

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-15-00532-CR

Shane Eric Fuller, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 299TH JUDICIAL DISTRICT
NO. D-1-DC-15-904040, HONORABLE WILFORD FLOWERS, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant filed his notice of appeal on August 20, 2015. His brief was due on March 14, 2016. On April 1, 2016, this Court informed appellant's counsel that appellant's brief was overdue and that we would refer the matter to the trial court for a hearing if we did not receive a response by April 11, 2016.

To date, appellant's brief has not been filed and his appointed counsel has not responded to our notice. We therefore abate this appeal and remand the case to the trial court. The trial court shall conduct a hearing to determine whether appellant wishes to pursue this appeal and, if so, whether counsel has abandoned the appeal. *See* Tex. R. App. P. 38.8(b)(2), (3). If necessary, the trial court shall appoint substitute counsel who will effectively represent appellant in this appeal. The trial court shall make appropriate written findings and recommendations. *See* Tex. R. App. P.

38.8(b)(2), (3). 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 June 23, 2016. *See* Tex. R. App. P. 38.8(b)(3).

It is so ordered this 24th day of May, 2016.

Before Chief Justice Rose, Justices Pemberton and Bourland

Abated and Remanded

Filed: May 24, 2016

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