

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

RICHARD OROZCO, Appellant

vs.

NO. 83-MCA-595

STATE OF TEXAS, Appellee

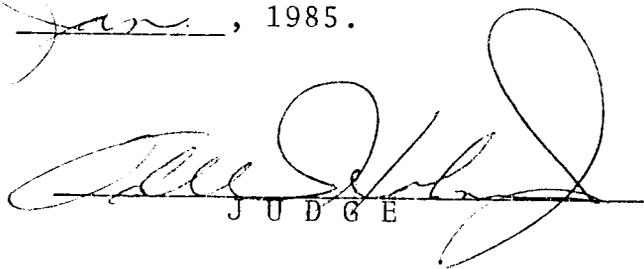
O P I N I O N

Appellant appeals his conviction from Municipal Court for consumption of an alcoholic beverage.

The complaint in this case is fatally defective because it alleges an offense that no longer exists under Article 666-17(14)A of the Texas Penal Code for the following reasons. First of all, the applicable provision restricting the consumption of alcohol by a minor is now found in the Alcoholic Beverage Code, Section 106.04, and secondly, the complaint in the instant case alleges that the person was under the age of 21, but now by definition, a minor is a person under the age of 18 years. See Section 106.01, Alcoholic Beverage Code.

The above errors are fundamental in nature, and the judgment of the Trial Court, based on such a defective complaint is hereby reversed and the complaint is ordered dismissed.

Signed this 21 day of Jan, 1985.


J U D G E

J U D G M E N T

This case came on to be heard, the same being considered, because it is the opinion of this Court that there was error in the Judgment, it is ORDERED, ADJUDGED and