



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

No. 07-20-00030-CR
No. 07-20-00032-CR

JODY RANDOLPH WADE, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the County Court at Law Number 2
Wichita County, Texas
Trial Court Nos. 07-11121-74529-F & 07-11120-74530-F; Honorable Greg J. King, Presiding

March 9, 2020

ABATEMENT AND REMAND

Before QUINN, C.J., and PIRTLE and PARKER, JJ.

Appellant, Jody Randolph Wade, appeals from the trial court's judgments revoking his deferred adjudication community supervision, adjudicating him guilty of the offenses

of unlawful carrying of a weapon¹ and driving while intoxicated,² and sentencing him to forty days confinement in Wichita County Jail for each offense. We remand the causes for further proceedings.³

Appellant is represented by retained counsel. The clerk's record and reporter's record in each cause were due on January 31, 2020, but were not filed because Appellant did not made payment arrangements for the appellate records. TEX. R. APP. P. 35.3(a)(2), (b)(3). By letter of February 4, 2020, we directed Appellant to make payment arrangements for the appellate records by February 18, 2020, or we would abate the appeals and remand the causes to the trial court for further proceedings. Appellant has not made payment arrangements for the appellate records to date.

Accordingly, we abate the appeals and remand the causes to the trial court for further proceedings. TEX. R. APP. P. 20.2, 37.3(a)(2). Upon remand, the trial court shall utilize whatever means it finds necessary to determine the following:

- (1) whether Appellant still desires to prosecute the appeals;
- (2) whether Appellant is entitled to have the appellate records furnished without charge pursuant to Rule of Appellate Procedure 20.2; and
- (3) if Appellant is not entitled to have the appellate records furnished without charge, the date Appellant will make acceptable payment arrangements for the appellate records.

¹ TEX. PENAL CODE ANN. § 46.02(a-1)(2)(A), (b) (West Supp. 2019) (Class A misdemeanor).

² TEX. PENAL CODE ANN. § 49.04(d) (West 2011) (Class A misdemeanor).

³ Originally appealed to the Second Court of Appeals, these cases were transferred to this court by the Texas Supreme Court pursuant to its docket equalization efforts. See TEX. GOV'T CODE ANN. § 73.001 (West 2013).

The trial court shall execute findings of fact, conclusions of law, and any necessary orders addressing the foregoing subjects. The trial court shall also cause to be developed (1) a clerk's record containing the findings of fact, conclusions of law, and any necessary orders, and, if requested by Appellant, (2) a reporter's record transcribing the evidence and argument presented at any hearing held. The trial court shall cause the hearing record to be filed with the clerk of this court on or before April 10, 2020.

It is so ordered.

Per Curiam

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