

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-08-00390-CR

Robert Sanchez, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 299TH JUDICIAL DISTRICT
NO. D-1-DC-05-900262, HONORABLE CHARLES F. BAIRD, JUDGE PRESIDING**

MEMORANDUM OPINION

The reporter's record has not been filed and is overdue. The court reporter has informed the Court that no arrangement for payment has been made. *See* Tex. R. App. P. 35.3(b)(3). Appellant is represented on appeal by the same retained lawyer who represented him at trial. Counsel, who states that he is "helping with the appeal pro bono," has informed the Court by letter that appellant has been unable to raise "several thousand dollars to cover the cost of the record." No request for a free record has been filed and no finding of indigency has been made. *See* Tex. R. App. P. 20.2.

To avoid further delays and protect the rights of the parties, the appeal is abated and the trial court is instructed to determine, following a hearing if necessary, whether appellant is presently indigent. If the court finds that appellant is indigent, it shall order the preparation of the reporter's record at no cost to appellant. Copies of all findings, conclusions, orders, and a

transcription of the reporter's notes, if a hearing is held, shall be tendered for filing in this Court no later than October 3, 2008.

Jan P. Patterson, Justice

Before Justices Patterson, Waldrop and Henson

Abated

Filed: August 28, 2008

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