

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

GLENN L. LEFFLER

Appellant,

v.

STATE OF TEXAS

Appellee.

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No. 10-MCA-3424

Ticket #: 18281179

OPINION

Appellant appeals his conviction in Municipal Court for speeding in a school zone. A fine of \$150.00 was assessed.

Appellant's contention is that there is no school that exists in the area where the school zone is, and therefore, he violated no law in respect to the speed restrictions posted in that school zone.

The Reporter's Record in this case reflects that the Officer who issued the citation testified that he was monitoring the school zone at Phoenix and Ranchland. He saw Appellant approaching, and visually observed the Appellant traveling at approximately 33 mph, and clocked him traveling at 35 mph by radar. The Officer further testified this occurred at 11:30 a.m., that school was in session, and the school zone signs indicated that the speed limit was 15 mph from 7:00 a.m. to 4:00 p.m. that day. On cross examination, Appellant's Attorney attempted to establish that there was no school in the immediate vicinity of the school zone, but never was able to establish that there was no school in the area. In fact, on redirect, the Officer indicated that there was a school nearby, even though he did not know the name of the school.

The location of a school zone is determined by the City Traffic Engineer, and this Court is aware that many school zones are not adjacent to the school property itself. In many instances, the school zones are situated on streets that are somewhat remote from the school itself, but evidently, are located where children cross the street on their way to and from school. Section 541.302 (13), Tex. Trans. Code, defines a "school crossing zone" as being a reduced-speed zone designated on a street by a local authority to facilitate safe crossing of the street by children going to or leaving a public or private elementary or secondary school during the time the reduced speed limit applies. Appellant's contention that there was no school, and the school zone should not exist is unsupported by any evidence offered by Appellant, and its only support is in the argument which he has made on appeal which, of course, is not evidence sufficient to establish his defensive issue.

Therefore, having found no reversible error, the judgment of the Trial Court is affirmed.

SIGNED this 9th day of February, 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 9th day of February, 2011.


JUDGE