

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-02-00275-CV**

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**Allan Baggarly, Appellant**

**v.**

**Shirley Baggarly, Appellee**

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**FROM THE DISTRICT COURT OF COMAL COUNTY, 274TH JUDICIAL DISTRICT  
NO. C2001-063C, HONORABLE JACK H. ROBISON, JUDGE PRESIDING**

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Appellant Allan Baggarly filed a timely notice of appeal on April 3, 2002. The notice of appeal states that he is appealing a trial court judgment signed January 3, 2002.

On April 29, 2002, this Court received notice from the court reporter in the trial court proceeding that appellant had neither paid nor made arrangements to pay for preparation of the reporter's record. On May 2, 2002, this Court received notice from the Comal County District Clerk that appellant had neither paid nor made arrangements to pay for preparation of the clerk's record. The clerk's and reporter's records were due to be filed in this Court by May 3, 2002. *See* Tex. R. App. P. 35.1(a) (when motion for new trial filed timely, clerk's and reporter's records due in appellate court within 120 days after judgment signed).

On May 8, this Court sent a letter to appellant requesting that he submit a status report to this Court by May 20 that informed this Court about his payment arrangements for the clerk's and the

reporter's records. We further informed appellant that failure to respond to the letter would result in dismissal of the appeal for want of prosecution. *See* Tex. R. App. P. 37.3 (b), (c).

On May 15, appellant's attorney submitted to this Court a motion to withdraw as appellant's counsel. On May 20, appellant's attorney filed a first amended motion to withdraw.

The first amended motion to withdraw as appellant's counsel is granted. The original motion to withdraw as appellant's counsel is dismissed.

Appellant has not informed this Court about any payment arrangements with the district clerk or court reporter for preparation of the clerk's and the reporter's records; appellant has not responded in any way to this Court's correspondence. Appellant has also failed to pay his filing fees in this Court. Because appellant has failed to pay or inform this Court about arrangements to pay for these appellate records, the appeal is dismissed for want of prosecution. *See* Tex. R. App. P. 37.3(b).

Marilyn Aboussie, Chief Justice

Before Chief Justice Aboussie, Justices B. A. Smith and Yeakel

Dismissed for Want of Prosecution

Filed: June 6, 2002

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