


One Fabulous Skyline

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CAUSE NAME NO. JUDGE	CITATION CITY/YEAR C/A RESULT	OFFENSE	COUNTY	DISPOSITION
Denton v. State 1038-94 Keller, J.	880 S.W.2d 255 Ft. Worth 1994 T/C Affirmed	UUMV	Tarrant	T/C Affirmed

SUFFICIENCY OF THE EVIDENCE - UNAUTHORIZED USE OF A MOTOR VEHICLE: Appellant broke into a truck and started the engine, only to find that despite his best efforts to accelerate, the vehicle would not budge. According to complainant, the truck required a few minutes' warm-up time before it could be driven. On direct appeal, Appellant claimed his actions did not constitute the "operation of a motor vehicle, and he was, thus, guilty only of attempted unauthorized use of a motor-vehicle, since the truck was never actually moved from a stationary position. The Court of Appeals rejected Appellant's contention that "driving is the gravamen" of the offense of unauthorized use of a motor vehicle and held that the definition of "operate" includes "to exert power or influence" (citing Webster's Third New International Dictionary) and "[e]xertion of power" (citing Black's Law Dictionary).

HOLDING: It is not necessary to drive a vehicle to operate it, when the evidence demonstrates an intent to drive. "we find a more accurate interpretation of the cases to be that while driving does involve operation, operation does not necessarily involve driving."