

**NO. 12-12-00377-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*MARTHA GUZMAN, a/k/a  
MARTHA DUROSETTE,  
APPELLANT*

§

*APPEAL FROM THE*

*V.*

§

*COUNTY COURT AT LAW*

*THE STATE OF TEXAS,  
APPELLEE*

§

*ANDERSON COUNTY, TEXAS*

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***MEMORANDUM OPINION  
PER CURIAM***

A jury convicted Appellant of assault causing bodily injury, a Class A misdemeanor. The trial court sentenced her to 180 days in jail, and gave her 151 days of presentence jail time credit. Appellant filed her notice of appeal on October 25, 2012. Her trial counsel filed a motion to withdraw in this court, and we remanded the cause to the trial court for a ruling on the motion. In the event counsel was permitted to withdraw, the trial court was directed to conduct a hearing to determine whether (1) Appellant is indigent and entitled to the appointment of counsel on appeal; (2) Appellant has sufficient funds to retain counsel; or (3) Appellant desires to represent herself on appeal.

The trial court permitted counsel to withdraw and conducted the required hearing. In its findings of fact and conclusions of law filed in this court, the court found that (1) Appellant did not appear at the hearing; (2) there was no evidence upon which to base a determination of Appellant's eligibility for either a court appointed appellate lawyer or a free record; (3) Appellant's trial counsel had filed a notice of appeal on her behalf as a courtesy; (4) Appellant has not made any

arrangements with either her trial counsel or the court reporter for the performance of any duties on appeal; (5) her trial counsel has not been able to elicit a response from Appellant or otherwise communicate with her; and (6) Appellant has failed to appear at any setting in the trial court after October 1, 2012. Consequently, the trial court concluded that Appellant has abandoned the appeal.

We adopt the trial court's findings and conclusions and consider this appeal without briefs. *See* TEX. R. APP. P. 38.8(b)(4). Because no briefs have been filed, and because Appellant has not made arrangements for the preparation of a reporter's record, there is nothing but the clerk's record presented for review. We have reviewed the clerk's record for fundamental error and found none. Accordingly, the appeal is *dismissed*.

Opinion delivered January 31, 2013.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(DO NOT PUBLISH)



**COURT OF APPEALS  
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS  
JUDGMENT**

**JANUARY 31, 2013**

**NO. 12-12-00377-CR**

**MARTHA GUZMAN, a/k/a MARTHA DUROSETTE,**

Appellant

V.

**THE STATE OF TEXAS,**

Appellee

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Appeal from the County Court at Law  
of Anderson County, Texas. (Tr.Ct.No. 58387)

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THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*