Plano
City of Excellence

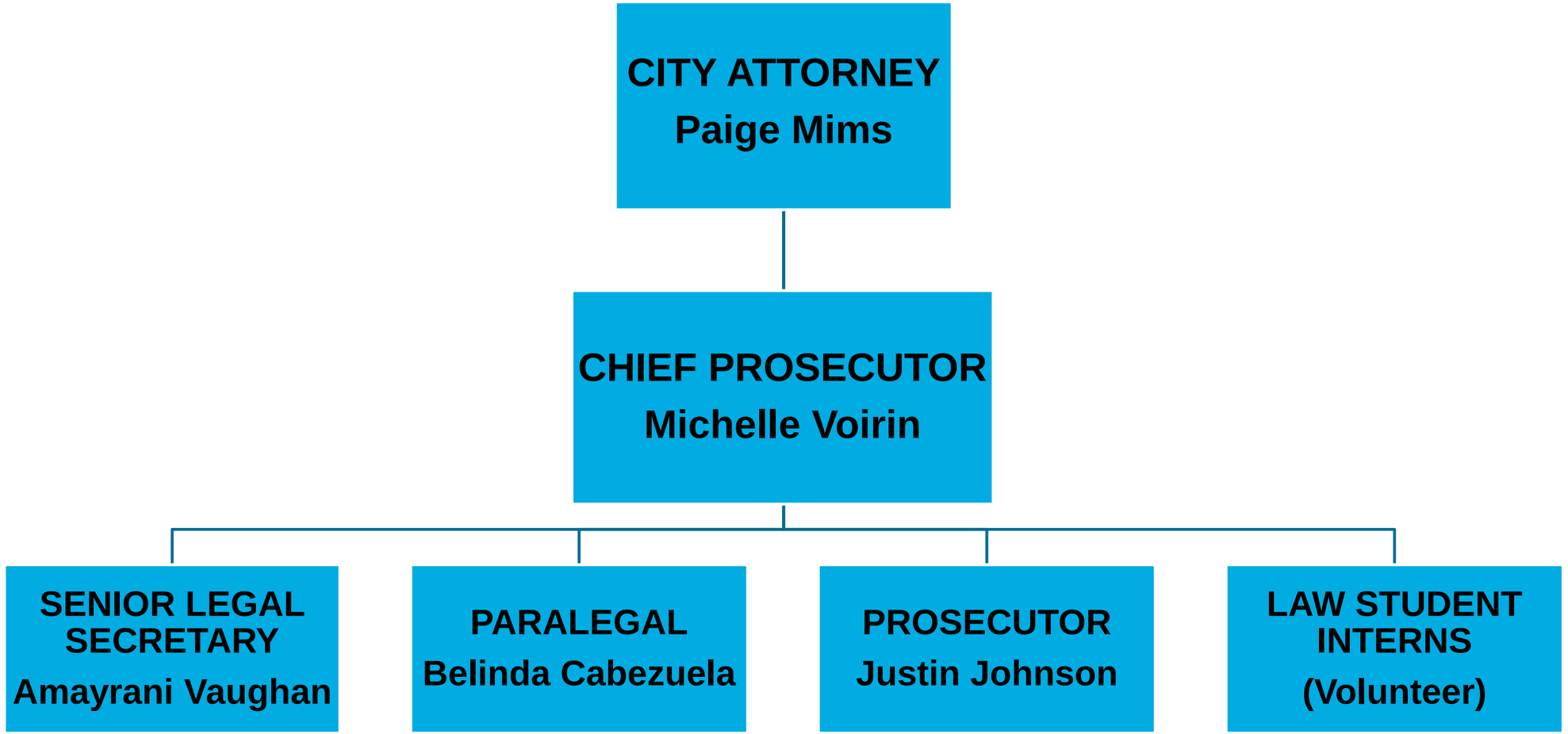
CITY OF PLANO PROSECUTION

July 27, 2020

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Assistant City Attorney, Chief of Prosecution

Prosecution Office



Jurisdiction of Plano Municipal Court

- Class C misdemeanor criminal offenses
- Fine only (up to $200, $500, $2,000)
- 1,100+ offenses in court database
- Search Warrants, including Code Enforcement
- Territorial limits of City of Plano
- Defendant can represent self (*pro se*) or hire attorney

Process

Case Filed

- Police or Code issue citation/notice to appear or submit probable cause affidavit.

Pretrial

- Pleads or sets pretrial; may email prosecutor in advance.
- D may talk to prosecutor, review evidence.
- State makes recommendation for plea.
- D pleads No Contest or Not Guilty.

Trial

- Judge or Jury
- Defense may appeal to County.
- State may not appeal acquittal.

Prosecution Responsibilities

Criminal (Adults and Juveniles)

- Charging Decision and Complaint
- Pretrial Hearings
- Discovery
- Plea Recommendations
- Suppression and other Hearings
- Trials (Judge or Jury)
- Expunctions
- Appellate Briefs and Oral Argument (designated by Collin County District Attorney to represent State)

Juvenile < 15

- Reviews all cases before filed
- Mental Capacity Determination

School Offenses

- Reviews all cases before filed

Civil Hearings

- Dangerous Animals
- Animal Seizure from Cruelty/Neglect
- Animal Impoundment

Applicable Laws

Texas

- Penal Code
- Transportation Code
- Health and Safety Code
- Alcoholic Beverage Code
- Family Code
- Education Code
- Occupation Code
- Code of Criminal Procedure
- Rules of Criminal Evidence
- Appellate Procedure

City of Plano

- Code of Ordinances
  - Animal Code
  - Parking Ordinances
  - Food Code
  - Noise Ordinance
  - Miscellaneous
- Zoning Ordinance
- International Codes
  - Building Code
  - Residential Code
  - Property Maintenance Code
  - Fire Code

Sample Offenses: State Law

- Assault and Family Violence
- Electronic Transmission of Sexually Explicit Material
- Theft
- Criminal Mischief
- Possession of Drug Paraphernalia
- Possession of Tobacco or Electronic Cigarette by Minor
- Display of Facsimile Firearm
- Leaving Child in Vehicle
- Disorderly Conduct
  - Fighting in Public
  - Abusive or Threatening Language
  - Unreasonable Noise
  - Urinating in Public
- Alcohol
  - Minor Driving Under Influence
  - Public Intoxication
  - Minor Possession/Consumption
  - Drinking in Public

Sample Offenses: Transportation Code

- Failure to Yield Right-of-Way
  - May result in serious bodily injury or death
- Disregarding Traffic Control Device
- Speeding (School / Construction Zone)
- Failure to Yield to Emergency Vehicle / School Bus
- Commercial Motor Vehicle / Federal Motor Carrier Safety
- Insurance, Driver License, Registration
- Disabled Parking

Sample Offenses: Code Enforcement

PROPERTY MAINTENANCE

- Roof, Fence, Exterior
- High Grass/Weeds
- Unsanitary Conditions
- Parking on Prohibited Surface
- Junked Vehicles

ZONING

- Prohibited Use
- Open Storage
- Home Occupation

ANIMALS

- Failure to Vaccinate, Register
- Failure to Restrain
- Failure to Quarantine After Bite
- Inhumane Treatment

OTHER

- Building Standards and Permits
- Obstruction of Fire Apparatus
- Deliberate/Negligent Burning
- Unreasonable Noise
- Stagnant Water

SAMPLE COURT SCHEDULE: BEFORE PANDEMIC

COURT SCHEDULE	COURT 1	COURT 2
Monday AM	Jury Trials	Jury Trials
Monday PM	Juvenile < 15	Code Pretrials
Tuesday AM	Pro Se Pretrials	Pro Se Pretrials
Tuesday PM	Trials Before Judge	Trials Before Judge
Wednesday AM	Jury Trials	Jury Trials
Wednesday PM	Show Cause	Language Pretrials
Thursday AM	Pro Se Pretrials	Pro Se Pretrials
Thursday PM	Trials Before Judge	Trials Before Judge
Friday AM	Family Violence	Attorney Pretrials
Friday PM	Special Settings	Special Settings

SAMPLE ZOOM COURT SCHEDULE: DURING PANDEMIC

COURT SCHEDULE	COURT 1	COURT 2	COURT 3
Monday AM	Pretrials	Pretrials	Pretrials
Monday PM	Pretrials	Family Violence	Family Violence
Tuesday AM	Pretrials	Pretrials	Pretrials
Tuesday PM	Pretrials	Code Pretrials	Code Pretrials
Wednesday AM	Pretrials	Pretrials	Pretrials
Wednesday PM	Indigency Hearings	Juvenile Pretrials	Juvenile < 15
Thursday AM	Pretrials	Pretrials	Pretrials
Thursday PM	Special Docket	Show Cause	Animal Code Pretrials
Friday AM	Attorney Pretrials	Attorney Pretrials	Special Settings

**Will begin Trials Before the Court via Zoom in September. Jury Trials not yet permitted.*

Prosecution Ethical Obligations

“To See That Justice Is Done”

- Unique duty only for Prosecutors
- Represent the State of Texas
- One-way Discovery
- Disclosure of Exculpatory Evidence
- Burden of Proof

Beyond a Reasonable Doubt



“To See That Justice Is Done”

- **Prosecution Review**
  - Police reports, statements, dash and body cam, photos, 911 calls, probable cause affidavits, other records
  - Criminal histories
  - Communication with victims and witnesses
  - Search and seizure issues
  - Any information provided by defense

- **Pretrial: Defense may**
  - Discuss case and prosecutor recommendation
  - Review recordings, records, and evidence (Screen Share via Zoom, Discovery Kiosk)
  - Discuss violation and compliance (code enforcement available during Zoom)

Prosecution Responsibilities Outside of Court

Approval / Action by Prosecution	Number of Cases in 2019
Drafting Complaints, Review of Documents from Defendants, Miscellaneous Issues	2,194
Parking (FTA / Unable to Locate)	1055
Probable Cause Affidavits	754
Formal Discovery / Motions	179
Trial Preparation	428
Defective Citations Returned	310
Juvenile Under 15 and School Offenses	114

**Does not include trials, pretrials, trainings, informal discovery, victim and witness meetings, case review, or recommendations for plea or dismissal.*

Prosecution Goals

- **SAFETY** of the Community
- **COMPLIANCE** by Defendant
- **EFFECTIVE** use of witnesses, city employees, potential jurors
- **EDUCATION** and training of police and code enforcement
- **TRANSPARENCY** in evidence and judicial system
- **JUSTICE** in resolution of the case, based on law and evidence

Prosecution Recommendations

Plea or Dismissal Considerations:

- Facts of the case
- Admissible evidence
- Reliability of witnesses
- Criminal histories of defendant and witnesses
- Consultation with victim
- Anticipated outcome of trial

Prosecution Recommendations

- Conviction and Fine
- Dismissal, Reduced Fine, Deferred Disposition, Teen Court
- Conditions of Deferred Disposition
  - Lifepath / Mental Health Assessment
  - Anger Management
  - Individual Counseling
  - Alcohol/Substance Abuse Treatment
  - Compliance with Property Maintenance / Building Code
  - Community Service
- Community Service / Lifepath / Counseling to satisfy fine and court costs

How Do We SERVE?



STEWARDSHIP

Mindful of resources in a consistent and transparent manner.

- Pretrial communication/hearings to resolve without trial
- Code Enforcement available in Pretrials
- Communicate with Police and Code for clarification and education
- Formal and Informal Discovery
- Consideration of Defense evidence
- Advance recommendations to expedite appearances
- Email, Zoom for pleas and exchange of information

How Do We SERVE?

ENGAGED: *Committed to the organization and its mission, the people we work with and the people we serve.*

- Include police and code in decisions and address issues
- Provide opportunities for defense to discuss cases and provide information

RESPECTFUL: *Treat all people and opinions w/dignity & courtesy.*

- Customer Service for all citizens, including victims, witnesses, jurors, and defendants (although an adversarial process)
- Include and inform victims (particularly in assault, family violence, collisions with serious injuries, sexually-oriented offenses, and child victims)
- Fairness and consistency, whether *pro se* defendant or attorney

How Do We SERVE?

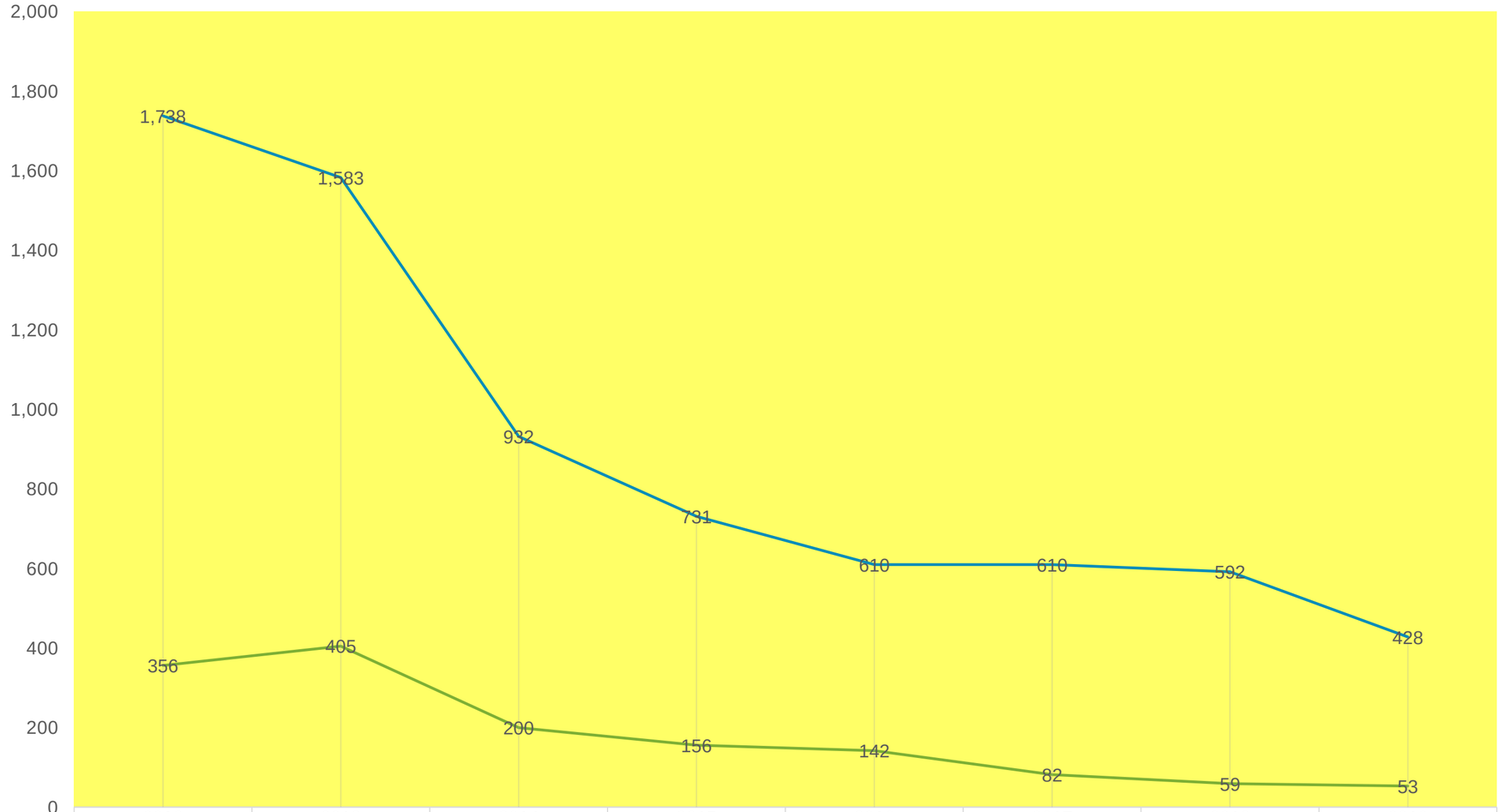
VISIONARY: *Embrace our past achievements while maintaining a leading edge focus on short and long term success.*

- Adapt to changing environment while moving cases forward for victims, community, and defendants
- Reduce contact with Discovery Kiosk and pleas by email

EXCELLENCE: *Strive to deliver programs and services that go above and beyond.*

- Collaborate with Police (including Legal Advisor, Neighborhood Police Officers, Victim Services, Mental Health Coordinator) and other City Departments in drafting enforceable ordinances, enforcement procedures, and technology to improve efficiency
- Identify areas for improvement and provide assistance and training for Police and Code
- Address needs of defendant to reduce recidivism, gain compliance, and serve victims

Reduction in Trials Through Preparation and Transparency 2012-2019



	2012	2013	2014	2015	2016	2017	2018	2019
Set for Trial	1,738	1,583	932	731	610	610	592	428
Trial	356	405	200	156	142	82	59	53

QUESTIONS?