

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

JOSE CARDOZA	§	
Appellant,	§	No. 23-MCA-4049
		Ticket No. 19589591
v.	§	
STATE OF TEXAS	§	
Appellee.	§	

OPINION

Appellant was cited on November 3, 2022, for passing on the shoulder.

The case was heard before the Trial Court on February 3, 2023. Appellant was assessed a fine of \$46.00, court costs of \$134.00 and a \$5.00 arrest fee.

On February 21, 2023, Appellant filed a statement in which he admits he was driving on the shoulder due to an emergency with his father.

This Court has reviewed Appellant's letter and argument--however, this Court's jurisdiction is limited by law to determining whether the Trial Court committed an error of fact or law during the trial.

The Defendant requested a record and an audio recording of the trial was made; however, after numerous extensions were granted by this Court to enable the Defendant to obtain a transcript of the audio recording, the Defendant informed this Court that he would be unable to obtain a reporter's record.

As such, this Court cannot reverse the judgment of the Trial Court who heard the evidence or overrule the Trial Court's factual findings without a record to review.

The Trial Court's judgment is affirmed.


SIGNED this 17th day of January, 2024.



MARIA B. RAMIREZ, Judge
El Paso Municipal Court of Appeals

JUDGMENT

The same being considered, is the opinion of this Court that there was no error in the Judgment, it is ORDERED, ADJUDGED and DECREED by the Court that the Judgment be in all things affirmed, and Appellant pay all costs expended, and this decision be certified below for observance.



MARIA B. RAMIREZ, Judge
El Paso Municipal Court of Appeals