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

ALLEN WESLEY MUNN	§	
	§	
Appellant,	§	**No. 10-MCA-3439, 3440, 3441**
v.	§	**Ticket #: T0237826.1, .2, .3**
	§	
STATE OF TEXAS	§	
	§	
Appellee.	§	

OPINION

Appellant was supposedly cited for failure to yield right-of-way from a private driveway, failure to display a valid driver's license, and not having a valid inspection sticker.

On appeal, Appellant contends that he was a victim of identity theft, and in fact, alleges and has provided to this Court a letter from his brother admitting that he was the perpetrator of this identity theft. Additionally, Appellant has provided a Probable Cause Affidavit from the police officer who issued the citations confirming that they were not issued to the Appellant.

Unfortunately, in cases of this nature where a person's identity is stolen, they are unaware of what has happened, and in this case, Appellant was not aware that his brother had perpetrated this crime, who evidently appeared in Court and plead guilty to these charges. It was not until warrants were subsequently issued for Appellant that he became aware of what occurred.

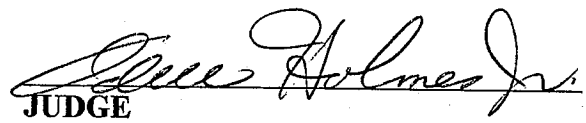
It is further apparent that the applicable time limits for perfecting an appeal have generally long since expired by time a person is aware of what has happened. It is because of

that reason that this Court authorized an Out of Time Appeal to address the issue which Appellant raises.

Because the Record before this Court supports Appellant's contentions, in the interest of Justice, this case is reversed and remanded to give Appellant the opportunity to present proof to the Trial Court of what occurred in this case, and that he was not the person cited but a victim of identity theft.

Therefore, the Trial Court's judgment in each of the above cases is hereby reversed and remanded for retrial.

SIGNED this 1st day of March, 2011.

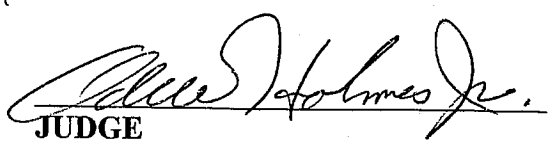


JUDGE

JUDGMENT

These three cases 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 these three cases be reversed and remanded to the Trial Court for re-trial.

SIGNED this 1st day of March, 2011.



JUDGE