



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-07-00056-CV

THOMAS VICTOR (TOM) RHODES, JR. AND JOSEPHINE ANN (JOSIE)
[LOPEZ] O'DELL, BOTH INDIVIDUALLY AND
BOTH AS REPRESENTATIVE OF THE ESTATE
OF SHIENA RHODES, DECEASED, Appellants

V.

HONDA, GREENVILLE HONDA, ET AL., Appellees

On Appeal from the 354th Judicial District Court
Hunt County, Texas
Trial Court No. 67,122

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Carter

MEMORANDUM OPINION

Thomas Victor (Tom) Rhodes, Jr., and Josephine Ann (Josie) [Lopez] O'Dell, both individually and as representatives of the estate of Shiena Rhodes, deceased, appealed from the trial court's judgment against them and in favor of Honda, et al.

The appellants claimed indigence and requested a free record. That indigence was contested by both the district clerk and the court reporter. *See* TEX. R. APP. P. 20.1(e). The trial court held a hearing and determined the appellants were not indigent. *See* TEX. R. APP. P. 20.1(i). That determination was appealed in a separate appeal, cause number 06-07-00081-CV. Our opinion upholding the trial court's decision in that case issued February 6, 2008, and, after the time passed to appeal our ruling, our mandate issued June 27, 2008. We abated the current appeal until the issue of indigence was determined.

On July 1, 2008, we issued an order in the current case, giving the appellants thirty days to file the clerk's and reporter's records, and informing the appellants that, if the records were not filed by that time, this appeal would be dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(b), (c). It is now August 19, and those records have not been filed.

Therefore, we dismiss this appeal for want of prosecution.

Jack Carter
Justice

Date Submitted: August 19, 2008
Date Decided: August 20, 2008