

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-10-00506-CR**

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**DONALD RAY CHANCE, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 410th District Court**  
**Montgomery County, Texas**  
**Trial Cause No. 10-05-05347-CR**

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**MEMORANDUM OPINION**

The clerk's record was due to be filed by November 8, 2010. The appellant did not seek to have an appellate record furnished without charge. *See* Tex. R. App. P. 20.2. On November 18, 2010, the trial court clerk notified that Court that appellant had not arranged to pay for the record and we notified the parties that the appeal would be dismissed for want of prosecution unless arrangements were made for filing the record or the appellant explained why he needed time for filing the record. *See* Tex. R. App. P. 37.3. The appellant subsequently filed a motion to withdraw his notice of appeal. *See*

Tex. R. App. P. 42.2. Although the motion does not bear the appellant's personal signature, the request indicates that the non-indigent appellant has failed to prosecute his appeal. The appeal is dismissed for want of prosecution. *See* Tex. R. App. P. 37.3(b).

APPEAL DISMISSED.

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CHARLES KREGER  
Justice

Opinion Delivered January 26, 2011  
Do Not Publish

Before McKeithen, C.J., Gaultney and Kreger, JJ.