

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-08-00333-CR

Dalawrence Jarobert Raines, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 167TH JUDICIAL DISTRICT
NO. D-1-DC-07-202131, HONORABLE MICHAEL LYNCH, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

Appellant's brief was due September 9, 2008. The brief has not been received and appellant did not respond to this Court's notice dated October 16, 2008, 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. Tex. R. App. P. 38.8(b)(2). The court shall make appropriate findings and recommendations on issues raised by Rule 38.8(b)(2) and the circumstances of this case. If necessary, the court shall appoint substitute counsel. 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 January 20, 2009. *See* Tex. R. App. P. 38.8(b)(3).

Before Justices Patterson, Waldrop and Henson

Abated

Filed: December 12, 2008

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