

**Instruction Sheet
(Deferred Disposition)
(Code of Criminal Procedure, Article 45.051)**

What is it?

Deferred Disposition is a form of probation that gives you the opportunity to keep your citation from being reported as a conviction on your driving record and will be dismissed if all terms required are successfully met i.e., no moving traffic violations during the deferral period. The probation period may be up to 180 days.

JUVENILES: IF YOU ARE UNDER THE AGE OF 17, YOU MUST APPEAR BEFORE THE JUDGE ON YOUR SCHEDULED COURT DATE ALONG WITH A PARENT OR LEGAL GUARDIAN, OR

ADULT DEFENDANTS: IF YOU HAVE BEEN CHARGED WITH A NON-TRAFFIC RELATED VIOLATION(S), YOU MUST APPEAR BEFORE THE JUDGE ON YOUR SCHEDULED COURT DATE TO MAKE A REQUEST FOR DEFERRED DISPOSITION.

You may be eligible for Deferred Disposition, without a formal court appearance, if you:

1. Enter a plea of "No Contest" or "Guilty" to the offense and waive your right to a trial/appeal
2. Are not currently on Deferred Disposition (Probation)
3. Was charged with a traffic-related offense
4. Hold a valid Texas driver's license
5. Have automobile insurance coverage
6. Do NOT hold a commercial driver's license (CDL), or held a CDL license when offense was committed
7. Were NOT cited for one of the following
 - o Speeding more than 25 miles per hour over the posted speed limit
 - o The offense committed in a construction work maintenance zone when workers present
 - o Involved in an accident
 - o Passing a school bus

State Mandated Conditions for Young Drivers

If you are younger than 25 years of age or were under 25 years of age at the time of the alleged offense, you will be required to complete a State (Texas) certified Driver's Safety Course as a condition of probation. Additionally,

- o If you have a Provisional Driver's License (under the age of 18), you will also be required to complete an examination by the Department of Public Safety and pay a fee of \$10.00 examination fee to the Department of Public Safety.

To make a request for Deferred Disposition:

1. Completely fill out the *Request for Deferred Disposition* (form DD-105) on or before your scheduled court date -
 - o Online at cityofmelissa.com
 - o By Mail. Download the Request for Deferred Disposition Form
 - o In-person. Visit the Melissa Municipal Court during regular business hours at 3411 Barker Avenue, Melissa, Texas 75454
2. Return the completed and signed *REQUEST FOR DEFERRED DISPOSITION* form. DO NOT PAY your citation online prior to the approval of your Request for Deferred Disposition (this will cause your case to close, and a conviction will be reported to the Department of Public Safety).

Note: You will need to have your signature notarized if submitting online or by mail.
3. The clerk will review the *Request for Deferred Disposition*. If your request is approved, the "*Court Order Deferring Further Proceedings*" will either be emailed or mailed to you along with your payment requirements.

Incomplete or ineligible applications will not be processed, and your case will remain on docket for your scheduled court appearance.

REQUEST FOR DEFERRED DISPOSITION

STOP: JUVENILES: IF YOU ARE UNDER THE AGE OF 17, YOU MUST APPEAR BEFORE THE JUDGE ON YOUR SCHEDULED COURT DATE ALONG WITH A PARENT OR LEGAL GUARDIAN, OR

ADULT DEFENDANTS: IF YOU HAVE BEEN CHARGED WITH A NON-TRAFFIC VIOLATION(S), YOU MUST APPEAR BEFORE THE JUDGE ON YOUR SCHEDULED COURT DATE TO MAKE A REQUEST FOR DEFERRED DISPOSITION.

IF YOU PAID YOUR TICKET BEFORE FILLING OUT THIS FORM, CALL THE CLERK'S OFFICE AT (972) 838-2034. ANY PAYMENT MADE WITHOUT BEING AUTHORIZED BY THE COURT MAY RESULT IN A CONVICTION ON YOUR DRIVER'S RECORD.

Deferred Disposition is an option where you may be able to request to keep a violation off your driving record. You must pay a fine, court costs and a \$25 special expense fee on the day the deferred disposition is granted. You will be placed on a probation period for 90 days, and you must not receive another citation during that time. Other conditions may be imposed that you will be made aware of, if applicable. If the case is a traffic violation and you are under the age of 25, you must complete a driving safety course as a condition of deferred disposition. In addition, if you hold a provisional driver's license (under 18), an examination by the Department of Public Safety is required as a condition of deferred disposition. Upon successful completion of the deferred period and timely return of all required documents, the violation will be dismissed.

AFTER the review and approval of your Request for Deferred Disposition, you will receive a copy of the "Court Order Deferring Further Proceedings" either by e-mail or mail along with your payment requirements.

DEFENDANT(Last, First): _____ Email Address: _____

Mailing Address: _____ City, State, Zip _____

Phone Number: _____ Citation Number: _____ Offense: _____

I understand that I may have the offense(s) on this citation dismissed by Deferred Disposition (Probation) in lieu of a conviction on my driving record. I also understand that Deferred Disposition is a privilege, not a right, and is offered solely at the discretion of the Court. Further, if I violate any terms of my probation, I will be scheduled for a Show Cause hearing.

I do solemnly swear or affirm that the following statements are true and correct (please check all applicable boxes):

- I am the person named in the above-referenced citation
- I am not currently on deferred disposition for a traffic violation in Melissa or another jurisdiction
- I hold a valid Texas driver's license, **copy attached**
- I have automobile insurance coverage, **copy attached**
- I was charged with an offense eligible for Deferred Disposition and have verified this fact with the Court
- I did NOT hold a Commercial Driver's license (CDL) on the offense date and do not currently hold a Commercial Driver's License
- I was NOT cited for one of the following:
 - speeding 25 miles per hour over the posted speed limit, or in excess of 95 mph;
 - involved in an accident;
 - passing a school bus; or
 - the offense occurred in a construction zone with workers present.
- (If Applicable) I am under 25 years of age, or I was under 25 years of age at the time of the alleged offense, and I understand I must also complete a State (Texas) certified Driver's Safety Course as a condition of probation. Additionally,
- (If Applicable), I have a Provisional Driver's License (under the age of 18). I understand that I will also be required to complete an examination by the Department of Public Safety and pay a fee of \$10.00 to the Department of Public Safety.

I hereby enter my plea of "NO CONTEST" or "GUILTY", and waive my right to a jury trial/appeal, and Request Deferred Disposition

Defendant's Signature:

Court Clerk's Signature (If submitted in Person)

Sworn and subscribed before me, the undersigned authority on this the _____ day of _____, 20 _____

Notary Public