IN THE MUNICIPAL COURT OF APPEALS

OF THE CITY OF EL PASO, TEXAS

WILLIAM J. MAGAW, Appellant

v. 83-MCA-229

STATE OF TEXAS, Appellee

O P I N I O N

Appellant appeals his conviction for driving at a speed greater than was reasonable and prudent under the conditions then existing. It appears that the prosecution of this case is pursuant to Article 6701d, Section 166(a).

The record reflects that the Appellant was not clocked nor his speed determined by any other means, other than it appeared that he was going faster than the posted speed limit at the time.

Although the Court does not address whether or not such a charge pursuant to that section constitutes an offense, a review of the statement of facts in this case reflects that the evidence is insufficient to support the conviction.

Therefore, the conviction is reversed and rendered in Appellant's favor.

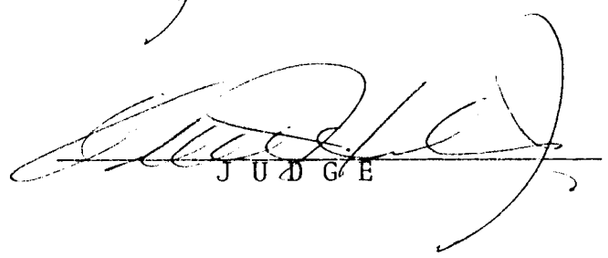
Signed this 6 day of August, 1984.

JUDGE

J U D G M E N T

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 6 day of Aug, 1984.



JUDGE