IN THE MUNICIPAL COURT OF APPEALS

OF THE CITY OF EL PASO, TEXAS

TONY LUJAN, Appellant

v. 86-MCA-1303

STATE OF TEXAS, Appellee

OPINION

Appellant appeals his conviction in Municipal Court for failure to maintain financial responsibility as required by law.

In a pro se brief to this Court, Appellant raises the issue of double jeopardy, and also asked for oral argument in order to present to this Court satisfactory evidence that he was insured on the day in question.

Municipal Courts have initiated a procedure to expedite the handling of this type of case. Proof of insurance is submitted to a judge who reviews it, and if he determines that insurance was in effect on the date of the citation, he notes on the ticket a finding of not guilty. This procedure does not involve a trial, nor in the opinion of this Court, represents a judicial determination of the issue in question, but merely is an administrative procedure.

In this case, the Judge evidently accepted the insurance information presented to him, checked the "not guilty" finding on the citation, and subsequently, the citizen who was involved in the accident, giving rise to the citation complaint.

Since Appellant did not plead to the charge, nor was put to trial, no jeopardy attached.

In Appellant's pro se brief, he requested oral argument in order to provide this Court with proper documentation showing that he was in fact insured. Appellant came to the Court's offices and showed the Court a statement respecting proof of liability insurance, but it was determined that

such was not applicable nor in effect on the date of the accident.

It was ultimately determined that Appellant was in fact uninsured on the day he received the citation, and therefore the finding of the Trial Court was correct.

Appellant's contention that he was not at fault in the accident has no bearing whatsoever on his responsibility for carrying insurance, and constitutes a separate and distinct offense from the accident itself.

Neither is this Court authorized to reduce or alter the fine imposed, as requested.

Finding no error, and determining that the Trial Court was correct in its Judgment, the Trial Court's Judgment is affirmed.

Signed this 16 day of July, 1985.

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 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 16 day of July, 1985.

JUDGE