

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

FREDERICKA STOCKMEYER

Appellant,

v.

STATE OF TEXAS

Appellee.

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**No. 14-MCA-3809
Ticket No. 18656810**

OPINION

Appellant appeals her conviction in Municipal Court for failing to yield right of way causing an accident. A fine of \$75.00 was assessed.

Appellant contends that the weather conditions on the date of this incident were snowy, and she was driving west on Schuster. She said there were no cars in sight as she was entering the turn-around when a car suddenly appeared from nowhere. She claims it was speeding and crossed three lanes before it hit her.

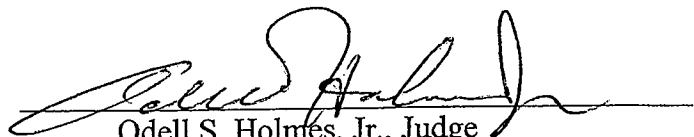
She further claims that when the police arrived, no one asked about her, wanted her side of the story, or even asked for her driver's license. The officers that investigated the accident only talked to the four other people who she claims were not even witnesses to what happened. When she inquired of the officer if she could tell her side of the story, he said that he had already talked to the other witnesses and handed her a ticket.

It should be noted that there is no Reporter's Record before this Court which would show what evidence was introduced not only by Appellant but also by the City's witnesses in the prosecution of this case. Without a Reporter's Record, this Court must defer to the fact-findings made by the Trial Court. It is for that court to judge the credibility of the witnesses and the weight to be given to their testimony, and to resolve the conflicts of evidence in making its decision.

Since this Court is without legal authority to substitute its judgment for that of the Trial Court, and not having the benefit of having a Reporter's Record, this Court is unable to give any relief to Appellant. To obtain a Reporter's Record, the Appellant, first of all, must request that a record be taken at her trial, which she did not. Then if the record is taken, it is also her responsibility to secure that record, deliver it to a court reporter to have it transcribed, pay for it. Then she must file it with the Appellate Court so it can review it. Although I am sure that Appellant was unaware of all of those requirements, nonetheless, it is the law and represents the inherent risk of a person representing themselves in these matters without the assistance of an attorney. Lastly, even had Appellant done everything that is needed to secure a Reporter's Record, it is probably unlikely that this Court's decision affirming the judgment of the Trial Court would likely be any different. If there was evidence presented by the prosecution supporting the Court's resolution of the factual disputes, this Court is not authorized to disturb those factual determinations on appeal.

Therefore the decision of the Trial Court is affirmed.

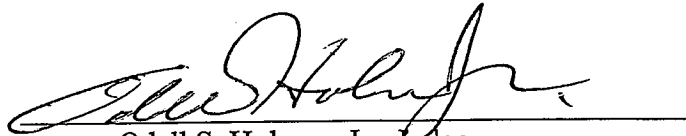
SIGNED this 8th day of January, 2015.


Odell S. Holmes, Jr., Judge
El Paso Municipal Court of Appeals

JUDGEMENT

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 is affirmed.

SIGNED this 8th day of January, 2015.



Odell S. Holmes, Jr., Judge
El Paso Municipal Court of Appeals