

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

DAVID MARQUEZ, Appellant

vs.

NO. 85-MCA-1313

STATE OF TEXAS, Appellee

O P I N I O N

Appellant appeals his conviction in Municipal Court for causing an accident.

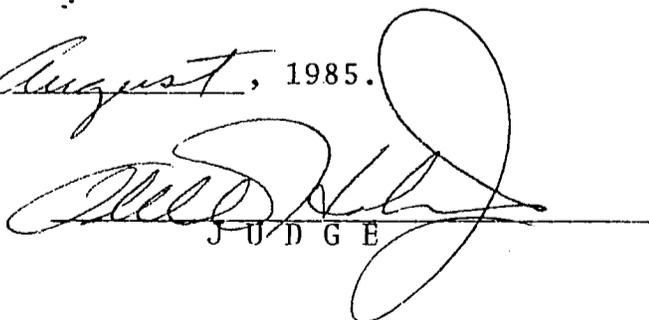
The record reflects that the alleged offense occurred on January 24, 1985, and a complaint was filed on May 22, 1985 and an announcement of ready was made by the State on the same date. The case was tried on June 11, 1985, and all time limits are in excess of the 60 days applicable for such a prosecution under the Speedy Trial Act.

Appellant's first point of error addresses the Court's error in not granting his Motion for Speedy Trial, and as can be seen from the above time frame, the motion was well taken and should have been granted.

The record is otherwise silent as to the prosecution's state of readiness to try this case within the applicable time limits. Barfield v. State, 586 S.W.2d 538 (Tex.Cr.App. - 1979); Lopez v. State, 83-MCA-423 (Mun.Ct.App.); Hernandez v. State, 83-MCA-754 (Mun.Ct.App.).

The Judgment of the Trial Court is reversed and rendered in Appellant's favor.

Signed this 8 day of August, 1985.

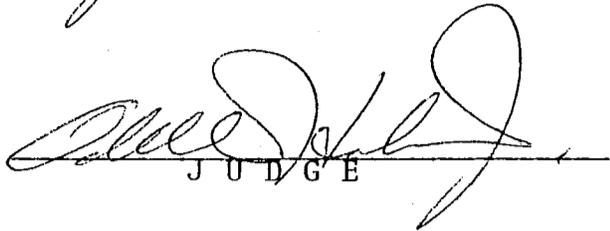

J U D G E

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 DECREED by the Court that the Judgment be in all things reversed and rendered in Appellant's favor, and judgment of acquittal be entered in his behalf.

Signed this 8 day of August, 1985.


J U D G E