

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-08-00795-CR

Domingo Hernandez, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 427TH JUDICIAL DISTRICT
NO. D-1-DC-08-900236, HONORABLE MELISSA YOUNG GOODWIN, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

Appellant's brief was due June 15, 2009. The brief has not been received and appellant's appointed attorney, Leonard Martinez, 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 the attorney it appointed to represent appellant 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 October 2, 2009. Rule 38.8(b)(3).

Before Chief Justice Jones, Justices Waldrop and Henson

Abated

Filed: August 31, 2009

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