

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

JASON SCHEURER, Appellant

vs.

NO. 86-MCA-1730,
1731, 1732

STATE OF TEXAS, Appellee

O P I N I O N

Appellant appeals his conviction in Municipal Court for a stop sign violation, improper registration, and speeding.

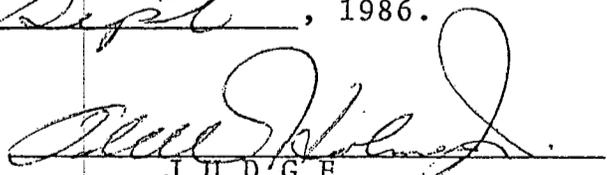
Appellant's sole contention is that the tickets, which were issued to him, describe the vehicle he was driving at the time as a 1979 maroon Cougar. Appellant contends that the vehicle was improperly described since it is red rather than maroon.

This Court has previously held that the complaint, not the ticket, controls the prosecution of the case, and that once the complaint is filed, the ticket becomes immaterial. Ponce v. State, 83-MCA-9 (Mun.Ct.App.), Price v. State, 83-MCA-1301 (Mun.Ct.App.), and Dabbagh v. State, 83-MCA-1259 (Mun.Ct.App.)

Additionally, the color of the vehicle need not be alleged in the complaint. Mears v. State, 557 S.W.2d 309 (Tex.Cr.App. - 1977).

There being no reversible error, the Judgment of the Trial Court in each of the above cases is affirmed.

Signed this 18 day of Sept, 1986.

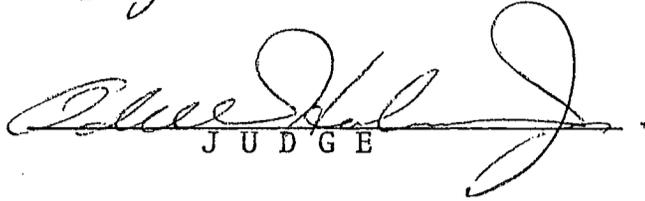

J U D G E

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 18 day of Sept, 1986.


J U D G E