

**NO. 12-17-00019-CR**  
**IN THE COURT OF APPEALS**  
**TWELFTH COURT OF APPEALS DISTRICT**  
**TYLER, TEXAS**

***TEVIN BREON DILLARD,***  
***APPELLANT***

§ ***APPEAL FROM THE 7TH***

***V.***

§ ***JUDICIAL DISTRICT COURT***

***THE STATE OF TEXAS,***  
***APPELLEE***

§ ***SMITH COUNTY, TEXAS***

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***MEMORANDUM OPINION***  
***PER CURIAM***

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 37.3(b). Appellant perfected his appeal on December 2, 2016. On February 2, 2017, this Court notified Appellant that no clerk's record had been filed and that the clerk filed a motion for extension of time to file the record, citing nonpayment of the required preparation fee. Appellant was further advised that the appeal would be presented to the Court for dismissal unless proof of full payment to the clerk was provided to the Court no later than February 13, 2017.

The deadline has now passed, and Appellant has not established indigence, paid, or made arrangements to pay, the fee for preparation of the clerk's record. *See* TEX. R. APP. P. 20.2, 35.3(a)(2). Nor has he otherwise responded to this Court's February 2 notice. Accordingly, we *dismiss* the appeal for *want of prosecution*. *See* TEX. R. APP. P. 37.3(b), 43.2(f); *see also Sutherland v. State*, 132 S.W.3d 510, 511-12 (Tex. App.—Houston [1st Dist.] 2004, no pet.).

Opinion delivered February 22, 2017.

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

(DO NOT PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

FEBRUARY 22, 2017

NO. 12-17-00019-CR

**TEVIN BREON DILLARD,**

Appellant

V.

**THE STATE OF TEXAS,**

Appellee

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Appeal from the 7th District Court

of Smith County, Texas (Tr.Ct.No. 007-0815-16)

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THIS CAUSE came on to be heard on the appellate record, and the same being considered, it is hereby ORDERED, ADJUDGED and DECREED by this Court that the appeal be **dismissed for want of prosecution**, and that the decision be certified to the court below for observance.

By *per curiam* opinion.

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