

# COURT OF APPEALS, SIXTH APPELLATE DISTRICT OF TEXAS

## Michael John Brumley v. The State of Texas

No. 06-22-00093-CR, Court of Appeals, Sixth Appellate District of Texas (December 20, 2022)

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### SUMMARY

The Sixth Court of Appeals of Texas found reversible error in the judgment convicting Michael John Brumley of a Class A misdemeanor for operating a motor vehicle while intoxicated. The court reversed the judgment and remanded with instructions to reform the conviction to a Class B misdemeanor and conduct a new punishment hearing.

### OPINION

#### PER CURIAM.

Court of Appeals Sixth Appellate District of Texas JUDGMENT Michael John Brumley, Appellant Appeal from the County Court of Burleson County, Texas (Tr. Ct. No. 24,604). No. 06-22-00093-CR v. Memorandum Opinion delivered by Chief Justice Morris, Justice Stevens and Justice The State of Texas, Appellee van Cleef participating.

As stated in the Court's opinion of this date, we find reversible error in the judgment of the court below. Therefore, we reverse the trial court's judgment convicting Brumley of the Class A misdemeanor offense of operating a motor vehicle while intoxicated.

We remand the cause to the trial court with instructions to reform the judgment of conviction to reflect a conviction of the Class B misdemeanor offense of operating a motor vehicle while intoxicated and to conduct a new punishment hearing attendant to the post-reformation conviction.

We note that the appellee, The State of Texas, pay all costs of this appeal. RENDERED DECEMBER 20, 2022 BY ORDER OF THE COURT JOSH R. MORRIS, III CHIEF JUSTICE ATTEST: Debra K. Autrey, Clerk