IN THE MUNICIPAL COURT OF APPEALS

OF THE CITY OF EL PASO, TEXAS

ZEMEHERET GERBRU)

Appellant,)

vs.)   No. 99-MCA-2503

STATE OF TEXAS,)

Appellee.)

OPINION

Appellant appeals his conviction in Municipal Court for driving a vehicle with expired registration.

In a letter addressed to this Court by someone other than Appellant on his behalf, it is contended that Appellant was test driving the vehicle as a prospective purchaser.

Section 503.062 of the Tex. Transp. Code allows a dealer to issue a temporary cardboard tag for use on an unregistered vehicle to allow the vehicle to be driven to demonstrate it to a prospective buyer for sale purposes only. However, there is nothing in this file which indicates that the vehicle had been issued a temporary cardboard tag for such purpose, nor any statement of facts which would reflect what evidence was actually presented to the Trial Judge in support of such defense. This Court has held on numerous occasions, that without a statement of facts, this Court presumes that the Trial Judge performed it's legal function in judging the credibility of the witnesses and the weight to be given to their testimony. This Court cannot determine, without a statement of facts, but the records suggests that no temporary cardboard tag was attached to the vehicle authorizing it's use as contended by Appellant. The record does not preclude the Trial Court's determination that the vehicle was being used for personal use which is prohibited by

Section 503.068, Tex. Transp. Code. Either of such determinations would justify the Court's finding of guilt.

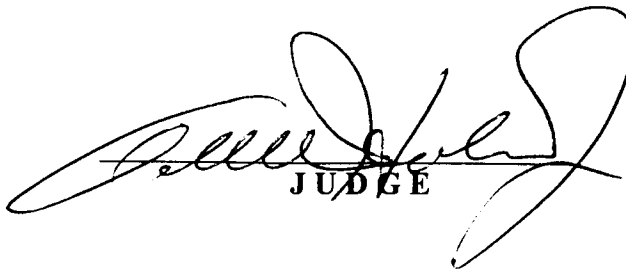Having found no reversible error, the judgment of the Trial Court is hereby affirmed.

SIGNED this ___8___ day of ___June___, 2000.

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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 ___8___ day of ___June___, 2000.

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JUDGE