

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-12-00805-CR

Armando Deanda Hernandez, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF HAYS COUNTY, 22ND JUDICIAL DISTRICT
NO. CR-10-1086, HONORABLE WILLIAM HENRY, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant has filed an unopposed motion to abate the appeal. He requests that this Court abate the appeal and remand the cause to the trial court to allow the trial court to pronounce sentence in open court and with Appellant present. *See* Tex. Code Crim. Proc Ann. art. 42.03 § 1(a) (West Supp. 2012); *see also id.* art. 42.14 (West Supp. 2012). The State responds that the trial court is scheduled to pronounce sentence in the presence of Appellant on May 15, 2013, and agrees to the abatement.

Accordingly, we grant the motion, abate the appeal, and remand this cause to the trial court to pronounce sentence in Appellant's presence following notice and hearing on May 15, 2013, or as otherwise scheduled within 30 days of this order. *See* *Thompson v. State*, 108 S.W.3d 287, 291–92 (Tex. Crim. App. 2003); *Keys v. State*, 340 S.W.3d 526, 529 (Tex. App.—Texarkana 2011, pet. ref'd). A reporter's record of the sentencing shall be prepared and

filed in the record of this appeal within 45 days of this order. This appeal will be reinstated when the reporter's record of the sentencing is filed with this Court.

Melissa Goodwin, Justice

Before Chief Justice Jones, Justices Goodwin and Field

Abated