

DISMISS; and Opinion Filed November 5, 2013.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-13-00842-CR

**SAHISHNU SHANMUGAM, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the County Court at Law No. 5
Collin County, Texas
Trial Court Cause No. 005-83471-2012**

MEMORANDUM OPINION
Before Justices Moseley, Lang, and Brown
Opinion by Justice Brown

Sahishnu Shanmugam was convicted of driving while intoxicated, second offense. Punishment was assessed at 300 days' confinement in jail, probated for eighteen months, and an \$800 fine. When the clerk's and reporter's records were not filed, we ordered the trial court to conduct a hearing on the status of the records. We adopted the findings that appellant, who filed a pro se notice of appeal, did not appear for the hearing, is not indigent, and has not paid for the record. Accordingly, we dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 37.3(b) (clerk's record not filed due to appellant's fault).

/Ada Brown/

ADA BROWN
JUSTICE

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TEX. R. APP. P. 47

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

SAHISHNU SHANMUGAM, Appellant

No. 05-13-00842-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the County Court at Law
No. 5, Collin County, Texas

Trial Court Cause No. 005-83471-2012.

Opinion delivered by Justice Brown,

Justices Moseley and Lang participating.

Based on the Court's opinion of this date, we **DISMISS** the appeal for want of prosecution.

Judgment entered this 5th day of November, 2013.

/Ada Brown/

ADA BROWN

JUSTICE