

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

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**NO. 03-05-00832-CR**

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**Alex Garcia, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE COUNTY COURT OF SAN SABA COUNTY  
NO. 6,856, HONORABLE BYRON THEODOSIS, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellant's brief was due June 14, 2006. The brief has not been received and appellant's retained attorney, Mr. Alberto Acevedo Jr., 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, whether appellant is indigent, and, if he is not indigent, whether retained counsel has abandoned this appeal. Tex. R. App. P. 38.8(b)(2). The court shall make appropriate findings and recommendations. 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 August 31, 2006. Rule 38.8(b)(3).

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Bob Pemberton, Justice

Before Chief Justice Law, Justices Patterson and Pemberton

Filed: July 25, 2006

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