

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

BETH KURLAND

Appellant,

v.

STATE OF TEXAS

Appellee.

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No. 10-MCA-3389

Ticket #: 18228054

OPINION

Appellant appeals her conviction in Municipal Court for a stop sign violation. A fine of \$100.00 was assessed.

There is no Record before this Court which would show what evidence was introduced before the Trial Court and allow this Court to review that evidence to determine if it was sufficient to establish Appellant's guilt. The law requires Appellant to request that the Record be taken and to insure that it is transcribed and provided to this Court if the Appellant wishes this Court to review the sufficiency of that evidence.

Appellant contends that the Judge explained that if she plead "not guilty," a court date would be given for a trial hearing before a jury, but evidently was mistaken as to the fact that the case was being called for trial. The judgment of the Trial Court reflects that a jury trial was waived by Appellant, and as this Court has recently held in Barreiro v. State, 10-MCA-3378, the judgment recitation indicating that a jury trial had been waived establishes that as a fact.

Appellant also contends that she was not allowed to take a Driving Safety Course, also known as Defensive Driving. However, Appellant, in her Brief, admits that she plead "not guilty," in hopes of introducing evidence relating to mitigating circumstances

surrounding the offense. The law requires a plea of "guilty" or "nolo contendere" to be eligible to take a Driving Safety Course, and in view of Appellant's plea, she waived such right.

Having found no reversible error, the judgment of the Trial Court is affirmed.

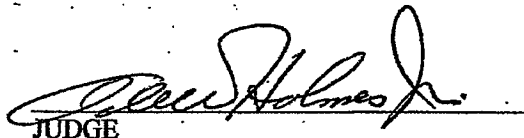
SIGNED this 10th day of June, 2010.


JUDGE

JUDGMENT

This case 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 case be affirmed.

SIGNED this 10th day of June, 2010.


JUDGE