



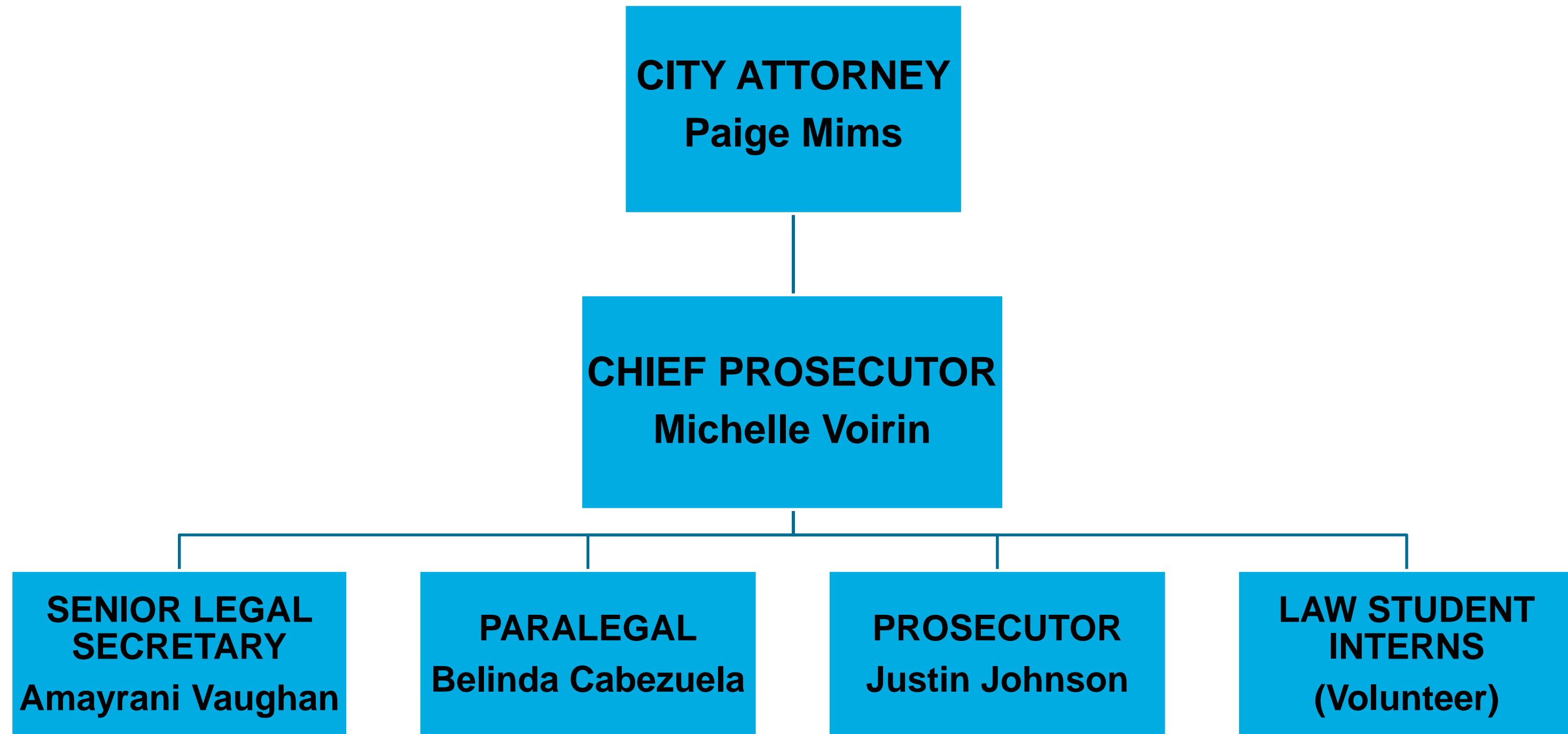
CITY OF PLANO PROSECUTION

August 10, 2020

Michelle L. Voirin

Assistant City Attorney, Chief of Prosecution

Prosecution Office

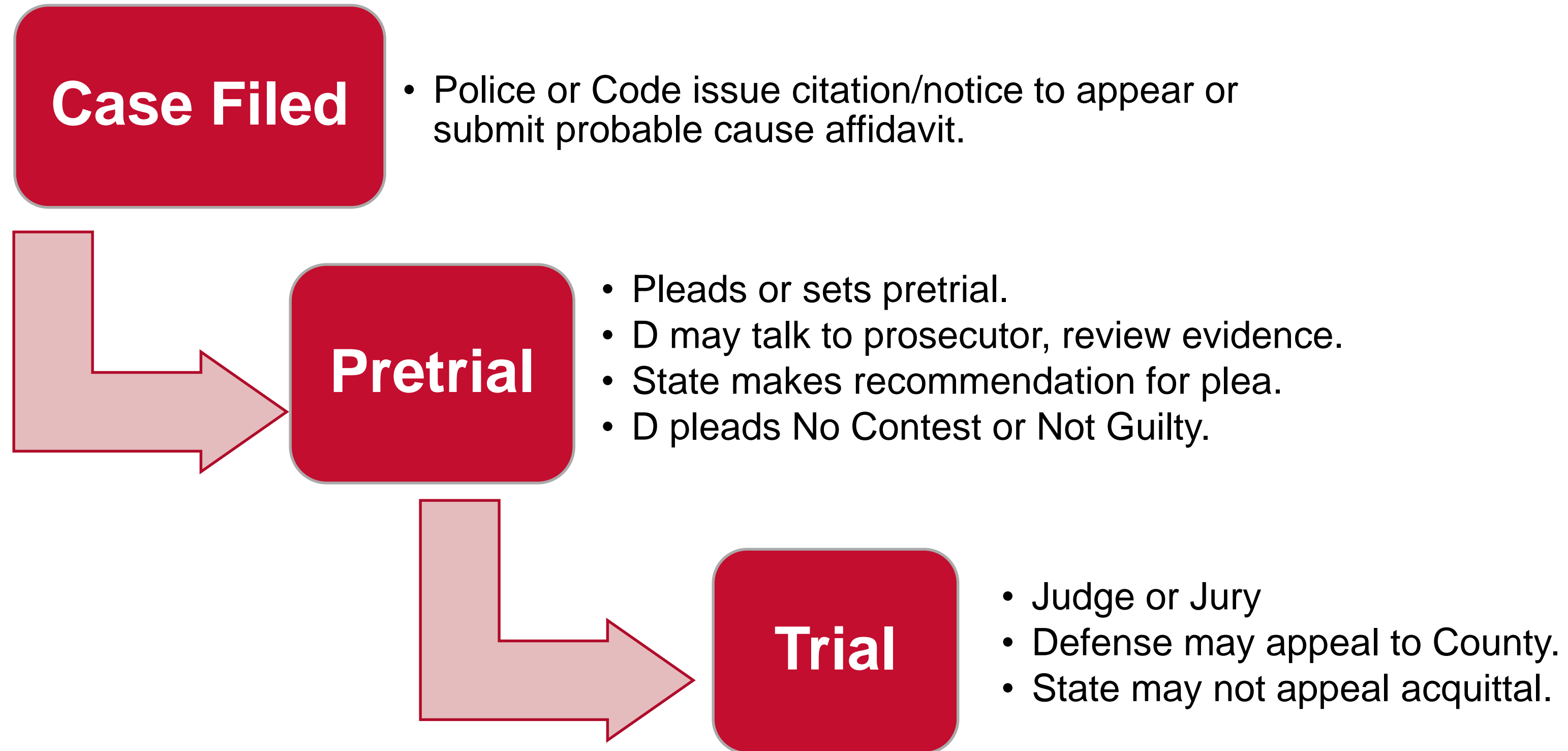


Jurisdiction of Plano Municipal Court

- 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



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

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

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	Special Hearings	Trials Before Judge	Trials Before Judge
Tuesday PM	Language Pretrials	Code Pretrials	Code Pretrials
Wednesday AM	Pretrials	Pretrials	Animal Code Pretrials
Wednesday PM	Indigency Hearings	Juvenile Pretrials	Juvenile < 15
Thursday AM	Parking	Pretrials	Pretrials
Thursday PM	Show Cause	Trials Before Judge	Trials Before Judge
Friday AM	Attorney Pretrials	Attorney Pretrials	Special Hearings

**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
- Information from Defense

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
- Mitigating and aggravating factors
- Admissible evidence
- Criminal history of defendant
- Reliability of 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
- Fine and court costs satisfied with community service / counseling / Lifepath



How Do We **SERVE**?

STEWARDSHIP

Mindful of resources in a consistent and transparent manner.



RESOLVE WITHOUT TRIAL

- Pretrials
- Prosecutor and code enforcement available
- Consider Defense evidence
- Exchange information and plead in advance when appropriate

CONSISTENT

- Fair and consistent, whether *pro se* defendant or attorney

TRANSPARENT

- Formal and Informal Discovery
- Share Prosecution information through Discovery Kiosk and Zoom Screen Sharing

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 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)

How Do We **SERVE?**

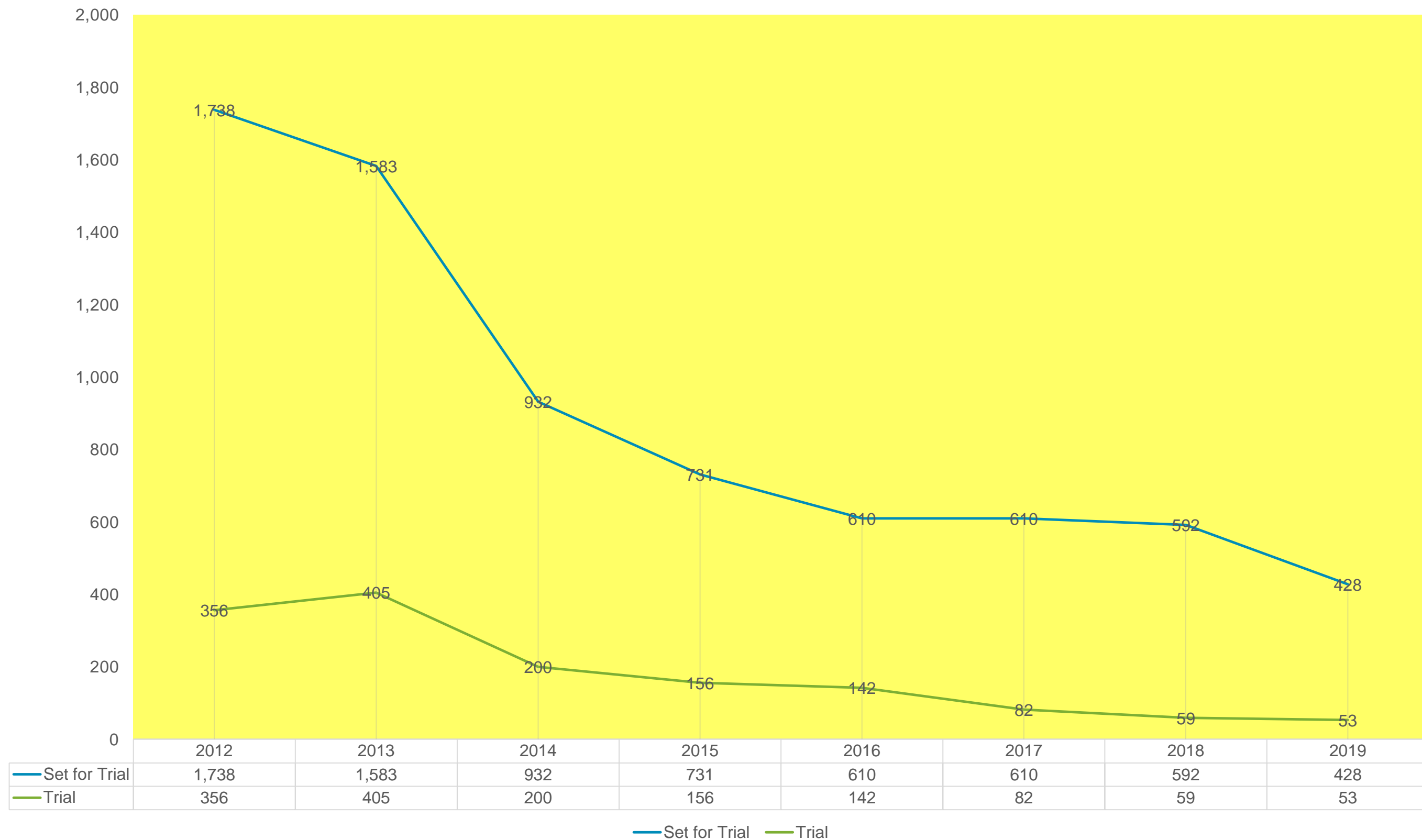
VISIONARY: *Embrace our past achievements while maintaining a leading edge focus on short and long term success.*

- Adapt to changing environment, moving cases forward for victims, community, and defendants
- Reduce contact with Discovery Kiosk, Zoom, and 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
 - Legal requirements for prosecution
 - Drafting enforceable ordinances
 - Technology to improve evidence retention, transparency, proof
 - Identify areas for improvement and assist with training
- Address needs of defendant to reduce recidivism, gain compliance, and serve victims

Reduction in Trials Through Preparation and Transparency 2012-2019



QUESTIONS?