

Affirmed and Opinion filed January 20, 2000.



In The

Fourteenth Court of Appeals

NO. 14-98-00472-CR

ALICE BROUSSARD CHAMPAGNE, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the County Criminal Court at Law No. 3
Harris County, Texas
Trial Court Cause No. 97-46501**

OPINION

After a jury trial, appellant was convicted of the offense of theft of less than \$500, and sentenced to 100 days in jail as reflected in the judgment signed April 23, 1998. That same day, appellant filed a notice of appeal. The clerk's record was filed on June 22, 1998. No reporter's record was filed. The official court reporter informed the Court that appellant had neither requested nor made arrangements for payment of the record. Appellant's retained counsel was notified that the record had not been filed. No requests for extension of time have been filed and no brief has been filed.

On November 10, 1999, this court ordered a hearing to determine why appellant's counsel had not requested the reporter's record or filed a brief in this appeal. On December 14, 1999, the trial court conducted the hearing. The record of the hearing was filed in this court on January 5, 2000.

Appellant's retained counsel did not appear at the hearing, but appellant was represented by another attorney who filed a motion to substitute as counsel. Appellant testified at the hearing and acknowledged that neither she nor her attorney had taken any steps to prosecute her appeal. She also admitted she had never provided her attorney with any funds to pay for the preparation of the reporter's record. Appellant conceded that she had never discussed with her attorney any matters that could be raised in her appeal. Based on this testimony, the trial court found appellant has abandoned her appeal without making the necessary arrangements for filing a brief.

On the basis of those findings, this court has considered the appeal without briefs. *See* TEX. R. APP. P. 38.8(b). The case is before us without a reporter's record. We find no fundamental error.

Accordingly, the judgment of the trial court is affirmed.

PER CURIAM

Judgment rendered and Opinion filed January 20, 2000.

Panel consists of Chief Justice Murphy, Justices Hudson and Wittig.

Do not publish - TEX. R. APP. P. 47.3(b).