

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-06-00317-CR

Jack Nelson Stafford, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF LLANO COUNTY, 33RD JUDICIAL DISTRICT
NO. 5705, HONORABLE V. MURRAY JORDAN, JUDGE PRESIDING**

ORDER

PER CURIAM

Appellant's brief was originally due September 11, 2006. On the motion of appellant's counsel, Mr. Kirby J. Roberts, the time for filing was extended to November 11, 2006. The brief was not received and on December 13, 2006, the appeal was abated for a hearing pursuant to rule 38.8. *See* Tex. R. App. P. 38.8(b)(2).

The hearing was held on January 11, 2007. Counsel was present at the hearing but appellant was not. Counsel told the trial court that he was to meet appellant in Austin on January 16, at which time appellant would sign a motion to withdraw notice of appeal. To date, no motion to withdraw notice of appeal has been received by this Court.

Mr. Kirby J. Roberts is ordered to tender a brief on appellant's behalf for filing in this cause no later than February 23, 2007. This order will be withdrawn if a motion to dismiss complying with rule 42.2 is filed on or before that date. Tex. R. App. P. 42.2.

It is ordered January 26, 2007.

Before Justices Patterson, Pemberton and Waldrop

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