

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-07-00599-CR

Phill Raije Rian, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF WILLIAMSON COUNTY, 26TH JUDICIAL DISTRICT
NO. 06-1562-K26, HONORABLE BILLY RAY STUBBLEFIELD, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant has filed a motion to abate this appeal for the trial court to (1) conduct a hearing on her motion for new trial; and (2) make findings of fact on the voluntariness of her statements to the police.

Whether appellant was entitled to a hearing on her motion for new trial is an issue that she may raise on appeal and that, if raised, we will decide in light of the record as a whole and the arguments of counsel. The motion to abate for a hearing on the motion for new trial is overruled.

The motion to abate for findings of fact is granted. The trial court shall make and file a written order “stating its conclusion” regarding the voluntariness of appellant’s statements and “the specific finding of facts upon which the conclusion was based.” Tex. Code Crim. Proc. Ann. art.

38.22, § 6 (West 2005). A supplemental clerk's record containing this order shall be tendered for filing no later than thirty days from the date of this opinion.

W. Kenneth Law, Chief Justice

Before Chief Justice Law, Justices Puryear and Pemberton

Abated

Filed: July 31, 2008

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