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

JOHN DUNCAN WILBANKS	§	
	§	
Appellant,	§	**No. 11-MCA-3489**
v.	§	**Ticket #: T0264224.2**
	§	
STATE OF TEXAS	§	
	§	
Appellee.	§	

OPINION

Appellant appeals the forfeiture of his bond in Municipal Court after he failed to appear at his trial, and a fine of $211.00 was assessed. The offense for which Appellant was cited was Failure to Maintain Financial Responsibility. Appellant was cited on November 3, 2010, and has provided this Court with proof of insurance reflecting that he was in compliance with the Financial Responsibility Law on the date he was cited.

The City Prosecutor has verified that the insurance was valid on the date in question, but opposes the appeal because it was filed after the deadline for perfecting an appeal to this Court.

This Court has been consistent in allowing a person to establish that they had a valid defense in cases of this nature if they are not at fault in presenting such proof timely. (See Serna v. State, 11-MCA-3464, Mun. Ct. App. 2011)

In this case, Appellant contends that he did not receive the Notice of Resetting after he posted his bond because, at the time, he was receiving his mail at two different addresses. He claims that had he received notice he would have appeared at trial and presented his proof of

compliance and established his defense as provided by law. Section 601.193, Tex. Trans. Code.

In view of such facts, and this Court's finding that such constitutes a reasonable excuse for failing to timely present evidence of his defense, the case is hereby reversed and remanded to the Trial Court for further consideration.

SIGNED this 27th day of July, 2011.

JUDGE

JUDGMENT

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 case be reversed and remanded to the Trial Court for re-trial.

SIGNED this 27th day of July, 2011.

JUDGE