Affirmed and Opinion filed December 21, 2000.

In The

Fourteenth Court of Appeals

———————————

NO. 14-00-01277-CR

———————————

ROYCE MITCHELL, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the County Criminal Court at Law No. 15
Harris County, Texas
Court Cause No. 5294

O P I N I O N

Appellant Royce Mitchell, Jr., appeals from a Houston municipal court speeding conviction. We affirm.

The record before us shows that on September 20, 1998, appellant was ticketed for speeding. After a December 21, 1999, jury trial, appellant was found guilty as charged in the complaint and fined $200, plus costs. After judgment, appellant, acting *pro se*, filed a "Request for Mandate," challenging the trial court's exercise of jurisdiction. The trial court, apparently considering the document a new-trial motion, denied the motion. Appellant appealed to the county criminal court at law, raising issues of

personal jurisdiction and lack of evidence. After the county court affirmed the judgment, appellant appealed to this court, raising a no-evidence issue. We review those points that appellant raised before the reviewing county court at law. *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).

To perfect an appeal from a municipal court conviction, appellant must file a written motion for new trial with the municipal clerk setting forth the points of error of which appellant complains. *See* TEX. GOV'T CODE ANN. § 30.00014(c) (Vernon Supp. 2000). Where, after a municipal court conviction appellant fails to raise an issue in his motion for new trial, appellant fails to preserve the issue for appeal. *See Lambert v. State*, 908 S.W.2d 53, 54 (Tex. App.—Houston [1st Dist.] 1995, no pet.). Appellant failed to raise his no-evidence point in his new-trial motion and thus failed to preserve his complaint for review by the county court, and by this court.

Even if we were to address appellant's substantive complaint, he would fare no better. Appellant failed to bring forward a statement of facts.[1] Without a statement of facts, we must presume that the trial court's recitation of judgment is correct. *See Kindley v. State*, 879 S.W.2d 261, 263-64 (Tex. App.—Houston [14th Dist.] 1994, no pet.). In an appeal from a municipal court of record, the statement of facts must substantially conform to the provision related to the preparation of a statement of facts in the appellate rules or the Code of Criminal Procedure. *See* TEX. GOV'T CODE ANN. § 30.00019 (Vernon Supp. 2000). In municipal court, a court reporter is not required to record testimony in a case unless the judge or one of the parties requests a record. *See* TEX. GOV'T CODE ANN. § 30.00010(c) (Vernon Supp. 2000).

Here, nothing in the record suggests that appellant requested a court reporter to record the trial or paid for a statement of facts. *See* § 30.00019(b). In fact, in his filings before the county criminal court at

---

[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).

law, appellant alleges that at an indigency hearing before the municipal court, he requested a free "transcript," which we take to mean statement of facts. He alleges the trial judge told him that "no transcript was available" but does not assign error on appeal to the trial court's alleged refusal to allow the trial to be transcribed. There being no statement of facts, we would presume the trial court's judgment was correct.

Appellant also argues that the State failed to provide him with a copy of a "verified" complaint. He argues that "[w]ithout the verified complaint, the court has no jurisdiction." Appellant provides no argument or relevant authority and so waives any complaint. *See Kindley*, 879 S.W.2d at 263; *see also* TEX. GOV'T CODE ANN. § 30.00021(a) (Vernon Supp. 2000) (stating that appellant's brief on appeal from municipal court of record must present points of error in manner required by law for brief on appeal to court of appeals) *and* TEX. R. APP. P. 38.1(h). Moreover, if a defendant does not object to a defect, error, or irregularity of form or substance in a charging instrument before the date on which trial commences, the defendant waives the right to object. *See* TEX. CODE CRIM. PROC. ANN. art. 45.019(f)(Vernon Supp. 2000). Appellant first raised the issue in his "Request for Mandate," filed December 27, 1999, after the December 21, 1999, trial. He thus waived any complaint about "verification." Further, the complaint was, in fact, verified. It bore the signature of the affiant, the ticketing officer, and was sworn to before an assistant city attorney, as allowed by the Code. *See* art. 45.019(a)(6) & (d)(4).

Appellant also argues that the trial court lacked personal jurisdiction, that his speeding conviction was a violation of his right to travel freely, and that because his car is not used for commercial purposes, the State cannot require him to have a driver's license as a condition of driving. Appellant fails to cite relevant authority and thus waives any complaint. *See Kindley*, 879 S.W.2d at 263. *See also* § 30.00021(a) *and* TEX. R. APP. P. 38.1(h).

Having overruled all of appellant's issues, we affirm the judgment of the trial court.

PER CURIAM

Judgment rendered and Opinion filed December 21, 2000.

Panel consists of Justices Anderson, Fowler, and Edelman.

Do Not Publish — TEX. R. APP. P. 47.3(b).