IN THE MUNICIPAL COURT OF APPEALS

OF THE CITY OF EL PASO, TEXAS

JERRY DITMORE, Appellant

vs. NO. 83-MCA-720

STATE OF TEXAS, Appellee

O P I N I O N

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

I.

His first complaint on appeal is that the Appellant was not present at the trial, but appeared by counsel. An appearance by counsel is authorized by law, and in the absence of objection, waives the appearance of the Defendant, and the Court was authorized to proceed to trial. Nothing in the record, other than the bare assertion in a Motion for New Trial reflects that any objection was made concerning the absence of the Appellant at trial.

II.

Secondly, Appellant complains that the complaint is fatally defective for failing to allege a culpable mental state; however, for the offense of speeding, no culpable mental state is required. Sulauf v. State, 591 SW2d 869 (Tex.Crim.App. - 1979), Brune v. State of Texas, 83-MCA-259 (Mun.Ct.App. - 1984).

The Judgment of the Trial Court is affirmed.

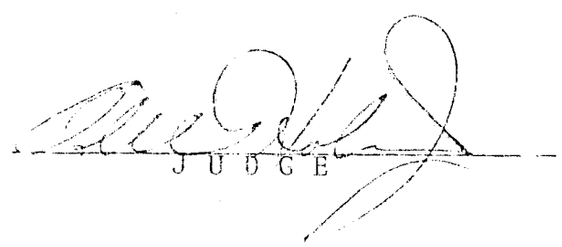
Signed this 29 day of [illegible] 1985.

JUDGE

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 22 day of March 1985.



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