



# CITY OF MESQUITE MUNICIPAL COURT OF RECORD

P.O. BOX 850137, TEXAS 75185  
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## APPELLANT'S INFORMATION

THE CITY OF MESQUITE MUNICIPAL COURT IS A COURT OF RECORD. AN APPEAL OF A MUNICIPAL COURT CASE MUST BE BASED ON AN ERROR MADE DURING THE TRIAL AND PRESERVED IN THE CASE RECORD. CERTAIN PROCEDURES MUST BE FOLLOWED TO PROTECT AND PERFECT YOUR RIGHT OF APPEAL. THE LAW WHICH GOVERNS THE APPEAL MAY BE FOUND IN TEXAS GOVERNMENT CODE SEC. 30.00014-30.00027, AND THE TEXAS RULES OF APPELLATE PROCEDURE. THE FOLLOWING INFORMATION IS PROVIDED TO YOU AS A GUIDE, AND DOES NOT INCLUDE ALL THE APPELATE RULES. YOU SHOULD FOLLOW THE LAW, OR HIRE AN ATTORNEY, TO MAKE CERTAIN YOUR APPEAL IS PERFECTED.

### 1. TO PERFECT YOUR APPEAL, YOU MUST TAKE THE FOLLOWING STEPS:

- a. MOTION FOR NEW TRIAL (Within 10 calendar days after judgment). A written motion for new trial must be filed no later than the 10th calendar day after the judgment of conviction. The motion must set forth the points of error. You may request a hearing on the motion. If you do not request a hearing, the judge may rule on the motion without a hearing. Once filed, if the original or amended motion is acted on by the Municipal Court at the expiration of the 30 days allowed for a determination, the original motion is overruled by the operation of law.
- b. NOTICE OF APPEAL (Within 10 calendar days after motion for new trial is overruled). If your motion for new trial is overruled following a hearing, a notice of appeal may be given orally in open court after the hearing. If there is no hearing, you must give a written notice of appeal and must file the notice with the Municipal Court not later than the 10<sup>th</sup> calendar day after the date on which the motion of new trial is overruled.
- c. APPEAL BOND (No more than 10 calendar days after the motion for new trial is overruled; no exceptions). You must file an appeal bond within 10<sup>th</sup> calendar days of the overruling of your motion for new trial. The bond must be in the amount of no less than \$100.00 or double the amount of the fines and costs, whichever is greater. The bond must be approved by the Court, and must be conditioned on the defendant's immediate and daily personal appearance in the Court to which the appeal is taken.

2. RECORD ON APPEAL: You must request preparation of the record on appeal. The record on appeal consists of the clerk's record and the certified record transcribed by a court reporter of the trial proceedings. Not later than 60<sup>th</sup> day after the Notice of Appeal is given or filed, you must complete the following with the Municipal Court:

- a. CLERK'S RECORD: Submit a written request for the preparation and transfer of the clerk's record to the appellate court. The request shall include a description of materials to be included in the clerk's record in addition to required material. Required materials include complaint, material docket entries made by the court, judgment, motion for new trial, notice of appeal, all written motions and pleas, bills of exception, appeal bond and if you had a jury trial, the jury charge and jury verdict. At the time of your request, you must pay a \$25.00 fee in the form of a money order or in cash for the preparation of the Clerk's record. This fee does not include the fee for the transcript preparation of the trial procedures. You will be responsible for paying the Transcriptionist.
- b. TRIAL TRANSCRIPT: Request the preparation of the reporter's record from the identified court reporting company used by the City of Mesquite Municipal Court of Record. You must pay the court reporting company directly for the transcription services. The transcription must be at the court no later than the 60<sup>th</sup> day after the appeal was made. For transcript preparation, contact Cindy Sumner, CSR, online at [www.NCRDallas.com](http://www.NCRDallas.com) or by telephone at (214) 802-7196.

3. BRIEFS: You must file a brief in the County Court at Law presenting points of error in the manner requested by law not later than 15 days after date on which the transcript and Clerk's City Attorney who represented the State in your case, and to the trial Judge. This information must also be mailed to Mesquite Municipal Court, P.O. Box 850137, Mesquite, Texas 75185 by certified mail, return receipt requested or hand-delivered to the Court.

4. COUNTY COURT AT LAW DECISION:

- a. Affirms Judgment- Fine and court cost due within 10 calendar days of ruling to Mesquite Municipal Court of Record. May be appealed to the Dallas County Court of Appeals.
- b. Reverse Judgment-Case is closed and returned to Mesquite Municipal Court of Record.
- c. Modified Judgment-Case returned to Mesquite Municipal Court of Record modified fine and costs are due to court within 10 calendar days of ruling.
- d. Remanded for new trial -Case returned to Mesquite Municipal Court of Record and scheduled for a new trial.

**GENERAL**

- YOU MAY REPRESENT YOURSELF ON APPEAL OR YOU MAY WISH TO HIRE AN ATTORNEY TO HANDLE IT FOR YOU.
- IF A WRITTEN MOTION FOR NEW TRIAL IS NOT PROPERLY FILED OR THE FINE IS NOT PAID BY THE 10TH CALENDAR DAY FOLLOWING YOUR TRIAL, A COMMITMENT (WARRANT FOR ARREST) MAY BE ISSUED ON THE 11TH DAY. ANY LAW ENFORCEMENT OFFICER MAY IMMEDIATELY EXECUTE THE COMMITMENT.
- IF YOU DO NOT WISH TO FILE A MOTION FOR A NEW TRIAL, YOU MAY PAY YOUR FINE WITHIN 10 DAYS FOLLOWING YOUR TRIAL THE FINE MAY BE PAID AT THE MUNICIPAL COURT CUSTER SERVICE WINDOW. IF THE FINE IS PAID BY MAIL, SEND A CHECK OR MONEY ORDER MADE PAYABLE TO THE CITY OF MESQUITE MUNICIPAL COURT. THE PAYMENT MUST REACH THE MUNICIPAL COURT ON OR BEFORE THE 10TH DAY.

<b>SUMMARY OF CHARGES</b>	
Appeal Bond	\$100.00 or double the amount of fine and court costs, whichever is greater
Preparation of Clerk's Record	\$25.00 due at time of request; Cash, Money Order, Cashier's Check or Credit Card.
Preparation of Trial Transcript Certified by a Court Reporter	Contact: National Court Reporters of Dallas. Transcripts may be ordered on their website online at <a href="http://www.NCRDallas.com">www.NCRDallas.com</a> or by telephone at (214) 651-8393. Payment of services is due directly to the company.