



## FORNEY MUNICIPAL COURT OF RECORD NO. 1 Outline of Appeal process for Court of Record

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Your right to appeal a conviction from the City of Forney Municipal Court of Record No. 1 is outlined in V.T.C.A. Government Code, Chapter 30.

If you have questions about your legal rights or whether you should appeal, please consult a licensed private attorney of your choice. No forms or further information will be provided to you by the City of Forney Municipal Court of Record No. 1.

- **The first step in the appeal process, after a finding of guilt at trial, is the filing of a motion for new trial by the defendant.**
  - The motion for new trial must be filed no later than the 10<sup>th</sup> day after the judgment was rendered.
  - The motion must set forth the points of error of which you complain.
- **If the motion for new trial is granted, you will have another trial in the Forney Municipal Court of Record No. 1.**
- **If the Court denies the motion for new trial, you may appeal.**
  - If the Court does not act on the motion for new trial within 30 days after it was filed, it is considered overruled by operation of law. That means your motion for new trial is automatically overruled if the Judge (Court) does not respond within 30 days.
- **You must give the Court notice of appeal.**
  - If you have a hearing on your motion for new trial you may give notice of that appeal orally in open court if the Court overrules your motion for new trial.
  - If you did not have a hearing you must file written notice of appeal with the Court no later than 10 days after the motion for new trial was overruled.
- **You must file an appeal bond with the Court**
  - The bond will be double the fine and costs assessed but never less than \$100.
  - The Court must approve the appeal bond.
  - You must file the appeal bond with the Court no later than 10 days after the due date on which the motion for new trial was overruled.



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- You are required to pay the Court a \$25 transcript preparation fee. The fee will be refunded if your case is reversed on appeal. You will also have to pay for a transcript of the trial. The cost of the transcript will not be refunded even if your case is reversed on appeal.
  
- Not later than the 60<sup>th</sup> day after the date on which the motion for new trial was given or filed, you must file with the municipal clerk:
  - A statement of facts;
  - A written description of material to be included in addition to the required material; and
  - Any material to be included in the transcript that is not in the custody of the clerk.
  
- You will receive notice from the appellate court (a County Court at Law) that the record has been filed with the Court.
  
- You must file a brief with the appellate court clerk no later than the 15<sup>th</sup> day after the date on which the transcript and statement of facts are filed with the appellate court.
  
- If the Municipal Court judgment is affirmed, the Court may:
  - Forfeit you bond;
  - Issue a Writ of Capias (warrant) for you; or
  - Issue an execution against your property.

The Forney Municipal Court of Record No. 1 does not provide forms for any document required for your appeal. All due date are strictly enforced.

This is a summary of the applicable law, it is not legal advice. Court Clerks are NOT authorized to give legal advice. Due to the complexity of the appeal process you are encouraged to seek legal advice from a licensed attorney for any questions you may have.