

IN THE JUSTICE COURT OF EL PASO COUNTY, TEXAS
PRECINCT NUMBER TWO

STATE OF TEXAS

§
§
§
§
§

CASE NO. _____

VS

DEFENDANT

PLEA FORM AND OR AFFIDAVIT OF INDIGENCY – CLASS C MISDEMEANOR

Plea on charge of: _____

NO CONTEST **You may enter a plea of**
A plea of no contest states you are not contesting the charges filed. (If you plead no contest, a finding of guilt will be entered by the court) and your fine will be \$_____. (A no contest plea) will not affect you in the event a civil action is brought against you.

GUILTY
A guilty plea states you are guilty of the charges as filed. The fine and costs on a plea of guilty are the same as plea of no contest. A guilty plea may adversely affect you in the event a civil action is brought against you.

NOT GUILTY
A not guilty plea states you are not guilty of the charge as filed. If you plead not guilty, a trial date will be set. You are required to appear for trial. Failing to appear may result in your being charged up to \$500.00 plus court cost, **Failure to Appear (Sec. 38.10, Texas Penal Code)** and a warrant being issued for your arrest. It is not required that you be represented by an attorney; however, you may elect to do so. Should you be found not guilty, you would be released at that time from the charge against you. Should you be found guilty, your fine would be in the amount not to exceed \$ _____ per violation + court cost.

- A minor under age 17 must appear before the court in person with a parent or guardian to enter a plea—it cannot be done by mail and fines cannot simply be paid to the court clerk without seeing the judge.
- Drivers who hold provisional licenses must pay \$10 to Department of Public Safety for examination fee (Effective 9/1/2005)
- Drivers under age 25 must take a driving safety course (Effective 9/1/2005) and if found guilty pay all cost of fines plus court cost

CHECK ONE

I PLEAD: ___ NO CONTEST, ___ GUILTY, ___ NOT GUILTY

___ I DO NOT WISH TO ENTER A PLEA AT THIS TIME. I UNDERSTAND THAT A PLEA OF NOT GUILTY WILL BE ENTERED FOR ME AND I MUST APPEAR FOR TRIAL

TOTAL FINE AND COSTS: \$ _____ DUE BY: ___/___/2006

CHECK ONE, IF YOU **PLEA NOT GUILTY**, REQUESTING A

___ BENCH TRIAL BY JUDGE, (I WAIVE MY RIGHT TO A JURY TRIAL)

___ TRIAL BY JURY (**MUST PAY A JURY FEE**)

I UNDERSTAND IF I FAIL TO APPEAR, I MAY BE CHARGED WITH THE OFFENSE OF FAILURE TO APPEAR AND MAY BE FINED UP TO \$500.00 PLUS COURT COST, A WARRANT FOR MY ARREST WILL BE ISSUED, AND (I MAY BE CHARGED FOR CONTEMPT OF COURT, FINED \$100.00 PLUS COURT COST) AND COST OF SUMMONSING THE JURY.

___ I REQUEST A LICENSED COURT INTERPRETER

**THIS CASE IS SET FOR TRIAL ON THE _____ DAY OF _____ 2006, AT _____ AM/PM ,
AT, JUSTICE OF THE PEACE COURT, PRECINCT 2, 4641 COHEN STE.A EL PASO, TEXAS 79924**

CHECK ONE IF YOU HAVE ENTERED A **PLEA OF GUILTY/NO CONTEST**

_____ I AM NOT INDIGENT, BUT I REQUEST THAT I BE ALLOWED TO PAY OUT BY INSTALLMENTS, THE FINE(S) AND COSTS PURSUANT TO THE TERMS, CONDITIONS SET BY THIS COURT, AND BY THE STATE

_____ I AM INDIGENT AND REQUEST AN INDIGENCY HEARING. I REQUEST THAT I BE ALLOWED AN ALTERNATIVE SENTENCE AS PRESCRIBED BY THIS COURT.

THE DEFENDANT WAIVES HIS/HER RIGHT TO AN ATTORNEY, A JUY TRIAL, THE RIGHT TO CONFRONT WITNESSES, AND THE RIGHT NOT TO INCRIMINATE HIM/HERSELF, AND THE RIGHT TO A LICENSED COURT INTERPRETER.

SIGNATURE

DO NOT CHECK (below) if any of these apply to you (you are not entitled to take the DSC) DRIVER SAFETY COURSE

- You have a CDL License
- Have a drivers license or permit in another state
- You do not have insurance (FINANCIAL RESPONSIBILITY)
- You have taken the (DRIVER SAFETY COURSE) in the last 12 months in this state (or any other state)
- Offenses in construction zones when workers are present
- Speeding 25 miles or more over the speed limit
- Passing a School Bus
- Reckless Driving
- Fleeing/Eluding Police
- Failure to Stop and Render Aid
- Failure to Stop at Accident: Damage

EXCEPTION: UNITED STATES MILITARY FORCES SERVING ON ACTIVE DUTY AND HAVE A DRIVER LICENCE OR PERMIT IN ANOTHER STATE **and you have not taken a driver safety course in the last 12 months**

_____ I ELECT TO TAKE A DRIVER SAFETY COURSE (DSC) OR MOTORCYCLE OPERATOR TRAINING COURSE. AND **REQUEST A APPLICATION AT THIS TIME** (COST PURSUANT TO THE TERMS AND CONDITIONS SET BT THIS COURT AND BY THE STATE)

"I am not currently taking a (DSC) driving safety course or (MOTC) motorcycle operator training course under Article 45.0511. Texas code of Criminal Procedure, and further I have not completed a (DSC) or (MOTC) training course that is not shown on my driving record on file with the Texas Department of Public Safety within the 12 months preceding the date of the offense."

Signature

This form is to help you understand the Court proceedings, and to help lessen our Court docket, **this form is not to deny you your day in Court**, only to help you take care of this matter in a timely manner with no need to appear in Court.

_____/_____/_____
SOCIAL SECURITY NUMBER

_____/_____/_____
DATE OF BIRTH (DOB)

Defendant's Signature or Attorney

_____/_____/_____
Date

Home Address Apt # City, State, Zip Phone

Work Address # City, State, Zip Phone

CLERK ,JUSTICE OF THE PEACE PRECINCT 2

_____/_____/_____
DATE RECEIVED

APPROVED: _____
Judge Sissy Hernandez
Justice of The Peace precinct two

FORM 4
(Part 2)

AFFIDAVIT OF INDIGENCY (FINANCIAL INABILITY TO POST BOND OR PAY FINE) - CLASS C MISDEMEANOR CASE

NO. _____
THE STATE OF TEXAS § IN THE JUSTICE COURT
VS. § PCT. _____ PLACE _____
_____ (DEFENDANT) § _____ COUNTY, TEXAS

DECLARATION OF FINANCIAL INABILITY TO POST BOND OR PAY FINE IN CLASS C MISDEMEANOR CASE

I, _____, am the Defendant in the above -styled cause. I am not represented by counsel in this proceeding. I have no assets except the following.

EMPLOYED BY: _____

ADDRESS OF EMPLOYER: _____

MY EARNINGS ARE: \$ _____ PER WEEK \$ _____ PER MONTH

I HAVE OTHER INCOME AS FOLLOWS (STATE SOURCE AND AMOUNT):

I AM: _____ MARRIED _____ SINGLE _____ DIVORCED

NUMBER OF CHILDEN: _____ AND OTHER DEPENDENTS: _____

AMOUNT OF MONTHLY COURT ORDERED SUPPORT PAID/RECEIVED: \$ _____

I OWN THE FOLLOWING PROPERTY:

HOME (ADDRESS): _____

OTHER: _____

MONTHLY PAYMENTS: \$ _____ BALANCE OWED: \$ _____

I DO NOT OWN REAL ESTATE, BUT AM RENTING PREMISES LOCATED AT:
_____ MONTHLY RENTAL: \$ _____

LIST CAR/TRUCK OWNED: _____

MONTHLY PAYMENT: \$ _____ BALANCE: \$ _____

NOTES, MORTGAGES, TRUST DEEDS OWNED: _____

(continued)

FORM 4
(Part 3)

INFORMATION ON SPOUSE

NAME: _____

EMPLOYED BY: _____

EMPLOYER ADDRESS: _____

HIS/HER EARNINGS ARE: \$ _____ PER WEEK \$ _____ PER MONTH

OTHER PERSONAL PROPERTY: (DESCRIPTION, VALUE: INCLUDE TV, STEREOS, ETC.)

I HAVE THE FOLLOWING MONEY:

- \$ _____ ON ME
- \$ _____ AT HOME
- \$ _____ IN CHECKING ACCOUNT
- \$ _____ IN SAVINGS ACCOUNT
- \$ _____ IN SAFETY DEPOSIT BOX
- \$ _____ BEING HELD/OWED TO ME
- \$ _____ OTHER: _____

I (AM) (AM NOT) FREE ON BAIL. AMOUNT OF BAIL \$ _____

NAME OF PERSON WHO PAID FOR BAIL BOND: _____

ADDRESS OF PERSON: _____

I HAVE NO ABILITY TO OBTAIN CREDIT TO RAISE FUNDS WITH WHICH TO:

_____ POST A CASH OR SURETY BOND FOR RELEASE FROM CUSTODY AND DESIRE THE COURT TO SET A PERSONAL BOND IN THIS CASE.

_____ PAY THE FINE, AND I DESIRE TIME TO PAY THE FINE AT A FUTURE DATE.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNED THIS: _____ DAY OF _____, 20____. _____
SIGNATURE OF DEFENDANT

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS _____ DAY OF: _____, 20____.

Notary Public in and for the State of Texas
My commission expires: _____

ISSUED this the _____ day of _____, 20____

JUSTICE OF THE PEACE,
PCT. 2, PL. 1
El Paso, COUNTY, TEXAS