

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

STANLEY CHAVEZ

Appellant,

v.

STATE OF TEXAS

Appellee.

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No. 11-MCA-3516

Ticket #: 18386248.2

OPINION

Appellant appeals his conviction in Municipal Court for failing to signal his intention to turn. A fine of \$50.00 was assessed.

Appellant entered a plea of guilty before the Trial Court, and contends that he was not prepared to request a Driving Safety Course in lieu of prosecution. At the same time he was cited for the instant offense, he was also issued a citation for a defective taillight, and was under the impression that the ticket would be dismissed if he got his taillight fixed. The Judge did dismiss the defective taillight offense, but such remedial action on Appellant's part, did not address the moving violation of failing to signal his intent to turn.

Certain conditions exist before a person can take a Driving Safety Course in lieu of prosecution. Specifically, a person must enter a plea of no contest or guilty on or before the answer date and present to the Court a request to take a Driving Safety Course before he is entitled to take one in lieu of prosecution, provided he also meets the other requirements provided therein. See Article 45.0511 (3)(A), (Tex. Crim. Pro.)

Appellant, in his brief, acknowledges that he did not make such a request, and his failure to timely request a Driving Safety Course waives his right to do so. This Court has previously so held. (Rey v. State of Texas, 86-MCA-1661, (Mun. Ct. App.)

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

SIGNED this 15th day of December, 2011.


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 15th day of December, 2011.


JUDGE