

Senfronia Thompson
Chair



RJ-0270-JC

Will Hartnett
Vice-Chair

House of Representatives
Committee on Judicial Affairs

17 August 2000

The Honorable John Cornyn
Attorney General of Texas
ATTN: Opinions Committee
Price Daniel, Sr. Building
Austin, Texas 78701

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OPINION COMMITTEE

FILE # ML-41575-00

I.D. # 41575

RE: Clarification of JC-0153

Dear General Cornyn:

You previously issued a thoughtful opinion concerning the effects of the words, "forced to sign under threat, duress and coercion," when appearing with a signature. As you are aware, I requested that opinion on behalf of a Mr. Charles Bailey III.

Mr. Bailey now wishes clarification of that opinion in the context of a criminal matter. Mr. Bailey was given a citation for a moving violation. In lieu of arrest, he signed the promise to appear in court portion of the citation with the words, "forced to sign under threat, duress and coercion."

Mr. Bailey now poses an additional question concerning Opinion JC-0153:

In view of the fact that a person may be arrested for refusing to sign a traffic citation, does the addition of "forced to sign under threat, duress and coercion" with the signature still constitute a valid promise to appear in court?

If such a signature does not constitute a valid promise to appear in court and the person cited is not arrested, may the State later issue a warrant for arrest for "failure to appear in court"?

I have attached additional explanatory materials.

Thank you for your assistance again.

Sincerely,

Senfronia Thompson
State Representative

attachments

cc: Mr. Charles Bailey III

The Honorable Dora Olivo

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