



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-18-00389-CR

RAYMOND MALONE, Appellant

V.

THE STATE OF TEXAS

On Appeal from County Criminal Court No. 3
Denton County, Texas
Trial Court No. CR-2017-08064-C

Before Bassel, J.; Sudderth, C.J.; and Womack, J.
Per Curiam Memorandum Opinion

MEMORANDUM OPINION

Appellant Raymond Malone seeks to appeal his conviction for driving while intoxicated. *See* Tex. Penal Code Ann. § 49.04(a). On February 28, 2019, we notified Appellant, whom the trial court had previously found was no longer indigent, that the trial court clerk responsible for preparing the clerk's record had informed this court that payment arrangements had not been made for the clerk's record. *See* Tex. R. App. P. 35.3(a)(2). We also informed him that we would dismiss this appeal for want of prosecution unless, by March 11, 2019, he made arrangements to pay for the clerk's record and provided this court with proof of payment. *See* Tex. R. App. P. 37.3(b), 44.3. We received no response.

On April 12, 2019, we again notified Appellant that we would dismiss this appeal for want of prosecution unless, by April 22, 2019, he made arrangements to pay for the clerk's record and provided this court with proof of payment. We received no response.

Similarly, on May 22, 2019, we notified Appellant that we would dismiss this appeal for want of prosecution unless, by June 3, 2019, he made arrangements to pay for the clerk's record and provided this court with proof of payment. We received no response.

Because Appellant, who does not appear to be indigent, has not made arrangements to pay for the clerk's record, we dismiss this appeal for want of

prosecution. *See* Tex. R. App. P. 37.3(b), 43.2(f); *Sutherland v. State*, 132 S.W.3d 510, 512 (Tex. App.—Houston [1st Dist.] 2004, no pet.).

Per Curiam

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Tex. R. App. P. 47.2(b)

Delivered: July 25, 2019