

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

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**NO. 03-22-00075-CR**

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**Enoch David Castillo-Quiroz, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE 207TH DISTRICT COURT OF COMAL COUNTY  
NO. CR2019-329, THE HONORABLE DIB WALDRIP, JUDGE PRESIDING**

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**ORDER AND MEMORANDUM OPINION**

**PER CURIAM**

Appellant's brief was originally due May 4, 2022. After this Court granted multiple motions requesting an extension of time to file his brief, appellant's brief was due October 4, 2022. In granting the most recent extension, this Court advised counsel that no further extensions would be granted and that his failure to file a brief would result in the referral of the case to the trial court for a hearing under Rule 38.8(b) of the Texas Rules of Appellate Procedure. To date, the brief has not been tendered for filing and is overdue.

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 December 9, 2022. *See id.* R. 38.8(b)(3).

It is so ordered November 9, 2022.

Before Justices Goodwin, Baker, and Kelly

Abated and Remanded

Filed: November 9, 2022

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