



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-16-00485-CR

Salvador **ZARATE**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 381st Judicial District Court, Starr County, Texas  
Trial Court No. 15-CRS-402  
Honorable Jose Luis Garza, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice  
Karen Angelini, Justice  
Marialyn Barnard, Justice

Delivered and Filed: September 28, 2016

DISMISSED FOR WANT OF PROSECUTION

The clerk's record was due to be filed in this appeal on September 8, 2016. On September 8, 2016, the trial court clerk filed a notification of late record stating the clerk's record had not been filed because appellant had failed to pay or make arrangements to pay the clerk's fee for preparing the record and appellant is not entitled to appeal without paying the fee.

On September 9, 2016, appellant was ordered to provide written proof to this court by September 19, 2016 that either: (1) the clerk's fee had been paid or arrangements had been made

to pay the clerk's fee; or (2) appellant is entitled to appeal without paying the clerk's fee.<sup>1</sup> The order stated if appellant failed to respond within the time provided, this appeal would be dismissed for want of prosecution. *See* TEX. R. APP. P. 37.3(b). Appellant did not respond to this court's order. Accordingly, this appeal is dismissed for want of prosecution. *See id.*

PER CURIAM

DO NOT PUBLISH

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<sup>1</sup> The trial court's certificate of notice of appeal shows that appellant is represented on appeal by a retained attorney.