

## **Question**

CAUSE NUMBER: 2500011168 OFFENSE CHARGED: LP - OPERATION OF MOTOR VEHICLE WITHOUT LICENSE PLATE STATE OF TEXAS § IN THE MUNICIPAL COURT VS § CITY OF ALLEN MYERS, RYAN STERLING § COLLIN COUNTY, TEXAS JUDGMENT On this day, 6/17/2025, the Defendant in the above numbered and entitled cause, having made his/her initial appearance and entered a plea of No Contest voluntarily waives the right to a jury trial and waives the objection to any defect in the charging instrument, the filing of and notice of a sworn complaint, and decline to participate in discovery in this case. The Court finds the Defendant guilty of the offense of LP - OPERATION OF MOTOR VEHICLE WITHOUT LICENSE PLATE. The Court enters a final judgment of guilt, and assesses a fine and court costs as set forth below: The Defendant, being found guilty and assessed a fine and applicable court costs of \$146.00, it is therefore Ordered and Adjudged by the Court that the State of Texas, for the use and benefit of the City of Allen, Texas, do have and recover from the Defendant the fine and court costs in the amount of 146.00. The Defendant is hereby Order to discharge the fine and costs in the following manner:Defendant shall pay all fees immediately (defined as by 4:30 p.m. on the date this Judgment is entered). Your current outstanding balance is: 0.00. It is further Ordered and Adjudged, if the Defendant fails to comply with the orders of this judgment, the Defendant shall be committed to the custody of the Chief of Police of the City of Allen, Texas until said fine and costs are fully paid. In the event the Defendant defaults in the discharge of this judgment, pursuant to Article 45.048(b), Code of Criminal Procedure, the Court specifies that the Defendant receive not less than \$150.00 for each 8 hours spent in jail to satisfy the fine and costs. It is further Ordered and Adjudged by the Court that execution may issue against the property of the said Defendant for the amount of such fine and costs. If you wish to appeal the judgment, you must do so pursuant to Art. 45.0425 of the Texas Code of Criminal Procedure.

SIGNED, ORDERED AND ADJUDGED this day, June 24, 2025. MUNICIPAL COURT JUDGE, City of Allen Collin County,Texas CAUSE NUMBER: 2500011169 OFFENSE CHARGED: REG - OPERATE VEHICLE WITH IMPROPERLY DISPLAYED OR NO REG INSIGNIA STATE OF TEXAS § IN THE MUNICIPAL COURT VS § CITY OF ALLEN MYERS, RYAN STERLING § COLLIN COUNTY, TEXAS JUDGMENT On this day, 6/17/2025, the Defendant in the above numbered and entitled cause, having made his/her initial appearance and entered a plea of No Contest voluntarily waives the right to a jury trial and waives the objection to any defect in the charging instrument, the filing of and notice of a sworn complaint, and decline to participate in discovery in this case. The Court finds the Defendant guilty of the offense of REG - OPERATE VEHICLE WITH IMPROPERLY DISPLAYED OR NO REG INSIGNIA. The Court enters a final judgment of guilt, and assesses a fine and court costs as set forth below: The Defendant, being found guilty and assessed a fine and applicable court costs of \$141.00, it is therefore Ordered and Adjudged by the Court that the State of Texas, for the use and benefit of the City of Allen, Texas, do have and recover from the Defendant the fine and court costs in the amount of 141.00. The Defendant is hereby Order to discharge the fine and costs in the following

manner:Defendant shall pay all fees immediately (defined as by 4:30 p.m. on the date this Judgment is entered). Your current outstanding balance is: 0.00. It is further Ordered and Adjudged, if the Defendant fails to comply with the orders of this judgment, the Defendant shall be committed to the custody of the Chief of Police of the City of Allen, Texas until said fine and costs are fully paid. In the event the Defendant defaults in the discharge of this judgment, pursuant to Article 45.048(b), Code of Criminal Procedure, the Court specifies that the Defendant receive not less than \$150.00 for each 8 hours spent in jail to satisfy the fine and costs. It is further Ordered and Adjudged by the Court that execution may issue against the property of the said Defendant for the amount of such fine and costs. If you wish to appeal the judgment, you must do so pursuant to Art. 45.0425 of the Texas Code of Criminal Procedure. SIGNED, ORDERED AND ADJUDGED this day, June 24, 2025. MUNICIPAL COURT JUDGE, City of Allen Collin County,Texas CAUSE NUMBER: 2500011167 OFFENSE CHARGED: SPEEDING 90/70 - TC 545.351 STATE OF TEXAS § IN THE MUNICIPAL COURT VS § CITY OF ALLEN MYERS, RYAN STERLING § COLLIN COUNTY, TEXAS JUDGMENT On this day, 6/17/2025, the Defendant in the above numbered and entitled cause, having made his/her initial appearance and entered a plea of No Contest voluntarily waives the right to a jury trial and waives the objection to any defect in the charging instrument, the filing of and notice of a sworn complaint, and decline to participate in discovery in this case. The Court finds the Defendant guilty of the offense of SPEEDING 90/70 - TC 545.351. The Court enters a final judgment of guilt, and assesses a fine and court costs as set forth below: The Defendant, being found guilty and assessed a fine and applicable court costs of \$262.00, it is therefore Ordered and Adjudged by the Court that the State of Texas, for the use and benefit of the City of Allen, Texas, do have and recover from the Defendant the fine and court costs in the amount of 262.00. The Defendant is hereby Order to discharge the fine and costs in the following manner:Defendant shall pay all fees immediately (defined as by 4:30 p.m. on the date this Judgment is entered). Your current outstanding balance is: 0.00. It is further Ordered and Adjudged, if the Defendant fails to comply with the orders of this judgment, the Defendant shall be committed to the custody of the Chief of Police of the City of Allen, Texas until said fine and costs are fully paid. In the event the Defendant defaults in the discharge of this judgment, pursuant to Article 45.048(b), Code of Criminal Procedure, the Court specifies that the Defendant receive not less than \$150.00 for each 8 hours spent in jail to satisfy the fine and costs. It is further Ordered and Adjudged by the Court that execution may issue against the property of the said Defendant for the amount of such fine and costs. If you wish to appeal the judgment, you must do so pursuant to Art. 45.0425 of the Texas Code of Criminal Procedure. SIGNED, ORDERED AND ADJUDGED this day, June 24, 2025. MUNICIPAL COURT JUDGE, City of Allen Collin County,Texas These three tickets had a final judgment entered. Are there any facial errors, such as a repealed statute for appeal, or any other strategies the person can use to fight these judgments?

## **Answer (Texas)**

## **Short response**

While there are no facial errors or repealed statutes in the judgments, Ryan Sterling Myers has several viable options to challenge them, including potential dismissal of the license plate and registration insignia charges under Texas Transportation Code §§ 504.943 and 502.473, and timely appeal within 10 days of judgment.

## **Summary**

Ryan Sterling Myers received three judgments from the Allen Municipal Court for traffic violations: operating a vehicle without a license plate, operating a vehicle without registration insignia, and speeding (90 mph in a 70 mph zone). Based on the provided legal materials, there are no facial errors or repealed statutes apparent in the judgments themselves. However, the defendant has several potential strategies to fight these judgments.

The most promising options include: (1) seeking dismissal of the license plate and registration insignia charges by remedying the defects and paying a reimbursement fee not exceeding \$10 per offense under Texas Transportation Code §§ 504.943 and 502.473; (2) filing a timely appeal by submitting an appeal bond within 10 days of the judgment date; (3) filing a motion for new trial within 10 days if the municipal court is a court of record; (4) requesting a waiver or reduction of fines based on indigency or hardship; or (5) pursuing a restricted appeal within six months if certain conditions are met. Each strategy has specific requirements and timeframes that must be strictly followed.

## **Background and Relevant Law**

### **Texas Transportation Code Provisions**

The Texas Transportation Code contains provisions that may allow for dismissal of two of the three charges against Ryan Sterling Myers.

For the first charge of operating a vehicle without a license plate, [Tex. Transp. Code § 504.943](#) provides: "A court may dismiss a charge brought under Subsection (a) if the defendant: remedies the defect before the defendant's first court appearance; and pays a reimbursement fee not to exceed \$10." This provision creates an opportunity for dismissal if the defendant obtains and properly displays the required license plates before the first court appearance and pays a nominal reimbursement fee.

Similarly, for the second charge of operating a vehicle with improperly displayed or no registration insignia, [Tex. Transp. Code § 502.473](#) states: "A court may dismiss a charge brought under Subsection (a) if the defendant pays a reimbursement fee not to exceed \$10 and: remedies the defect before the defendant's first court appearance; or shows that the motor vehicle was issued a registration insignia by the department that was attached to the motor vehicle, establishing that the vehicle was registered for the period

during which the offense was committed." This provision provides two alternative paths for dismissal: either remedying the defect or proving that the vehicle was properly registered during the relevant period.

These provisions are significant because they offer specific mechanisms for dismissal that could apply in this case. The judgments indicate that the defendant has already made an initial appearance and entered a plea of no contest on June 17, 2025, with the judgment signed on June 24, 2025. Thus, whether the defendant can still utilize these dismissal provisions will depend on whether the initial appearance constituted the "first court appearance" referenced in the statutes, or whether there may still be an opportunity to remedy these defects.

The case of [Turner v. State, No. 05-17-00732-CR \(Tex. App. Feb 08, 2018\)](#) confirms that driving with expired registration violates multiple provisions of the transportation code: "Driving with expired registration violates multiple provisions of the transportation code. See, e.g., TEX. TRANSP. CODE ANN. §§ 502.040(a) (Registration Required; General Rule), 502.407(a) (Operation of Vehicle with Expired License Plate), 502.473(a) (Operation of Vehicle Without Registration Insignia), 504.943 (Operation of Vehicle Without License Plate) (West Supp. 2017)." This case affirms that the statutes under which the defendant was charged are valid and applicable.

For the speeding offense, there is also a potential option under [Tex. Code Crim. Proc. § 45A.352](#), which provides for the possibility of completing a driving safety course: "The judge shall require a defendant to successfully complete a driving safety course approved by the Texas Department of Licensing and Regulation or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code, if: the defendant elects driving safety course or motorcycle operator training course dismissal under this subchapter; ... the defendant is charged with an offense to which this subchapter applies, other than speeding at a speed of: (A) 95 miles per hour or more; or (B) 25 miles per hour or more over the posted speed limit..."

Since the defendant was charged with speeding at 90 mph in a 70 mph zone, which is 20 mph over the posted speed limit, he may be eligible for this option if other conditions are met. However, the judgment indicates that the defendant has already entered a plea of no contest and been found guilty, so the timing for making this election may have passed.

## Appeal Procedures

The Texas Code of Criminal Procedure provides several avenues for appealing judgments from municipal courts. The judgments themselves reference "Art. 45.0425 of the Texas Code of Criminal Procedure" for appeal procedures. However, based on the provided legal materials, this appears to correspond to the recently revised [Tex. Code Crim. Proc. § 45A.203](#), which states: "An appeal is perfected when the appeal bond has been filed: with the justice or judge who tried the case; and not later than the 10th day after the date the judgment was entered."

This means that to appeal any of these judgments, the defendant must file an appeal bond with the judge who tried the case within 10 days after the judgments were entered on June 24, 2025. The deadline would therefore be July 4, 2025.

[Tex. Code Crim. Proc. § 45A.202](#) further provides details on the appeal process: "An appeal from a justice or municipal court, including an appeal from a final judgment in a bond forfeiture proceeding, shall be heard by the county court or, if the county court has no jurisdiction over the case, the proper court in the county. A de novo trial shall be held on appeal unless the appeal is: taken from a municipal court of record; and based on error reflected in the record."

This means that if the Allen Municipal Court is not a court of record, then an appeal would result in a completely new trial (de novo) in the county court. If it is a court of record, then the appeal would be based on errors reflected in the record.

Importantly, [Tex. Code Crim. Proc. § 45A.202](#) also states: "An appeal may not be dismissed because of: the defendant's failure to give notice of appeal in open court; or the presence of a defect in the transcript." This provision protects against dismissal on certain technical grounds.

For municipal courts of record, [Tex. Gov't. Code § 30.00014](#) outlines a different procedure: "A defendant has the right of appeal from a judgment or conviction in a municipal court of record... To perfect an appeal, the appellant must file a written motion for new trial with the municipal clerk not later than the 10th day after the date on which judgment is rendered. The motion must set forth the points of error of which the appellant complains..." This means that if the Allen Municipal Court is a court of record, the defendant would need to file a motion for new trial specifying the errors within 10 days of the judgment (by July 4, 2025).

## **Waiver of Fines and Costs**

Another potential strategy involves seeking a waiver or reduction of fines based on financial hardship. [Tex. Code Crim. Proc. § 45A.257](#) provides: "A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of a fine imposed on a defendant if the court determines that: the defendant: (A) is indigent or does not have sufficient resources or income to pay all or part of the fine; or (B) was, at the time the offense was committed, a child as defined by Article CODE OF CRIMINAL PROCEDURE 45A.453(a); and discharging the fine under Article CODE OF CRIMINAL PROCEDURE 45A.254 or as otherwise authorized by this chapter would impose an undue hardship on the defendant."

If the defendant can demonstrate indigence or that paying the fines would impose an undue hardship, he may be able to have the fines reduced or waived entirely.

## **Capias Pro Fine Considerations**

[Tex. Code Crim. Proc. § 45A.259](#) provides protection against immediate arrest for non-payment: "The court may not issue a writ of capias pro fine for the defendant's failure to satisfy the judgment according to the terms of the judgment unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant and the defendant fails to: appear at the hearing; or comply with an order issued under Subsection (f) as a result of the hearing."

This means that if the defendant is unable to pay the fines immediately as required by the judgments, the court cannot issue a warrant for his arrest without first holding a hearing to determine if the judgment imposes an undue hardship.

## **Judgment Requirements**

[Tex. Code Crim. Proc. § 42.01](#) sets forth the requirements for a valid judgment, including numerous specific elements that must be included. A review of the judgments in this case shows that they appear to contain the essential elements required by this statute, including the title and number of the case, the appearance of the parties, the plea, the verdict, the assessment of punishment, the date of judgment, and other required information. There do not appear to be any facial defects in the judgments based on these requirements.

## **Restricted Appeal**

As a final option, the defendant may consider a restricted appeal if they meet certain conditions. According to the secondary material "Restricted Appeals In Texas," "To attack a trial court's judgment by restricted appeal, a party must show that: \* a notice of appeal was filed within six months of the date that the complained-of judgment was signed; \* the filer was a party to the suit that did not participate in the hearing that resulted in the judgment or order; \* the party did not timely file a post-judgment motion, request findings of fact and conclusions of law, or file a notice of appeal within the time permitted under Texas Rule of Appellate Procedure 26.1(a); and \* the complained-of error is apparent from the face of the record."

However, this option appears less viable in this case since the defendant participated in the hearing by making an initial appearance and entering a plea of no contest.

# **Analysis**

## **Potential Strategies for Fighting the Judgments**

### **1. Dismissal Under Transportation Code Provisions**

The most straightforward strategy for the license plate and registration insignia charges would be to seek dismissal under [Tex. Transp. Code § 504.943](#) and [Tex. Transp. Code § 502.473](#), respectively. These provisions allow for dismissal if the defendant remedies the defects and pays a reimbursement fee not exceeding \$10.

However, there are timing considerations. The statutes specify that the defect must be remedied "before the defendant's first court appearance." Since the judgments indicate that the defendant has already made his initial appearance and entered a plea of no contest on June 17, 2025, it may be too late to utilize these provisions directly.

Nevertheless, the defendant could argue that the initial appearance should not constitute the "first court appearance" for purposes of these statutes, particularly if they were not informed of these dismissal options.

Alternatively, the defendant could file a motion for new trial (if in a court of record) or appeal the judgments and then seek dismissal under these provisions at the new trial. This approach would require prompt action within the 10-day appeal window.

### **2. Timely Appeal**

The defendant has the right to appeal these judgments. According to [Tex. Code Crim. Proc. § 45A.203](#), an appeal is perfected by filing an appeal bond with the judge who tried the case within 10 days after the judgment was entered. Since the judgments were entered on June 24, 2025, the deadline for filing the appeal bond would be July 4, 2025.

The nature of the appeal depends on whether the Allen Municipal Court is a court of record:

- If it is not a court of record, then the appeal would result in a de novo trial in the county court, meaning the case would be tried anew as if the municipal court proceedings had never occurred.
- If it is a court of record, then according to [Tex. Gov't. Code § 30.00014](#), the defendant would need to file a written motion for new trial with the municipal clerk within 10 days after the judgment, specifying the points of error.

Either way, the appeal must be filed promptly, and the defendant should be prepared to articulate the grounds for appeal.

### **3. Motion for New Trial**

If the Allen Municipal Court is a court of record, the defendant can file a motion for new trial within 10 days of the judgment under [Tex. Gov't. Code § 30.00014](#). This motion must set forth the specific errors alleged.

Potential grounds might include:

- The court's failure to inform the defendant of the option to remedy the license plate and registration defects under [Tex. Transp. Code § 504.943](#) and [Tex. Transp. Code § 502.473](#).
- The court's failure to consider the option of a driving safety course for the speeding offense under [Tex. Code Crim. Proc. § 45A.352](#).
- Any procedural irregularities or constitutional violations that may have occurred.

### **4. Challenging the Validity of the Judgment**

Based on [Modica v. State, 151 S.W.3d 716 \(Tex. App. 2004\)](#), "A judgment of conviction for a crime is void when (1) the document purporting to be a charging instrument (i.e. indictment, information, or complaint) does not satisfy the constitutional requisites of a charging instrument, thus the trial court has no jurisdiction over the defendant, (2) the trial court lacks subject matter jurisdiction over the offense charged, such as when a misdemeanor involving official misconduct is tried in a county court at law, (3) the record reflects that there is no evidence to support the conviction, or (4) an indigent defendant is required to face criminal trial proceedings without appointed counsel, when such has not been waived, in violation of Gideon v. Wainwright."

The defendant could review the charging instruments to determine if they satisfy constitutional requirements. However, the judgments indicate that the defendant "waives the objection to any defect in the charging instrument, the filing of and notice of a sworn complaint," which may limit this approach.

### **5. Seeking Waiver or Reduction of Fines**

Under [Tex. Code Crim. Proc. § 45A.257](#), the defendant can request that the court waive or reduce the fines if they can demonstrate indigence or that paying the fines would impose an undue hardship. This could be pursued either before or after an appeal is filed.

The judgments require immediate payment (by 4:30 p.m. on June 24, 2025), but the current outstanding balance is listed as \$0.00, suggesting that the fines may have already been paid. If this is inaccurate and the fines remain unpaid, the defendant could request a hearing on their ability to pay.

## **6. Driving Safety Course Option**

For the speeding offense, the defendant might still be able to pursue the option of completing a driving safety course under [Tex. Code Crim. Proc. § 45A.352](#) and [Tex. Code Crim. Proc. § 45A.356](#), which allows for deferral of judgment and dismissal upon completion of the course. However, this typically must be requested before a finding of guilt, so the defendant would likely need to successfully appeal or obtain a new trial first.

## **7. Restricted Appeal**

As a last resort, if the defendant did not participate in the hearing that resulted in the judgments (though the record suggests they did make an initial appearance), they could potentially file a restricted appeal within six months of the judgment. However, this approach has strict requirements and would only be successful if there is an error apparent on the face of the record.

## **Facial Validity of the Judgments**

Based on the requirements set forth in [Tex. Code Crim. Proc. § 42.01](#), the judgments appear to contain all the necessary elements and do not show any facial defects or errors. The judgments properly identify the parties, the offenses charged, the pleas entered, the findings of the court, the punishments assessed, and the payment requirements.

The judgments also correctly reference the appeal procedure, although they cite "Art. 45.0425 of the Texas Code of Criminal Procedure" rather than [Tex. Code Crim. Proc. § 45A.203](#). This discrepancy appears to be due to recent legislative changes rather than an error, as the judgments were signed on June 24, 2025, and the legal materials indicate that [Tex. Code Crim. Proc. § 45A.203](#) was added by Acts 2023, Texas Acts of the 88th Leg.- Regular Session, ch. 765, Sec. 1.001, effective 1/1/2025.

## **Statute Validity**

None of the statutes referenced in the judgments appear to have been repealed. [Turner v. State, No. 05-17-00732-CR \(Tex. App. Feb 08, 2018\)](#) confirms the validity of the transportation code provisions related to vehicle registration and license plates: "Driving with expired registration violates multiple provisions of the transportation code. See, e.g., TEX. TRANSP. CODE ANN. §§ 502.040(a) (Registration Required; General Rule), 502.407(a) (Operation of Vehicle with Expired License Plate), 502.473(a) (Operation of Vehicle Without Registration Insignia), 504.943 (Operation of Vehicle Without License Plate) (West Supp. 2017)."

# Conclusion

While there are no facial errors or repealed statutes apparent in the judgments against Ryan Sterling Myers, there are several potential strategies for challenging these judgments:

1. **Seek Dismissal Under Transportation Code Provisions:** For the license plate and registration insignia charges, the defendant could attempt to remedy the defects and pay the reimbursement fee, although the timing may be an issue since the initial appearance has already occurred.
2. **File a Timely Appeal:** The defendant has until July 4, 2025 (10 days after the judgment) to file an appeal bond or motion for new trial, depending on whether the Allen Municipal Court is a court of record.
3. **Request Waiver of Fines:** If the defendant is indigent or would face undue hardship in paying the fines, they can request a waiver or reduction under [Tex. Code Crim. Proc. § 45A.257](#).
4. **Pursue Driving Safety Course Option:** For the speeding offense, the defendant might be able to request the driving safety course option if they can successfully appeal or obtain a new trial.
5. **Consider a Restricted Appeal:** If other options fail and the defendant meets the strict requirements, they could file a restricted appeal within six months of the judgment.

The most time-sensitive action is filing the appeal bond or motion for new trial within the 10-day window. This would preserve the defendant's right to appeal and open up additional possibilities for fighting the judgments. The defendant should also gather any documentation showing that the vehicle was properly registered and licensed at the time of the offenses, as this could support a dismissal of those charges.

The statutes referenced in the judgments appear to be valid and current, and there are no obvious facial defects that would render the judgments void. Therefore, the defendant's best strategies lie in the procedural options outlined above, particularly those that take advantage of the specific dismissal provisions in the Texas Transportation Code for license plate and registration violations.

# Legal Authorities

[Modica v. State, 151 S.W.3d 716 \(Tex. App. 2004\)](#)

**Texas Court of Appeals**

## **Extract**

A judgment of conviction for a crime is void when (1) the document purporting to be a charging instrument (i.e. indictment, information, or complaint) does not satisfy the constitutional requisites of a charging instrument, thus the trial court has no jurisdiction over the defendant, (2) the trial court lacks subject matter jurisdiction over the offense charged, such as when a misdemeanor involving official misconduct is tried in a county court at law, (3) the record reflects that there is no evidence to support the conviction, or (4) an indigent defendant is required to face criminal trial proceedings without appointed counsel, when such has not been waived, in violation of *Gideon v. Wainwright*.

## **Summary**

A judgment can be considered void if there are jurisdictional issues, such as the charging instrument not meeting constitutional requirements, lack of subject matter jurisdiction, no evidence supporting the conviction, or if an indigent defendant was not provided counsel. These are potential grounds for appeal if any of these conditions are met in the current case.

[Turner v. State, No. 05-17-00732-CR \(Tex. App. Feb 08, 2018\)](#)

## **Texas Court of Appeals**

### **Extract**

Driving with expired registration violates multiple provisions of the transportation code. See, e.g., TEX. TRANSP. CODE ANN. §§ 502.040(a) (Registration Required; General Rule), 502.407(a) (Operation of Vehicle with Expired License Plate), 502.473(a) (Operation of Vehicle Without Registration Insignia), 504.943 (Operation of Vehicle Without License Plate) (West Supp. 2017).

## **Summary**

The passage from *Turner v. State* provides insight into the relevant sections of the Texas Transportation Code that pertain to vehicle registration and license plate offenses. It confirms that the statutes under which the defendant was charged are valid and applicable. The passage does not indicate any repealed statutes or errors in the legal basis for the charges. Therefore, the judgments appear to be based on current and applicable law.

[Tex. Code Crim. Proc. § 45A.203 Tex. Code Crim. Proc. § 45A.203 Appeal Bond](#)

## **Extract**

An appeal is perfected when the appeal bond has been filed: with the justice or judge who tried the case; and not later than the 10th day after the date the judgment was entered.

## **Summary**

To appeal a judgment in a municipal court in Texas, the defendant must file an appeal bond with the justice or judge who tried the case within 10 days after the judgment was entered. This is a procedural requirement that must be met for the appellate court to have jurisdiction over the case. If the appeal bond is not filed within this timeframe, the appellate court will not have jurisdiction, and the case will be remanded to the municipal court for execution of the sentence.

## [Tex. Code Crim. Proc. § 45A.202 Tex. Code Crim. Proc. § 45A.202 Appeal](#)

## **Extract**

An appeal from a justice or municipal court, including an appeal from a final judgment in a bond forfeiture proceeding, shall be heard by the county court or, if the county court has no jurisdiction over the case, the proper court in the county. A de novo trial shall be held on appeal unless the appeal is: taken from a municipal court of record; and based on error reflected in the record. An appeal may not be dismissed because of: the defendant's failure to give notice of appeal in open court; or the presence of a defect in the transcript.

## **Summary**

The passage provides guidance on the appeal process from a justice or municipal court in Texas. It specifies that appeals are to be heard by the county court or the proper court in the county if the county court lacks jurisdiction. A de novo trial is required on appeal unless the appeal is from a municipal court of record and based on an error in the record. Importantly, the passage notes that an appeal cannot be dismissed due to the defendant's failure to give notice of appeal in open court or due to a defect in the transcript. This information is crucial for understanding the appeal process and potential strategies for challenging the judgments.

## [Tex. Code Crim. Proc. § 45A.251 Tex. Code Crim. Proc. § 45A.251 Judgment](#)

## **Extract**

(a) The judgment and sentence for a conviction in a criminal action before a justice or judge is that the defendant pay the amount of the fine and costs to the state. (b) Subject to Articles CODE OF CRIMINAL PROCEDURE 45A.

253(a) and (b) and Article CODE OF CRIMINAL PROCEDURE 45A.257, the justice or judge may direct the defendant: to pay: (A) the entire fine and costs when the sentence is pronounced; (B) the entire fine and costs at a later date; or (C) a specified portion of the fine and costs at designated intervals; if applicable, to make restitution to a victim of the offense; and to satisfy any other sanction authorized by law. (d) The justice or judge shall credit the defendant for time served in jail as provided by Article CODE OF CRIMINAL PROCEDURE 42.03. The credit under this subsection shall be applied to the amount of the fine and costs at the rate provided by Article CODE OF CRIMINAL PROCEDURE 45A.262. (e) In addition to credit under Subsection (d), in imposing a fine and costs in a case involving a misdemeanor punishable by fine only, the justice or judge shall credit the defendant for any period the defendant was confined in jail or prison while serving a sentence for another offense if that confinement occurred after the commission of the misdemeanor. The credit under this subsection shall be applied to the amount of the fine and costs at the rate of not less than \$150 for each day of confinement.

## **Summary**

The passage outlines the procedures and options available to a judge when imposing fines and costs on a defendant. It also specifies that the defendant should receive credit for time served in jail, which can be applied to reduce the amount of the fine and costs. This information is relevant to understanding the options available to a defendant in terms of payment and potential credits for time served, which could be a strategy to reduce the financial burden of the judgment.

## [Tex. Gov't. Code § 30.00014 Tex. Gov't. Code § 30.00014 Appeal](#)

## **Extract**

A defendant has the right of appeal from a judgment or conviction in a municipal court of record... To perfect an appeal, the appellant must file a written motion for new trial with the municipal clerk not later than the 10th day after the date on which judgment is rendered. The motion must set forth the points of error of which the appellant complains... The court may for good cause extend the time for filing or amending, but the extension may not exceed 90 days from the original filing deadline.

## **Summary**

A defendant has the right to appeal a judgment or conviction from a municipal court of record. To do so, the defendant must file a written motion for a new trial within 10 days of the judgment, specifying the points of error. This provides a potential strategy for the defendant to challenge the judgments if there are errors in the proceedings.

[Tex. Code Crim. Proc. § 45A.257 Tex. Code Crim. Proc. § 45A.257 Waiver of Payment of Fines and Costs](#)

**Extract**

A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of a fine imposed on a defendant if the court determines that: the defendant: (A) is indigent or does not have sufficient resources or income to pay all or part of the fine; or (B) was, at the time the offense was committed, a child as defined by Article CODE OF CRIMINAL PROCEDURE 45A.453(a); and discharging the fine under Article CODE OF CRIMINAL PROCEDURE 45A.254 or as otherwise authorized by this chapter would impose an undue hardship on the defendant.

**Summary**

The Texas Code of Criminal Procedure allows for the waiver of fines and costs if the defendant is indigent or if paying the fines would impose an undue hardship. This provision is applicable to municipal and justice courts in Texas and could be relevant to the defendant's situation if they meet the criteria for indigence or undue hardship.

[Tex. Code Crim. Proc. § 45A.259 Tex. Code Crim. Proc. § 45A.259 Capias Pro Fine](#)

**Extract**

If the defendant is not in custody when the judgment is imposed or if the defendant fails to satisfy the judgment according to the terms of the judgment, the court may order a capias pro fine, as defined by Article CODE OF CRIMINAL PROCEDURE 43.015, issued for the defendant's arrest... The court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to the terms of the judgment unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant and the defendant fails to: appear at the hearing; or comply with an order issued under Subsection (f) as a result of the hearing.

**Summary**

The court must hold a hearing to determine if the judgment imposes an undue hardship on the defendant before issuing a capias pro fine for failure to satisfy the judgment. This provides a potential strategy for the defendant to argue undue hardship if they are unable to pay the fines and costs. The court must also consider alternative methods for satisfying the judgment if undue hardship is found.

[Tex. Code Crim. Proc. § 42.01 Tex. Code Crim. Proc. § 42.01 Judgment](#)

## **Extract**

Sec. 1. A judgment is the written declaration of the court signed by the trial judge and entered of record showing the conviction or acquittal of the defendant. The sentence served shall be based on the information contained in the judgment. The judgment shall reflect: 1. The title and number of the case; 2. That the case was called and the parties appeared, naming the attorney for the state, the defendant, and the attorney for the defendant, or, where a defendant is not represented by counsel, that the defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel; 3. The plea or pleas of the defendant to the offense charged; 4. Whether the case was tried before a jury or a jury was waived; 5. The submission of the evidence, if any; 6. In cases tried before a jury that the jury was charged by the court; 7. The verdict or verdicts of the jury or the finding or findings of the court; 8. In the event of a conviction that the defendant is adjudged guilty of the offense as found by the verdict of the jury or the finding of the court, and that the defendant be punished in accordance with the jury's verdict or the court's finding as to the proper punishment; 9. In the event of conviction where death or any punishment is assessed that the defendant be sentenced to death, a term of confinement or community supervision, or to pay a fine, as the case may be; 10. In the event of conviction where the imposition of sentence is suspended and the defendant is placed on community supervision, setting forth the punishment assessed, the length of community supervision, and the conditions of community supervision; 11. In the event of acquittal that the defendant be discharged; 12. The county and court in which the case was tried and, if there was a change of venue in the case, the name of the county in which the prosecution was originated; 13. The offense or offenses for which the defendant was convicted; 14. The date of the offense or offenses and degree of offense for which the defendant was convicted; 15. The term of sentence; 16. The date judgment is entered; 17. The date sentence is imposed; 18. The date sentence is to commence and any credit for time served; 19. The terms of any order entered pursuant to Article CODE OF CRIMINAL PROCEDURE 42.08 that the defendant's sentence is to run cumulatively or concurrently with another sentence or sentences; 20. The terms of any plea bargain; 21. Affirmative findings entered pursuant to Article CODE OF CRIMINAL PROCEDURE 42A.054(c) or (d); 22. The terms of any fee payment ordered under Article CODE OF CRIMINAL PROCEDURE 42.151; 23. The defendant's thumbprint taken in accordance with Article CODE OF CRIMINAL PROCEDURE 38.33; 24. In the event that the judge orders the defendant to repay a reward or part of a reward under Articles CODE OF CRIMINAL PROCEDURE 37.073 and CODE OF CRIMINAL PROCEDURE 42.152, a statement of the amount of the payment or payments required to be made; 25. In the event that the court orders restitution to be paid to the victim, a statement of the amount of restitution ordered and: (A) the name and address of a person or agency that will accept and forward restitution payments to the victim; or (B) if the court specifically elects to have payments made directly to the crime victim, the name and permanent address of the victim at the time of judgment; 26. In the event that a presentence investigation is required by Subchapter F, Chapter 42A, a statement that the presentence investigation was done according to the applicable provision; 27. In the event of conviction of an offense for which

registration as a sex offender is required under Chapter 62, a statement that the registration requirement of that chapter applies to the defendant and a statement of the age of the victim of the offense; 28. The defendant's state identification number required by Article CODE OF CRIMINAL PROCEDURE 66.152(a), if that number has been assigned at the time of the judgment; and 29. The incident number required by Article CODE OF CRIMINAL PROCEDURE 66.152(a), if that number has been assigned at the time of the judgment.

## **Summary**

The judgment must include specific information such as the title and number of the case, the plea of the defendant, whether the case was tried before a jury, the verdict, the punishment, and other procedural details. This ensures that the judgment is complete and accurate. If any of these required elements are missing or incorrect, it could be a basis for appeal or challenge.

### [Tex. Transp. Code § 502.473 Tex. Transp. Code § 502.473 Operation of Vehicle Without Registration Insignia](#)

## **Extract**

A court may dismiss a charge brought under Subsection (a) if the defendant pays a reimbursement fee not to exceed \$10 and: remedies the defect before the defendant's first court appearance; or shows that the motor vehicle was issued a registration insignia by the department that was attached to the motor vehicle, establishing that the vehicle was registered for the period during which the offense was committed.

## **Summary**

The Texas Transportation Code § 502.473 provides a potential defense for the charge of operating a vehicle without a registration insignia. Specifically, the court may dismiss the charge if the defendant remedies the defect before their first court appearance or shows that the vehicle was registered for the period during which the offense was committed. This could be a strategy for the defendant to fight the judgment related to the improperly displayed or no registration insignia offense.

### [Tex. Transp. Code § 504.943 Tex. Transp. Code § 504.943 Operation of Vehicle Without License Plate](#)

## **Extract**

A court may dismiss a charge brought under Subsection (a) if the defendant: remedies the defect before the defendant's first court appearance; and pays a reimbursement fee not to exceed \$10.

## **Summary**

The Texas Transportation Code § 504.943 provides a potential defense for the charge of operating a vehicle without a license plate. Specifically, if the defendant remedies the defect (i.e., obtains and properly displays the required license plates) before their first court appearance and pays a reimbursement fee not exceeding \$10, the court may dismiss the charge. This could be a viable strategy for the defendant to contest the judgment related to the license plate offense.

### [Tex. Code Crim. Proc. § 45A.356 Tex. Code Crim. Proc. § 45A.356 Judicial Actions Following Plea; Show Cause Hearing](#)

## **Extract**

The court shall enter judgment on a defendant's plea of nolo contendere or guilty at the time the plea is made, defer imposition of the judgment, and allow the defendant a 90-day period to successfully complete the approved driving safety course or motorcycle operator training course and present to the court: a uniform certificate of completion of the driving safety course or a verification of completion of the motorcycle operator training course; unless the judge proceeds under Article CODE OF CRIMINAL PROCEDURE 45A.359, the defendant's driving record as maintained by the Department of Public Safety, if any, showing that the defendant has not completed an approved driving safety course or motorcycle operator training course, as applicable, within the 12-month period preceding the date of the offense; an affidavit stating that the defendant: (A) was not taking a driving safety course or motorcycle operator training course, as applicable, under this subchapter on the date the request to take the course was made; and (B) has not completed, within the 12-month period preceding the date of the offense, a course described by Paragraph (A) that is not shown on the defendant's driving record; and if the defendant does not have a Texas driver's license or permit and is a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty, an affidavit stating that the defendant: (A) was not taking a driving safety course or motorcycle operator training course, as applicable, in another state on the date the request to take the course was made; and (B) has not completed a course described by Paragraph (A) within the 12-month period preceding the date of the offense.

## **Summary**

The Texas Code of Criminal Procedure allows for a deferral of judgment and dismissal of charges if a defendant successfully completes a driving safety course or motorcycle operator training course. This provision could potentially be used as a strategy to fight the judgments if the defendant had not completed such a course within the 12 months preceding the offense and meets the other requirements outlined in the statute.

[Tex. Code Crim. Proc. § 45A.352 Tex. Code Crim. Proc. § 45A.352 Driving Safety Or Motorcycle Operator Training Course Completion](#)

**Extract**

The judge shall require a defendant to successfully complete a driving safety course approved by the Texas Department of Licensing and Regulation or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code, if: the defendant elects driving safety course or motorcycle operator training course dismissal under this subchapter; ... the defendant is charged with an offense to which this subchapter applies, other than speeding at a speed of: (A) 95 miles per hour or more; or (B) 25 miles per hour or more over the posted speed limit; ...

**Summary**

Defendants in Texas may have the option to elect for a driving safety course or motorcycle operator training course dismissal for certain traffic offenses. However, this option is not available for speeding offenses where the speed was 95 miles per hour or more, or 25 miles per hour or more over the posted speed limit. In the case of Ryan Sterling Myers, the speeding offense was 90/70, which is 20 miles per hour over the posted speed limit, and thus may be eligible for this option if other conditions are met.

[Tex. Transp. Code § 502.407 Tex. Transp. Code § 502.407 Operation of Vehicle With Expired License Plate](#)

**Extract**

A justice of the peace or municipal court judge having jurisdiction of the offense may: dismiss a charge of driving with an expired motor vehicle registration if the defendant: (A) remedies the defect not later than the 20th working day after the date of the offense or before the defendant's first court appearance date, whichever is later; and (B) establishes that the fee prescribed by Section TRANSPORTATION CODE 502.045 has been paid; and assess a reimbursement fee not to exceed \$20 when the charge is dismissed.

**Summary**

There is a provision in the Texas Transportation Code that allows for the dismissal of a charge related to expired vehicle registration if the defendant remedies the defect within a specified time frame and pays the necessary fee. This could potentially be a strategy for the defendant to contest the judgment related to the charge of operating a vehicle with improperly displayed or no registration insignia, provided the conditions are met.

[Restricted Appeals In Texas](#)

## **Extract**

A restricted appeal is a direct attack on a judgment. To be entitled to a restricted appeal, an appellant must demonstrate several elements described below. What is necessary to bring a restricted appeal in a Texas court? To attack a trial court's judgment by restricted appeal, a party must show that: \* a notice of appeal was filed within six months of the date that the complained-of judgment was signed; \* the filer was a party to the suit that did not participate in the hearing that resulted in the judgment or order; \* the party did not timely file a post-judgment motion, request findings of fact and conclusions of law, or file a notice of appeal within the time permitted under Texas Rule of Appellate Procedure 26.1(a); and \* the complained-of error is apparent from the face of the record. These requirements are jurisdictional. And if they are not met, a party cannot obtain relief by way of a restricted appeal.

## **Summary**

A restricted appeal in Texas is a direct attack on a judgment and requires specific conditions to be met. These include filing a notice of appeal within six months of the judgment, not participating in the hearing, not filing a post-judgment motion or notice of appeal within the permitted time, and the error must be apparent from the face of the record. These are jurisdictional requirements, meaning they must be met for a restricted appeal to be considered.

### [Restricted Appeals In Texas](#)

## **Extract**

A restricted appeal is a direct attack on a judgment. To be entitled to a restricted appeal, an appellant must demonstrate several elements described below. What is necessary to bring a restricted appeal in a Texas court? To attack a trial court's judgment by restricted appeal, a party must show that: \* a notice of appeal was filed within six months of the date that the complained-of judgment was signed; \* the filer was a party to the suit that did not participate in the hearing that resulted in the judgment or order; \* the party did not timely file a post-judgment motion, request findings of fact and conclusions of law, or file a notice of appeal within the time permitted under Texas Rule of Appellate Procedure 26.1(a); and \* the complained-of error is apparent from the face of the record. These requirements are jurisdictional. And if they are not met, a party cannot obtain relief by way of a restricted appeal.

## **Summary**

Requirements for filing a restricted appeal in Texas. It specifies that a restricted appeal is a direct attack on a judgment and lists the conditions that must be met for such an appeal to be considered. These include filing a

notice of appeal within six months, not participating in the hearing, not filing a post-judgment motion or request for findings, and the error being apparent from the record. These requirements are jurisdictional, meaning they are necessary for the court to have the authority to hear the appeal.

This memo was compiled by Vincent AI based on vLex materials available as of June 24, 2025. [View full answer on vLex](#)