Fred C. Chandler, Colorado City, for appellant.

George P. Blackburn, State's Atty., of Austin, for the State.

GRAVES, Presiding Judge.

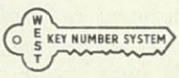
Appellant was convicted of a violation of the liquor laws and by the jury assessed a penalty of a fine of $300 and 60 days in jail, and he appeals.

[1] There is a statement of facts in the record but same appears never to have been filed in the lower court and therefore cannot be considered by us.

[2] It is also shown by the caption of the transcript herein that the term of court in which this cause was tried adjourned on August 31, 1950; that notice of appeal was given on September 6, 1950; and that a recognizance was entered into on September 26, 1950. Such recognizance entered into after the adjournment of the term of court at which the conviction was had was invalid and requires a dismissal of the appeal. See Jones v. State, Tex.Cr. App., 31 S.W.2d 644.

There are no bills of exception in the record.

Because of the defect mentioned, the appeal will be dismissed.



HOLLOWAY v. STATE.

No. 25192.

Court of Criminal Appeals of Texas.

March 7, 1951.

Ted Holloway was convicted in the County Court, Jones County, Roger Garrett, J., under an information charging that he unlawfully operated a motor vehicle on public roadways while his "drivers license was suspended", and he appealed. The Court of Criminal Appeals, Woodley, J., held that the information was insufficient to charge an offense under Drivers' License Law providing punishment for operating a motor vehicle during suspension of operator's, commercial operator's or chauffeur's license.

Judgment reversed and prosecution ordered dismissed.

Automobiles ⇐351

Information alleging that defendant unlawfully operated a motor vehicle upon public roadways while his "drivers license was suspended" was insufficient to charge an offense under Drivers' License Law providing punishment for operating a motor vehicle during suspension of operator's, commercial operator's, or chauffeur's license. Vernon's Ann.Civ.St. art. 6687b, §§ 27, 44.

W. E. Martin, Abilene, for appellant.

George P. Blackburn, State's Atty., of Austin, for the State.

WOODLEY, Commissioner.

Appellant was convicted and assessed a fine of $100 under an information and complaint charging that appellant "did then and there unlawfully drive and operate a motor vehicle upon the public roadways of the state while his drivers license was suspended."

Appellant attacks the sufficiency of the information to charge an offense.

The prosecution appears to have been brought under the provisions of art. 6687b, Vernon's Ann. Civil Statutes, commonly referred to as the Texas Drivers License Law, Sec. 27 thereof in part providing that no person whose operator's, commercial operator's or chauffeur's license or privilege to operate a motor vehicle in this state has been suspended shall operate a motor vehicle during such suspension. Sec. 44 of such Act provides a punishment for such offense by fine not to exceed $200.

The information against appellant fails to allege that appellant had been issued either an operator's, commercial operator's or chauffeur's license, or that he drove a motor vehicle while such a license was suspended.

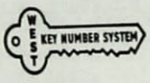
In Hassell v. State, 149 Tex.Cr.R. 333, 194 S.W.2d 400, an information alleging that the defendant operated a motor ve-

hicle upon a public highway without a "drivers license" was held insufficient to charge an offense since a drivers license is not known to the law.

In Barber v. State, 149 Tex.Cr.R. 18, 191 S.W.2d 879, a complaint charging the operation of an automobile and failure to display operator's license on demand of a peace officer was held insufficient to charge an offense in the absence of an allegation that accused was, on the date of the alleged offense, a licensee.

The information being insufficient to charge an offense, the judgment is reversed and the prosecution ordered dismissed.

Opinion approved by the Court.



HUGHLETT v. STATE.

No. 25234.

Court of Criminal Appeals of Texas.

March 7, 1951.

W. E. Hughlett was convicted in the County Court, Potter County, E. E. Jordan, J., of unlawfully operating a motor vehicle on a public highway while under the influence of intoxicating liquor and he appealed. The Court of Criminal Appeals, Graves, P. J., held that as the complaint and information, as well as all other matters of procedure appeared to be regular and record was before the court without a statement of fact or bills of exception, no question was presented for review.

Judgment affirmed.

Criminal law ⇐1090(1)

Where complaint and information, as well as all other matters of procedure appeared to be regular, and record was before Court of Criminal Appeals without any statement of facts or bills of exception, no question was presented for review and judgment of conviction would be affirmed.

No attorney, for appellant.

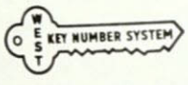
George P. Blackburn, State's Atty., of Austin, for the State.

GRAVES, Justice.

The conviction is for unlawfully operating a motor vehicle upon a public highway while under the influence of intoxicating liquor. The punishment assessed is a fine of $100 and confinement in the county jail for ten days.

The complaint and information, as well as all other matters of procedure, appear to be regular. The record is before this court without a statement of facts or bills of exception; hence no question is presented for review.

The judgment of the trial court is affirmed.



CATHEY v. STATE.

No. 25184.

Court of Criminal Appeals of Texas.

March 7, 1951.

Frank Cathey was convicted in the District Court of Howard County, Charlie Sullivan, J., for assault with intent to murder, and he appealed. The Court of Criminal Appeals, Beauchamp, J., held that where the record is brought forward without a statement of facts or bill of exception and proceedings appear regular, nothing is presented for review.

Judgment affirmed.

Criminal law ⇐1090(1)

Where record on appeal from conviction is brought forward without statement of facts or bill of exception and proceedings appear regular in every respect, nothing is presented for review by Court of Criminal Appeals.

No attorney on appeal, for appellant.

George P. Blackburn, State's Atty., of Austin, for the State.