

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

DANIEL SOTO	§	
Appellant,	§	No. 22-MCA-4040-4041
v.	§	Ticket No. 19390722
STATE OF TEXAS	§	
Appellee.	§	

OPINION

Appellant was cited on January 15, 2021 for a red light and a stop sign violation.

The case heard before the Court on January 9, 2023. Appellant was assessed a fine of \$30.00, court costs of \$149.00 and a \$5.00 arrest fee.

Appellant filed a letter that this Court will consider as a Motion to Accept An Out of Time appeal on February 3, 2023 alleging as good cause that his attorney failed to advise him of the ten (10) day deadline to file an appeal. Pursuant to Section 30.00147(d) of the Texas Government Code, this Court can for good cause shown extend the perfecting of appeal to this Court, but not later than (100) days after the date of rendition of a judgment of conviction. In this case Appellant filed the appeal within the time limitation in Section 30.00147 of the Texas Government Code. Therefore, his Motion for An Out of Time appeal is hereby GRANTED.

However, the court has reviewed Appellant's letter in which Appellant states "he does not wish to argue the citations anymore because he was already found guilty" and only requests this Court consider finding him guilty of a non-moving violation. This Court's jurisdiction is limited by law to determining whether the Trial Court committed an error of fact or law during the trial.

There is no record of the evidence introduced before the Trial Court, and the record before this Court indicates no record was requested by Appellant. Under such circumstances, this Court cannot second guess the judgment of the Trial Court or overrule the Trial Court's factual findings without a record to review.

The Trial Court's judgment in each case is affirmed.

SIGNED this 18th day of May, 2023.



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