

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-18-00217-CR

Raymond Paul Schmidt, III, Appellant

v.

The State of Texas, Appellee

**FROM THE 207TH DISTRICT COURT OF COMAL COUNTY
NO. CR2014-075, THE HONORABLE DIB WALDRIP, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant's brief was due September 17, 2018. On October 3, 2018, this Court sent a notice to appellant informing him that his brief was overdue and that a failure to file a satisfactory response by October 15, 2018, would result in the referral of this case to the trial court for a hearing under Rule 38.8(b) of the Texas Rules of Appellate Procedure.

The appeal is abated and remanded 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 this appeal. *See* Tex. R. App. P. 38.8(b)(2), (3). The court shall make appropriate written findings and recommendations. *See id.* R. 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 January 25, 2019. *See id.* R. 38.8(b)(3).

It is so ordered December 19, 2018.

Before Chief Justice Rose, Justices Field and Toth

Abated and Remanded

Filed: December 19, 2018

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