

Treadgill v. State

A city ordinance prohibited the sale of fireworks inside or within 5,000 feet of the city limits. Defendant was convicted of selling fireworks in violation of this ordinance and challenged the conviction on the ground that the city court lacked jurisdiction, since the alleged offense occurred outside of the city limits. The State claimed that the ordinance language applying it to a 5,000 foot strip beyond the city limit represented intent by the city to extend its jurisdiction for a limited purpose. The Court of Criminal Appeals, however, found no stated intent in the language of the ordinance as enacted. Rather, since the city had not expressly extended its territorial jurisdiction, even for the limited purpose of controlling the sale of fireworks in the expanded area, the city courts lacked jurisdiction to try the defendant. Upon rehearing, the Court reversed itself and found that the city did have jurisdiction under authority granted to it by the Legislature, but invalidated the conviction on other grounds.