

CONCURRING OPINION

No. 04-08-00806-CR

Ricke **SONY**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the County Court at Law No. 4, Bexar County, Texas
Trial Court No. 232446
Honorable Fred Shannon, Judge Presiding

Opinion by: Marialyn Barnard, Justice
Concurring opinion by: Sandee Bryan Marion, Justice

Sitting: Sandee Bryan Marion, Justice
Rebecca Simmons, Justice
Marialyn Barnard, Justice

Delivered and Filed: November 11, 2009

I concur in the majority's judgment; however, for the reasons set forth in my concurring opinion in *Urdiales v. State*, No. 04-08-00546-CR, 2009 WL 1883932 (Tex. App.—San Antonio July 1, 2009, pet. filed), I urge the Legislature to amend its definition of "race" because the "statutory definition places an ordinary law-abiding person into the position of committing an offense, even if he is otherwise observing the speed limit, simply by using his vehicle to pass another vehicle." *Id.* at *5.

Sandee Bryan Marion, Justice

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