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

SAMUEL B. BORSBERRY, Appellant

vs.

NO. 85-MCA-1560

STATE OF TEXAS, Appellee

O P I N I O N

Appellant appeals his conviction in Municipal Court for the offense of speeding.

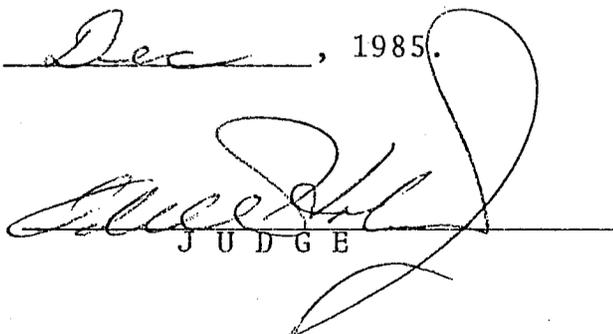
Appellant's sole ground of error on appeal is that the Court failed to grant his timely filed Motion for Speedy Trial.

Appellant is correct in his assertion that more than sixty (60) days elapsed between the date of the citation and the date of trial, however, he overlooks the fact that the State announced ready for trial well within that time. The complaint contains an announcement of ready by the State filed on August 30, 1985 which is on the face of the complaint itself.

Once the State announces ready for trial within the applicable time limits, then the burden shifts to the Defendant to show otherwise. The Speedy Trial Act addresses inexcusable prosecutorial delay and does not address itself to judicial delay because of docket overcrowding or other similar reasons.

Since the record fails to show that the Defendant carried his burden to show that the State was not in fact ready, the trial court was correct in denying his Motion, and the Judgment of the Trial Court is affirmed. See Barfield v. State, 586 S.W.2d 538 (Tex.Cr.App. - 1979).

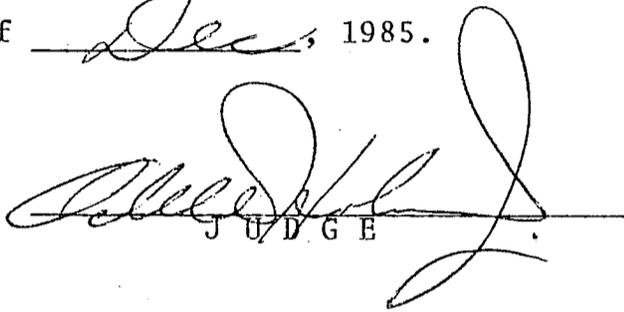
Signed this 2 day of Dec, 1985.


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 2 day of Dec., 1985.


J U D G E