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

LORENZA COWAN, Appellant

NO. 83-MCA-70

Appeal from El Paso
Municipal Court

STATE OF TEXAS, Appellee

O P I N I O N

This case was set for oral argument, but was waived by Appellant, and the decision of this Court is based on the transcript before it including Appellant's brief.

Initially, Appellant attacks the constitutionality of Article 6701d, Section 169b because it is indefinite, vague and uncertain on its face. Although agreeing with Appellant that such section could probably have been better written, this Court declines to declare it unconstitutional, and such point of error is overruled.

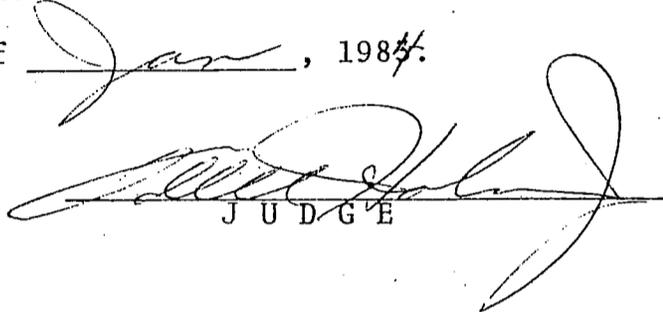
Additionally, Appellant complains that the complaint in this case is invalid because it fails to allege that the reduction of speed will serve to ". . . foster conservation purposes and safety . . ." It is Appellant's contention that the failure to allege the safety aspect defeats the purpose that the complaint serves, that being, notice to a defendant of the offense charged. Again, the Court agrees with Appellant that the complaints in these types of cases relying on Article 6701d, Section 169b could perhaps be better drawn, but the omission pointed out by Appellant is not fatal to the complaint. The point of error is overruled.

Appellant next contends that the complaint is defective because the date on the complaint is impossible. However, the date on which this complaint was filed clearly appears on the complaint, and a reasonable reading of that entry clearly indicates the date on which it was filed. The point is overruled.

Finally, Appellant asks this Court to send this case to the County Courts at Law to be heard on appeal contending that the requirements of appeal have changed since this case was heard by the Trial Court. This Court has heard and determined this case under the law applicable to it at the time of its trial, and therefore no difference of procedure has resulted, and no difference in result necessarily follows with the exception that some other Judge may address these points of error differently. The point is overruled.

The Judgment is affirmed.

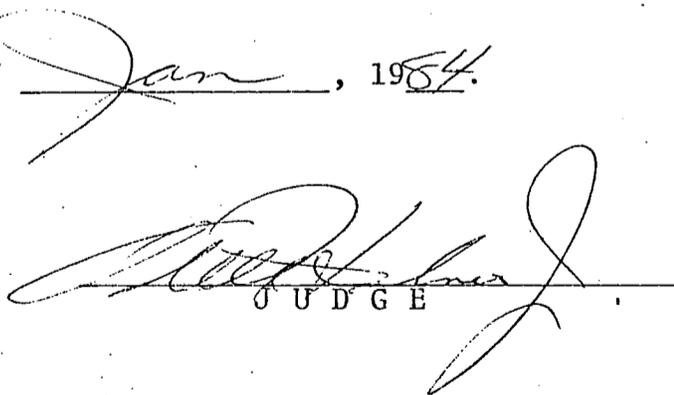
Dated this 3 day of Jan, 1984.


J U D G E

J U D G M E N T

This case came on to be heard on the Transcript of the Record of the Court below, the same being considered, because it is the opinion of this Court that there was no error in the Judgment, it is ORDERED, ADJUDGED and DECREED by the Court that the Judgment be in all things affirmed, and that the Appellant pay all costs in this behalf expended, and that this decision be certified below for observance.

Dated this 3 day of Jan, 1984.


J U D G E