

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

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**NO. 03-09-00434-CR**

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**Jeffrey Allen Whitfield, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF BELL COUNTY, 27TH JUDICIAL DISTRICT  
NO. 63048, HONORABLE JOE CARROLL, JUDGE PRESIDING**

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**ORDER**

**PER CURIAM**

The reporter's record was due on July 22, 2009. The record has not been filed, and the reporter has informed the Court that arrangements for payment have not been made. Appellant is represented by retained counsel, as he was at trial. No request for a free record has been made. On August 3, 2009, appellant's counsel was notified that if payment arrangements were not made by August 31, the appeal would be considered without a reporter's record. *See* Tex. R. App. P. 37.3(c)(2). On August 31, counsel informed the Court that he had been discussing payment arrangements with the reporter. On October 28, counsel filed a motion for extension of time to file his brief stating that "Appellant's family is still trying to collect funds for a copy of the transcript."

The motion for extension of time is dismissed. Appellant's counsel, Mr. Michael J. Magana, is ordered to tender a brief on or before December 18, 2009, raising those

issues or points that do not require a reporter's record for decision. *Id.* This order will be withdrawn if, on or before December 11, 2009, it is shown that the reporter's fee has been paid or that satisfactory arrangements for payment have been made, or that the trial court has determined that appellant is entitled to proceed without payment of costs.

It is ordered November 10, 2009

Before Chief Justice Jones, Justices Waldrop and Henson

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