IN THE MUNICIPAL COURT OF APPEALS

OF THE CITY OF EL PASO, TEXAS

FRANCISCO MARTINEZ	)	
	)	
Appellant,	)	
	)	
vs.	)	No. 99-MCA-2484
	)	
STATE OF TEXAS,	)	
	)	
Appellee.	)	

OPINION

Appellant appeals his conviction in Municipal Court for a speeding violation.

A Statement of Facts was requested and is present in the file before this court.

Initially, Appellant complains that the documentation of the calibration of the radar gun was not presented in Court, nor was it locked on him which may have caused it to switch from his vehicle to some other vehicle in the area.

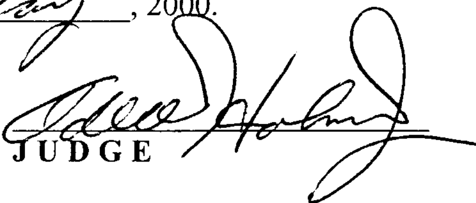
However, the Statement of Facts reflects that the officer who issued the citation is certified in the use of the radar and calibrated the radar unit on that day. Appellant really did not challenge the police officer's testimony on cross examination but only denied that he was speeding. Therefore, Appellant's point of error in respect to the use of the radar is overruled.

On appeal, Appellant raises for the first time, the fact that the sign setting the speed limit was not sufficiently legible to be seen by an ordinarily observant person pursuant to Section 12.20.050 of the City Code of El Paso. In connection with that point of error, Appellant has presented photographs showing a tree which he contends was blocking the sign therefore making it impossible to be seen. The record also contains a work order from the El Paso Street Department indicating that they removed the tree pictured in the photographs.

At trial, Appellant evidently presented certain photographs to the Trial Court, but the record does not reflect that they were actually introduced in evidence, and are not contained as exhibits to the Statement of Facts. More importantly, Appellant never advised the Trial Court of his contention which he raises on appeal for the first time. Perhaps, if he had made the Trial Court aware that the photographs supported his contention, the Trial Court could have ruled on the matter at that time. Having failed to raise this before the Trial Court, this Court holds that he has waived the issue, and it cannot be presented to this Court for the first time on appeal. Appellant may not urge error not raised at trial. Nelson v. State, 607 SW2nd 554 (Tex. Cr. App. 1980. Simpkins v. State, 590 SW2nd 129 (Tex. Cr. App. 1979).

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

SIGNED this 11 day of May, 2000.

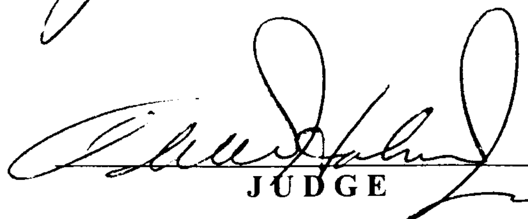


JUDGE

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 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 11 day of May, 2000.



JUDGE