

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-10-00307-CR

Arnold Garza, Appellant

v.

The State of Texas, Appellee

**FROM THE COUNTY COURT AT LAW NO. 1 OF WILLIAMSON COUNTY
NO. 09-08516-1, HONORABLE BERT RICHARDSON, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

Arnold Garza appeals a conviction for interfering with public duties. He is represented by retained counsel. Appellant's brief was due March 15, 2011. In response to the Clerk's overdue notice, the Court has been advised by a person claiming to act on counsel's behalf that counsel was jailed on February 28, 2011 in an unrelated matter and is unable to complete the brief.

The appeal is abated and the cause is remanded to the trial court. *See* Tex. R. App. P. 38.8. The trial court shall conduct a hearing to determine whether appellant desires to prosecute this appeal and if he does, to determine whether appellant intends to employ new counsel to file a brief on his behalf. If appellant claims to be unable to afford new counsel, the court shall determine

whether appellant is presently indigent and appoint counsel if necessary. 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 June 2, 2011.

Before Chief Justice Jones, Justices Henson and Goodwin

Abated

Filed: May 3, 2011

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