

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

CHRISTINA GONZALEZ

Appellant,

vs.

STATE OF TEXAS,

Appellee.

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No. 05-MCA-3020

OPINION

Appellant appeals her conviction in Municipal Court for failure to comply with a traffic control device, evidently two police units, contrary to Title 12, Chapter 20, Section 020 of the Municipal Code, City of El Paso. A fine of \$35.00 was assessed.

The court first notes that the above section cited does not exist in Title 12, Chapter 20, and the closest section that the facts of this case seem to fit is actually Section 12.04.230 prohibiting a person from failing or refusing to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic. However, Appellant was not charged with such an offense, but rather the Complaint alleges that he failed to comply with the traffic control device, to wit: two (2) police units.

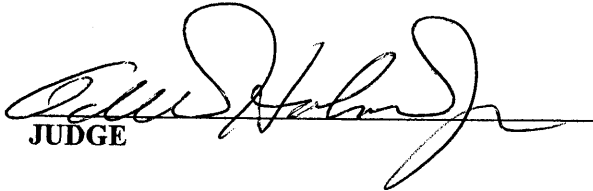
It appears to this court that Complainant sought to charge Appellant with a violation of Section 544.004 of the Texas Transportation Code which requires an operator of a vehicle to comply with an official traffic control device. However, the definition of a traffic control device and their placement are controlled by Chapter 544, and nothing in that chapter identifies police units as qualifying as a traffic control device.

The two police units as alleged in the complaint clearly are not traffic control devices as defined under the traffic laws of the State of Texas, Section 544.001 et seq Texas Transportation Code, and

therefore this court holds that the complaint filed in this case fails to allege an offense cognizable under the law.

The judgment of the trial court is hereby reversed and the complaint is ordered dismissed.

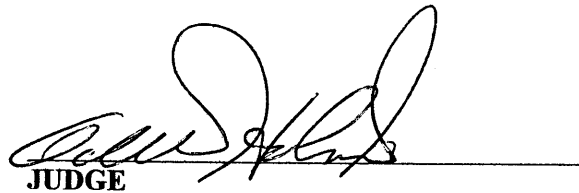
SIGNED this 18 day of Oct, 2005.


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 the complaint is ordered dismissed.

SIGNED this 18 day of Oct, 2005.


JUDGE