

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

SANDRA R. LEMUS

Appellant,

v.

STATE OF TEXAS

Appellee.

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No. 09-MCA-3366

Ticket #: 18263391.1

OPINION

Appellant appeals her conviction in Municipal Court for driving a vehicle equipped with dealer's temporary cardboard tags for personal use.

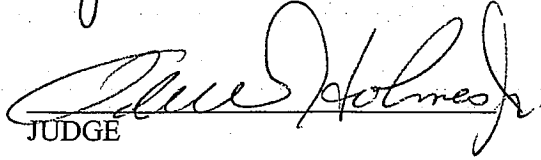
Section 503.062, Tex. Trans. Code authorizes the dealer or his employees to demonstrate to a prospective buyer the vehicle for sale purposes only or to transfer the vehicle for the purposes of being repaired, reconditioned or serviced, or to road test the vehicle.

However, Section 503.068, Tex. Trans. Code, prohibits a dealer or an employee of the dealer from driving a vehicle equipped with dealer's temporary cardboard tags for the dealer's or the employee's personal use.

There is no Reporter's Record before this Court showing what evidence was introduced to determine whether Appellant was either the dealer or one of its employees or just a customer of the dealership who was driving the vehicle at the time. Further, there is no way this Court can determine whether the vehicle was being used for the authorized purposes set out above or for personal use. It was the Trial Judge, and not this Court which would have to decide that fact issue and resolve any conflicts in the evidence presented to it. This Court cannot second guess that Judgment.

Therefore, Appellant's conviction in this case is hereby affirmed.

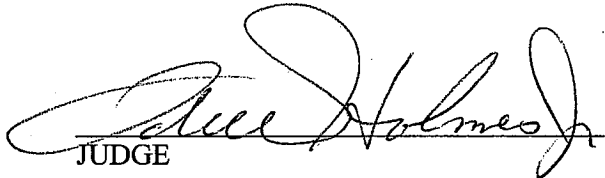
SIGNED this 21st day of January, 2010.


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 affirmed.

SIGNED this 21st day of January, 2010.


JUDGE