

Opinion filed December 11, 2008



In The

Eleventh Court of Appeals

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No. 11-08-00208-CR
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ANTHONY FIDEL CORTEZ, Appellant

V.

STATE OF TEXAS, Appellee

On Appeal from the 244th District Court

Ector County, Texas

Trial Court Cause No. C-33,114

MEMORANDUM OPINION

Anthony Fidel Cortez was convicted of possession of cocaine and sentenced to confinement for eighteen months in a state jail facility. Retained counsel filed a notice of appeal. We dismiss.

The sentence was imposed in open court on June 18, 2008. An affidavit of inability to pay has not been filed in compliance with TEX. R. APP. P. 20.2, and appellant has not been declared unable to pay costs. Both the clerk of the trial court and the court reporter have notified this court in writing that appellant has failed to make arrangements to pay for the appellate record. In compliance with TEX. R. APP. P. 37.3, the clerk of this court has written appellant concerning his

failure to make appropriate arrangements for the record and extending the due date for filing the record. Appellant has failed to respond to our letter of October 16, 2008; has failed to make arrangements for the payment of the record; and has failed to file the record. The failure to file the appellate record is due to appellant's actions. Rule 37.3(b).

The appeal is dismissed.

PER CURIAM

December 11, 2008

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,
McCall, J., and Strange, J.