

APPEALS FROM MUNICIPAL COURT

RIGHTS AND PROCEDURES FOR DEFENDANTS

The purpose of this handout is to provide you with information about appealing a conviction from the municipal court to the appellate court. If you have questions about your right to appeal or whether you should appeal, please consult with a licensed attorney of your choice.

RIGHT TO APPEAL

- You have the right to appeal a conviction in municipal court. This right applies if:
- You are convicted at trial;
- Plead guilty or nolo contendere (no contest);
- Fail to complete a driving safety course; or fail to comply with the terms of deferred disposition.

APPEAL PROCEDURE

- Before you can appeal, the municipal court must enter a final judgment of guilty against you and impose a penalty (fine and costs).
- If you pay the fine and court costs, you may not appeal because the judgment of the court has been satisfied and there is nothing to appeal.
- You may give notice of appeal, but you are not required to do so. You must however, notify the court of your intention to appeal and request the amount of the appeal bond.
- The court must set the appeal bond at least two times the fine and cost assessed against you and may set the bond higher. In any case, the bond may not be less than \$50.00.
- The court may not require a cash bond, but you may choose to file that type of bond.
- You may file a surety bond. The court has a duty to determine the sufficiency of your surety or sureties.
- If you have an attorney, the attorney may act as surety on your bond. The attorney must meet the requirements of a surety. The court has a duty to determine the sufficiency of the bond filed by your attorney.
- If you are indigent, you may request the court to conduct an indigent hearing to determine your ability to make bond. The court has the authority to grant a personal appeal bond if you are indigent.
- All bonds require certain paperwork to be filed with the court. If the court has bond forms available, they may provide them to you, but they may not help you complete the forms. Only an attorney hired by you may advise you.
- If you appeared in open court at trial or plead guilty or nolo contendere, you must file the appeal bond with the court by the 10th day after judgment.
- If you entered your appearance and plea of guilty or nolo contendere by mail and requested the amount of fine and appeal bond, the court must notify you of the fine and appeal bond amount by certified mail with return receipt requested. You must file your bond with the court before the 31st day after receiving notice.
- Timely and properly filing your appeal bond completes the appeal process in municipal court.
- The municipal court will send your case and appeal bond to the appellate court (usually the county court). You must stay in contact with the county court so that you can timely appear in that court. If you fail to appear in the county court, they may declare a bond forfeiture and issue a capias warrant for your arrest.
- After your appeal has been completed in the municipal court, you may not withdraw your appeal. You must proceed in the county court.
- You will receive a new trial in the county court.
- If you are convicted in the county court and your fine is at least \$20 or more, you may appeal to the Texas Court of Appeals, which is the next level of appellate court in Texas.
- If you are found not guilty in the county court, you are released from liability without any costs.

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