

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-11-00658-CR
NO. 03-11-00659-CR**

David Preston Campbell, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF MILAM COUNTY, 20TH JUDICIAL DISTRICT
NOS. CR22,208 & CR22,209, HONORABLE JOHN YOUNGBLOOD, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

In the above causes, appellant David Preston Campbell was convicted of the offenses of burglary of a building and theft and, for each offense, was sentenced to 18 months' confinement in state jail, with the sentences to run concurrently. Campbell filed a notice of appeal from each judgment of conviction. In each cause, appellant's brief was due on March 25, 2013.

Instead of filing appellant's brief, counsel for appellant has filed a motion to abate the appeal in each cause. In the motions, counsel represents that Campbell has served the entirety of his sentence and that the only issue on appeal that counsel intended to raise, whether Campbell had received the appropriate amount of jail-time credit for his sentences, is now moot. Accordingly, counsel intends to file a motion to dismiss the appeal in each cause. However, counsel further represents that he has been unable to locate Campbell in order to obtain Campbell's signature on

the motions to dismiss. *See* Tex. R. App. P. 42.2(a) (requiring appellant's signature on motion to voluntarily dismiss appeal in criminal case). Counsel asks that we abate the appeals in order to allow counsel more time to locate his client.

In each cause, we grant counsel's motion and abate the appeal. No later than June 10, 2013, counsel is ordered to file either a proper motion to dismiss the appeal or a status report explaining why the motion to dismiss has not been filed. Because appellant's brief remains overdue at this time, failure to file a motion or status report by the deadline may result in referral of these causes to the district court for a hearing pursuant to Rule 38.8. *See* Tex. R. App. P. 38.8(b).

Before Justices Puryear, Pemberton and Rose

Abated

Filed: May 10, 2013

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