

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-13-00275-CR

Mario Lewis, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 264TH JUDICIAL DISTRICT
NO. 68019, THE HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

This is an appeal from a judgment of conviction for murder. Appellant's brief was due October 24, 2013. The brief has not been received and no extension of time has been requested. Further, appellant's court-appointed attorney, E. Wayne Bachus, has not responded to this Court's notice that the brief is overdue.

Under these circumstances, we must abate the appeal and remand the cause to the trial court to conduct a hearing in accordance with Rule 38.8 of the Rules of Appellate Procedure to determine whether appellant wishes to prosecute his appeal and, if so, whether appointed counsel has abandoned the appeal. *See* Tex. R. App. P. 38.8(b)(2), (3). 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 of this hearing, including copies of all findings

and any order, shall be forwarded to the Clerk of this Court no later than February 26, 2014. *See* Tex. R. App. P. 38.8(b)(3).

Before Chief Justice Jones, Justices Pemberton and Rose

Abated

Filed: January 28, 2014

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