

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

MICHELLE MAXFIELD, Appellant

vs.

No. 87-MCA-1869

STATE OF TEXAS, Appellee

O P I N I O N

Appellant appeals her conviction in Municipal Court for a stop sign violaion.

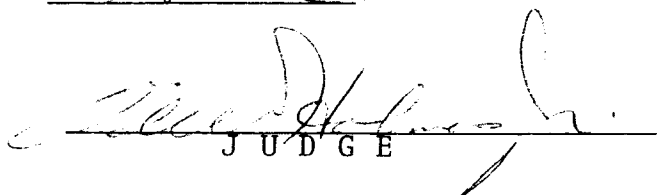
On Appeal, Appellant contends that the ticket which was issued in this case was not properly acknowledged. Appellant further contends that the ticket serves the purpose of a complaint, and that the subsequent complaint which is filed in court serves the purpose of an information. Appellant cites this Court to cases involving prosecutions which require a complaint and information under Article 21.22 of the Code of Criminal Procedure which are not in point nor controlling of the disposition of this Appeal.

Prosecutions in Municipal Court are commenced by the filing of a complaint pursuant to Section 30.043 of the Government Code under El Paso's Court of Records Statute CH.480 Subchapter B. Appellant does not attack the sufficiency of the complaint but complains that the ticket was defective. This Court has held on numerous occasions, that defects in the ticket become immaterial once the complaint

is filed, and that the ticket itself is merged into the complaint. Ponce v. State, 83-MCA-9, (Mun.Ct.App.), Robinson v. State, 83-MCA-1299 (Mun.Ct.App.), Price v. State, 83-MCA-1301 (Mun.Ct.App.), Dabbagh v. State, 83-MCA-1259 (Mun.Ct.App.). There is nothing in the statutes which address the sufficiency of the citation or require that one be issued except under Article 6701D, V.A.T.C.S. Section 148(a) relating to speeding offenses. The citation serves only as notice to and the promise by a person cited to appear to answer the charge. In fact a person could be arrested or charges filed without a citation being initially issued, which this Court judicially knows.

Therefore, the Court holds that Appellants analogy between the citation and complaint and a complaint and information to be inappropriate, and finds no reversiable error in the judgment of the Trial Court.

Signed this 14 day of March, 1988.

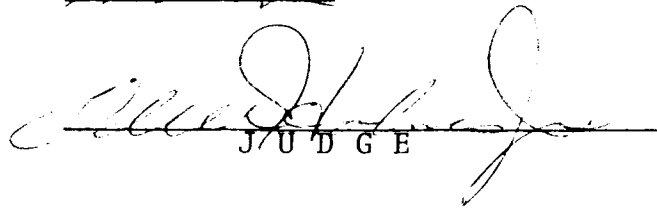

J U D G E

J U D G M E N T

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 Judgment be in all things affirmed, and that the Appellant

pay all costs in this behalf expended, and that this decision be certified below for observance.

Signed this 14 day of March, 1988.


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