

**BEFORE THE BOARD OF DISCIPLINARY APPEALS**  
**Appointed By**  
**THE SUPREME COURT OF TEXAS**

**ROBERT J. SMITH**  
*State Bar of Texas Card No. 00789634*

v.

**COMMISSION FOR  
LAWYER DISCIPLINE OF THE  
STATE BAR OF TEXAS**

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**CAUSE NO. 49420**

**ORDER DISMISSING APPEAL FOR WANT OF PROSECUTION**

On this day came on to be heard the Board of Disciplinary Appeals' own motion to dismiss the appeal filed by Robert J. Smith for want of prosecution. After reviewing the papers filed in the matter, the Board finds that the Appellant filed the notice of appeal of the judgment of disbarment signed on September 27, 2011 by the District 3A evidentiary panel in case nos. H0070724770, H0090725125, and H0040826456 on October 27, 2011. The clerk's record and the reporter's record from the evidentiary hearing were due to be filed on or before November 26, 2011. The Office of the Chief Disciplinary Counsel of the State Bar of Texas ("CDC") filed the clerk's record with the Board on November 23, 2011. The reporter's record was filed on December 27, 2011. The Appellant's brief was due on December 22, 2011. The Appellant moved for an extension of time to file his brief and it was granted. The Appellant's brief was then due on January 22, 2012. It was not filed. The Appellant filed a second motion for an extension of time to file his brief and it was granted. The Appellant's brief was due on May 22, 2012. It was not filed. Appellant moved a third time for an extension of time to file his brief and it was granted. The Appellant's brief was due August 22, 2012. It was not filed. Appellant moved a fourth time for an extension of time to file his brief and it was granted. The Appellant's brief was due September 21, 2012. It was not filed. An Order to Show cause was issued to the Appellant on February 14, 2013 ordering him to respond and show cause why the appeal should not be dismissed for want of prosecution. The Appellant

responded on March 22, 2013 with his fifth unopposed motion for an extension of time to file his brief and it was granted. Appellant's brief was due on April 12, 2013. It was not filed. The Order Granting Appellant's Fifth Motion Unopposed Motion for Extension of Time stated that if no brief was filed by April 12, 2013 that the appeal would be dismissed for want of prosecution with prejudice to refile without further notice.

**IT IS THEREFORE ORDERED** that this appeal is hereby **DISMISSED** for want of prosecution with prejudice to refile.

**SIGNED** this 25<sup>th</sup> day of April 2013.

A handwritten signature in black ink, appearing to read "W. Clark", is written over a horizontal line.

**CHAIRMAN PRESIDING**