

IN THE MUNICIPAL COURT OF APPEALS  
OF THE CITY OF EL PASO, TEXAS

STEVE HUDSON, Appellant

NO. 83-MCA-24

STATE OF TEXAS, Appellee

Appeal from El Paso  
Municipal Court

O P I N I O N

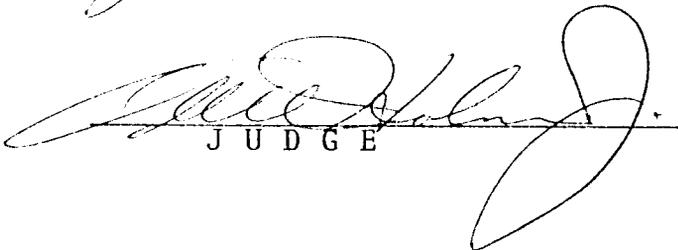
This case involves a person's right to be represented by an attorney before Municipal Court.

A person is entitled to be represented by retained counsel in cases before Municipal Court. Counsel need not be appointed for an indigent person in such cases. However, the standard for waiver of an attorney is the same for felonies and misdemeanors including misdemeanors when the punishment is by fine only. Article 26.04, Texas Code of Criminal Procedure.

The record before this Court is silent on this point, and unless the record affirmatively reflects that a person waived his right to an attorney, he is entitled to be retried, and that right provided to him. Mere silence by an accused on this particular issue does not constitute a waiver. Barbour vs. State, 551 SW2d 371 (Tex.Cr.App. 1977) and also Parker vs. State, 545 SW2d 151 (Tex.Cr.App. 1977).

Therefore, the conviction of Appellant in this case is reversed, and the matter is remanded for trial in accordance herewith.

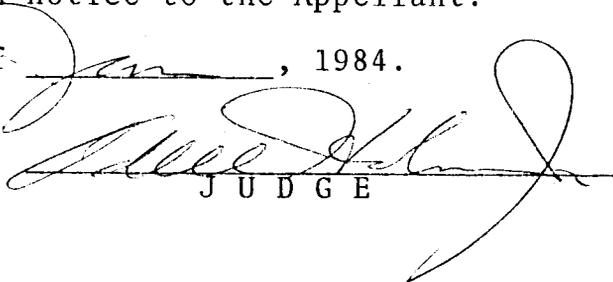
Dated this 12 day of Jan, 1984.

  
J U D G E

J U D G M E N T

The above case is hereby reversed and remanded to the Trial Court for retrial upon notice to the Appellant.

Signed this 19 day of Jan, 1984.

  
J U D G E