

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-08-00254-CR

Antione Whittman, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 264TH JUDICIAL DISTRICT
NO. 61210, HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

ORDER

The deadline for filing a reporter's record in this appeal has passed. The reporter has informed this Court's clerk's office that Antione Whittman has neither paid nor made arrangements to pay for the record. Although Whittman filled out a financial questionnaire and the trial court appointed a trial attorney for him, the trial court found on March 8, 2008, that he is not indigent and, therefore, not entitled on appeal to have an appointed attorney or a record prepared without advance payment of costs. Whittman has not indicated a desire to appeal the trial court's determination that he is not indigent.

If Whittman chooses not to pay for the reporter's record, he should inform this Court and the court reporter of that decision on or before November 7, 2008. His brief will be due 30 days after he files notice that a reporter's record will not be filed and that he will proceed with the appeal based on the clerk's record.

If Whittman would like a reporter's record prepared, he may pay or make arrangements to pay for the reporter's record on or before November 7, 2008. If he does so timely, the court reporter shall promptly (1) inform this Court that Whittman has paid or made arrangements to pay for the record, and (2) inform this Court of the date the reporter anticipates the record will be filed. Whittman's brief will be due 30 days after the filing of the reporter's record. *See* Tex. R. App. P. 38.6(a).

If Whittman fails to inform this Court that he has elected not to pay for the record and he also fails to pay or make arrangements to pay for the record by November 7, 2008, the court reporter shall promptly inform this Court of that development. Whittman's brief will then be due on or before December 8, 2008.

Ordered October 15, 2008.

G. Alan Waldrop, Justice

Before Justices Patterson, Waldrop and Henson

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