

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-06-00310-CR
NO. 03-06-00311-CR**

Phillip Ashcraft, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF HAYS COUNTY, 22ND JUDICIAL DISTRICT
NOS. CR-04-252 & CR-04-253, HONORABLE WILLIAM R. HENRY, JUDGE PRESIDING**

MEMORANDUM OPINION

Phillip Ashcraft appeals from judgments of conviction for attempted sexual assault and attempted sexual assault of a child. The reporter's record has not been filed. Appellant is represented by a retained attorney, Mr. Tom Zakes, but filed in the district court a motion for a free record on appeal. No action has been taken on the motion.

The appeal is abated. The district court shall promptly act on appellant's motion for a free record, conducting a hearing if the fact of appellant's indigence is contested. *See* Tex. R. App. P. 20.2, 37.3(a)(2). If the court finds that appellant is presently indigent, the court shall order the preparation of the appellate record at no cost to appellant. The court shall make any other appropriate findings and recommendations. A record from the hearing, if held, and copies of all

findings and orders, shall be forwarded to the Clerk of this Court for filing as a supplemental record no later than September 29, 2006.

Bob Pemberton, Justice

Before Chief Justice Law, Justices Pemberton and Waldrop

Filed: August 31, 2006

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