TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-05-00397-CR

Nereida Flores Jacobs, Appellant

v.

The State of Texas, Appellee

FROM THE COUNTY COURT AT LAW NO. 1 OF WILLIAMSON COUNTY
NO. 04-4871-1, HONORABLE SUZANNE BROOKS, JUDGE PRESIDING

M E M O R A N D U M O P I N I O N

A jury found appellant Nereida Flores Jacobs guilty of driving while intoxicated. *See* Tex. Pen. Code Ann. § 49.04 (West 2003). The punishment is thirty days' incarceration and a $500 fine, probated.

Appellant was represented by retained counsel at trial. She filed a pro se notice of appeal and requested appointed counsel for the appeal. After appellant failed to appear at a scheduled indigency hearing, the court found that she is not indigent and denied the request. Appellant did not obtain a reporter's record and, after she was given notice and an opportunity to cure, the appeal was submitted for decision without a reporter's record. *See* Tex. R. App. P. 37.3(c)(1). Appellant did not file a brief or respond to this Court's notices. *See* Tex. R. App. P. 38.8(b)(4). We have examined the record before us and find no fundamental error that should be considered in the interest of justice.

The judgment of conviction is affirmed.

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W. Kenneth Law, Chief Justice

Before Chief Justice Law, Justices Patterson and Pemberton

Affirmed

Filed: October 13, 2005

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