

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

ESTHER MARINA AGUILAR

Appellant,

v.

STATE OF TEXAS

Appellee.

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No. 14-MCA-3811
Ticket No. T4116721.1

OPINION

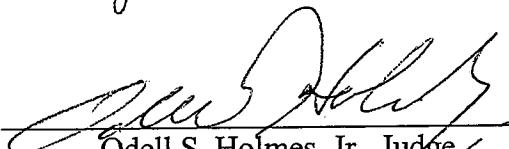
Appellant appeals her conviction in Municipal Court for having resided in the State of Texas for more than thirty (30) days and operating a motor vehicle without having a valid Texas driver's license. A fine of \$75.00 was assessed.

That is the offense charged in the complaint based on former TX.REV.CIV.STAT.ANN. art. 6687b, sec 3A. However, that statute was repealed and codified at TEX. TRANSP. CODE ANN., sec 521.029 (Effective June 19, 2009).

That newly codified section gives a new resident of Texas ninety (90) days in which they can operate a motor vehicle in this state legally, but thereafter, must obtain a Texas driver's license.

It appears that the prosecution of this case was based on a statute that is no longer in effect, and this Court considers the charging of such an offense to be fundamental error because no offense is charged. Having so found, this Court hereby reverses and renders a judgment of acquittal in Appellant's favor.

SIGNED this 8th day of January, 2015.

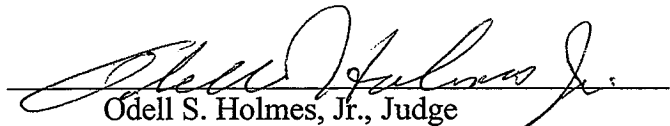


Odell S. Holmes, Jr., Judge
El Paso Municipal Court of Appeals

JUDGEMENT

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 is reversed and rendered.

SIGNED this 8th day of January, 2015.


Odell S. Holmes, Jr., Judge
El Paso Municipal Court of Appeals