IN THE MUNICIPAL COURT OF APPEALS

OF THE CITY OF EL PASO, TEXAS

MARK A. REY, Appellant

vs. NO. 86-MCA-1661

STATE OF TEXAS, Appellee

OPINION

Appellant appeals his conviction in Municipal Court for the offense of speeding.

Appellant contends that he was required to plead guilty in order to attend driving school in lieu of the conviction. Since there is no statement of facts in this record, it is unclear to this Court as to what the Trial Court actually required. However, it is established that a person must request Defensive Driving School prior to the proceedings being initiated, or it is waived.

Also, it is clear that a Trial Court cannot insist that or require a defendant to enter a plea of "guilty" prior to being eligible for Defensive Driving School. However, Appellant's brief clearly indicates that Appellant entered a plea of "not guilty", and did not request Defensive Driving School until after having been found guilty. Such a request was not timely, and therefore was waived by Appellant.

The Trial Court did not commit reversible error by denying Appellant's request at that time in the proceedings.

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

Signed this 2 day of [illegible], 1986.

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 7 day of [illegible], 1986.

JUDGE