

NO. 12-17-00215-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***BRESHAWN CATHEY,
APPELLANT***

§ ***APPEAL FROM THE 241ST***

V.

§ ***JUDICIAL DISTRICT COURT***

***THE STATE OF TEXAS,
APPELLEE***

§ ***SMITH COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 37.3. Appellant perfected his appeal on June 30, 2017. On August 28, this Court notified Appellant that no clerk's record had been filed and that the clerk filed a motion for extension of time to file the record, citing nonpayment of the required preparation fee. Appellant was further advised that the appeal would be presented to the Court for dismissal unless proof of full payment to the clerk was provided to the Court no later than September 7, 2017.

On September 5, this Court notified Appellant that the reporter's record had not been filed and that the reporter had notified the Court that no request or payment arrangements for the reporter's record had been made. Appellant was advised that briefs would be ordered on the clerk's record alone unless proof of written request to the court reporter and full payment for the record was provided to this Court by September 15, 2017.

These deadlines have now passed and no clerk's or reporter's records have been filed. Appellant has not established indigence, paid, or made arrangements to pay, the fee for preparation of the clerk's or reporter's records and has not provided proof of a written request for the reporter's record. *See* TEX. R. APP. P. 20.2, 35.3(a)(2), (b). Nor has he otherwise responded

to this Court's August 28 and September 5 notices. Accordingly, we *dismiss* the appeal for *want of prosecution*. See TEX. R. APP. P. 37.3(b), 43.2(f).

Opinion delivered September 20, 2017.

Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

SEPTEMBER 20, 2017

NO. 12-17-00215-CR

BRESHAWN CATHEY,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 241st District Court
of Smith County, Texas (Tr.Ct.No. 241-1702-16)

THIS CAUSE came on to be heard on the appellate record, and the same being considered, it is hereby ORDERED, ADJUDGED and DECREED by this Court that the appeal be **dismissed for want of prosecution**, and that the decision be certified to the court below for observance.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.