

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

---

---

**NO. 03-09-00108-CV**

---

---

**Scarla Avery and Steven D. Avery, Appellants**

**v.**

**Texas Department of Family and Protective Services, Appellee**

---

---

**FROM THE DISTRICT COURT OF BELL COUNTY, 146TH JUDICIAL DISTRICT  
NO. 227,670-B, HONORABLE RICK MORRIS, JUDGE PRESIDING**

---

---

**ORDER**

F. Edward Brown is appellants' retained attorney in this appeal from the order terminating Steven D. Avery's parental rights to K.M.<sup>1</sup> Brown has filed a motion to withdraw as counsel for appellants. He asserts that appellants have failed to pay for the appellate records and the balance of attorney's fees owed him despite his warning that he would withdraw if appellants failed to pay those costs and fees. In his motion, Brown lists the pending appellate deadlines, which include preparation of the clerk's records and reporter's records. *See* Tex. R. App. P. 6.5(a). He provides appellants' last known address, states that he sent a copy of his motion to withdraw by certified and first class mail to that address, and states that he informed appellants in writing of their right to object to his withdrawal. *See* Tex. R. App. P. 6.5(a). More than ten weeks have passed and appellants have not filed any objection or other response in this Court. The clerk's and reporter's

---

<sup>1</sup> Appellant Scarla Avery is Steven D. Avery's mother and the grandmother of K.M.

records have not been filed and are overdue. According to the clerk and the reporter, no payment or arrangement to pay for the records has been made.

Brown's motion to withdraw as counsel is granted. By **July 6, 2009**, appellants Scarla Avery and Steven D. Avery must inform this Court whether they have hired counsel or will proceed without representation. By **July 20, 2009**, appellants must pay or make arrangements to pay for the clerk's record with Shelia F. Norman, District Clerk, Bell County, Texas.<sup>2</sup> Also by **July 20, 2009**, appellants must request and pay, or make arrangements to pay, for the reporter's record with Lynette Thorpe, court reporter for the CenTex Child Protection Court.<sup>3</sup>

Failure by appellants to inform this court of whether they have hired counsel or will proceed without representation may result in dismissal of this appeal for failure to comply with a court order. *See* Tex. R. App. P. 42.3(c). If the clerk's record is not filed due to appellants' failure to pay or make arrangements to pay for the clerk's record, this appeal may be dismissed for want of prosecution. *See* Tex. R. App. P. 37.3(b), 42.3(b). If no reporter's record is filed because appellants fail to request one or pay or make arrangements to pay for it, this appeal may be submitted on the clerk's record. *See* Tex. R. App. P. 37.3(c).

---

<sup>2</sup> The district clerk's address is 1201 Huey Road, Belton, Texas. Her mailing address is P.O. Box 909, Belton, Texas 76512. Her telephone number is (254) 933-5197 or 1-800-460-2355, ext. 5197. Her fax number is (254) 933-5199. Her email address is Shelia.Norman@co.bell.tx.us.

<sup>3</sup> Court reporter Lynette Thorpe's address is 104 South Main, 4th Floor, Belton, Texas 76513. Her telephone number is (254) 933-5386. Her fax number is (254) 933-5926. Her email address is lynette.thorpe@courts.state.tx.us.

Ordered June 26, 2009.

---

G. Alan Waldrop, Justice

Before Justices Patterson, Pemberton and Waldrop