

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

JANE SAMPLE, Appellant

vs.

NO. 83-MCA-192

STATE OF TEXAS, Appellee

O P I N I O N

All of Appellant's points of error which address the constitutionality of Article 1200ee, V.A.T.C.S. have been previously overruled by this Court as well as the Court of Criminal Appeals. Ex parte Spring, 586 SW2d 484 (Tex.Crim. App. - 1978). Hill v. State, 83-MCA-23 (Mun.Ct.App. - 1984).

The Hill case also addresses a number of Appellant's other points of error, and based on such authority same are overruled. See also Moseley v. State, 83-MCA-102 (Mun.Ct.App. - 1983), Rogers v. State, 83-MCA-264 (Mun.Ct. App. - 1983).*

Appellant, however, does raise a question relating to the procedure which was applicable not only under Article 1200ee-1, but also its successor 1200ee-2 under which the Court of Appeals is presently acting. Appellant's point is that the provisions that allow the Appellate Court to affirm an opinion without written opinion, but requiring him to write an opinion when he reverses a Trial Court's decision is biased toward conviction, and is therefore unconstitutional. This point has not specifically been addressed by this Court.

The case cited by Appellant, Ward v. Village of Monroeville, 34 LE2d 269, 93 S.Ct. 80, 409 U.S. 57, is fac-

* Copies of Municipal Court of Appeals opinions are available at the City Clerk's Office for review.

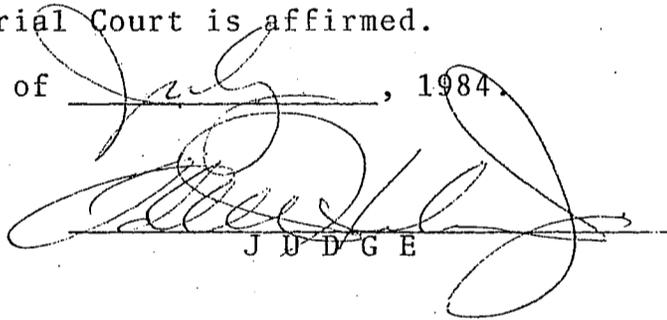
tually distinguishable. In that case, the mayor of the particular city was also the Municipal Court Judge. His dual responsibility of raising revenue for the city overlapped with his responsibility as the local judge principally responsible for assessing fines was held unconstitutional. Those facts do not control the present situation.

Appellant cites no other authority for his position, and this Court has not been able to find any specifically in point. However, similar provisions respecting per curiam opinions, unpublished opinions, and certificates of affirmance without written opinion are applicable both in civil and criminal cases. In fact, many of this Court's decisions, even though affirming convictions, have had written opinions issued supporting them, including this one.

This Court specifically holds that such provision does not constitute a constitutional infirmity, and in no way infringes upon Appellant's constitutional rights.

The Judgment of the Trial Court is affirmed.

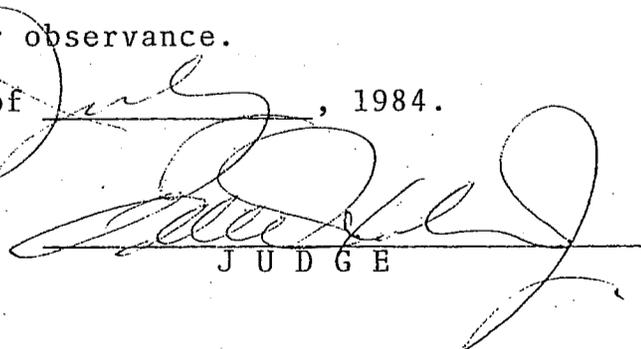
Signed this 13 day of July, 1984.


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 13 day of July, 1984.


J U D G E