

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-11-00166-CV

Keith William Dutson, Jr., Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF SCHLEICHER COUNTY, 51ST JUDICIAL DISTRICT
NO. 1004, HONORABLE BARBARA L. WALTHER, JUDGE PRESIDING**

MEMORANDUM OPINION

On January 24, 2011, the Court received a copy of Keith William Dutson's notice of appeal from his conviction for sexual assault of a child. The appeal was docketed as cause number 03-11-00039-CR. On March 17, 2011, the Court received a copy of Dutson's notice of appeal from the trial court's order denying his request for a free appellate record. This document should have been filed as part of the criminal appeal, but it was instead erroneously docketed as a separate appeal under cause number 03-11-00166-CV.

Cause number 03-11-00166-CV is dismissed. The clerk's record and all other documents filed under that cause number shall be transferred to and filed in cause number 03-11-00039-CR, where the reporter's record from the indigency hearing has already been

filed. Dutson's appeal of his conviction, including the issue of his entitlement to a free record, shall continue as cause number 03-11-00039-CR.

Melissa Goodwin, Justice

Before Chief Justice Jones, Justices Henson and Goodwin

Dismissed

Filed: May 3, 2011