

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

JOE SALDIVAR,	§	
	§	
Appellant	§	
	§	
vs.	§	90-MCA-2072
	§	
STATE OF TEXAS,	§	
	§	
Appellee	§	

OPINION

Appellant appeals his conviction in Municipal Court for failure to yield right-of-way causing an accident.

No statement of facts was requested by the Appellant, and none appears in the record before this Court, but Appellant contests the sufficiency of the evidence to support to the conviction.

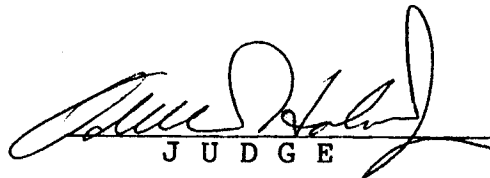
This Court has repeatedly held that it cannot review the sufficiency of the evidence without a Statement of Facts, nor can it substitute its judgment for that of the Trial Court who is the exclusive judge of the credibility of the witnesses and weight to be given to their testimony. Paoli vs. State, 83 MCA 98 (Mun.Ct.App.)

Appellant further contends that the other driver was also responsible for this accident for a number of well stated reasons, all of which may be true, but none of which provide a defense to the citation issued to Appellant because comparative negligence

does not constitute a legal defense to the charge. Fontenette vs. State, 89 MCA 1998 (Mun.Ct.App. - 1989).

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


SIGNED this 27 day of Nov., 1990.


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 27 day of Nov., 1990.


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