

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-05-00690-CR

Dana Moore, Appellant

v.

The State of Texas, Appellee

**FROM THE COUNTY COURT AT LAW NO. 4 OF TRAVIS COUNTY
NO. 712007, HONORABLE MIKE DENTON, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant's brief was due December 30, 2005. No extension of time has been requested and appellant's appointed attorney, Mr. Bruce P. Garrison, did not respond to this Court's notice that the brief is overdue.

The appeal is abated. The trial court shall conduct a hearing to determine whether appellant desires to prosecute this appeal and, if so, whether counsel has abandoned the appeal. Tex. R. App. P. 38.8(b)(2). The court shall make appropriate findings and recommendations. If necessary, the court shall appoint substitute counsel who will effectively represent appellant in this cause. 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 February 28, 2006. Rule 38.8(b)(3).

W. Kenneth Law, Chief Justice

Before Chief Justice Law, Justices Patterson and Pemberton

Filed: February 3, 2006

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