

### Defendant Information Sheet Only

- When you are sued and served with a citation from the **Constable**, you must answer the suit on or before the Monday, which follows the tenth day from the date of service. You must file an answer in writing with the Court (address on citation) and send a copy to the plaintiff. **The Judge is not permitted to discuss the case with you prior to trial.** If you have a question about procedures, please ask the Clerk (915) 851-2019. If you have a legal question, please ask your attorney.
- If you contest the suit, you may ask for a trial by Judge or before a jury. If you desire a jury trial, you must request it (**ASAP**) and pay a \$5.00 jury fee.
- You or your attorney is required to notify the Court Clerk immediately if your address changes during the course of this suit. Failure to do so may result in a fine.
- You should prepare a proper defense if you go to trial even though the burden of prove is on the plaintiff.
- After the plaintiff presents his case at the trial as to his/hers right to recover, you are then allowed to present your defense as to why he/she should not recover.
- Remember that hearsay evidence is inadmissible and cannot be used if objected by the plaintiff. Examples (what other people said, affidavits).
- If witnesses are required, you may subpoena them to Court by asking for the subpoena and paying the required fee. The subpoena should be requested at least **fifteen (15) days before trial**.
- When the plaintiff and you rest your case, the Court will enter a judgment that plaintiff recovers from you all, part or nothing.
- If a judgment is rendered against you, you may appeal the ruling of this Court to the County Court within ten (10) days, and pay required bond or fees.
- Should the Court rule that the plaintiff recovers nothing from you, the plaintiff may appeal within ten (10) days.
- Should the plaintiff recover a judgment against you and you do not appeal it, the plaintiff may then take further legal action against you to collect the amount of the judgment plus court cost and interest.
- The plaintiff may ask for a Writ of Execution is issued to the Constable or Sheriff to collect the judgment from you by levying on certain belongs that you own and sold at public auction until judgment is paid in full.
- The plaintiff may obtain an Abstract of judgment from the Court and file it with the County Clerk; this will go against your credit and accrues interest until paid in full.
- The plaintiff may file for a Writ of Garnishment, (to garnish money, or assets belonging to you).