



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

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No. 07-17-00286-CR

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**RUPERT RAYMOND WORK, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the 21st District Court  
Burlison County, Texas  
Trial Court No. 14,992, Honorable Carson Campbell, Presiding

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October 12, 2017

**ORDER OF ABATEMENT AND REMAND**

Before **QUINN, C.J.**, and **CAMPBELL and PARKER, JJ.**

Appellant Rupert Raymond Work was convicted of assault causing bodily injury<sup>1</sup> and sentenced to 365 days in Burlison County Jail. Appellant's retained counsel filed a notice of appeal from the trial court's judgment.<sup>2</sup>

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<sup>1</sup> TEX. PENAL CODE ANN. § 22.01(a)(1) (West Supp. 2016).

<sup>2</sup> This appeal was transferred from the Tenth Court of Appeals to our Court under an order of the Supreme Court of Texas. See TEX. GOV'T CODE ANN. § 73.001 (West 2013); TEX. R. APP. P. 41.3 (precedent of transferor court).

The clerk's record and reporter's record were due on September 8, 2017. On September 7, the clerk notified the Court that appellant had not made payment arrangements for the clerk's record. See TEX. R. APP. P. 35.3(a)(2). Likewise, on September 11, the reporter notified the Court that appellant had not requested preparation or made payment arrangements for the reporter's record. See *id.* 35.3(b)(2), (3). By letter that day, we directed appellant to make acceptable payment arrangements for the clerk's record and to request preparation and make acceptable payment arrangements for the reporter's record by September 21. Failure to do so, we advised, could result in the appeal being abated and the cause remanded to the trial court for further proceedings. See *id.* 37.3(a)(2). This deadline has passed and appellant has not complied with the Court's directive or made any response to the Court's letter.

Accordingly, we abate this appeal and remand the cause to the trial court for further proceedings. See TEX. R. APP. P. 37.3(a)(2). On remand, the trial court shall utilize whatever means it finds necessary to determine the following:

- (1) whether appellant desires to prosecute the appeal;
- (2) if appellant desires to prosecute the appeal, whether appellant is indigent;
- (3) whether appellant is entitled to have the clerk's record and reporter's record furnished without charge;
- (4) if appellant is not entitled to have the clerk's record and reporter's record furnished without charge, the date appellant will make acceptable payment arrangements for the appellate record; and
- (5) what orders, if any, should be entered to assure the filing of appropriate documentation to dismiss appellant's appeal if appellant does not desire to prosecute the appeal, or, if appellant desires to prosecute the appeal, to

assure that the appellate record will be filed promptly and that the appeal will be diligently pursued.

We further direct the trial court to issue findings of fact and conclusions of law addressing the foregoing subjects. Additionally, the trial court shall cause to be developed 1) a clerk's record containing the findings of fact and conclusions of law, and 2) a reporter's record transcribing the evidence and argument presented at any hearing held. The trial court shall cause the hearing record, if any, and the record containing the court's findings and conclusions, to be filed with the clerk of this Court on or before November 13, 2017. Should additional time be needed to perform these tasks, the trial court may request same on or before that date.

It is so ordered.

Per Curiam

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