

# F.A.Q.

## FREQUENTLY ASKED QUESTIONS

- 1 **Can I get my ticket/charges dismissed?** Tex. Code Crim. Proc. Ann. Art 32.02 provides that only the State's attorney (i.e. The County Attorney) may make a motion to dismiss a criminal case (with the exception of dismissible offenses stated in H.B. 1623); if you wish to dispute the charge and/or have a hearing set to discuss the matter with the County Attorney (or find out if your charge is a dismissible offense) you should contact the court clerk on or before the appearance date stated on your ticket.
- 2 **Can I get a protective order?** A Justice of the Peace can order an Emergency Protective Order against family violence and stalking, **ONLY IF THE DEFENDANT IS IN JAIL AT THIS TIME ON ONE OF THOSE CHARGES** and/or is about to be released.
- 3 **Can I get a restraining order?** A Justice of the Peace **CAN NOT** issue restraining orders; Restraining orders are **ONLY** issued in conjunction with some type of civil suit (most commonly sought in connection with a divorce suit). Your attorney or the Crisis Center can help you fill out the appropriate paperwork.
- 4 **Can you give me some legal advice or recommend a good attorney?** The Rules of Judicial Conduct forbid a judge from (1) giving legal advice, (2) hearing ex parte testimony or evidence, (3) recommending a specific attorney or law firm.
- 5 **The officer said it was a civil matter, what can I do?** If the other party and you cannot come to an agreement then you may file a small claims suit in the Justice Court (law suit must not exceed \$10,000.00). The Court will provide you with instructions and a petition for filing a small claims suit.
- 6 **The officer said it is a civil matter but I think it is a criminal matter, what can I do?** Speak to the department's criminal investigator or contact the County Attorney's Office (or District Attorney's Office).
- 7 **My spouse/partner/roommate and I are parting ways and he/she won't return my belongings, how do I get them?**
  - a. If you are married or common law it will be handled by the **Divorce Court**. You should consult your attorney.
  - b.
    - (1) I don't have an attorney? You should probably retain one.
  - c. If you are not married/common law, then you may file a civil lawsuit, see item 4.
    - (1) You may fill out an application for an Order of Retrieval if you have been denied entry to the residence **AND** are seeking 1 or more of the following items:
      - \*medical records
      - \*medicine and/or medical supplies
      - \*clothing
      - \*child-care items
      - \*legal or financial documents (includes checks or bank/credit cards in your name)
      - \*employment records
      - \*personal identification documents