



**IN THE  
TENTH COURT OF APPEALS**

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**No. 10-10-00387-CR**

**EX PARTE ARTHUR LEE MCCULLOUGH,**

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**From the 12th District Court  
Walker County, Texas  
Trial Court No. 25310, 24,898**

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**ABATEMENT ORDER**

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Appellant's brief was originally due on or before January 25, 2011. In a letter dated February 16, 2011, the Court provided notice that unless a brief or satisfactory response was received within 14 days, the Court must abate the appeal and order the trial court to immediately conduct a hearing pursuant to Rule of Appellate Procedure 38.8(b)(2, 3). Neither Appellant's brief nor a satisfactory response has been filed.

Appellant's notice of appeal was filed pro se. It appears that Appellant is represented by counsel in the underlying case.

The Court abates this cause to the trial court with instructions to hold a hearing to determine: (1) why a proper brief has not been filed by Appellant; (2) whether Appellant has abandoned the appeal; (3) whether Appellant still desires to proceed

with the appeal; and (4) if it is found that Appellant has not abandoned this appeal and still desires to proceed with the appeal, whether Appellant desires to continue to represent himself or to have counsel appointed if he is entitled to appointed counsel in this appeal. *See* TEX. R. APP. P. 38.8(b)(2).

The trial court shall conduct the hearing within fourteen (14) days after the date of this order. The trial court clerk and court reporter shall file supplemental records within twenty-eight (28) days after the date of this order.

PER CURIAM

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins  
Appeal abated  
Order issued and filed March 30, 2011  
Do not publish