

Law and the student

Traffic ticket hassles

By KEN ROBISON  
Students' Legal Advisor

Articles by Robison will be published periodically, and will deal with legal matters affecting students. He welcomes comments, questions and subject recommendations. The Uniform Act Regulating Traffic on Highways summons more people to court than any other law; each student can expect to appear in traffic court as an offender or witness at least once in his driving career.

Within its provisions are Texas rules concerning red lights, stop signs, passing and the multitude of sins familiar to most drivers. How-

ever, it also provides some lesser known offenses.

For example, it is illegal to leave the key in the ignition of unattended vehicles; the same section demands that drivers parking on any grade must turn the front wheels to the curb. It is a misdemeanor to coast on a downgrade with gears in neutral or to operate a vehicle upon any beach in the State of Texas in excess of 25 mph. The provisions pertain to equipment as well as to actual operation of vehicles.

A number of students have questioned the validity of tickets received while operating a bicycle; Section 179 of the traffic law simply states that the laws apply to bicyclists. Attendant to this section is the requirement that a bicycle have a working headlight and a reflector if operated at night. These rules are applicable both on and off campus.

Absolutely nothing is to be gained by demonstrating contempt for the policeman by arguing the facts. The policeman is not the judge and in all likelihood he will be a key witness in a subsequent prosecution; there is no need to aggravate the situation and create a hostile witness.

If it appears that a traffic citation was unfairly issued, it can be contested in court. Make careful mental or written notes concerning the facts, and obtain the names and addresses of witnesses. It may be several weeks before the case comes to trial.

The ticket indicates the date for the initial court appearance or in some cases, the date beyond which one will be held for failure to appear which is a separate offense. Generally, it is on that date that a plea is entered. The accused may call the city clerk's office to determine the amount of fine and in some instances set a definite court date. The accused may advance one of three pleas: Guilty, Nolo contendere (no contest); or Not Guilty.

Of course on a guilty plea, the court enters a finding of guilty; sets the fine and usually demands immediate payment. No uniform fine schedule exists in the state of Texas. Traffic offenses are misdemeanors, and the penalty is a fine of not less than \$1 nor more than \$200. Most cities have their own fine schedule within that range.

The procedure for a nolo plea is the same. The distinction between the guilty plea and the no contest (affectionately known as the Spiro Plea) is that the nolo plea is not an admission of guilt. It is a neutral plea; the driver is still fined and the offense still goes on the driver's record. tinct advantage in cases involving

accidents. NEVER plead guilty to a traffic ticket issued as a result of an accident for the reason that the ticket can later be used in a damage suit. On the other hand, a nolo plea renders the ticket inadmissible evidence. Why? It is because a ticket resolved by a nolo plea is not an admission of guilt; consequently, a court would generally not allow testimony concerning the issuance of a traffic citation. The same is true on a not guilty plea even if the court enters a finding of guilty. Receiving the traffic ticket does not always mean that the driver will be held responsible for the damage to another vehicle or property. The issue of civil liability, if applicable, will be determined by an out of court settlement or a civil lawsuit.

In the event of a not guilty plea, the court ordinarily passes the case and sets the date and time for trial. However, many cases are tried at the time of the plea. Only the judge can change the date and time and he should be notified immediately if it needs to be changed. Judges will not discuss the facts prior to the trial. The driver may request a trial by judge or jury.

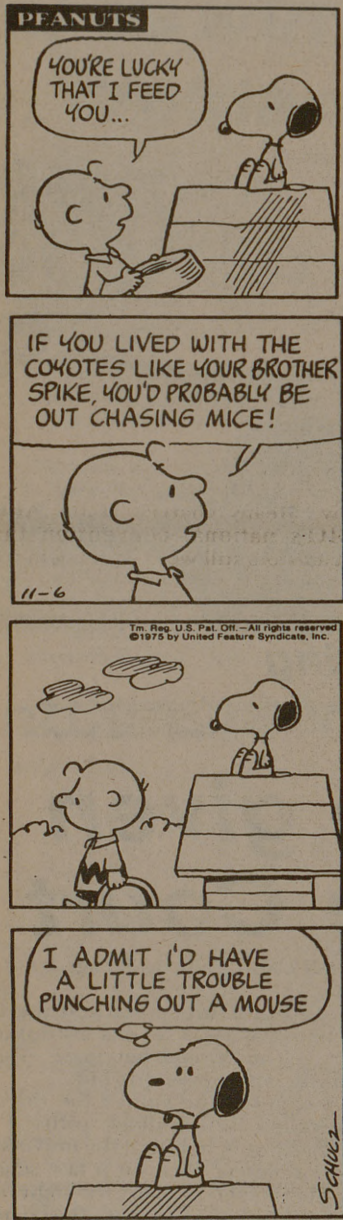
I encourage students questioning the validity of a ticket to plead not guilty; no additional costs are incurred by requesting a hearing nor is it a major hassle.

An error on the ticket does not necessarily invalidate it. The ultimate decision as to whether or not to fight a citation rests with the student.

I am not entitled to represent students in court on traffic tickets. I might point out that even those programs allowing litigation do not allow the attorney to go to court on traffic tickets. If it were allowed, the attorney would never be in the office.

Generally, it is best to hire a local attorney to aid in resisting the ticket, especially where the student has several other driving convictions and faces a possible driver's license suspension. However, the student who absolutely cannot afford to do so should not give up. Going to court at least evens the odds to a 50-50 chance of being found guilty. Most of the cases do not involve a complicated question of law but rather questions of fact. Did the accused run the red light or not? The answer is up to judge or jury.

Students with questions pertaining to tickets may come to the office for a more detailed discussion, but I do want to close with a few words to the wise. The speed limit on FM 2154 and the overpass at Highway 60 is 40 mph.



**Editor:**  
Now that *The Battalion* is a forum for the sexually enlightened, I feel compelled to share my experiences with your readers. My first encounter with the ubiquitous bosom occurred when I was five. It was in the dreary half-light of a stenchy building with a background serenade of grunts, sashes and plops. Under guidance from Mom and Dad, I extended a trembling hand towards a pulsating papilla. (Yes, my parents were there—smiling, instructing, goading!) Overwhelming guilt flooded my body when I touched the pink flesh. I started crying, but then—wow—I noticed it felt pretty good. I grabbed two handfuls and jerked deliriously. Suddenly a kick in the solar plexus landed me in a drainage gutter where I writhed in bovine excrement and other nasty stuff.

Today when I walk across campus and see the myriad mammaries my mind flashes back to that humiliating moment. Because of a ticklish cow, I've lived two decades in dread of digitating droopers. You might call it knockerphobia.

Thanks to the timely research of Douglas W. Kirk and the gutsy policy of *The Battalion*, breast-petting and associated complications are finally receiving the attention they so richly deserve. You can depend on

'First time' fiasco recalled

Listen Up

the Aggies to tackle the burning social problems of our times.  
Fred S. Guthery

Legal moving

It has come to the attention of Hassle-Free that there are many students living in apartments who want to move to another apartment or on campus as soon as possible. Many of these students either do not know or do not understand their legal obligations in these matters.

Let it be known that in a few instances, with your apartment manager's approval, the change can be made.

If you are in this boat and need assistance, please contact your Hassle-Free representative. (Karen Switzer, Room 108, YMCA Building, 845-1741, has a listing of the Off Campus Reps.)

Alan Shinkman

Larger field

I think now is the time for something to be done about enlarging Kyle Field or building a new stadium. Along with the improving

team is the increasing amount of students. The enrollment now is about 24,500, and the stadium seats 48,100.

Two years ago they crammed another 5,000 uncomfortable fans, on folding chairs, to see the t.u. game. I'm sure they could get that many and even more if they would enclose the stadium at the south end. If they had that and still wanted more seats then they could set up 4,000 more folding chairs and then the stadium would probably hold around 58,000.

If A&M keeps up its increasing enrollment, then by 1980, we will probably have about 35,000 students and a 48,000 seat stadium. The University of Michigan has an enrollment of 35,000 and has a huge stadium that holds 101,001.

Also with its increasing enrollment the Aggies are going to be great year after year. And winning teams attract many, many fans. I think now is the time for some planning to be done for a bigger or newer stadium. If nothing is done fans might call it Sardine Field instead of Kyle Field.

Jay Hollowell

More lanes

Texas A&M University is in desperate need of additional bowling lanes for students. The eight lanes

in the MSC are not sufficient for university of over 24,000. The lanes are always overcrowded.

The crowding could be somewhat if students were allowed access to the lanes during the week days. As it stands now, bowling lanes use the lanes until 4 p.m. weekdays except Friday. From 5 p.m. Monday through Thursday Aggie League and intramural bowlers occupy the lanes. Bowling for classes who need to practice for the events are allotted little time bowl during the week.

The lanes are open to anyone weekends, but because it takes most an hour to bowl one game depending on the number of players long waits are a major problem. I tried to get a lane on the weekend and found that a two-hour wait is uncommon.

I realize that bowling lanes are expensive both to purchase and operate, and finding space for extra lanes could be a problem. I have heard through instructors in the bowling department that Texas A&M plans to add more lanes in the future, but we need them now.

Until then, I think it would be more fair to all if during the week lane-use was divided equally between intramural bowlers and students with each group allowed to use four lanes.

Debby Krue

Aggiatoons



Brad Foster

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