

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

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NO. 03-06-00114-CV

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Roy Edward Addicks, Jr., Appellant

v.

State of Texas, Appellee

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FROM THE DISTRICT COURT OF FAYETTE COUNTY, 155TH JUDICIAL DISTRICT  
NO. 2005V-004, HONORABLE DAN R. BECK, JUDGE PRESIDING

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MEMORANDUM OPINION

Appellant Roy Edward Addicks, Jr., acting pro se, has filed a “Motion for Order Compelling the District Courts and Sheriff’s Departments and District Attorney’s Office to Send Copies of All Relevant Records and Documents to Appellant.” We deny this motion as we have no authority to order these entities to make copies and send them to appellant. However, a clerk’s record has been filed in this appeal. (No reporter’s record was made.) Appellant must view the record in order to prepare his brief because the brief must be based on the record. *See* Tex. R. App. P. 38.1(f) (statement of facts in brief must be supported by record references). As appellant is incarcerated, it is not practicable for him to come to the Court. He swears that he is utterly indigent and cannot pay for a copy. Accordingly, the Court will check out the record to appellant by sending it to him so he can prepare his brief. Appellant is **warned** that this record is the only copy. It may not be altered in any way including, but not limited to, underlining, highlighting, crossing out, or

making notes in the margins. Further, if the record is not returned, the appeal will be **dismissed** for lack of a clerk's record. *See* Tex. R. App. P. 37.3(b) (may dismiss if no clerk's record and appellant's fault).

In order to allow time for appellant to review the record and prepare a brief without having to file any more motions for extension, this appeal is abated until **January 8, 2007**. Appellant's brief is due on that date. No further extensions of time to file appellant's brief will be granted. Failure to file the brief will result in a dismissal for want of prosecution. *See* Tex. R. App. P. 42.3(b), (c). Of course, appellant may file his brief earlier than the deadline if he is ready.

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W. Kenneth Law, Chief Justice

Before Chief Justice Law, Justices B. A. Smith and Puryear

Filed: August 18, 2006