

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

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**NO. 09-13-00340-CR**

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**AUSTYN LEIGH BAXLEY, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 435th District Court**  
**Montgomery County, Texas**  
**Trial Cause No. 11-06-06666 CR**

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**MEMORANDUM OPINION**

Austyn Leigh Baxley filed a notice of appeal but he did not make payment arrangements for the clerk's record. See Tex. R. App. P. 35.3(a)(2). The appellant has been represented by retained counsel and he did not file an affidavit of indigence. The appellant is not entitled to proceed without payment of costs. *See* Tex. R. App. P. 20.2. On September 17, 2013, we notified the parties that the appeal would be dismissed for want of prosecution. No response has been filed.

There being no satisfactory explanation for the failure to file the clerk's record, the appeal is dismissed for want of prosecution. *See* Tex. R. App. P. 37.3(b).

APPEAL DISMISSED.

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STEVE McKEITHEN  
Chief Justice

Opinion Delivered November 13, 2013  
Do Not Publish

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