IN THE MUNICIPAL COURT OF APPEALS

OF THE CITY OF EL PASO, TEXAS

WILLIAM R. COVEY, Appellant

vs. NO. 85-MCA-1262

STATE OF TEXAS, Appellee

O P I N I O N

Appellant appeals his conviction in Municipal Court for a red light violation Appellant has filed a letter brief with the Court, and this Court has heard oral argument in the case.

Appellant first contends that although the Judge advised them of the rights they had to be represented by an attorney, their right to appeal their case, the right to a trial by jury and the right to have a court reporter present, that the Judge did not advise Appellant of the consequences of their failure to exercise any of those rights. In this case, particularly, since there was no statement of facts requested, and none appears in the record of this case, Appellant's attack on the sufficiency of the evidence cannot be reviewed.

The Court is not under any obligation or duty to educate those who appear in that Court as to all the rights afforded to them under the law, or to explain the consequences of the failure to exercise any of those rights.

Although this Court is sympathetic to Appellant's situation, it would also impose an intolerable burden on the Municipal Courts if this Court were to hold that the Judge would have to become an advocate for either side in the presentation of their case before the Court. The duty to request a court reporter to obtain a statement of facts rests squarely on the shoulders of the Appellant, and the Court is not obliged to insure that those rights are exercised.

Since the Trial Judge is the exclusive judge of the credibility of the witnesses and the weight to be given to their testimony, the Appellate Court cannot substitute its judgment for that of the Trial Court.

Appellant's other points have been duly considered by this Court, and are overruled. The Judgment of the Trial Court is affirmed.

Signed this 29 day of April, 1985.

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 29 day of April, 1985.

JUDGE