

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

FRANK MAYNE, Appellant

vs.

No. 88-MCA-1909

STATE OF TEXAS, Appellee

OPINION

Appellant appeals his conviction in Municipal Court for failing to report an accident and remain at the scene of such accident in accordance with the requirements of Section 12.16.010 of the Municipal Code of the City of El Paso. That section requires the driver of a vehicle involved in an accident resulting in damage to property to an apparent extent of \$250.00 or more to report the accident and to remain at the scene of such accident until the arrival of the police.

Admittedly, Appellant was involved in an accident, and because he is a professor at the University of Texas at El Paso and needed to meet with his class, he did not remain at the scene of the accident until the arrival of the police investigating the accident. He did provide the driver of the other vehicle with his name and phone number where he could be reached, and consequently, this court agrees with Appellant's major complaint that his action should not have

been characterized as fleeing the scene of an accident or having been involved in a hit and run accident. Nonetheless, Appellant was clearly in violation of the above City code, and despite the urgency of meeting with his class, was required by law to remain at the scene of the accident so that the police could investigate it. His failure to do so presented the Court with sufficient justification for its finding of guilt.

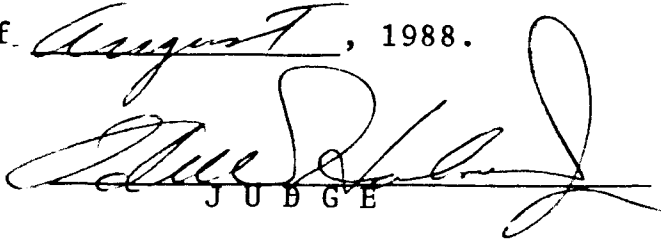
This Court does not have jurisdiction over Appellant's further claim that his civil rights were violated by the city police because of the notation of having "fled the scene" on the accident report, and therefore does not address such issue.

Appellant's other contention that his attorney's motion for speedy trial was wrongfully denied is likewise overruled, since the Speedy Trial Act has been declared unconstitutional, and issues relating to its application are now moot. Meshell vs. State, 739 SW2d 246, (Tex. Cr. App. 1987), Taylor vs. State, 745 SW2d 321, (Tex. Cr. App. 1987); Hernandez vs. State, 746 SW2d 237, (Tex. Cr. App. 1988).

Appellant's other contention that the complaint which he received in the mail was unsigned is also overruled since the complaint in the file before this court reflects that it was properly signed and sworn to in accordance with the law.

Finding no reversible error, the Judgment of the Trial Court is affirmed.

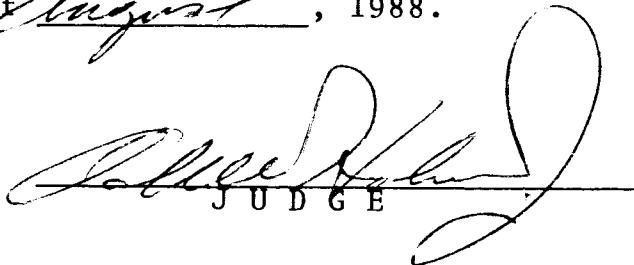
Signed this 16 day of August, 1988.


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 16 day of August, 1988.


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