

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

JEROME C. KALL,)	
)	
Appellant,)	
)	
vs.)	No. 91-MCA-2155
)	
STATE OF TEXAS,)	
)	
Appellee.)	

OPINION

Appellant appeals his conviction in Municipal Court for speeding.

On appeal, both parties rely on Masquelette v. State, 579 S.W.2nd 478 (Tx.Cr.App. 1979). In that case, the conviction was also for speeding, and among other things, the Court set out the proper predicate necessary to introduce evidence based on radar monitoring of speed. The Court held that the proper predicate for the introduction of such evidence required that the officer testify that he has been both trained to operate the radar set, and to test it for accuracy, but that the State is not required to call an expert witness to establish the accuracy of the radar itself. Cromer v. State, 374 S.W.2nd 884; Gano v. State, 466 S.W.2nd 730.

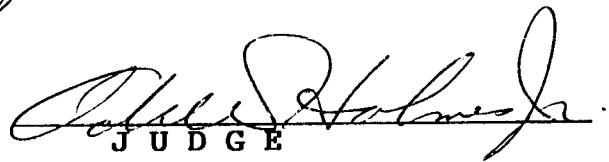
The Court went on to hold, that although the proper predicate had not been laid for the introduction of evidence in the case before it, no objection had been made to such failure, and therefore, Appellant was precluded from questioning the sufficiency

of the evidence to support the conviction, and the error, if any, was thereby waived.

Although this Court is not impressed with the testimony that was introduced before the Trial Court by the State in the instant case, nonetheless, no objection was lodged to the failure to lay the proper predicate, and under the Masquelette ruling, the error is likewise waived.

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

SIGNED this 24 day of April, 1992.


J U D G E

J U D G M E N T

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 Judgment be in all things affirmed, and that the Appellant pay all costs in this behalf expended, and that this decision be certified below for observance.

SIGNED this 24 day of April, 1992.


J U D G E