

**Affirmed and Opinion filed July 20, 2000.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-99-00421-CR**

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**CHARLES E. SCARBOROUGH, JR., Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 339th District Court  
Harris County, Texas  
Trial Court Cause No. 740,303**

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**OPINION**

Appellant was convicted of the offense of theft, and sentenced to two years in a state jail facility, probated for five years, on March 1, 1999. Appellant's notice of appeal was filed on March 30, 1999.

On April 27, 2000, this court ordered a hearing to determine why appellant's counsel had not filed a brief in this appeal. On May 15, 2000, the trial court called the case for hearing, but appellant did not appear. On June 22, 2000, this court again asked the trial court to make appropriate findings on the status of the appeal. The trial court conducted a hearing on July 6, 2000, and a record of that hearing was filed with this court on July 7, 2000. Appellant's retained counsel, Charles Brown, appeared at the hearing.

He testified that he had been unable to contact his client since the trial of this cause. He further stated appellant had made no arrangements for payment for the record or for payment of his counsel's fee on appeal.

The trial court found appellant is not indigent and has abandoned his 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). We find no fundamental error.

Accordingly, the judgment of the trial court is affirmed.

PER CURIAM

Judgment rendered and Opinion filed July 20, 2000.

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

Do not publish - TEX.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