

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-10-00398-CR

Nicholas George Ramus Jr., Appellant

v.

The State of Texas, Appellee

**FROM COUNTY COURT AT LAW NO. 2 OF HAYS COUNTY
NO. 90604, HONORABLE LINDA RODRIGUEZ, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

Appellant's brief was due December 9, 2010. On December 21, 2010, the Court notified appellant's retained counsel that the brief was overdue and that a hearing would be ordered under Texas Rule of Appellate Procedure 38.8(b) if counsel did not file a brief or otherwise respond by December 31, 2010. Counsel did not respond to the Court's notice.

The appeal is abated. The trial court shall conduct a hearing to determine whether appellant desires to prosecute this appeal and if so, whether counsel has abandoned the appeal. *See* Tex. R. App. P. 38.8(b)(2). The court shall make appropriate findings and recommendations. A record from this hearing, including copies of all findings and orders and a transcription of the court reporter's notes, shall be forwarded to the Clerk of this Court for filing as a supplemental record no later than March 4, 2011. *See* Tex. R. App. P. 38.8(b)(3).

Before Chief Justice Jones, Justices Henson and Goodwin

Abated

Filed: February 4, 2011

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