

INSTRUCTION PAGE

INSTRUCCIONES

No. (Cause # - # de Causa)

THE STATE OF TEXAS,

In the Municipal Court

vs.

City of Plano

(Defendant's Printed Name) (Nombre del Acusado (a))

Collin County, Texas

APPEAL BOND

Whereas, on the ___ day of (Judgment Date - Fecha de Sentencia, 20__, in the above entitled and numbered cause, in said Municipal Court, a Judgment was rendered and entered against the defendant, (Defendant's Printed Name Nombre del Acusado(a)), convicting him/her of the misdemeanor offense of (Violation) (Violación) upon complaint filed in said court, that the State of Texas, for the use and benefit of the City of Plano, Texas, have and recover of the said defendant the sum of (Total of Fine and Costs) (Total de la Multa y Costos) dollars (\$ _____) fine and all costs of said prosecution from which said Judgment the defendant has appealed to the County Court at Law of Collin County, Texas;

Now, therefore, we, the said (Defendant's Printed Name) (Nombre del Acusado(a)), as principal, and (Surety's Printed Name) (Nombre del fiador), as surety, do hereby bind ourselves, our heirs, executors and administrators, jointly and severally, to the State of Texas, in the sum of (Double Fine and Costs Amount) (Doble la Cantidad de la Multa y Costos) dollars (\$ _____) payable to the Collin County Sheriff's Office, for the use and benefit of the said City of Plano, Texas; and in addition thereto, we are bound for the payment of all necessary and reasonable fees and expenses that may be incurred by any and all sheriffs or other peace officers in rearresting the principal in the event the conditions of this bond are violated.

Conditioned, that the said defendant shall well and truly make his/her personal appearance before the County Court At Law, Collin County, Texas, instantly at McKinney, Texas, as well as before any court to which the same may be transferred and for any and all subsequent proceedings that may be had relative to said charge in the course of criminal actions based on said charges, and there remain from day to day, and term to term, to answer said cause on trial in said Court.

Witness our hands this _____ day of (Date Signed) (Fecha Firmada), A.D. 20 _____.

X
Defendant's signature Firma del Acusado(a)

Defendant's Printed Name Nombre del Acusado(a)

Defendant's Address Domicilio del Acusado(a)

X
Surety's signature Firma del Fiador

Surety's Printed Name Nombre del fiador

Surety's Address Domicilio del Fiador

Examined and approved this _____ day of _____, 20_____.

YOU WILL NEED TO POST A MONEY ORDER OR CASHIER'S CHECK PAYABLE TO "COLLIN COUNTY SHERIFF'S OFFICE" OR PROVIDE A SURETY THAT EITHER HOLDS A BAIL BOND LICENSE IN COLLIN COUNTY OR IS LICENSED TO PRACTICE LAW IN THE STATE OF TEXAS.

Municipal Court Judge
Plano, Collin County, Texas

STATE OF TEXAS

}

}Before me, the undersigned authority, personally appeared

COUNTY OF COLLIN

}

(Surety's Printed Name) (Nombre del fiador) surety of this bond and upon his or her oath, deposes and says:

I do swear that I am worth, in my own right, at least the sum of \$ (Double Fine and Costs Amount) (Doble la Cantidad de la Multa y Costos), after deducting from my property all that which is exempt by the Constitution and Laws of the State from forced sale, and after the payment of all my debts of every description, whether individual or security debts, and after satisfying all encumbrances upon my property which are known to me; that I reside in (Print County Name) (Nombre del Condado) County, and have property in this State liable to execution worth said amount or more.

X

Surety's Signature

Firma del Fiador

Surety's Bail Bond License Number

Surety's Texas Law License Number

RIGHT TO APPEAL. You may appeal a judgment against you to the County Courts at Law by filing a Motion for New Trial within ten (10) days of the date of judgment. If your Motion for New Trial is denied, you must give a written Notice of Appeal and pay a \$25 clerk's fee no later than ten (10) days after the date on which the Motion is denied.

BOND. The appeal bond must be filed with the Plano Municipal Court no later than ten (10) days after the date on which the Motion for New Trial is denied.

SURETY BOND. A surety is someone that agrees to pay the fine and court costs if you fail to appear in the County Court at Law. The surety on an appeal bond must be a bail bondsman licensed in Collin County or an attorney that you have hired to represent you during the appeal.

CASH BOND. If you post a money order or a cashier's check, the money will be held by the County Clerk until the end of your case in the County Court at Law. If you make all your court appearances, the money will be returned to you; or you may use the bond money to pay any fine and court costs imposed at the end of the case.

APPEAL. After the Motion for New Trial has been denied, the Notice of Appeal has been filed, the clerk's fee of \$25 paid, a bond posted, and the court reporter's record obtained, the papers of the appealed case will be forwarded to the Collin County Clerk. The appealed case will be assigned to one of the County Courts at Law. After consideration of the record and any briefs filed, the County Court may affirm the municipal court's judgment, reverse and remand the case for a new trial, reverse and dismiss the case, or reform and correct the judgment.

APPEAL BRIEFS. The Appellant's brief is due 15 days after the record on appeal is filed with the County Courts at Law. The Appellee's brief is due 15 days after the filing of the Appellant's brief.

FREQUENTLY ASKED QUESTIONS:

- 1. How do I appeal? What is the process of perfecting the appeal bond?**
The only way to appeal a judgment from the municipal court of record is to file a Motion for New Trial with the municipal court within ten (10) days of the date of judgment. If your Motion for New Trial is denied, you must file a Notice of Appeal, pay a \$25 clerk's fee, and file an appeal bond with the municipal court no later than ten (10) days after the date on which the Motion for New Trial is denied. After completing these actions, you must order and make arrangements to pay the Certified Court Reporter for the reporter's record of the trial proceedings.
- 2. Where are the County Courts at Law?**
The County Courts at Law are located at 2100 Bloomdale, McKinney, Texas.
- 3. Do I file my Motion for New Trial, Notice of Appeal, and Appeal Bond with the County Court?**
No. Your Motion for New Trial, Notice of Appeal, and Appeal Bond must be filed in the municipal court.
- 4. Can I get an extension of time to appeal?**
No. The Code of Criminal Procedure limits the time to file a Motion for New Trial to ten (10) days following the signing of the judgment. If the tenth day falls on a weekend or court holiday, the time is extended to the next business day.
- 5. What happens if I don't appeal?**
If no Motion for New Trial is filed ten (10) days after the judgment is entered, the fine and court costs must be paid to prevent a warrant of arrest being issued by the municipal court.
- 6. What if I don't have the money to appeal?**
You may hire an attorney or use a bail bondsman to file the appeal bond, if not the case will remain in our court, since extensions are not possible for appealing a case.
- 7. Do I have to post a cash appeal bond?**
Appeal bonds may be secured with a cash amount equal to twice the sum of the fine and all court costs and fees, or, appeal bonds may be accepted if the bonds are signed by the defendant and an approved surety.
- 8. Do you have a list of attorneys that handle appeals?**
The court may not provide a referral list of attorneys. Please consult the local bar associations or the advertising section of the telephone directories.
- 9. Do you have a list of bail bondsmen that handle appeal bonds?**
A list of the bail bondsmen licensed by Collin County is available at the court clerks' office and the city jail.
- 10. If I post a cash appeal bond, can the money be used for the payment of any fines and costs set in the County Court?**
This question should be directed to the Collin County Clerk or to the Judge of the County Court at Law presiding over the case that was appealed. The Municipal Court has no say in this matter.
- 11. If I want to post a surety appeal bond, who is allowed to sign as a surety?**
A surety on an appeal bond may be any licensed attorney or a bail bondsman licensed in Collin County.
- 12. Is the purpose of appealing to the County Court to contest the case?**
Generally, Yes. The appeal is limited to errors committed in the municipal court trial that are stated in the Motion for New Trial. There is not a trial in the County Courts at Law.
- 13. What is the benefit of having my trial recorded?**
The purpose of recording a trial is to create a record upon which an appeal may be based in the event that a Motion for New Trial is denied. The person appealing must pay the Certified Court Reporter to prepare a written record of the trial testimony.
- 14. Can I use the cash bond that I posted in the Municipal Court as the appeal bond?**
No. The cash deposited as a bond in the municipal court will not be refunded in cash. It will be refunded in the form of a check issued by the City.
- 15. Do you have an appeal bond written in Spanish or another language?**
Appeal bonds are printed only in English. Instructions for completing the appeal bonds are available in English and Spanish.