

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

GUILLERMO HERNANDEZ JR,

Appellant,

vs.

STATE OF TEXAS,

Appellee.

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No. 07-MCA-3196

OPINION

Appellant appeals his conviction in Municipal Court for illegal window tinting. A fine of \$50.00 was assessed.

The citation that was issued to Appellant charges a violation in these words "illegal tint (blue)". The citation does not identify which window of the vehicle was supposedly involved.

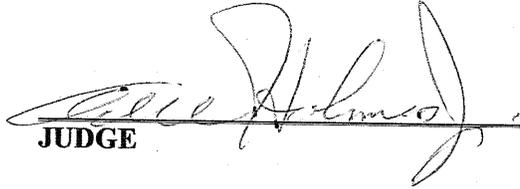
From that non specific description of the offense, a complaint was generated charging Appellant with a violation of Section 547.613 of the Tex. Trans. Code. That Section, in language that defies easy understanding, addresses restrictions on the windows of a vehicle and creates specific requirements depending on which window is involved. For instance, that section identifies the windshield, window vents, side windows, rear window, and each with their own specific restrictions. Although the Transportation Code states an offense is committed if a person places on or attaches to the windshield or side or rear window of a motor vehicle a transparent material that alters a color or reduces the light transmission, there are varying applications depending on which window is involved.

The complaint in this case alleges that the material attached to the windshield or side or rear window failed to meet the requirements of that section. Which requirements are applicable to this particular offense cannot be determined by the allegations of the complaint. The allegations of the complaint are global and overly broad, and this Court is unable to determine what offense Appellant

allegedly committed. The function of the complaint should be specific enough to focus the attention of both the Trial Court and this Court on what offense is actually alleged.

Because it fails to do so in this case, the matter is remanded to the Trial Court, and if re-tried, the prosecution should allege what specific offense it is attempting to prove. Failing that, the prosecution should consider filing a motion to dismiss as may be appropriate.

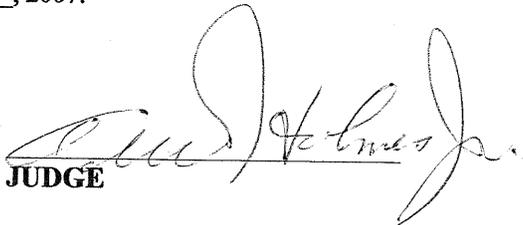
Signed this 17th day of Oct., 2007.


JUDGE

JUDGMENT

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 case be reversed and remanded to the Trial Court for re-trial.

SIGNED this 17th day of Oct, 2007.


JUDGE