

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

MANUEL AGUILAR, Appellant

v.

83-MCA-<sup>617</sup>

STATE OF TEXAS, Appellee

O P I N I O N

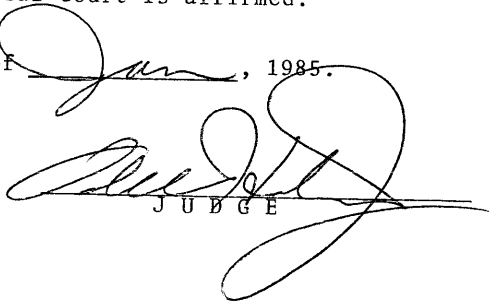
This Court has reviewed Appellant's points of error, and determined that same are without merit, and therefore overrules them.

However, Appellant does raise in his Motion for New Trial, the assertion that a culpable mental state needs to be pled and proved for the offense of driving without an operator's license. This Court holds that the instant offense is in the nature of a strict liability offense, and therefore no mental culpability need be alleged or proven in order to sustain a conviction thereunder. All the points have been considered and overruled.

In doing so, this Court specifically addresses the no operator's license issue, error stating that the complaint in the instant offense was defective because it failed to allege a culpable mental state. This Court holds that a complaint for a no operator's license violation is in the nature of a strict liability offense, and a mental culpable state need not be alleged nor proven. Brune v. State, 83-MCA-259 (Mun.Ct. App. - 1984).

The Judgment of the Trial Court is affirmed.

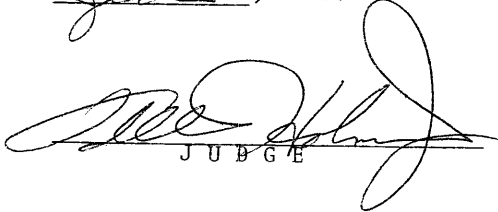
Signed this 28 day of Jan, 1985.

  
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 28 day of Jan, 1985.

  
J U D G E