Affirmed and Opinion filed February 15, 2001.

In The

Fourteenth Court of Appeals

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NO. 14-00-01278-CR

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RANDOLPH S. SIMPSON, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from County Criminal Court at Laws No. 1
Harris County, Texas
Court Cause No. 5295

O P I N I O N

Randolph S. Simpson appeals from a judgment of a county criminal court of law affirming a municipal court misdemeanor conviction for speeding. We affirm the trial court's judgment.

The record before us is sparse. It appears that appellant was ticketed for speeding on April 30, 1999. Appellant waived his right to a jury trial, and on August 23, 1999, was granted court permission to take a driver safety course in lieu of being convicted of speeding. The court order stated that he was to submit the certificate of completion and his certified driving

record by November 22, 1999. An undated show-cause order out of municipal court stated that appellant had failed to timely submit the required paperwork and ordered appellant to appear on January 25, 2000. The record further shows that appellant went to trial on August 23, 2000, pleaded no contest and was fined $125, plus costs. The record does not reflect whether appellant pleaded no contest pursuant to a plea agreement. The transcript[1] contains photocopies of two certificates of completion for driver safety courses, one course completed October 22, 1999, the other completed December 11, 1999, and a copy of appellant's certified driving record, dated January 24, 2000. Appellant filed a motion for a new trial on grounds that the court violated certain due process rights by failing to acknowledge that he had complied with the court-ordered requirements in connection with the driver safety course. After the municipal court denied his motion, he appealed to the county criminal court at law. The county court at law, noting that the record contained no statement of facts or bills of exceptions and that no brief had been filed assigning error, found no error in the trial court record and affirmed the judgment. Appellant appeals to this court, we presume, on those grounds advanced in his new trial motion. *See* TEX. GOV'T CODE ANN. § 30.00027 (Vernon Supp. 2000) (record and briefs on appeal in county court at law constitute record and briefs on appeal to court of appeals).

Where the trial record is silent as to the matter complained of on appeal, we presume the judgment recital is correct. *See Ford v. State*, 848 S.W.2d 776, 777 (Tex. App.—Houston [14th Dist.] 1993, no pet.).

Here, appellant complains the trial court violated certain rights by failing to take into account his compliance with the trial court's order relating to the driver safety course. Without a statement of facts, we have no way of evaluating what transpired before the trial

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[1]Although the appellate rules now refer to the "clerk's record" and the "reporter's record," *see* TEX. R. APP. P. 34.5 & 34.6, chapter 30 of the Government Code uses the former terms, "transcript" and "statement of facts," *see* TEX. GOV'T CODE ANN. § 30.00017 & 30.00019 (Vernon Supp. 2000).

court. The record on appeal from a municipal court conviction must conform substantially to the provisions governing appellate records under the appellate rules and the Code of Criminal Procedure. *See* TEX. GOV'T CODE ANN. § 30.00016 (Vernon Supp. 2000). Moreover, a court reporter need not record municipal trial proceedings unless requested by the judge or by a party. *See* TEX. GOV'T CODE ANN. § 30.00010 (Vernon Supp. 2000). We do not know whether appellant requested that the proceedings be recorded or whether appellant requested a statement of facts for appeal, although the record before us suggests that no statement of facts exists. We do not know what evidence, if any, was presented, nor do we know if the trial court took testimony from appellant that the court found not credible.

Without an adequate record before us, we cannot review appellant's "due process" complaint. The record before does not us demonstrate error requiring review in the interest of justice. We overrule appellant's single point of error and affirm the judgment of the trial court.

PER CURIAM

Judgment rendered and Opinion filed February 15, 2001.
Panel consists of Justices Yates, Wittig, and Frost.
Do Not Publish — TEX. R. APP. P. 47.3(b).