



## APPELLANT'S INFORMATION

### Austin Municipal Court

The City of Austin Municipal Court is a Court of Record. An appeal of a decision by an Austin Municipal Court judge or jury on a criminal case must be based on some error made by this Court and preserved in the record of your case. There are certain procedures you must follow to protect and perfect your right of appeal. The statute governing this Court's criminal appeals may be found in the 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 APPELLATE RULES. You must follow the law, or hire an attorney to follow the law, to make certain that you do not lose your ability to appeal.

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

(not taking any steps in a timely manner will adversely affect your appeal)

- a. **MOTION FOR NEW TRIAL** (Within 10 calendar days after judgment by judge or jury)  
A written motion for new trial must be filed no later than the 10<sup>th</sup> day after the judgment of guilty (conviction). The motion must set forth the points of error of which you complain. 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 based on information provided in the motion. Under special circumstances, an extension may be granted by a judge not to exceed 90 days. The request must be in writing.
- b. **NOTICE OF APPEAL** (Within 10 calendar days after motion for new trial is overruled/denied)  
If your motion for new trial is overruled (denied) 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 Court not later than the 10<sup>th</sup> day after the date on which the motion for new trial is overruled. If a judge does not rule on the motion, it is automatically overruled in 30 calendar days by motion of law. Under special circumstances, an extension may be granted by a judge not to exceed 90 days. The request must be in writing.
- c. **APPEAL BOND** (Posted no more than 10 calendar days after the motion for new trial is overruled)  
You must post a cash appeal bond within 10 calendar days of the date the motion for new trial is overruled (denied). The bond must be in the amount of \$100.00 or double the amount of the fines plus costs, whichever is greater. The bond must be approved by the Court and must be conditioned on your personal appearance as required in the Court to which the appeal is taken. There are no exceptions to time period for the posting of this bond.
- d. **CLERK'S RECORD PREPARATION FEE** (Paid along with Appeal Bond)  
You must pay a fee of \$25.00 to the Court to prepare the certified Clerk's Record of the proceedings which is **required** by the County Court.
- e. **WHERE TO FILE PAPERWORK**  
The motion for new trial, notice of appeal, appeal bond and Clerk's Record preparation fee may be filed or posted at the Austin Municipal Court, 700 E. 7<sup>th</sup> Street, Austin, TX 78701 during regular business hours which are 7:00 a.m. to 10:00 p.m., Monday through Thursday and 7:00 a.m. to 6:00 p.m. on Friday, excluding holidays.

**2. RECORD ON APPEAL:**

The record on appeal consists of the Clerk's Record (the Municipal Court's written record of proceedings) and, if necessary to the appeal, the Reporter's Record (written transcript of the jury or bench trial).

**a. TO REQUEST A REPORTER'S RECORD** (When notice of appeal is given)

If you requested a recording of the trial by the court and you wish this to be included in the appeal, you must:

1. Complete the *Records/Information Request form* (attached). Completed forms may be emailed to the Court at [CourtPIR@austintexas.gov](mailto:CourtPIR@austintexas.gov) or submitted in person at the Court and
2. Order the record from Verbatim (281-724-8600), and pay Verbatim (\$3.60/page for standard time of 2 weeks or \$7.20/page for rush time of 2 days) for transcribing the Reporter's Record.

This must be done as soon as you file your notice of appeal. A certified copy of the Reporter's Record will be given to you and another to the Clerk of the Court for inclusion in the Clerk's Record.

**b. TO EXAMINE THE CLERK'S RECORD** (20-30 days after notice of appeal is filed):

A draft of the Clerk's Record will be prepared within 20 days from the date the notice of appeal is filed, the appeal bond is posted and the Clerk's Record preparation fee is paid. You may examine the Clerk's Record at the courthouse from the 20<sup>th</sup> to 30<sup>th</sup> day following the notice of appeal. All recommended changes must be made in writing and submitted to court no later than the 30<sup>th</sup> day following the date of the appeal. If you are unable to come to the courthouse, please contact the court for options. The Record is mainly composed of the history of the case which can be seen online at [www.austintexas.gov/public](http://www.austintexas.gov/public), then locate the appropriate case.

**3. INDIGENCY** (Notification no later than the date appeal is filed):

If you are unable to pay the appeal bond, Clerk's Record preparation fee, or the Reporter's Record cost, you may be able to get the fees/costs waived by filing an affidavit of indigency with the court. You must complete a comprehensive affidavit available from the court. The forms must be filed with the court no later than the date on which you file your notice of appeal.

**4. BRIEFS:**

You will be required to file a brief in the County Court at Law presenting points of error in the manner required by law not later than 15 calendar days after date on which the Clerk's Record and Reporter's Record are filed with the County Clerk. A notice of the file date will be mailed to you from this court. You must also send two copies of your brief (one for the prosecutor and one for the court) to: Austin Municipal Court, P.O. Box 2135, Austin, TX 78768. They may also be hand delivered to the Court.

**4. COUNTY COURT DECISION:**

- a. If the County Court affirms the decision of the trial court and your fine is \$100.00 or less, your case will be sent back to the Municipal Court to collect the fine from you. The Court will take the amount from the appeal bond unless otherwise stated.
- b. If your fine was more than \$100.00, you may appeal to the Court of Appeals in Austin.
- c. If the County court reverses the decision of the trial court and orders a new trial; your case will be sent back to the Municipal Court where it may be tried again.

**5. REPRESENTATION:**

You may represent yourself on appeal or you may wish to hire an attorney to handle it for you. The court will not provide an attorney or legal advice regarding the appeal of your case.

**6. IF YOU DECIDE NOT TO APPEAL:**

If you decide not to appeal, you may always pay the fine - locations, times, etc. are available online at [www.austintexas.gov/court](http://www.austintexas.gov/court).



# AUSTIN MUNICIPAL COURT RECORDS/INFORMATION REQUEST

**PLEASE PRINT CLEARLY AND COMPLETE ALL SECTIONS TO ENSURE PROMPT SERVICE**  
**Upon completion email form to CourtPIR@austintexas.gov**

Your Name: \_\_\_\_\_

Your Address: \_\_\_\_\_  
(include city, state, and zip code)

Your Phone Number: \_\_\_\_\_ Your Email Address: \_\_\_\_\_

**If requesting specific case record(s):** \_\_\_\_\_ **Copies to be Certified:** \_\_\_Yes \_\_\_No

Defendant's Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Driver's License State and ID# \_\_\_\_\_

Case Number(s) or Violation(s): \_\_\_\_\_

Document(s) being requested:

I am requesting a copy of the Reporter's Record (trial transcript). I understand a non-certified copy may not be used for an appeal. I would like a \_\_\_ Certified Copy \_\_\_ Non-Certified Copy  
Please indicate your delivery preference for the Reporter's Record \_\_\_ Standard \_\_\_ Expedited  
The cost of a Reporter's Record is \$3.60 a page for a standard request and \$7.20 a page for an expedited request.

If defendant was under the age of 17 at the time of the violation, your relationship to the defendant, if any:

If requesting more general information, please describe in detail:

**IMPORTANT:** The Court will get back with you about the cost, if any, and the date information will be available within two working days. Fees, if required, must be paid before requested copies will be released. If you are requesting a Reporter's Record, the transcription company will advise you of the cost of your request and you will pay them directly. Reporter's Record requests are processed within 14 days for standard requests and within 5 days for expedited requests. The costs for all other requests are listed below.

CERTIFIED COPIES	\$1.00 PER PAGE
NON-CERTIFIED COPIES	\$0.10 PER PAGE
GENERAL INFORMATION	\$28.50 PER HOUR
CD OF TRIAL	\$5.00

FOR OFFICE USE ONLY

Today's Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Court Employee Initials: \_\_\_\_\_  
Defendant's PID #: \_\_\_\_\_

Mail: \_\_\_\_\_  
Pickup: \_\_\_\_\_  
Call when ready (Y/N): \_\_\_\_\_  
Balance due: \_\_\_\_\_