

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

ERIN STEWART,	§	
	§	
Appellant	§	
	§	
vs.	§	90-MCA-2052
	§	
STATE OF TEXAS,	§	
	§	
Appellee	§	

OPINION

Appellant appeals his conviction in Municipal Court for failure to maintain financial responsibility as required by Article 6701(h) V.A.T.C.S.

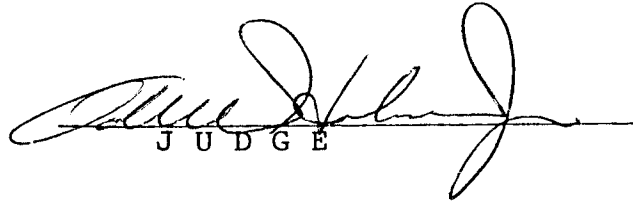
In a pro se brief, without the benefit of a Statement of Facts, Appellant contends that there are a number of valid insurance policies which were in effect at the time he received his citation. However, Appellant did not introduce them in evidence before the Trial Court nor make them a part of the record before this Court.

Under Section 1D of Article 6701(h), a defense is provided to a person who produces in court an automobile liability insurance policy that is valid at the time that the offense is alleged to have occurred. Under Section 2.03 of the Texas Penal Code, a defense to the prosecution of an offense requires that the Appellant produce evidence in Court raising the defense before the issue can be submitted to the Factfinder, in this

case, the Trial Judge. Therefore, clearly the Appellant in this case had the burden of proof to introduce evidence which raised the applicable defense. Simply stated, the Appellant had to introduce the policies of insurance which he claimed provided coverage while operating the vehicle in question at the time the offense occurred. His failure to do so requires this Court to affirm his conviction, and it is so Ordered.

Having found no reversible error, the judgment of the Trial Court is affirmed.

SIGNED this 25 day of September, 1990.


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 25 day of September, 1990.


J U D G E