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

LAWRENCE E. SHASHY, JR., Appellant

vs.

No. 88-MCA-1912

STATE OF TEXAS, Appellee

OPINION

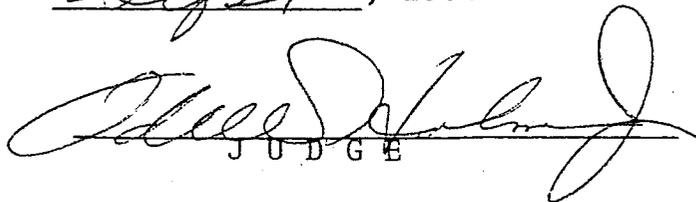
Appellant appeals his conviction in Municipal Court for a stop sign violation.

On appeal Appellant contends that the court reporter who prepared the official transcript of the evidence was not certified, and this court has confirmed such fact. Although Appellant does not contend that the transcript contains errors or otherwise does not correctly reflect the proceedings which were had before the Trial Court, the question relating to the qualifications of the court reporter must be addressed. The City correctly contends that Section 30.040(a) of the Government Code relating to El Paso's Court of Record Act allows the governing body of the City to determine the qualifications of the court reporter. The City then takes the position that there are no City ordinances requiring the court reporter to be certified, but such argument begs the question. That is, this Court is unable to find any City ordinance that even addresses the qualifications of a court

reporter, and therefore this Court holds that the state statutes applicable to court reporters contained in Chapter 52 of the Government Code control. Specifically, Section 52.021 of the Texas Government Code provides that a person may not be appointed as an official court reporter, unless the person is certified as a shorthand reporter by the Supreme Court, and further, that a person may not engage in shorthand reporting unless he is so certified. Although Section 52.031 provides for the employment of non-certified shorthand reporters when a certified shorthand reporter is not available, the record in this case does not reflect such a situation, and therefore is not applicable.

Although the City's argument that no harm is shown by virtue of the fact that Appellant fails to point out any defects or errors in the transcript is persuasive, this Court believes that Appellant is entitled to a statement of facts prepared by an official court reporter as required by law, and therefore reverses Appellant's conviction and remands the case for re-trial.

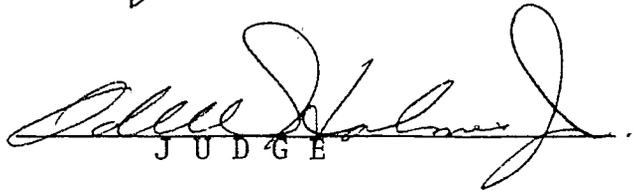
Signed this 20 day of Sept, 1988.


J U D G E

J U D G M E N T

The Judgment of The Trial Court is hereby reversed and
the case is remanded for retrial.

Signed this 20 day of Sept, 1988.


J U D G E