



Trials

General Information

Trials conducted in the Benbrook Municipal Court of Record are in accordance with the due process requirements of the United States Constitution, Texas Constitution, and Code of Criminal Procedure. Defendants may be represented by an attorney or may act “pro se” which in a Latin term means that the defendant represents himself/herself at trial.

Article 1.05 of the Texas Code of Criminal Procedure states that a defendant cannot be brought to trial until after being formally charged with the offense in a complaint. The complaint is a sworn document which alleges the offense you are alleged to have committed and that your conduct was unlawful. Only the offenses alleged in the complaint may be brought to trial.

Types of Trials

Jury Trial

Jurors from the Benbrook community will be summoned to appear for service. The Municipal Court Prosecutor and defendant will have the opportunity to question the potential jurors to learn of any biases or prejudices present which could prevent a fair and impartial trial. The defendant and the prosecutor may each strike three (3) potential jurors from the voir dire. All cases tried in the Municipal Court will be heard by a petit jury which consists of six (6) persons.

Bench Trial

If a defendant elects a Bench Trial, the presiding Judge will hear and decide the case.

The defendant and prosecutor will present his or her evidence to the Judge. The judge then applies the appropriate law, weighs the evidence presented, and renders a verdict of guilty or not guilty. The Judge also assesses the defendant’s fine and orders the costs and fees to be paid by the defendant when the defendant is found guilty. If the defendant is found not guilty, the case is dismissed and no costs or fines are owed by the defendant.