

MARLIN MUNICIPAL COURT OF RECORD – COURTESY LETTER

101 Fortune Street, Marlin, Texas 76661 Tel: (254) 883-1450 Fax: (254) 883-2636

PAY ON-LINE AT WWW.MARLINTX.NET

HOURS: Monday-Friday 8a-5p Closed 12p-1p for Lunch

NO CASH OR NO PERSONAL CHECKS ACCEPTED

MONEY ORDERS, CASHIERS CHECKS, or CREDIT / DEBIT CARDS ONLY

MUST BE PAYABLE TO THE MARLIN MUNICIPAL COURT

YOU MAY BE ABLE TO DISCHARGE A FINANCIAL OBLIGATION THROUGH ALTERNATIVE MEANS IF THE COURT FINDS THAT YOU HAVE THE INABILITY TO PAY YOUR OBLIGATIONS

1. This letter is furnished as a courtesy to assist you in disposing of the charge(s) filed against you. The Judge cannot discuss the merits of a pending judicial proceeding outside of court.

2. YOU MUST ENTER AN APPEARANCE WITHIN THIRTY (30) DAYS from the date of your citation. An appearance in court is only by filing the proper documents with the court by certified mail, fax, email, in person, or by your attorney. If you fail to respond to the charge(s) within the 30 days, additional fees and charge(s) may be filed against you for failure to appear and warrant(s) issued for your arrest. A juvenile who fails to appear by the time and date on the citation may have their license suspended as required by law. **To personally appear in court, contact the court to schedule your court date.**

3. If You Wish To Enter A Plea Of Guilty Or Nolo Contendere, please properly complete and return the reply form provided on or before your appearance date. A plea of Nolo Contendere means that you do not contest the state's charge(s) against you. The required payment for a Nolo Contendere plea is the same as that for a plea of Guilty. Either plea indicates that you agree to waive appearance before the Court for trial. Please refer to the payment schedule shown below to determine the total amount of the payment acceptable by the Court. Make your remittance by MONEY ORDER or CASHIER'S CHECK payable to the Marlin Municipal Court.

3. If You Wish To Enter A Plea Of Not Guilty and desire a trial before either the Judge or a Jury, please properly complete the reply form and mail it on or before your appearance date. The Court will notify you when you MUST appear for trial and any other required procedures. You must advise the court of any and all address changes.

4. Driver's Safety Course Information: Under the laws of the State of Texas, you may be able to have ONE charge dismissed by taking a driving safety course. HOWEVER, YOU WILL LOSE THE RIGHT IF YOU DO NOT PROVIDE WRITTEN NOTICE TO THE COURT OF YOUR DESIRE TO DO SO AND PAY ALL FEES ON OR BEFORE YOUR APPEARANCE DATE (AS SHOWN ON YOUR CITATION). You cannot have a speeding citation dismissed if it is a violation of 25MPH or more above the posted speed limit or if your speed is 95 mph or more, you are ineligible if you hold a CDL license, or if you have completed a Driver's Safety Course under this option within the year immediately preceding the date of this citation, you must have a valid Texas driver's license or permit and show proof of financial responsibility at the time of the citation as required by Section 601.081. If the alleged act was committed while operating a motorcycle, a motorcycle operator training course may be taken as approved by the DPS. If you wish to use this option to have ONE charge dismissed, read and complete the reply form and return it to the Court with the required fee on or before your appearance date. You will have 90 days from the date the Court grants permission for the course, to complete and provide the Court with required documentation showing completion of an approved Driving Safety Course. IF YOU MEET THE ELIGIBILITY REQUIREMENTS AS STATED ON THE DSC REPLY FORM, THEN YOU ARE RESPONSIBLE FOR COMPLETING THE COURSE, REMITTING THE COMPLETION CERTIFICATE TO THE COURT, AND SUBMITTING A CERTIFIED COPY OF YOUR DRIVING RECORD. (Further instructions are on that form.)

5. Minors: Generally 16 years and younger are required to come to court with their parent or guardian. For alcohol offenses, age 18-20 must appear in court to make a plea and juveniles 17 & under must appear in court with a parent or guardian to make a plea.

6. Inability to Pay: IF YOU WANT THE COURT TO CONSIDER WHETHER YOU HAVE THE INABILITY TO PAY YOUR OBLIGATION AND ALLOWING YOU TO DISCHARGE YOUR OBLIGATION THROUGH ALTERNATIVE MEANS SUCH AS COMMUNITY SERVICE, YOU MUST CONTACT THE COURT TO SCHEDULE A DATE FOR YOUR COURT APPEARANCE AS INSTRUCTED IN PARAGRAPH TWO ABOVE.

TABLE OF COMMON OFFENSE AMOUNTS

SPEEDING		DWLI	\$504.00	Run Stop Sign / Stoplight	\$254.00
1 -5 mph over the limit	\$199	FMFR 1st Offense	\$321.00	Disorderly Conduct	\$321.00
6-10 mph over the limit	\$224	FMFR 2nd or more	\$571.00	Public Intoxication	\$321.00
11-15 mph over the limit	\$259	No Seat Belt	\$154.00	Theft	\$321.00
16-20 mph over the limit	\$299	Unrestrained Child	\$204.00	Possession of Drug Paraphernalia	\$454.00
21-24 mph over the limit	\$304	Expired Drivers License	\$221.00	FTA / VPTA	Contact Court
25 mph or more over the limit**	\$304	No Drivers License	\$254.00	City Ordinance Violation	Contact Court
		Expired Registration	\$254.00		

IF YOU DO NOT QUALIFY FOR DEFENSIVE DRIVING, AND YOU DO NOT HAVE A CDL, CALL THE COURT FOR INFO ON DEFERRED DISPOSITION

COURT APPEARANCE IS REQUIRED FOR ALL SPEEDS 25 MPH OR OVER THE LIMIT

FORM 1: STANDARD REPLY FORM

Mail to Marlin Municipal Court, 101 Fortune Street, Marlin, Texas 76661– All correspondence will be sent to your email address unless you enclose a self-addressed, stamped envelope for a receipt. We do **NOT** accept cash or personal checks. You may pay by cashier's check, money order, or credit / debit card at www.marlintx.net

Name (Print or Type as it appears on your driver's license)	Email Address	Driver's License Number	
Current Mailing Address	City, State, Zip	Telephone Number	
Date of Birth	Citation Number	Date of Citation	Appear Date

ADMONISHMENT OF RIGHTS

You, the Defendant, have the right to enter a plea of guilty, not guilty, or nolo contendere (no contest). You have the right to remain silent. You have a right to retain an attorney to represent you. You have the right to a jury trial. You have the right to confront and cross-examine the witnesses against you. If you have insufficient resources or income to pay a fine or costs, you may appear in Court and request the Court to allow you to discharge all or part of my fine or costs by alternative means such as performing community service. If you are not a citizen of the United State of America, a plea of guilty or no contest for the offense charged may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law. You have a right to the possession, or notice, of certain evidence upon you request and the right for a record of said possession or notice to be filed with the Court. **Until the Judgment of the Court is satisfied in full, that you are obligated to notify the Court of any change in my address, telephone number, or other contact information.**

PLEA

- _____ 1. I hereby: **ACKNOWLEDGE** that I have read the admonishment of rights, **WAIVE** my rights, and enter a plea of **GUILTY**. Money Order or Cashier's Check in the amount of the fine(s) is enclosed. (Make remittance payable to Marlin Municipal Court, 101 Fortune Street, Marlin, Texas 76661)
- _____ 2. I hereby: **ACKNOWLEDGE** that I have read the admonishment of rights, **WAIVE** my rights, and enter a plea of **NOLO CONTENDERE** (No Contest). Money Order or Cashier's Check in the amount of the fine(s) is enclosed. (Make remittance payable to Marlin Municipal Court, 101 Fortune Street, Marlin, Texas 76661)
- _____ 3. I hereby: **ACKNOWLEDGE** that I have read the admonishment of rights, enter a plea of **NOT GUILTY**, **WAIVE** my right to a jury trial & request a trial before the Judge. The Court will advise you of your trial date at least 10 days in advance. (YOU MUST REPORT ANY CHANGE OF ADDRESS TO THIS COURT)
- _____ 4. I hereby: **ACKNOWLEDGE** that I have read the admonishment of rights, enter a plea of **NOT GUILTY**, and request a trial by jury. The Court will advise you of your trial date at least 10 days in advance. (YOU MUST REPORT ANY CHANGE OF ADDRESS TO THIS COURT)

*******NOTE: JUVENILES 16 & UNDER MUST COME TO COURT IN PERSON WITH A PARENT OR GUARDIAN*******

*******ASSAULT FAMILY VIOLENCE CASES MUST COME TO COURT IN PERSON*******

Defendant's Signature: _____ Date: _____ Amount Enclosed: \$ _____

Deferred Disposition Admonishment (You must both: 1) enter your plea by checking your guilty or no contest plea and signing above and 2) signing this section to request Deferred Disposition – this means 2 signatures are required)

Deferred Disposition is a period of probation that is typically between 30-90 days. Upon successful completion of all the probation requirements ordered by the Court, a Defendant's case will be dismissed and a final conviction will not be reported on the Defendant's record. Generally, to qualify for Deferred Disposition a Defendant cannot have a Commercial Driver's License (CDL) and have not committed their violation within a construction work zone. All Defendant's under age 25 are required by law to take Defensive Driving (Alive at 25) as a condition of Deferred Disposition.

The required Deferred Disposition payment for all speeding offenses up to 20 mph over is \$25.00 more than the regular fine amount and the required Deferred payment for all other violations such as No Insurance (FMFR) and Driving While License Invalid (DWLI) is \$50.00 more than the regular fine amount.

Defendants must appear in Court to request Deferred Disposition for speeding offenses 25 mph or over the limit.

The Court will send you an order for Deferred Disposition that includes all requirements of your probation.

I hereby acknowledge that I have read the Deferred Disposition Admonishment and am hereby requesting the Court to grant me Deferred Disposition in my case(s).

Defendant's Signature: _____ Date: _____

FORM 2: USE THIS FORM FOR REQUESTING DRIVER'S SAFETY COURSE OR ALIVE AT 25 CLASS

READ THIS ENTIRE FORM BEFORE CALLING THE COURT!!!

ALL DRIVERS UNDER THE AGE OF 25 ARE DIRECTED TO TAKE AN ALIVE AT 25 CLASS

(FAILURE TO REMIT THIS FORM & PAYMENT ON OR BEFORE YOUR APPEARANCE DATE WILL RESULT IN INELIGIBILITY)

Name (Print or Type as it appears on your driver's license)	Email Address	Driver's License Number	
Current Mailing Address	Telephone Number		
Date of Birth	Citation Number	Date of Citation	Appear Date

ADMONISHMENT OF RIGHTS

You, the Defendant, have the right to plea guilty, not guilty, or nolo contendere (no contest). You have the right to remain silent. You have a right to retain an attorney to represent you. You have the right to a jury trial. You have the right to confront and cross-examine the witnesses against you. If you have insufficient resources or income to pay a fine or costs, you may appear in Court and request the Court to allow you to discharge all or part of my fine or costs by alternative means such as performing community service. If you are not a citizen of the United State of America, a plea of guilty or no contest for the offense charged may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law. You have a right to the possession, or notice, of certain evidence upon you request and the right for a record of said possession or notice to be filed with the Court. **Until the Judgment of the Court is satisfied in full, that you are obligated to notify the Court of any change in my address, telephone number, or other contact information.**

PLEA

_____ I hereby: **ACKNOWLEDGE** that I have read the admonishment of rights, **WAIVE** my rights, and enter a plea of **NOLO CONTENDERE** (No Contest). Money Order or Cashier's Check in the amount of the fine(s) is enclosed. (Make remittance payable to Marlin Municipal Court - PO Box 980 – Marlin, TX 76661)

Please indicate TRUE or FALSE next to the statements listed. If any are FALSE, you are NOT eligible for the Driving Safety Course and you must refer to Form 1.

- _____ I hereby plead NOLO CONTENDERE (No Contest) to the charge as required by the traffic law.
- _____ I have NOT taken a driving safety course during the past 12 months.
- _____ I am not in the process of taking a driving safety course to dismiss another offense.
- _____ I have not completed a driving safety course that is not yet reflected on my driving record.
- _____ I understand that I CANNOT take the driving safety course if I possess a commercial driver's license or committed a serious traffic offense.
- _____ I understand that I CANNOT take the driving safety course if the citation was issued in a Work Zone with Workers Present.
- _____ I understand that I CANNOT take the driving safety course if I am accused of speeding 25 mph or more over the posted speed limit.
- _____ I ENCLOSE a valid photo COPY of my TEXAS Driver's License or permit or proof of ACTIVE duty military service if I possess a non-Texas driver's license
- _____ I ENCLOSE proof of Financial Responsibility (insurance). (A photocopy is acceptable---NO ORIGINALS PLEASE!!!)
- _____ Instead of paying the traffic fine, I ENCLOSE a money order or cashier's check in the amount of **\$134.00** (or *\$164 if in school zone*) to pay for the court costs for Driver's Safety Course (make payable to Marlin Municipal Court)
- _____ I ENCLOSE a self-addressed, stamped BUSINESS size envelope, in which the Court will mail me an application for a certified copy of my driving record, which I will send to Austin with the proper state fee as required by law. I understand that FAILURE to request this form will invalidate my request for a driver's safety course.
- _____ I understand that I am responsible for completing a Texas DPS approved Driving Safety Course before the expiration of the 90 day extension, and remitting the SIGNED "COURT COPY" of the Certificate of Completion to the Court.
- _____ I understand that this form MUST be NOTARIZED. (Check with your local Bank or school Administration Office.)
- _____ If mailed, I understand that this form MUST be sent CERTIFIED MAIL. (Check with your local Post Office.)

YOUR SIGNATURE MUST BE NOTARIZED

Subscribed and Sworn before me on _____.

Signature of Defendant Requesting DSC

NOTARY PUBLIC //COURT CLERK

AFTER RECEIPT AND APPROVAL OF YOUR DSC REQUEST BY THE COURT, YOU WILL RECEIVE A FORM WITH THE REQUIRED COMPLETION DATE AND A FORM TO HAVE A COPY OF YOUR DRIVING RECORD SENT TO THE COURT. YOU MUST COMPLETE THE DRIVER'S SAFETY COURSE ON OR BEFORE THE 90TH DAY FROM YOUR APPROVAL DATE.

IF YOU COMPLETE THESE REQUIREMENTS, the Court will dismiss your case and report to DPS the date that you completed your course. **IF YOU FAIL TO COMPLETE THESE REQUIREMENTS,** you will be required to appear before the Court to show cause why you did not complete them. At the show cause hearing, the Judge may enter a final adjudication against you and require me to pay the fine. Failure to appear at the show cause hearing will result in a final adjudication being entered against you and that you will be required to pay the fine and any additional costs required by law.

CHECKLIST: Make sure you have included the following items:

- _____ 1. Complete and NOTARIZED request form for DRIVER'S Safety Course.
- _____ 2. CURRENT copy of your Financial Responsibility (insurance).
- _____ 3. Copy of your Driver's License or Permit.
- _____ 4. Self-Addressed, business, stamped envelope.
- _____ 5. CASHIER'S CHECK or MONEY ORDER ONLY in the amount of \$134.00. **NO CREDIT CARD OR DEBIT CARD PAYMENTS FOR DRIVERS SAFETY COURSE!** (If in school zone SEND \$164.00). Please note: Do not send the original fine amount along with your driver's safety course payment of \$134.00. ONLY send \$134.00.