IN THE MUNICIPAL COURT OF APPEALS

OF THE CITY OF EL PASO, TEXAS

JEFFREY GRAVES, Appellant

vs. NO. 83-MCA-1052

STATE OF TEXAS, Appellee

OPINION

Appellant was convicted in Municipal Court under Article 21.06 of the Texas Penal Code.

Such statute has been declared unconstitutional in Baker v. Wade, 553 F.Supp. 1121. The State of Texas, through its Attorney General, chose not to appeal such decision; therefore, the ruling of the Federal District Court stands. See Baker v. Wade, 743 F2d 236 (5th Cir.)

The Judgment of the Trial Court is hereby reversed and rendered in Appellant's favor.

Signed this 8 day of August, 1985.

JUDGE

JUDGMENT

This case came on to be heard, the same being considered, because it is the opinion of this Court that there was error in the Judgment, it is ORDERED, ADJUDGED and DECREED by the Court that the Judgment be in all things reversed and rendered in Appellant's favor, and judgment of acquittal be entered in his behalf.

Signed this 8 day of August, 1985.

JUDGE