Affirmed and Opinion filed October 28, 1999.

In The

Fourteenth Court of Appeals

NO.14-97-01369-CR

CLAYTON JOHN GUILLORY, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 262nd District Court
Harris County, Texas
Trial Court Cause No. 755,205

O P I N I O N

A jury found Clayton John Guillory guilty of delivery of cocaine, and the trial court assessed his punishment at six years imprisonment. In one point of error, appellant contends the jury charge was not properly certified because visiting judge Sam Robertson signed it instead of Doug Shaver, the elected judge of the 262nd District Court. We affirm.

A recitation of the facts is unnecessary because appellant's sole point of error involves jury charge error.

Judge Doug Shaver was the elected judge for the 262nd District Court, and he presided over the first day of appellant's jury trial. Judge Shaver had to leave town the following day, and his duties were assigned to visiting Judge Sam Robertson. Judge Robertson presided over the remainder of the trial, prepared the jury charge, and certified it. Because Judge Shaver's name was printed under the signature line, and Judge Robertson signed and certified the charge over Judge's Shaver's printed name, appellant contends the jury charge was not properly certified according to article 36.17, Texas Code of Criminal Procedure, which provides:

> The general charge given by the court and all special charges given or refused shall be certified by the judge and filed among the papers in the cause.

TEX. CODE CRIM. PROC. ANN. art. 36.17 (Vernon 1981 & Supp. 1999).

Appellant argues that "**the** judge" in the statute means **the** judge designated in the jury charge as the presiding judge, Doug Shaver. Appellant cites no authority for this proposition, and makes no argument other than his conclusory interpretation of the statute. Appellant did not object to the jury charge at trial, and he does not claim fundamental error and "egregious harm." His only complaint on appeal is that the jury charge was not properly certified and violates article 36.17.

An appellant who seeks reversal on the basis of error in the charge must first demonstrate that error exists in the charge, and then show that the error was calculated to injure his rights or caused the denial of a fair and impartial trial. TEX. CODE CRIM. PROC. ANN. art. 36.19 (Vernon 1981 & Supp. 1999); *Arline v. State*, 721 S.W.2d 348, 351 (Tex.Crim.App.1986); *Renfro v. State*, 827 S.W.2d 532, 534 (Tex.App.-Houston [1st Dist.] 1992, pet. ref'd). Appellant has waived any error by failing to adequately brief the issue. *See Maldonado v. State*, 902 S.W.2d 708, 711 (Tex.App.-El Paso 1995, no pet.). Because appellant has not demonstrated that error exists in the charge, we overrule appellant's sole point of error.

The judgment of the trial court is affirmed.

D. Camille Hutson-Dunn
Justice

Judgment rendered and Opinion filed October 28, 1999.

Panel consists of Justices Draughn, Lee, and Hutson-Dunn[1].

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[1] Senior Justices Joe L. Draughn, Norman Lee, and D. Camille Hutson-Dunn sitting by assignment.