

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

**JORGE ANGEL GUZMAN**

**Appellant,**

**v.**

**STATE OF TEXAS**

**Appellee.**

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**No. 18-MCA-3995  
Ticket No. T4320209**

**OPINION**

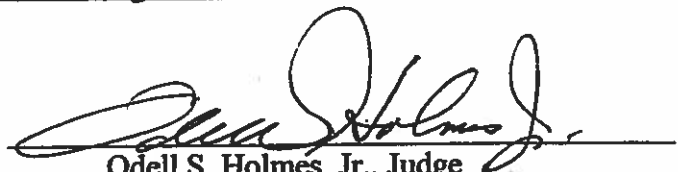
Appellant appeals his conviction in Municipal Court for a speeding offense committed on December 30, 2017. A fine of \$101.00 was assessed.

Appellant admits that he was speeding 80 miles per hour in a 60mph zone, even though he was cited for going only 75mph in that zone, but contends it was because other traffic was also going at a higher rate of speed and he considered it safer to drive in the flow of traffic. The Trial Judge evidently used a metaphor to describe the situation which this Court feels has merit, that being, that speeding is like a gazelle and the officer is like a hunting lion, and that he can't stop or catch all the gazelles and in this case, Appellant was the one who was apprehended and then cited.

Appellant's defense is untenable in terms what is called a flow of traffic defense, which has never been recognized as a valid defense to a speeding charge.

Therefore, this Court finds no error in the Trial Court's judgment and affirms its decision.

SIGNED this 21<sup>st</sup> day of December, 2018.

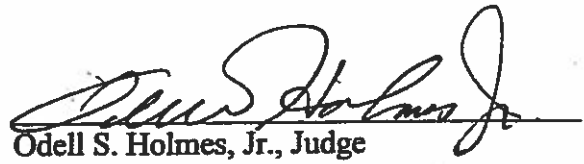


Odell S. Holmes, Jr., Judge  
El Paso Municipal Court of Appeals

**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 affirmed.

SIGNED this 27<sup>th</sup> day of December, 2018.



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