

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

DEBORAH M. ESCOBAR

Appellant,

v.

STATE OF TEXAS

Appellee.

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**No. 11-MCA-3487
Ticket #: T0243658.2**

OPINION

Appellant appeals her conviction for failing to maintain financial responsibility. A fine of \$175.00 was assessed.

Appellant was cited for this offense on July 22, 2010, and has provided a copy of her insurance information which indicates that her vehicle was insured on the date she was cited. The City Prosecutor has verified that fact, but opposes the appeal because it was filed after the time limits for perfecting an appeal to this Court had expired.

Appellant was represented by an Attorney before the Trial Court, and Appellant contends that her proof of financial responsibility was provided to that Attorney who she believes presented it to the Trial Judge. However, the copies were too dark to read, and evidently, the Trial Judge did not accept her proof. Although, more legible copies were to be presented to the Court, that evidently did not happen.

Then, as the wheels of justice continued to roll, and without her knowing that she had been convicted of this particular offense, eventually a warrant was issued for her arrest for nonpayment of the fine, surcharges under the Driver Responsibility Program administered by the Texas Department of Public Safety were assessed, and her Driver's License has been suspended.

Complicating matters further, Appellant has advised this Court she has just recently given birth to twins.

Of course, in the meantime the time limits to perfect an appeal to this Court had expired as the City Prosecutor points out.

As this Court has held repeatedly and consistently, if a person is able to establish that they had a valid defense in cases of this nature, and can prove that they were in compliance with the Financial Responsibility Law, and if they are not at fault in presenting such proof timely to the Court, this Court has allowed such a person to establish their compliance with the Law even though it is done belatedly. See Serna v. State, (11-MCA-3464, Mun. Ct. App., 2011); Wilbanks v. State, (11-MCA-3489, Mun. Ct. App., 2011)

Therefore, this case is hereby reversed and remanded to the Trial Court for further consideration.

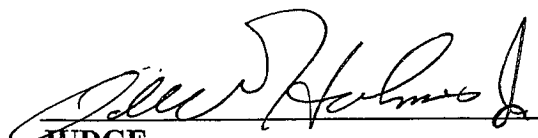
SIGNED this 1st day of August, 2011.


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 1st day of August, 2011.


JUDGE