

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

TOD P. OSBORNE, Appellant

vs.

No. 89-MCA-1963

STATE OF TEXAS, Appellee

OPINION

Appellant appeals his conviction in Municipal Court for a speeding offense.

Appellant contends that his speedometer was broken, and therefore he was not aware that he was exceeding the speed limit.

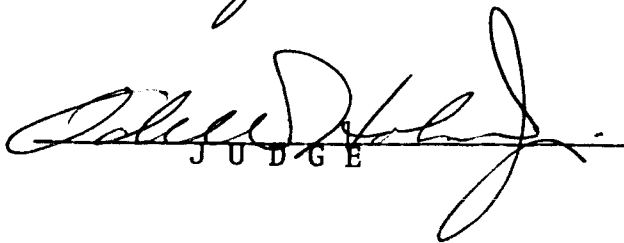
This court has previously held that a broken speedometer does not provide a defense to a speeding violation. Challender vs. State, 85-MCA-1495, (Mun. Ct. App.); Grodin vs. State 85-MCA-1784 (Mun. Ct. App.).

Further, Appellant contends that he was just following the flow of traffic, and likewise, this does not provide a viable defense to the citation. Herrera v. State, 86-MCA-1689 (Mun. Ct. App.). Appellant was charged with going 69 mph in a 55 mph zone, a speed in excess of 14 miles over the posted speed limit, and this Court agrees with the City's contention that an experienced driver should be aware that he is exceeding the speed limit under such circumstances. Lastly, a vehicle is not required to even have a speedo-

meter, whether working or not. Article 6701(d) Section 108,
et. seq. Although all of us rely on a correctly functioning
speedometer, it is only optional equipment, and the law
imposes on every driver the obligation to drive within the
speed limit whether or not the vehicle he is driving is
equiped with a speedometer.

Having found no reversible error, the judgment of the
trial court is affirmed.

Signed this 31 day of May, 1989.


J U D G E