



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-20-00026-CR

ROBERT LEE FLEEKES, Appellant

v.

THE STATE OF TEXAS

On Appeal from the 78th District Court
Wichita County, Texas
Trial Court No. 57,769-B

Before Sudderth, C. J.; Womack and Wallach, JJ.
Memorandum Opinion by Justice Womack

MEMORANDUM OPINION

Appellant Robert Lee Fleeks filed a notice of appeal stating his intent to appeal from his conviction for the unlawful possession of a firearm by a felon. *See* Tex. Penal Code Ann. § 46.04. Since the filing of his notice of appeal, Fleeks's original counsel of record has withdrawn, this court has abated this appeal to the trial court to determine whether Fleeks desired to continue this appeal, and Fleeks has retained new counsel. Further, this court has reinstated this appeal, and the trial court has judged that Fleeks is not indigent and thus not entitled to a free record in this case.

On April 6, 2020, this court sent letters to Fleeks informing him that he has not timely filed either a clerk's record or a reporter's record in this appeal. On August 17, 2020, we sent Fleeks a letter advising him that the trial court clerk responsible for preparing the record in this appeal has informed this court that payment arrangements have not been made to pay for the clerk's record. *See* Tex. R. App. P. 35.3(a)(2). In that same letter, we stated that unless Fleeks provided proof to this court that he had made arrangements to pay for the clerk's record by Thursday, August 27, 2020, we would dismiss this appeal for want of prosecution. *See* Tex. R. App. P. 37.3(b). Fleeks has not responded to our August 17, 2020 letter or provided proof that he has made arrangements to pay for the clerk's record. Accordingly, because the trial court has determined that Fleeks is not indigent and because he 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); *Velazquez-Mazariegos v. State*, No. 02-19-00191-CR, 2019 WL

3955224, at *1 (Tex. App.—Fort Worth Aug. 22, 2019, no pet.) (mem. op., not designated for publication).

/s/ Dana Womack

Dana Womack
Justice

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Tex. R. App. P. 47.2(b)

Delivered: October 8, 2020