipt of the fines or fees.

A handwritten signature in black ink, reading "Jennifer M. Cates". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Jennifer Cates  
Judge, City of Canyon Municipal Court

## **STANDING ORDER NO. 9 -THE AMENDMENT AND REILING OF COMPLAINTS**

On this date, the court entered the following ORDER with respect to amendment and reiling of complaints:

### **APPROPRIATE CIRCUMSTANCES FOR AMENDMENT OR REILING**

Notwithstanding the form of the state's motion or the court's order, the clerk shall take the following action when presented with a motion and order to either amend a complaint or to dismiss and refile a complaint:

1. Complaints to be amended. The existing complaint shall be amended, with the case remaining under the same cause number, when the State requests:
  - a. A correction to the defendant's name;
  - b. A correction to the location of the offense;
  - c. A correction to the date of the offense;
  - d. A correction to any variable, such as an object or name;
  - e. The addition of an enhancement allegation such as Failure to Maintain Financial Responsibility 2<sup>nd</sup> Offense;
  - f. The addition of an allegation of family violence in an assault case; or
  - g. Any other correction or addition not listed in subsection 2, below.
  
2. Complaints to be dismissed and refiled. The existing complaint shall be dismissed, with the case refiled under a new cause number, in the following circumstances:
  - a. The State is alleging the offense was committed by a different person other than the defendant against whom the case was originally filed; or
  - b. The state is alleging a different offense than was originally filed.
  - c. A person appears before the clerk and admits to have parked the vehicle at the location alleged in the parking violation currently pending before the court. The person has identification with him. The person enters a plea of GUILTY or NO CONTEST.



Jennifer Cates  
Judge, City of Canyon Municipal Court

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**STANDING ORDER NO. 10- USE OF CELLULAR PHONES, PORTABLE COMPUTERS, RECORDING OR OTHER ELECTRONIC EQUIPMENT**

**IT IS ORDERED** the Rules of the Municipal Court of the City of Canyon and Chapter 21 of the Texas Government Code provide the court with the responsibility and authority of ensuring the integrity and impartiality of court proceedings; and require that proceedings be conducted with the dignity and in an orderly and expeditious manner with control of the proceedings so that justice is done. The following policy is in effect from this day forward to maintain proper order and decorum and the appearance of impartiality.

**IT IS FURTHER ORDERED** no person shall be permitted to remain within the Canyon Municipal Court if engaged in loud, disruptive, or offensive language or actions.

**IT IS ORDERED** the photographing, recording, broadcasting or televising of any person, object or proceeding inside the Canyon Municipal Court courtroom or offices is not permitted, unless previously authorized by the court. The court bailiffs shall be vigilant in ensuring that cellular telephones/devices with camera capabilities, cameras, or other recording devices are not used to photograph, record or broadcast or televise any person, object or proceeding. Any individual who violates this Order may be subject to being removed from this Canyon Municipal Court building or offices and having his/her electronic device forfeited to the court bailiffs.

All forms of audio recording, video recording and use of photographic applications are strictly prohibited in the Canyon Municipal courtroom or offices except as specified in this order.

**IT IS FURTHER ORDERED** audio recording, video recording, and photographic devices may be permitted during court proceedings only with prior approval from the judge.

A handwritten signature in black ink, appearing to read "Jennifer M. Cates", is written over a light gray rectangular background.

Jennifer Cates  
Judge, City of Canyon Municipal Court

## **STANDING ORDER No.11- FIREARMS**

**IT IS ORDERED**, pursuant to Texas Penal Code §46.03 that all weapons, including handguns are prohibited in offices utilized by the Court at 1317 4<sup>th</sup> Avenue, 300 16<sup>th</sup> Street and 301 16th Street in Canyon, Texas, except as follows:

1. City employees and attorneys appearing before the court who are authorized to possess a handgun on their person under the authority of Subchapter H of Chapter 411 Texas Government Code and commissioned peace officers may possess a handgun in court offices within limitations prescribed by law. Persons who are not uniformed peace officers should use reasonable care to conceal the handgun unless there is a visible badge in close proximity to the handgun.
2. The clerk shall cause signs to be posted in offices utilized by the court to advise the public of restrictions on possession of weapons in court offices; however, those persons described in paragraph 1 above shall be exempt from such restrictions while otherwise in compliance with legal requirements under Subchapter H of Chapter 411 Texas Government Code and §46.03 and §46.05 Texas Penal Code.
3. Weapons described in §46.05 Texas Penal Code shall be prohibited in offices utilized by the Court at all times unless brought on the premises for bona fide law enforcement purposes.
4. Citizens doing business in City Hall at times the offices are being utilized by the court who are found to be in violation of this order and who are not exempted by paragraph 1 above shall receive a verbal warning before any other action is taken with regard to the violation. Further action will be authorized only if the citizen refuses to comply following a verbal warning.
5. Those persons authorized to carry a handgun in court offices by paragraph 1 above shall notify the Court Security Officer of their status as a licensee and that they are lawfully in possession of a handgun upon arrival. The Court Security Officer may require proof of a handgun license issued by the Texas Department of Public Safety or an agency of another state exercising similar authority over licensing of persons authorized to possess handguns on their persons and may refuse to admit any person unable to provide such proof.



Jennifer Cates  
Judge, City of Canyon Municipal Court

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**STANDING ORDER NO. 12 -COURT RECORD RETENTION**

**IT IS ORDERED** the Court shall follow the record retention schedule adopted by the Texas State Library and Archives Commission. LC2350-04a. Canyon Municipal Court records shall not be destroyed less than five (5) years from the date of final disposition of the case.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under it, including the Retention Schedule for Records of Justice and Municipal Courts, is a class A misdemeanor and, under certain circumstances, a third-degree felony (Texas Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Public Information Act (Texas Government Code, Chapter 552).

A handwritten signature in black ink that reads "Jennifer M. Cates". The signature is written in a cursive style and is positioned above the printed name and title.

Jennifer Cates  
Judge, City of Canyon Municipal Court

Any Judge's Standing Order dated prior to April 19, 2023 is rescinded.

**STANDING ORDER NO. 13 -JURY TRIALS and PRETRIALS**

**IT IS ORDERED** the court shall follow the rules and procedures concerning trial by jury and will comply with Chapter 45 TCCP specifically 45.026 through 45.036.

Any defendant who requests a jury trial is advised that a failure to appear on the day of trial will cause the assessment against the defendant of the costs of impaneling the jury, and a standard warrant unless good cause is shown to the court, pursuant to Article 45.026 of the Texas Code of Criminal Procedure.

Any defendant requesting a jury trial, or as otherwise specified herein, shall be set for a pre-trial docket to speak with the prosecutor. The defendant is advised that all pre-trial motions and requests for discovery must be filed in writing seven (7) days in advance of the hearing before the court. Any matter where a prose needs to discuss dismissal, request for discovery, other pretrial matters shall be set on a pretrial to discuss with the prosecutor.

A pretrial with the prosecutor may be reset by the defendant once without agreement of the prosecutor. Thereafter, resets will only be granted upon agreement of the prosecution, or good cause shown to the court.

A handwritten signature in black ink, appearing to read "Jennifer M. Cates", is written over a light gray rectangular background.

Jennifer Cates  
Judge, City of Canyon Municipal Court

Any Judge's Standing Order dated prior to April 19, 2023 is rescinded.

**STANDING ORDER NO. 14-FAILURE TO APPEAR**

If a defendant has failed to timely appear in court to properly dispose of his case, and subsequently appears in court, the court clerk is authorized to process the case as provided in these standing orders if the defendant:

1. Set the case on the appropriate docket to see the judge,
2. The clerk may withdraw a warrant if payment is made in full by the defendant;
3. Upon a plea of NOT GUILTY, the defendant may post an attorney, surety or cash bond with the clerk. The defendant may request a personal bond from the judge during a court appearance.

A handwritten signature in black ink, reading "Jennifer M. Cates". The signature is written in a cursive style with a horizontal line extending from the end.

Jennifer Cates  
Judge, City of Canyon Municipal Court

## **STANDING ORDER NO. 15-FILING A PLEA WITH COURT**

A written plea of NOT GUILTY, GUILTY or NO CONTEST, may be made in person or by mail Article 27.16 (b) and 45.013 TCCP. The court clerk may process cases as follows:

- a) Upon a plea of NOT GUILTY, the defendant will be set for a pretrial hearing and will meet with the prosecutor to make any motions, have the procedures and options explained prior to the trial date or time. If the individual is represented by legal counsel, the matter will be set on the attorney docket.
- b) Upon a plea of GUILTY or NO CONTEST and request for deferred disposition, the case may be processed in accordance with the court's standing order, set for pretrial or set for a first appearance before the court.
- c) All communications with the court, must be in writing, signed by the defendant or an attorney in good standing. Written communications, other than mere transmittal correspondence, will not be accepted by non-attorneys for purposes of proceedings hereunder.



Jennifer Cates  
Judge, City of Canyon Municipal Court

Any Judge's Standing Order dated prior to April 19, 2023 is rescinded.

**STANDING ORDER NO. 16 -JUVENILE AND PARENTAL OBLIGATION:**

The clerk shall issue a subpoena to the parents of a juvenile defendant and prepare a summons for the judge's signature to the juvenile on cases filed against a juvenile.

Upon a failure to appear by a juvenile, a letter containing the following notice shall be sent to the juvenile and his parents/guardians.

**STATUTORY WARNING:**

**COURT RECORDS REVEAL THAT BEFORE YOUR 17TH BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO MAKE AN APPEARANCE OR ENTER A PLEA IN THIS MATTER. AS AN ADULT, YOU ARE NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS CASE. FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.**

A handwritten signature in cursive script that reads "Jennifer M. Cates". The signature is written in black ink on a light-colored, textured background.

Jennifer Cates  
Judge, City of Canyon Municipal Court

## **STANDING ORDER NO. 17 -ACCEPTABLE PAYMENT METHODS**

**IT IS ORDERED** that the following payment methods may be utilized when process payments for fines due:

- a) **Credit/Debit Payments:** Most major credit cards and debit cards will be accepted. The person making payments shall be responsible for the payment of all service fees or additional charges for use of debit or credit cards. The person presenting the payment shall also submit photo identification to the clerk which matches the name on the credit/debit card or unless a judgment with a conviction has been entered by the court. The clerk cannot accept a payment from anyone other than the defendant unless the defendant has already entered a plea of Guilty or No Contest before the court.
- b) **Internet Payments:** Payments may be made online at [www.municipalonlinepayments.com/canyon.tx](http://www.municipalonlinepayments.com/canyon.tx) with a credit or debit card. Persons making payment shall be responsible for the payment of all service fees or additional charges for use of debit or credit cards via the internet.
- c) **Cash, Cashier's Checks and Money Orders** will be accepted for payment of fines and fees. Cashier's checks and money orders must be made out to the city of Canyon and must be made for the exact amount due. Personal checks shall not be accepted for payment.
- d) **Cash Payments:** Cash payments meeting the following requirements will be accepted:
  - a. No more than \$10.00 paid in coin; and/or
  - b. No more than \$50.00 paid in one-dollar bills;

Persons paying in cash must remain at the court window while the payment is counted. A payment receipt will be issued only if the person tendering payment remains to witness the counting currency by court staff. If a person refuses to remain at the window and witness the counting of the currency by court staff, the currency will be immediately returned.



Jennifer Cates  
Judge, City of Canyon Municipal Court

Any Judge's Standing Order dated prior to April 19, 2023 is rescinded.

## **STANDING ORDER NO. 18 -CORRECTION OF COURT'S RECORDS**

### **A. CORRECTION OF ERROR IN COMPUTER RECORDS OR COMPLAINT**

If after the filing of a citation or complaint, the clerk observes that the court's records of the defendant's name or date of birth are incorrect based upon a government issued identification card or passport which has been presented to the court by the defendant, the clerk may correct the computer records and/or the complaint in the case to reflect the correct information as contained in the identifying document. The clerk shall make a comment indicating the correction that was made. If the clerk has any questions about whether the correction of the name or date of birth is appropriate, the clerk shall ask the judge for instruction.

### **B. CORRECTION OF ERROR IN CASE AT WARRANT**

In a case with an outstanding warrant, if the clerk observes that the court's records of the defendant's name or date of birth are incorrect based upon a government issued identification card or passport which has been presented to the court by the defendant, the clerk may correct the computer records and/or the complaint in the case to reflect the correct information as contained in the identifying records and/or the complaint in the case to reflect the correct information as contained in the identifying document. Under those circumstances, the clerk shall cancel the warrant, remove the warrant fee, correct the court's records including the warrant affidavit to reflect the correct information as contained in a government issued identification card or passport on file, and return the case to the judge for issuance of a corrected warrant. The clerk shall make a comment indicating the correction that was made. If the clerk has any question whether the correction of the name or date of birth is appropriate, the clerk shall ask the judge for instruction.

### **C. COMBINATION OF NAMES**

If the clerk observes that the court has records belonging to one identifiable defendant which are contained in separate "names" on the computer software, the clerk may consolidate or combine these names as appropriate to properly reflect all the violations under a single name, even if the original violations existed under different names of the same defendant.



Jennifer Cates  
Judge, City of Canyon Municipal Court

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## **STANDING ORDER NO. 19 -ATTORNEY APPEARANCES**

### **NOTICE OF APPEARANCE, MOTIONS AND OTHER SUBMISSIONS**

On this date, the court entered the following ORDER with respect to notice of appearance, motions and other documents submitted to the court:

### **NOTICE OF APPEARANCE AND SUBSEQUENT CORRESPONDENCE**

The following requirements apply to notices of appearance and subsequent correspondence:

1. Notice of Appearance: An attorney who makes an appearance for a defendant shall file a letter with the court clerk clearly indicating such entry of appearance and requesting that the case be set on an attorney docket. The letter must contain the following:
  - a. Defendant's full name;
  - b. Defendant's date of birth;
  - c. Defendant's driver's license or identification card number and state of issuance, if known;
  - d. The case or citation number and offense name or each charge on which the attorney is appearing.
2. Subsequent correspondence. Subsequent correspondence regarding one or more of the defendant's cause numbers must continue to contain this identifying information.

### **MOTIONS TO WITHDRAW**

The following requirements apply to Motions to Withdraw:

1. Form of Motion; Notice. An attorney of record shall not be permitted to withdraw from any case without presenting a motion in writing and obtaining from the court an order granting leave to withdraw. When withdrawal is made with the request of or an agreement of the defendant, such motion shall be accompanied by the defendant's written consent to such withdrawal or certificate by another lawyer that he/she has been employed to represent the defendant in the case. In the event the defendant has not consented, a copy of the Motion to Withdraw shall be mailed to the defendant at his last known address by certified mail and regular first-class mail. A copy of the Motion shall be sent to the State's attorney by way of the prosecutor's email.
2. Pursuant to TRAP Rule 6.5 the Motion to Withdraw shall contain the following:
  - a. Defendant's full name;
  - b. A list of the current deadlines and settings in the case;
  - c. Defendant's last known mailing address and telephone number;
  - d. A statement that a copy of the Motion was delivered to the Defendant; and
  - e. A statement that the party was notified in writing of the right to object to the Motion.

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- f. An Order for the ruling of the judge shall be included.
3. Time Deadline: A Motion to Withdraw must be filed at least 7 days prior to the next docket setting, or it will be denied as untimely. Notice of the Motion must also be mailed to the defendant at least 7 days prior to the docket setting.
4. Notice to defendant after Motion to Withdraw is Granted. After leave to withdraw is granted, the withdrawing attorney shall advise the defendant who has not consented to the Motion to Withdraw by regular mail, stating any settings for trial or otherwise, and advising the defendant of the right to secure other counsel.
5. You will not be released from any bond by withdrawing or substitution of counsel without approval of the court.

## **MOTIONS TO SUBSTITUTE COUNSEL**

A Motion to Substitute Counsel must contain items 2a-d of the preceding section, and contain a statement that the defendant approves the substitution. The Motion must contain the signature of the attorney to be substituted along with his address, telephone, facsimile number and State Bar Number, or be accompanied by a letter or certificate of representation from that attorney pursuant to TRAP Rule 6.5

## **VACATION LETTERS**

1. Inadvertent Setting. If a matter is inadvertently set during the dates designated in the attorney's vacation letter, the court may cancel the setting and/or reschedule it upon oral or written Motion of a party or on the court's own Motion.
2. Continuances required for prior settings. A vacation letter alone will not excuse appearances at hearings, dockets or trials set prior to the filing of the vacation letter. In the event an attorney already has a setting at the time the vacation letter is filed, a Motion for Continuance must be filed and a ruling obtained. There is no assurance that the Motion will be granted.

## **SUBMISSION OF MEDICAL, FINANCIAL AND SIMILAR DOCUMENTS**

The following requirements apply to medical, financial and similar documents:

General Provisions: If the clerk receives documents relating to a case pending in the court which contains medical, financial, psychological or similar personal information, the disclosure of which may violate a defendant's or other person's common law right of privacy, the clerk will provide such documentation to the court for an in-camera review. After review, the court will direct the clerk as to whether the documents shall be filed as public records in the defendant's case, be returned to the provider of the documents, or be destroyed.

Any Judge's Standing Order dated prior to April 19, 2023 is rescinded.

## **DEADLINE FOR MOTIONS PRIOR TO TRIAL**

All motions to be considered at trial or at a pretrial hearing must be filed with the court clerk at least seven(7) days prior to the trial or hearing date.

A handwritten signature in black ink, reading "Jennifer M. Cates", is centered on a light gray rectangular background.

**Jennifer Cates**  
**Judge, City of Canyon Municipal Court**

Any Judge's Standing Order dated prior to April 19, 2023 is rescinded.

## **STANDING ORDER NO. 20 -DISCOVERY**

On this date, the court entered the following ORDER with respect to Discovery:

In accordance with Article 39.14, Texas Code of Criminal Procedure, the following requirements apply to requests for Discovery:

1. After the request, the state shall permit inspection. The state shall, as soon as practicable following a timely request from the defendant, produce and permit the inspection by or on behalf of the defendant of all documents, items, or information responsive to defendant's request which are in the possession, custody, or control of the state, or any person under contract with the state. The state is not required to permit inspection of its work product, or of material which is otherwise privileged. If the state withholds or redacts privileged material, it shall so inform the defendant.
2. Duplication to be allowed; exception. The state shall permit electronic duplication, copying and photographing of the material requested, and may voluntarily provide such copies or electronic duplicates to the defendant at its own expense, except that in the case of a pro se defendant, the state is not required to allow electronic duplication of material.
3. Defendant shall not disclose material. Except as provided in Article 39.14, the defendant, and attorney representing the defendant, or any agent of the defendant may not disclose to a third party an documents, evidence, materials, or witness statements received from the state unless:
  - a. the court orders the disclosure upon a showing of good cause after notice and hearing after considering the security and privacy interests of any victim or witness; or
  - b. the documents, evidence, materials, or witness statements have already been publicly disclosed.
4. Exculpatory evidence to be provided. The state shall disclose to the defendant any exculpatory, impeachment, or mitigating document, item, or information in the possession, custody, or control of the state that tends to negate the guilt of the defendant or would tend to reduce the punishment for the offense charged.
5. Duty to supplement. If at any time before, during, or after trial the state discovers any additional document, item, or information required to be disclosed under section 4 above, the state shall promptly disclose the existence of the document, item, or information to the defendant or the court.
6. Either party may request a hearing. Either party may request and shall be entitled to a hearing on any dispute arising from discovery requests or discovery responses.



Jennifer Cates

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Judge, City of Canyon Municipal Court

Any Judge's Standing Order dated prior to April 19, 2023 is rescinded.

**STANDING ORDER NO. 21- REQUESTS FOR TIME SERVED CREDIT**

**IT IS ORDERED** that the Canyon Municipal Court will consider a request for time credit from a defendant, whether or not currently in custody, who is arrested and confined for another offense after receiving a citation for a class C violation issued by the Canyon Police Department. The time credit received shall be given at a rate of \$150 per 24 hours. The defendant shall submit a written Motion for Time Served Credit to the Canyon Municipal Court.

**IT IS FURTHER ORDERED** the Motion for Time Served Credit shall have sufficient proof of incarceration attached thereto which shall include: (1) the defendant's full name and date of birth; (2) the named facility in which the defendant was incarcerated; (3) the defendant's dates of incarceration; (4) the contact number (if known) of the jail for which the defendant is requesting credit; (5) the defendant's inmate identification number (if known); and (6) any alias (if known) that the defendant may have been booked under while in jail including married or maiden names.

**IT IS FURTHER ORDERED** the defendant has a continuing obligation to timely supplement the defendant's Motion for Time Served Credit if additional information is requested by the Canyon Municipal Court which may help the Court with the verification of jail credit. The defendant's failure to provide the Court with the information requested may result in the denial of jail credit and the imposition of the original judgment.

**IT IS FURTHER ORDERED** that any motions or orders for Time Served Credit considered by and/or signed by a Canyon Municipal Judge shall be retained by the Canyon Municipal Court in the records of the case.

A handwritten signature in black ink, appearing to read "Jennifer M. Cates", is written over a light gray grid background.

Jennifer Cates  
Judge, City of Canyon Municipal Court

Any Judge's Standing Order dated prior to April 19, 2023 is rescinded.

**PROSECUTORIAL STANDING ORDER NO. 1 -HANDICAP PLACARD**

**EXPIRED HANDICAP PLACARD**


**IT IS ORDERED** that the clerk may process a dismissal to present to the court if the defendant is charged with using an Expired Handicap Placard and presents proof that he/she has renewed the handicap placard. The defendant shall present a photo ID or Driver's License with the renewed handicap placard.

**OBTAINING A HANDICAP PLACARD**

**IT IS FURTHER ORDERED.** The clerk may process a dismissal to present to the Court if the defendant charged with Parking in a Handicap Zone obtains a current and valid handicap placard assigned to the defendant before his pretrial hearing date. The defendant must also submit a photo ID or Driver's License to the clerk with the current handicap placard.

**TAKING RESPONSIBILITY FOR PARKING IN A HANDICAP ZONE**

**IT IS ORDERED** that the clerk may present to the court a request to dismiss and refile a Parking in a Handicap Zone ticket, if someone other than the defendant appears with a photo ID, claims responsibility for the ticket, **and enters a plea of GUILTY OR NO CONTEST** to the Parking in a Handicap Zone violation.



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City Prosecutor

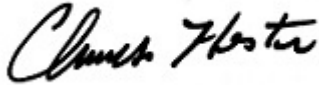
Any Prosecutorial Standing Order No. 1 dated prior to September 1, 2021 is rescinded.

Any Judge's Standing Order dated prior to April 19, 2023 is rescinded.

**PROSECUTORIAL STANDING ORDER NO. 2 -DECEASED DEFENDANT**

**DECEASED DEFENDANT**

**IT IS ORDERED** that the clerk may process a dismissal to present to the court if the clerk obtains information that the defendant is deceased.

A handwritten signature in black ink that reads "Church Hester". The signature is written in a cursive style.

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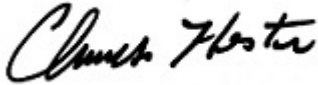
City Prosecutor

Any Prosecutorial Standing Order No. 2 dated prior to September 1, 2021 is rescinded.

Any Judge's Standing Order dated prior to April 19, 2023 is rescinded.

**PROSECUTORIAL STANDING ORDER NO. 3 – VACCINATION OF ANIMALS**

**IT IS SO ORDERED** that the clerk may process a dismissal to present to the court if the clerk obtains information that the animal which is the subject of the defendant's Animal Vaccination Violation was vaccinated at the time of the alleged offense. Sufficient proof of vaccination must be obtained by the defendant from a veterinarian licensed by the State of Texas and showing the animal's name and date of vaccination.



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City Prosecutor

Any Prosecutorial Standing Order No. 3 dated prior to March 7, 2023 is rescinded.

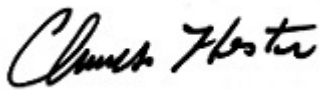
Any Judge's Standing Order dated prior to April 19, 2023 is rescinded.



**PROSECUTORIAL STANDING ORDER NO. 4 – CITATION CORRECTIONS**

**IT IS SO ORDERED** that a citation may be sent back to the Canyon Police Department for corrections as necessary during the course of business by the Prosecutor's office. The information to be corrected shall be highlighted and sent to the corresponding police officer using the department email. Those citations awaiting correction will not be filed with the Canyon Municipal Court.

**IT IS FURTHER ORDERED** that corrections that have not been returned to the Canyon Municipal Court by the defendant's first appearance, will be sent to the Prosecutor to review for further action which may include refusal.



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City Prosecutor

Any Prosecutorial Standing Order No. 4 dated prior to March 7, 2023 is rescinded.

Any Judge's Standing Order dated prior to April 19, 2023 is rescinded.