

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-12-00653-CR

Frank Mosqueda, Appellant

v.

The State of Texas, Appellee

**FROM THE COUNTY COURT AT LAW NO. 4 OF TRAVIS COUNTY
NO. D-1-DC-11-100117, HONORABLE MIKE DENTON, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

Appellant Frank Mosqueda filed his notice of appeal on October 1, 2012, and his brief was due February 11, 2013. This Court notified appellant's counsel on March 7, 2013 that his brief was overdue and requested a response by March 18, 2013. To date, appellant's brief has not been filed and appellant's appointed counsel, Steven Thomas Weber, has not responded to this Court's notice.

The appeal is abated. The trial court shall conduct a hearing to determine whether appellant desires to prosecute this appeal, whether he is indigent, and whether his appointed counsel has abandoned this appeal. *See* Tex. R. App. P. 38.8(b)(2). The court shall make appropriate findings and recommendations. *See id.* 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 May 10, 2013. *See* Tex. R. App. P. 38.8(b)(3).

Before Justices Puryear, Pemberton and Rose

Abated

Filed: April 10, 2013

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