

## **Information on Misdemeanor Criminal Dockets in the Jim Wells County Court at Law**

### **Classes of Misdemeanors**

This office is responsible for the prosecution of all misdemeanor cases that are filed in Jim Wells County. "Misdemeanor" is defined in the law as any crime where the maximum possible jail time is one year or less. There are three categories of misdemeanors: Class A; Class B; and Class C.

Class A misdemeanors are punishable by confinement in jail for up to a year, and a fine of up to \$4,000.

Class B misdemeanors are punishable by confinement in jail for up to six months and a fine up to \$2,000.

Some examples of misdemeanor offenses include assault causing bodily injury, driving while intoxicated, theft of property, possession of marijuana, family violence assault, violation of protective orders, resisting arrest and evading arrest.

Both Class A and B misdemeanors are handled in the County-Court-at-Law.

Class C misdemeanors are punishable by a fine of \$500 or less and no jail time. Those cases are typically heard in the five Justice of the Peace courts in Jim Wells County. This office prosecutes Justice of the Peace cases.

### **Criminal Case Process**

**Arrest** – A misdemeanor criminal case begins when a law enforcement agency makes an arrest or presents a report of possible criminal activity to the County Attorney's office. An arrest or charge is simply based on probable cause to believe that a criminal offense has been committed. After the arrest has been made or a report is presented, a prosecutor will read the offense report submitted by the law enforcement agency and make a decision on whether the case should be filed.

**Courtroom appearance and etiquette**- If charges are filed by the County Attorney, in virtually all cases, there will be at least one courtroom appearance by the person charged. Persons who are appearing in court should dress appropriately; no shorts, sleeveless shirts, no profanity, no hats or caps. Cell phones must be turned off when brought into the courtroom. Loud talking or laughter will not be tolerated. Any violations of conduct or appearance standards may be addressed by the judge as contempt of court and, as such, violators are subject to fines or confinement.

**Defense Attorney options**- At any stage in a criminal process or case, a defendant is entitled to be represented by an attorney. It is usually a private attorney hired by the defendant. A person may represent themselves and it is not required that they be represented by an attorney. Most defense attorney's are hired by and paid by the defendant, however if a defendant is indigent, he may be

entitled to a court appointed attorney. Requests for court appointed attorneys may be made at magistration following an arrest or at any time during the process up until the day of trial.

**Misdemeanor Court-** Misdemeanor cases are heard in the Jim Wells County Court at Law courtroom on the first floor of the Jim Wells County Courthouse. Defendants who arrive late may be held in contempt of court. Whether the judge decides to find the defendant in contempt or not, defendants who arrive late will have their cases called last.

**Arraignment by the Court–** Persons charged with an offense, even though they have not yet been convicted are referred to as the "defendant." When the defendant appears for court, the Judge informs the defendant of the specific charges against him or her, informs them of the range of punishment for each offense and asks them to enter a plea to the charges. The defendant has three options: Guilty, Not-guilty, or No-contest.

**Pretrial Docket –**At Pretrial Docket the defendant or his attorney will have an opportunity to discuss the case with the prosecutor. The defendant or their attorney will be given a plea bargain offer from the prosecutor. Cases are often resolved through plea bargain agreements at this point in the process. If no agreement is reached, the case will be set on a trial docket or a contested pre-trial docket. If the defendant agrees to a plea bargain offer, and the judge approves the plea bargain, the necessary paperwork is prepared in the courtroom and the defendant is allowed to enter their final plea with the court and begin the negotiated punishment with no other court appearance being necessary.

Defendants pleading to an offense should be prepared to pay at least some portion of their fine and court costs on the day of court. Court costs vary from \$200 to \$300 in most cases while the fine varies with the type and class of offense. If you cannot pay the total amount of fine and court costs on the day of court, you may make a payment agreement with our court collections department. IF SUCH AN AGREEMENT IS MADE, IT IS IMPERATIVE THAT EACH PAYMENT BE MADE ON TIME. FAILURE TO MAKE PAYMENTS AS AGREED WILL RESULT IN A SUBSEQUENT COURT PROCEEDINGS AND COULD RESULT IN JAIL TIME IF THE COURT FINDS THE DEFENDANT HAS THE ABILITY TO PAY AND IS WILLFULLY FAILING TO SATISFY THE FINE AND COSTS.

**Trial Before the Court –** A defendant may waive his or her right to a trial by jury. The case can then be heard by the judge in a trial before the court. The prosecutor must also agree to waive trial by jury in order to have a trial before the court. The judge decides the guilt or innocence of the defendant as well as any punishment.

**Jury Trial –** A jury trial is the embodiment of the American criminal justice system. Six people are selected from a pool of citizens called a "venire." Those six people sit as a jury in the criminal trial of the defendant. The jury hears the testimony and evidence. After the evidence has been presented, the jury "deliberates" or discusses the facts of the case amongst themselves and decides a verdict of guilty or not guilty. The jury may only return a verdict of guilty if they are convinced beyond a reasonable doubt of the defendant's guilt.