

**IN THE MUNICIPAL COURT OF APPEALS
OF THE CITY OF EL PASO, TEXAS**

ARMANDO G. LACA,)
)
 Appellant,)
vs.)
)
STATE OF TEXAS,)
)
 Appellee.)

No. 94-MCA-2287, 94-MCA-2288
 and 94-MCA-2289

OPINION

Appellant appeals his conviction in Municipal Court for failing to have his vehicle properly registered, failing to maintain financial responsibility, and failing to wear his glasses. The cases are consolidated for purposes of this appeal.

No Statement of Facts is contained in the record before this Court and none was requested by the Defendant before the Trial Court. It is incumbent for the Defendant to request a court reporter and failure to do so waives the requirement. Chapter 30, Subchapter B, Section 30.040(b) Gov't. Code.

Appellant contends that he was denied his right to be represented by an attorney or have a jury trial. The Court's docket sheet clearly reflects that Appellant waived both of those rights, and therefore, no error is shown.

Next, in regard to Appellant's failure to maintain financial responsibility, Appellant contends that he provided the Court with proof of insurance. The record does contain a Texas liability card issued in the name of Dora Laca, which appears to have been altered, however, no other proof of insurance was evidently provided to the Trial Court nor to this Court. Without regard to its authenticity, that coverage expired on March 12, 1994, and the ticket was issued to Appellant on April 19, 1994, over a month after the insurance expired. Therefore, the Trial Court was correct in its determination that Appellant did not have insurance in effect at the time he was cited.

Appellant contends that the financial responsibility law is unconstitutional. The validity of that legislative enactment has been upheld as constitutional. Riggle v. State, 778 SW 2nd 127 (Tex.App. - Texarkana 1989). The Court in Riggle recognized that the use of the highways in this State is a privilege that is subject to the State's regulation, and the exercise of their police powers to provide for the public safety, health, security and protection of the general welfare. Clearly, the promotion of safe driving practices in requiring the operators of vehicles to discharge their financial responsibility to others for damages to their person or property is a valid exercise of legislative authority, and this Court overrules Appellant's challenge to the constitutionality of this law.

As to the no vehicle registration citation, Appellant contends that he provided the Court with proof of registration, but there is nothing in the record to support such contention other than the mere assertion of such fact in Appellant's brief.

Lastly, Appellant contends that he was wearing his glasses prior to being stopped by the police officer, but took them off when he left his vehicle to talk to the officer. Such

contention raises a factual dispute, and the Trial Judge is the exclusive judge of the facts proved and the credibility of the witnesses. The Trial Judge must make a decision concerning a factual dispute , and that decision will not be disturbed on appeal.

Having found no reversible error in any of the three cases involving Appellant, each is hereby affirmed.

SIGNED this 7 day of Sept, 1994.


JUDGE

J U D G M E N T

The cases numbered 94-MCA-2287, 94-MCA-2288 and 94-MCA-2289, came on to be heard on the Transcript of the Record of the Court below, the same being considered, it is ORDERED, ADJUDGED and DECREED by the Court that the Judgment be in all things affirmed, and that the Appellant pay all costs in this behalf expended, and that this decision be certified below for observance.

SIGNED this 7 day of Sept, 1994.


JUDGE