



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-17-00438-CR

JASON GONZALES, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 140th District Court
Lubbock County, Texas
Trial Court No. 2014-401,483, Honorable Jim Bob Darnell, Presiding

December 22, 2017

ORDER OF ABATEMENT AND REMAND

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

Pending before this court is the motion of appellant Jason Gonzales to abate this appeal and remand the cause to the trial court to determine whether appellant still desires to prosecute the appeal. According to the motion and limited record before the court, appellant pled guilty to fraudulent use or possession of another person's identifying information pursuant to a plea-bargain agreement. As part of that agreement, appellant agreed to dismiss this appeal after the Texas Department of Criminal Justice processed his jail-time credit. Appellant's counsel informs the court that the Department has made

its determination and appellant's sentence has been served in full. Counsel now seeks to dismiss the appeal pursuant to appellant's agreement with the State but cannot locate appellant to sign a motion to dismiss. See TEX. R. APP. P. 42.2(a).

Accordingly, we grant appellant's motion, abate the appeal, and remand the cause to the 140th District Court of Lubbock County (trial court) for further proceedings. Upon remand, the trial court shall determine whether appellant still desires to prosecute the appeal and issue appropriate findings of fact on the matter. The trial court is also directed to enter all orders and conduct all hearings necessary to address the aforementioned matters. The trial court must also cause its findings of fact to be filed with the clerk of this court by January 22, 2018. Should further time be needed to perform these tasks, then same must be requested before January 22, 2018.

It is so ordered.

Per Curiam

Do not publish.