

The Misdemeanor Process

Classes of Misdemeanors:

This Office is responsible for the prosecution of all misdemeanor cases that are filed in Bandera 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 a fine of up to \$4,000 and/or confinement in jail of up to one year. Some examples of Class A misdemeanor offenses include assault causing bodily injury, driving while intoxicated second offense, theft of property valued at \$500 to \$1,500, and resisting arrest.

Class B misdemeanors are punishable by a fine of up to \$2,000 and/or confinement in jail of up to six months. Some examples of Class B misdemeanor offenses include driving while intoxicated first offense, possession of marijuana less than two ounces, and telephone harassment.

Both Class A and Class B misdemeanors are handled in the County Court of Bandera County, Texas.

Class C misdemeanors are punishable by a fine of \$500 or less and no jail time. Those cases are typically heard in the four (4) Justice of the Peace courts in Bandera County.

Arraignment Docket in County Court:

Misdemeanor defendants are initially given a first appearance setting. Defendants should dress appropriately for court. When the Defendant appears for court, the Judge asks whether the Defendant chooses to plea guilty, no contest, or not guilty. Prior to entering a plea, the Defendant will receive a plea offer from the County Attorney. Defendants who plea not guilty must decide whether to represent themselves or hire an attorney to defend them in court. Some defendants may qualify for an appointed attorney if the Judge determines that the Defendant meets indigency requirements (Financial Affluent).

At the present time, the Arraignment Docket for Misdemeanor Cases is the 1st Tuesday of each month. The Arraignment Docket for Hot Check Cases is also the 1st Tuesday of each month.

Pretrial Docket:

At Pretrial Docket the Court hears various pretrial motions filed on behalf of defendants which challenge the legality of the arrest or request additional information about the case. At the present time, Pretrial Hearings are held the 2nd Tuesday of each month. Contact the County Clerk for your Hearing Date.

Bench Trial:

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. Bench Trials are presently held as set by the Court. Contact the County Clerk for your trial date.

Jury Trial:

Six people sit as a jury in the criminal trial of the Defendant in misdemeanor cases. 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. Jury Trials are presently held on the 3rd Tuesday of each month.

FINANCIAL AFFIDAVIT

THE FOLLOWING INFORMATION IS IMPORTANT TO MAKE A DETERMINATION OF YOUR FINANCIAL CONDITION. PLEASE FILL OUT COMPLETELY. (ATTACH A SEPARATE SHEET OF PAPER IF NECESSARY.) BY SUBMITTING THIS FORM TO THE COURT, YOU ARE SWEARING TO THE TRUTH AND ACCURACY OF THE INFORMATION CONTAINED HEREIN AND YOU ARE SUBJECT TO PROSECUTION FOR ANY FALSE STATEMENT HEREON. UPON CONVICTION FOR ANY FALSE STATEMENT(S), YOU COULD BE SENTENCED TO CONFINEMENT IN THE TEXAS DEPARTMENT OF CORRECTIONS FOR NOT LESS THAN 2, NOR MORE THAN 10 YEARS AND/OR A FINE NOT TO EXCEED \$10,000.00. Reference: Texas Penal Code, Sections 37.03 and 32.32.

YOUR NAME: _____

YOUR ADDRESS: _____ HOME PHONE: _____

CITY: _____ STATE: _____ AGE: _____

PRESENT EMPLOYER: _____

EMPLOYER'S PHONE: _____ YOUR POSITION: _____

NAME OF SUPERVISOR: _____ PHONE: _____

PREVIOUS EMPLOYER: _____ PHONE: _____

SPOUSE'S NAME: _____

SPOUSE'S EMPLOYER: _____ POSITION: _____

SPOUSE'S SUPERVISOR: _____ PHONE: _____

BALANCE OF FUNDS IN CHECKING ACCT. \$ _____ BANK: _____

BALANCE OF FUNDS IN SAVINGS ACCT. \$ _____ BANK: _____

NUMBER OF DEPENDANTS/CHILDREN: _____ / _____ AGES: _____

GROSS SALARY: \$ _____ PAID: ___ HOURLY, ___ WEEKLY, ___ BI-WEEKLY, ___ MONTHLY

OTHER SOURCES OF INCOME AND AMOUNTS:

SPOUSE'S SALARY: \$ _____ PAID: ___ HOURLY, ___ WEEKLY, ___ BI-WEEKLY, ___ MONTHLY

OTHER INCOME: \$ _____ SOURCE: _____

TOTAL INCOME RECEIVED DURING PREVIOUS 30 DAYS: \$ _____

MONTHLY EXPENSES:

RENT/MORTGAGE	\$	<u>OWN: RENT: VALUE \$</u>	
		<u>BALANCE DUE:</u>	
AUTOMOBILE #1	\$	BALANCE: \$	VALUE: \$
AUTOMOBILE #2	\$	BALANCE: \$	VALUE: \$
OTHER VEHICLES	\$	BALANCE: \$	VALUE: \$
LOANS/CREDIT CARDS	\$	BALANCE: \$	VALUE: \$
GROCERIES PER MONTH	\$		
UTILITIES	\$		
CLOTHING	\$		
GASOLINE	\$		
DAY CARE	\$		
EATING/DRINKING OUT	\$		
OTHER (PLEASE LIST)	\$		
OTHER	\$		
OTHER	\$		
TOTAL	\$		

WHAT EXPENSES ARE SHARED BY OTHER PERSONS? (Identify by number)

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DO YOU RECEIVE GOVERNMENT SUBSIDY (FOOD STAMPS, AFDC)? ____ AMT. \$

SOURCE: _____ AMT. \$ _

SOURCE: _____ AMT. \$ _

ASSETS: (Property, jewelry, guns, electronic equipment, etc.) and value of each:

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FOR EACH CREDIT CARD, REVOLVING CHARGES, LENDING INSTITUTION, OR OTHER ENTITY THAT HAS GRANTED YOU A LINE OF CREDIT WHICH IS ACTIVE, PLEASE STATE:

NAME: _____ CREDIT LIMIT: \$ _____ AVAILABLE CREDIT: \$ _____

NAME: _____ CREDIT LIMIT: \$ _____ AVAILABLE CREDIT: \$ _____

NAME: _____ CREDIT LIMIT: \$ _____ AVAILABLE CREDIT: \$ _____

NAME: _____ CREDIT LIMIT: \$ _____ AVAILABLE CREDIT: \$ _____

NAME: _____ CREDIT LIMIT: \$ _____ AVAILABLE CREDIT: \$ _____

GIVE NAMES OF TWO RELATIVES NOT LIVING WITH YOU, THEIR ADDRESSES AND PHONE NUMBERS:

NAME _____ ADDRESS _____ PHONE _____

NAME _____ ADDRESS _____ PHONE _____

CAN YOU BORROW MONEY? _____ IF NOT, WHY NOT? _____

IF YOU HAVE MADE AN APPLICATION TO ANY LENDING INSTITUTION, MERCHANT, OR CREDIT CARD COMPANY FOR A LOAN, OR OTHER CREDIT WITHIN THE LAST TWELVE (12) MONTHS, PLEASE STATE THE NAME AND ADDRESS OF EACH, THE DATE THE APPLICATION WAS MADE, AND THE LOAN OR CREDIT WHICH YOU SOUGHT:

VERIFICATION

STATE OF TEXAS §

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COUNTY OF BANDERA §

BEFORE ME, the undersigned Notary Public, on this day personally appeared

_____ ,

who, being by me duly sworn on oath deposed and said that he/she has read the above Financial Affidavit and that the statements contained therein are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME on the _____ day of _____, 20____, to certify which witness my hand and official seal.

Notary Public in and for the State of Texas

My Commission Expires:
