

Court of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-11-00469-CV

Rochelle **ACEVEDO**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the County Court at Law No. 11, Bexar County, Texas
Trial Court No. 363,088
Honorable Jason Pulliam, Judge Presiding

PER CURIAM

Sitting: Rebecca Simmons, Justice
Steven C. Hilbig, Justice
Marialyn Barnard, Justice

Delivered and Filed: August 17, 2011

DISMISSED FOR WANT OF PROSECUTION

On July 21, 2011, we notified appellant that the trial court clerk had filed a notification of late clerk's record stating that the clerk's record had not been filed because (1) appellant had failed to pay or make arrangements to pay the clerk's fee for preparing the record, and (2) appellant is not entitled to appeal without paying the fee. We, therefore, ordered appellant to provide written proof to this court on or before August 1, 2011, that either (1) the clerk's fee had been paid or arrangements had been made to pay the clerk's fee; or (2) appellant is entitled to

appeal without paying the clerk's fee. We warned that if appellant failed to respond within the time provided, this appeal would be dismissed for want of prosecution. *See* TEX. R. APP. P. 37.3(b).

Appellant filed an untimely response to our July 21, 2011 order on August 5, 2011. However, the response does not establish either that the clerk's fee for preparation of the appellate record has been paid or that appellant is entitled to appeal without paying the clerk's fee. Therefore, we dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 37.3(b), 42.3(c). Costs of this appeal are taxed against appellant. *See id.* 43.4.

PER CURIAM