

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

CAESAR KABALAN

vs.

NO. 84-MCA-1163

STATE OF TEXAS, Appellee

O P I N I O N

Appellant appeals his conviction for failing to maintain automobile insurance, and his sole contention on appeal is that he is a non-resident of the State of Texas.

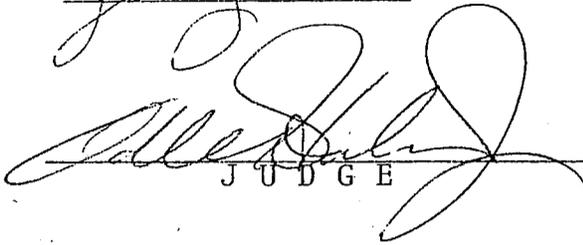
Assuming, without deciding, that he in fact is a non-resident of this state, there still remains a basis to support the Trial Court's decision in this case founded on the fact that the vehicle was being "primarily operated" in this state.

Appellant's counsel on appeal has ably briefed this question and presented Appellant's contentions to this Court on oral argument, but is at a disadvantage because no statement of facts was requested and none appears of record. Therefore, this Court is unable to decide that the Trial Court was in error or insufficient evidence was presented respecting the fact that the vehicle in question was not being primarily used in this state at the time, thus requiring liability insurance.

It does appear, however, that such a basis was in fact developed in that the Appellant was working in El Paso at the time, and presumably was using this particular vehicle to go to and from his work as well as other uses that a vehicle is ordinarily put to when one is physically present in the state.

The judgment of the Trial Court is affirmed.

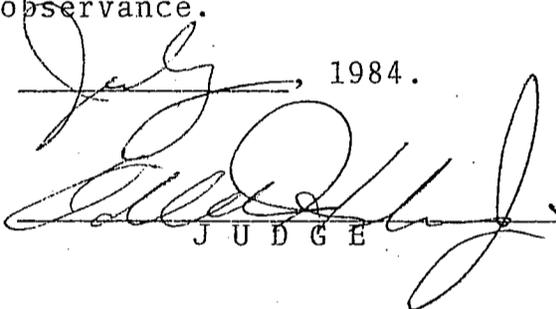
Signed this 23 day of July, 1984.


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, 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.

Signed this 23 day of July, 1984.


J U D G E