

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-13-00351-CR

Julious Clay, Appellant

v.

The State of Texas, Appellee

**FROM THE COUNTY COURT AT LAW NO. 1 OF TOM GREEN COUNTY
NO. 13-00019, HONORABLE BEN NOLEN, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant filed his notice of appeal on May 20, 2013, the clerk's record was filed on June 13, and the reporter's record was filed on August 9. Appellant's brief was therefore originally due on September 9, 2013. *See* Tex. R. App. P. 38.6(a). Appellant has requested and received four extensions of time, the most recent deadline being February 3, 2014, but the brief has not been received to date.

The appeal is therefore abated. The trial court shall conduct a hearing to determine whether appellant still wishes to pursue his appeal, whether appellant is indigent, and whether counsel has abandoned the appeal. *See* Tex. R. App. P. 38.8(b). The court shall make appropriate findings and recommendations, and a supplemental 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 no later than March 31, 2014. *See* Tex. R. App. P. 38.8(b)(3).

David Puryear, Justice

Before Justices Puryear, Goodwin, and Field

Abated

Filed: February 12, 2014

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