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

ISRAEL FLORES   §
                                        §
Appellant,   §   No. 15-MCA-3852
                                        §   Ticket No. 18764663
v.   §
                                        §
STATE OF TEXAS   §
                                        §
Appellee.   §

OPINION

Appellant appeals his conviction in Municipal Court for failing to yield right of way and causing an accident.

There is no Reporter's Record before this Court and so this Court cannot overturn the fact-findings made by the Trial Court after having heard the evidence. Without a Reporter's Record, this Court ha no way of reviewing what evidence was presented.

Appellant contends that is vehicle was subject to a recall, and that the defect in his vehicle caused the accident. He additionally alleges that he actually had the right of way since he had sufficient time to execute the left turn before the collision.

Since Municipal Courts in El Paso are courts of record, the law clearly provides that Appellant had the obligation to request a record, which in this case he did not do, as well as secure a transcription of that record to present it to this Court, again another matter which he did not do. See Section 30.00130, Tx. Gov. Code.

Additionally, pursuant to Section 545.152 of the Tx. Trans. Code, an operator of a vehicle shall yield the right away to a vehicle that is approaching from the opposite direction and that is in such close proximity to be an immediate hazard before turning left in front of that vehicle.

Both of the issues which Appellant raises are entirely vested in the Trial Court's fact-finding prerogative, and this Court will not, and cannot legally, second-guess that decision.

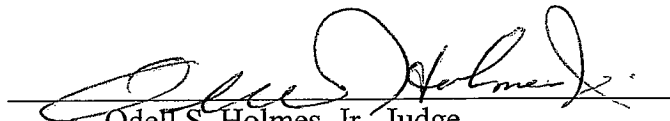Therefore, the judgment of the Trial Court is hereby affirmed.

SIGNED this ___ day of _____ July _____, 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 ___ day of _____ July _____, 2015.

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