



**IN THE  
TENTH COURT OF APPEALS**

**No. 10-12-00417-CR**

**HAMIS ATHOMAN CHANDE,**

**Appellant**

**v.**

**THE STATE OF TEXAS,**

**Appellee**

**From the 19th District Court  
McLennan County, Texas  
Trial Court No. 2012-338-C1**

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**MEMORANDUM OPINION**

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In this appeal, appellant, Hamis Athoman Chande, challenges his conviction for unlawful possession of a controlled substance in a drug-free zone. *See* TEX. PENAL CODE ANN. § 481.112 (West 2010); *see also id.* § 481.134 (West Supp. 2013). On January 22, 2014, the State filed a motion for extension of time to file its brief in this appeal. The basis of the motion was that appellant, who has been allowed to represent himself on appeal, has checked out the record from the district clerk, used it to prepare his brief, and now refuses to return the record to the district clerk. In response to the State's

motion, we stayed the briefing schedule, dismissed the State's motion as moot, and ordered appellant to return the full record in its original condition and arrangement to Karen Matkin, the District Clerk of McLennan County, within fourteen days of January 30, 2014. We also informed appellant that a failure to return the record within fourteen days of January 30, 2014, could result in "appropriate sanctions to include a requirement that Chande pay for the preparation of a duplicate record or dismissal of his appeal for impairing the State's ability to timely file a response and under our inherent authority to manage and control our docket."<sup>1</sup> See TEX. R. APP. P. 37.3(b).

To date, appellant has not returned the full record, as ordered. As we noted in our January 30, 2014 order, appellant's "actions have delayed the presentation of his appeal and it can be inferred from his efforts to delay the disposition of his appeal that it is being pursued to delay rather than achieve a just disposition." Accordingly, we dismiss this appeal, under our inherent authority, for want of prosecution.<sup>2</sup> See *id.*; *Ealy v. State*, 222 S.W.3d 744, 745 (Tex. App.—Waco 2007, no pet.) (citing *Peralta v. State*, 82 S.W.3d 724, 725-26 (Tex. App.—Waco 2002, no pet.)); see also *Evans v. State*, No. 10-09-00251-CR, 2010 Tex. App. LEXIS 546, at \*3 (Tex. App.—Waco Jan. 27, 2010, no pet.) (mem. op., not designated for publication).

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<sup>1</sup> Nothing in the record indicates that appellant has the ability or willingness to pay for the creation of a duplicate record. Accordingly, under our inherent authority, we will dismiss this appeal.

<sup>2</sup> All pending motions or requests are dismissed as moot.

AL SCOGGINS  
Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins

Dismissed

Opinion delivered and filed March 13, 2014

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