

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

PEDRO DELGADO, Appellant

v.

83-MCA-1121

STATE OF TEXAS, Appellee

O P I N I O N

Appellant, pro se, appeals his conviction for causing an accident and a fine of \$20.00 assessed by the Trial Court.

In a companion case, 84-MCA-1122, this Court reversed the Trial Court because of a fundamental defect in the complaint. In this case, has filed a letter entitled Briefs of Accident in which he sets out how the accident occurred in evidentiary form. This Court construes the Appellant's letter to address the sufficiency of the evidence to support the conviction.

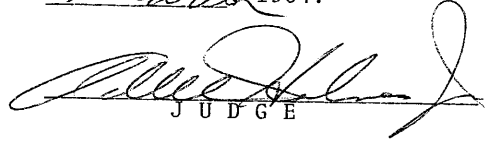
The test for reviewing challenges based on the sufficiency of the evidence requires the Appellate Court to consider the evidence in a light most favorable to the jury's or Judge's verdict. Thomas v. State, 605 S.W.2d, 290 (Ct.Crim.App. - 1980). That test was applicable whether the case is one of direct or circumstantial evidence. Vaughn v. State, 607 S.W.2d 914 (Ct.Crim.App. - 1980). The Appellate Court, although sometimes tempted to do so, cannot substitute its judgment for that of the Trial Judge.

As a trier of fact, the Judge or jury judges the credibility of the witnesses and the weight to be given to their testimony and each is free to accept or reject the testimony of any witness. Limuel v. State, 568 S.W.2d 309 (Ct.Crim.App.).

Also, no statement of facts was requested and none is in this record.

In view of the above, this Court cannot say that there was an error at the Trial Court level, and affirms its judgment.

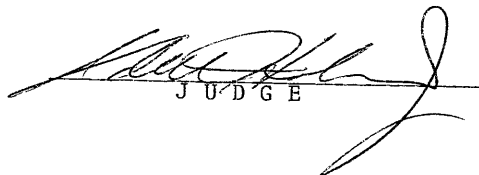
Signed this 20 day of March 1984.


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, because it 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 that the Appellant pay all costs in this behalf expended, and that this decision be certified below for observance.

Signed this 20 day of March 1984.


J U D G E