

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-11-00593-CV

Isela Moreno and Latief Bowser, Appellants

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 53RD JUDICIAL DISTRICT
NO. D-1-FM-11-000731, HONORABLE DARLENE BYRNE, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

Appellant Latief Bowser's brief was due March 26, 2012. The Court sent notice to Bowers's counsel that the brief was overdue and extended his briefing deadline to June 4, 2012. Because the brief had not been filed and Bower's appointed counsel, John M. Sigman, did not respond to the Court, this Court abated the appeal for determinations of whether Bowser desired to prosecute this appeal, whether he was still indigent, and whether Sigman had abandoned the appeal.

We reinstated this appeal after the trial court's hearing. At the September 24, 2012 trial court hearing, Sigman reported that he spoke with Bowser, who desired to proceed with his appeal. Sigman stated that he had not received Bowser's updated affidavit of indigency and there was no indication of a change in his indigent status; however, Sigman also stated that Bowser was employed as a long-haul truck driver. Sigman further stated he completed review of the appellate

record and expected to file a motion to withdraw along with an Anders brief “probably by tomorrow.” Neither was filed.

The appeal is abated. The district court shall conduct a hearing to determine whether Bowser is indigent and if so, whether Sigman has abandoned the appeal and other counsel should be appointed. *See* Tex. R. App. P. 38.8(b)(2); *see also In the Interest of T.V.*, 8 S.W.3d 448, 449-50 (Tex. App.—Waco 1999, no pet.) (applying Texas Rule of Appellate Procedure 38.8(b) to suit involving termination of parental rights). The court shall make appropriate findings and recommendations. 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 November 16, 2012. *See* Tex. R. App. P. 38.8(b)(3).

Before Chief Justice Jones, Justices Rose and Goodwin

Abated

Filed: October 18, 2012