



**IN THE
TENTH COURT OF APPEALS**

No. 10-17-00268-CR

MARCO ANTONIO LIZARDI RAMIREZ,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the County Court at Law No. 2
Ellis County, Texas
Trial Court No. 1611428CR**

MEMORANDUM OPINION

Marco Antonio Lizardi Ramirez was convicted of the offense of driving while intoxicated. On July 7, 2017, Ramirez filed a notice of appeal in the trial court indicating his desire to appeal the conviction. Neither the Clerk's Record nor the Reporter's Record have been filed. On October 25, 2017, this Court entered an order abating this appeal to the trial court for a determination whether Marco Ramirez desired to continue the appeal and whether he was receiving effective assistance of counsel. The trial court held a

hearing on November 15, 2017, but Ramirez did not appear at the hearing. His mother testified that she is able to contact Ramirez in Mexico. Ramirez's brother testified that he might want to continue the appeal. The trial court did not find Ramirez to be indigent.

On December 11, 2017, this Court issued a letter stating that Ramirez must make arrangements to have the Clerk's Record and the Reporter's Record prepared and provide payment for those records. This Court further stated that Ramirez must obtain new counsel because his current retained counsel is suspended from practicing law. The Court's December 11 letter was sent to Ramirez's address in Mexico and also to Ramirez's mother who indicated that she was able to contact him. Ramirez was instructed to pay for the record and obtain counsel within 60 days from the date of the letter or the appeal would be dismissed for want of prosecution. Ramirez has not made arrangements to have the Clerk's Record or Reporter's Record prepared, and this Court has not been notified that Ramirez has retained counsel.

Our review of the record reveals that Ramirez has completely failed in his duty to prosecute this appeal, to contact the Court, and to take any further action toward prosecuting this appeal. As such, we dismiss this appeal, under our inherent authority, for want of prosecution. *See* TEX. R. APP. P. 44.3; *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 Ex parte Gil*, No. 10-16-00109-CR, 2017 Tex. App. LEXIS 192, at **2-3 (Tex. App.—Waco Jan. 11, 2017, no pet.) (mem. op., not designated for publication).

AL SCOGGINS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Appeal dismissed

Opinion delivered and filed March 21, 2018

Do not publish

[CR25]

