

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

BLANCHE FOSTER, Appellant

vs.

NO: 87-MCA-1795

STATE OF TEXAS, Appellee

O P I N I O N

Appellant appeals her conviction in Municipal Court for changing lanes unsafely causing an accident.

Appellant was represented by an attorney at the trial of this case and the record contains a statement of facts which this Court has reviewed in addressing Appellant's point of error relating to the sufficiency of the evidence. The record reflects that Appellant was traveling on North Mesa at approximately 40 miles per hour when a vehicle was stalled in front of her in which a number of children were passengers. She took evasive action to avoid hitting the stalled vehicle, which resulted in the accident for which she was cited. The record is clear that Appellant was faced with a sudden emergency, and the Court has concluded that the accident was unavoidable in view of the circumstances.

Finding that the evidence is insufficient, the Judgment of Trial Court is reversed and rendered in Appellant's favor.

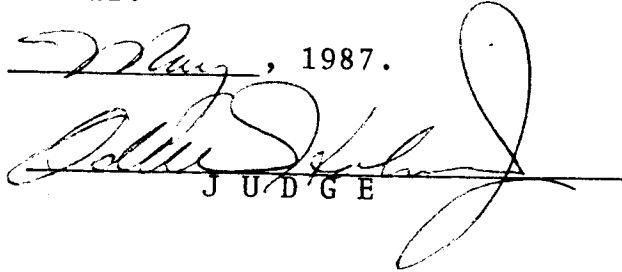
SIGNED this 21 day of May, 1987.

  
JUDGE

J U D G M E N T

This case came on to be heard, the same being considered, because it is the opinion of this Court that there was error in the Judgment, it is ORDERED, ADJUDGED and DECREED by the Court that the Judgment be in all things reversed and rendered in Appellant's favor, and judgment of acquittal be entered in his behalf.

Signed this 21 day of May, 1987.

  
J U D G E