

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-13-00724-CR**

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**Stephen Tracy Meredith, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF BURNET COUNTY, 424TH JUDICIAL DISTRICT  
NO. 41286, THE HONORABLE DANIEL H. MILLS, JUDGE PRESIDING**

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**ORDER AND MEMORANDUM OPINION**

**PER CURIAM**

After this Court granted appellant's motion requesting an extension of time to file his brief, appellant failed to timely file his brief, and the clerk of this Court sent a letter notifying appellant's court-appointed counsel, Gary E. Prust, that the brief was overdue. In response, counsel filed a second motion requesting an extension of time to file the brief, which this Court granted advising counsel that no further extensions would be granted. To date, the brief has not been tendered for filing and is once again overdue.

We abate this appeal and remand the case to the trial court. 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), (3). The court shall make appropriate written findings and recommendations. *See* Tex. R. App. P. 38.8(b)(2), (3). If

necessary, the court shall appoint substitute counsel who will effectively represent appellant in this appeal. Following the hearing, which shall be transcribed, the trial court shall order the appropriate supplemental clerk's and reporter's records—including all findings and orders—to be prepared and forwarded to this Court no later than November 19, 2014. *See* Tex. R. App. P. 38.8(b)(3).

It is so ordered on this the 20th day of October, 2014.

Before Chief Justice Jones, Justices Rose and Goodwin

Abated and Remanded

Filed: October 20, 2014

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