



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-16-00275-CR

JUAN FRANCISCO HERRERA-
ALFARO

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM COUNTY CRIMINAL COURT NO. 4 OF DENTON COUNTY
TRIAL COURT NO. CR-2015-04968-D

MEMORANDUM OPINION¹

Appellant Juan Francisco Herrera-Alfaro seeks to appeal his second conviction for driving while intoxicated. See Tex. Penal Code Ann. §§ 49.04(a), 49.09(a) (West Supp. 2016). On December 8, 2016, we notified Appellant through his retained counsel that the trial court clerk responsible for preparing the clerk's record had informed this court that payment arrangements had not been

¹See Tex. R. App. P. 47.4.

made for the clerk's record. See Tex. R. App. P. 35.3(a)(2). We also informed him that we would dismiss the appeal for want of prosecution unless, by December 19, 2016, he made arrangements to pay for the clerk's record and provided this court with proof of payment. See Tex. R. App. 37.3(b), 44.3. We have not received a response.

Because Appellant, who does not appear to be indigent, has not made arrangements to pay for the clerk's record, we dismiss this appeal for want of prosecution. See Tex. R. App. P. 37.3(b), 43.2(f); *Sutherland v. State*, 132 S.W.3d 510, 512 (Tex. App.—Houston [1st Dist.] 2004, no pet.).

PER CURIAM

PANEL: PITTMAN, J.; LIVINGSTON, C.J.; and WALKER, J.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: January 19, 2017