

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

VICTOR SANCHEZ

Appellant,

v.

STATE OF TEXAS

Appellee.

§
§
§
§
§
§
§
§
§
§

**NO. 12-MCA-3536
TICKET NO.: T0109377.1**

OPINION

Appellant appeals his conviction in Municipal Court for a speeding offense. A fine of \$135.00 was assessed.

Appellant elected to take a Driver's Safety Course in lieu of prosecution pursuant to the provisions of Article 45.0511, Tex. Code Crim. Proc. Pursuant to that Article, if a person is eligible, the Court shall enter judgment on their plea of no contest or guilty, defer imposition of the judgment, and allow the Defendant 90 days to successfully complete the approved Driver's Safety Course. At the completion of the course, the person must present to the Court a Uniform Certificate of Completion of the Driving Safety Course to be entitled to dismissal of the charge.

If the person requesting the Driving Safety Course fails to comply with Subsection C, the Court shall notify the Defendant in writing, mailed to the address on file with the Court or appearing on the Notice to Appear of that failure, and require the Defendant to appear at the time and place stated in the Notice to Show Cause why the evidence was not timely submitted to the Court. That is what is called a Show Cause Notice.

Appellant contends that he never received that Notice because he had changed addresses, and that is the reason he did not appear at his Show Cause Hearing to explain his failure to

comply with the Court's Order or to request an extension of time for him to do so. The Municipal Court Clerk's Office has advised this Court that the Notice to Show Cause was, in fact sent to Appellant at his new address where he has indicated in his Brief he is now presently residing.

The trial of this case occurred on January 15, 2009, so Appellant had 90 days from that date to satisfactorily complete the Driver's Safety Course and to present evidence of such fact to the Court. The Show Cause Hearing was held on March 12, 2010, and Appellant failed to appear at the time, even though evidently notified of such Hearing at his new address, and the Court entered a guilty finding and assessed the above fine.

Appellant contends that someone at the Municipal Court Clerk's Office gave him an extension of 30 days to complete the Driver's Safety Course, but only the Judge could do so, and there is no Court Order indicating that such an extension was granted. In fact, the Record of the Show Cause Hearing does not indicate that the Court granted any extension.

Appellant has now submitted to this Court a Certificate of Completion of a Driver's Safety Course which indicated that it was successfully completed on May 2, 2009, long after the 90 days allowed for taking such a course had expired, and beyond the 30-day extension that would have been granted from the date of his Show Cause Hearing, March 12, 2010, if such an extension had even been granted.

Appellant has failed to show that he timely completed the Driver's Safety Course, and no error in the Trial Court's judgment is shown. It is therefore affirmed.

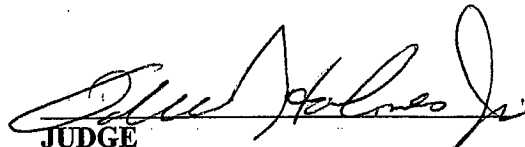
SIGNED this 19th day of April, 2012.


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 this case be affirmed.

SIGNED this 19th day of April, 2012.


JUDGE