

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

AARON TARIN

Appellant,

v.

STATE OF TEXAS

Appellee.

§
§
§
§
§
§
§
§

No. 13-MCA-3713

Ticket No. 18649494.1

OPINION

Appellant appeals his conviction in Municipal Court for a speeding offense. Appellant was cited for going 100 miles per hour in a 60-mile-per-hour zone. A fine of \$500.00 was assessed.

Appellant contends that his trial was unfair, that the Judge was not impartial, and he was not familiar with the court proceedings since it was his first appearance. He further contends that he was silenced and not allowed to give a closing argument or to show evidence in the case in support of his contention that he was not guilty.

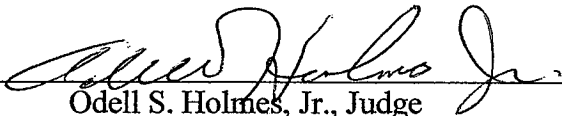
Evidently, when Appellant appeared before the Municipal Court the first time, he requested a record, but the Court evidently was unable to record the proceedings and reset the case. At the second setting, the Court granted Appellant's request and the proceedings were recorded. A Reporter's Record is before this Court now and has been reviewed by this Court. That review reflects that the City Prosecutor meticulously presented the State's case which reflected that the police officer paced Appellant's vehicle, who was driving a motorcycle at the time and traveling at a high rate of speed. The pace lasted for a mile to a mile and a half, and the officer testified that his motorcycle topped out at 100 miles per hour and Appellant was still pulling away from him and the officer was not able to catch up with him until traffic slowed Appellant down.

Clearly there was ample and sufficient evidence to support the Trial Court's determination, and this Court does not have any legal authority to second-guess the Trial Court's fact findings.

Appellant then began his cross examination of the witness, but almost immediately began testifying rather than asking questions. Objections to Appellant testifying were properly sustained, and at best, Appellant was able to present evidence that the pacing was for a quarter of a mile rather than what the police officer testified to, and then ended when the Appellant asked the officer the color of the jacket he was wearing at the time and the officer did not recall. Proof of either of those facts were not sufficient to counter the overwhelming evidence of Appellant's guilt, and the Trial Court, as a fact finder has the ultimate responsibility to resolve conflicts in the evidence.

Therefore, the judgment of the Trial Court is affirmed.

SIGNED this 12th day of March, 2014.

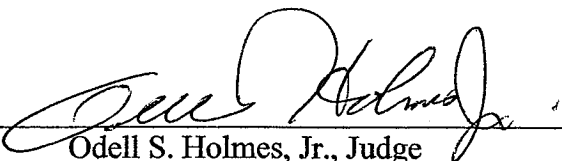


Odell S. Holmes, Jr., Judge
El Paso Municipal Court of Appeals

JUDGEMENT

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 case is affirmed.

SIGNED this 12th day of March, 2014.



Odell S. Holmes, Jr., Judge
El Paso Municipal Court of Appeals