

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

APODACA BAIL BONDS, Appellant

NO. 86-MCA-1743
86-MCA-1744
86-MCA-1745
86-MCA-1746
86-MCA-1747
86-MCA-1748
86-MCA-1749
86-MCA-1750
86-MCA-1751
86-MCA-1752

vs.

STATE OF TEXAS, Appellee

O P I N I O N

Appellant appeals the forfeiture of certain bail bonds in the above cases from Municipal Court, and since the same issues are involved in each of the cases, they are hereby consolidated for appeal and controlled by the decision of this Court in this Opinion.

The principal on these bonds, ROBERT AMAYA, was cited for a number of misdemeanor offenses involving housing violations. APODACA BAIL BONDS wrote the bonds in each of those cases as surety, which were subsequently approved by the Municipal Court Judge. At the trial of these cases, the principal failed to appear which resulted in the initiation of bail bond forfeiture proceedings resulting in final judgments of forfeiture having been declared and the present appeals.

Appellant's attorney has emphasized, to the exclusion of other points raised in his briefs, that the evidence was insufficient because the record failed to show that the judgment nisi in each case was introduced into evidence properly. A review of the statement of facts shows that the judgment nisi was in fact introduced in evidence in each case subject to Appellant's only objection that a proper predicate had not been laid for their introduction. Because of the holding of this Court, the question as to whether the

general objection interposed by Appellant was sufficient to preserve any error on appeal need not be addressed.

The Trial Court is now authorized to judicially notice the judgment nisi in bond forfeiture proceedings, and therefore it need not be formally introduced into evidence, and therefore Appellant's point of error is overruled. Hokr v. State, 545 S.W.2d 462 (Tex.Cr.App. - 1977).

The Hokr case, infra, specifically overrules the cases cited and relied upon by Appellant.

Although Appellants expressed reliance at oral argument on the above point of error, to the exclusion of other points raised in his brief has created some doubt in this Court's mind as to his reliance on those other points, the Court has considered them and found them to be without merit, and same are overruled.

Therefore, the Judgment of the Trial Court is affirmed.

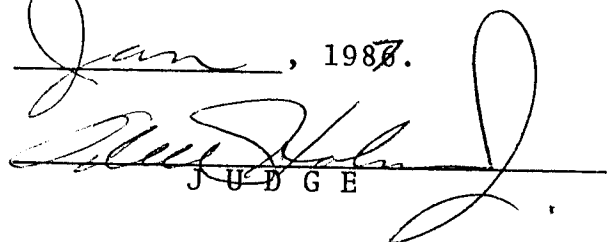
Signed this 6 day of Jan, 1987


J U D G E

J U D G M E N T

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 6 day of Jan, 1987.


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