

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

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**NO. 03-05-00081-CR**

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**Tettus Davis, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF WILLIAMSON COUNTY, 368TH JUDICIAL DISTRICT  
NO. 04-122-K368, HONORABLE BURT CARNES, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellant's brief was originally due on August 5, 2005. The time for filing was extended twice on counsel's motion. On October 18, 2005, in granting the second extension, this Court ordered appellant's retained attorney, Mr. Scott L. Steele, to file a brief on appellant's behalf no later than November 4, 2005. Counsel did not file a brief as ordered.

The appeal is abated. The district court is ordered to conduct a hearing to determine whether counsel has abandoned this appeal. Tex. R. App. P. 38.8(b)(2). The court shall make appropriate findings, recommendations, and orders. If appellant is now indigent, the court shall, if necessary, appoint substitute counsel to effectively represent appellant on appeal. A record from this hearing, including copies of all findings and orders and a transcription of the court reporter's notes,

shall be forwarded to the Clerk of this Court for filing as a supplemental record no later than December 9, 2005. Rule 38.8(b)(3).

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Bea Ann Smith, Justice

Before Justices B. A. Smith, Patterson and Puryear

Filed: November 18, 2005

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