

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

SANTA TERESA TORRES

Appellant,

v.

STATE OF TEXAS

Appellee.

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**No. 15-MCA-3825
Ticket No. T4187094.1**

OPINION

Appellant appeals her conviction in Municipal Court for failing to maintain financial responsibility. The record reflects that Appellant pled guilty to this offense while she was incarcerated in jail. She claims she turned herself in because she did not have the money to pay the fine. She was given credit for time served and a good time credit against her fine which was in the total amount of \$291.00.

Appellant contends that she is medically unable to work and has substantial financial problems, and has included a copy of a letter from her doctor confirming her medical condition.

Appellant has provided to this Court a copy of a Texas Liability Insurance Card showing that she had automobile insurance in effect on the date she was cited, to wit: May 27, 2014. The card reflects that she is the named insured, and that the vehicle she was driving at the time she was cited is listed on the insurance card as the vehicle being afforded coverage.

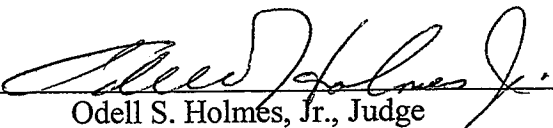
It is not clear to this Court why Appellant pled guilty to an offense for which she had a valid defense, but she did and the Trial Judge certainly was within the law in accepting her plea of guilty. However, because Appellant has provided to this Court proof that she was properly and legally insured in compliance with the Texas Financial Responsibility Law at the time she was cited, this Court will remand this case to the Trial Court for further consideration.

Evidently, Appellant appealed the conviction, not only because she had a valid defense to the charge despite her plea before the Trial Court, but has evidently also been hit with surcharges for driving without proof of financial responsibility. (Section 708.103, TX. Transportation Code). The surcharge for this offense is \$250.00 per year for three years. Failure to pay the surcharge can result in an automatic suspension of a person's driver's license until the surcharge is paid. (Section 708.152, TX. Transportation Code.)

This Court has no way of knowing whether Appellant has paid or made any other arrangements relating to the surcharge because it is not an issue to be decided by this Court but rather by the Texas Department of Public Safety.

However, as this Court has done in other cases where a person was in compliance with the Financial Responsibility Law, and provides this Court with proof of such compliance, although they may not have provided that proof to the Trial Court, the case is hereby reversed and remanded to the Trial Court for further consideration.


SIGNED this 8th day of April, 2015.


Odell S. Holmes, Jr., Judge
El Paso Municipal Court of Appeals

JUDGEMENT

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 case is reversed and remanded.

SIGNED this 8th day of April, 2015.


Odell S. Holmes, Jr., Judge
El Paso Municipal Court of Appeals