

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-04-00634-CR

Praxedis Caballero, Appellant

v.

The State of Texas, Appellee

**FROM THE COUNTY COURT AT LAW NO. 6 OF TRAVIS COUNTY
NO. 658,527, HONORABLE WILLIAM E. BENDER, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Praxedis Caballero perfected this appeal from a conviction for theft. The reporter's record has not been filed because appellant, who never claimed to be indigent, has not made arrangements for payment. Appellant's retained counsel previously filed a motion to withdraw stating counsel's opinion that appellant is indigent. This Court dismissed the motion to withdraw and ordered the trial court to determine whether appellant wishes to pursue the appeal and, if so, if he is indigent. We are now informed by the trial court that appellant cannot be located.

We conclude that appellant has been given a reasonable opportunity to obtain the reporter's record and find that the absence of the record is appellant's fault. *See* Tex. R. App. P. 37.3(c). We also find that appellant has not made the necessary arrangements for filing a brief. *See* Tex. R. App. P. 38.8(b)(4).

We have examined the clerk's record and find no error that should be considered in the interest of justice. The judgment of conviction is affirmed.

Jan P. Patterson, Justice

Before Chief Justice Law, Justices Patterson and Puryear

Affirmed

Filed: February 17, 2005

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