

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

**NO. 03-11-00109-CR**

**Ex parte Jorge Gutierrez**

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 167TH JUDICIAL DISTRICT  
NO. D-1-DC-10-203162, HONORABLE MICHAEL LYNCH, JUDGE PRESIDING**

**MEMORANDUM OPINION**

Appellant filed his notice of appeal in 2011. In June 2011, the court reporter informed us that appellant's attorney had told her not to continue to work on the reporter's record because the case was moot and he would be filing a motion to abate the appeal. We removed the cause from our calendars in order to wait for counsel's motion. Counsel never took further action in the case and has never filed any correspondence with this Court since the notice of appeal was filed. We therefore abate the appeal to the trial court to hold a hearing to determine whether the cause is moot, whether appellant wishes to continue the appeal, whether counsel has abandoned the appeal, and whether appellant is indigent. The trial court should file a supplemental record in this Court no later than June 26, 2013.

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David Puryear, Justice

Before Justices Puryear, Pemberton and Rose

Abated

Filed: May 17, 2013

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