

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

SERGIO URQUIDI

Appellant,

v.

STATE OF TEXAS

Appellee.

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No. 11-MCA-3484

Ticket #: 18356751.1

OPINION

Appellant appeals his conviction in Municipal Court for failing to control speed causing an accident. A fine of \$100.00 was assessed.

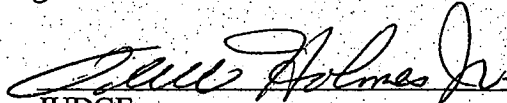
Appellant contends that the accident was not his fault but rather the fault of the other driver who recklessly changed lanes suddenly depriving him of the opportunity to avoid the collision. Appellant has also attached a letter from Loya Insurance Company denying liability for payment of damages under their policy which Appellant contends support for his position.

There is no Reporter's Record before this Court which would show what evidence was actually introduced before the Trial Court. Suffice it to say, the Trial Judge, has a responsibility to resolve conflicts in the testimony and to weigh the evidence accordingly. Indeed, the Trier of Fact is the sole Judge of the weight and credibility of the evidence, and this Court cannot reevaluate the weight and credibility of the evidence and substitute its judgment for that of the fact finder. This Court must presume that the fact finder resolved any conflicting inferences in favor of the verdict and this Court must defer to that resolution.

Rogers v. State of Texas, No. 08-09-00305-CR (Tex. App. 8th District--El Paso--2011)

In doing so, this Court finds no error. The judgment of the Trial Court is therefore affirmed.

SIGNED this 29th day of June, 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 affirmed.

SIGNED this 29th day of June, 2011.


JUDGE