

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-13-00372-CR

Christopher D. Hyde, Appellant

v.

The State of Texas, Appellee

**FROM DISTRICT COURT OF COMAL COUNTY, 207TH JUDICIAL DISTRICT
NO. CR2010-504, HONORABLE R. BRUCE BOYER, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

Appellant has filed a notice of appeal from his conviction for arson of a vehicle. Appellant's brief was due on November 27, 2013. On December 12, 2013, we notified appellant's counsel that the brief was overdue and that if we did not receive a satisfactory response on or before December 23, 2013, a hearing before the district court pursuant to Tex. R. App. P. 38.8(b) would be ordered. To date, the brief has not been received, nor have we received a response to our notice.

We therefore abate the cause and remand it to the trial court to hold a hearing in accordance with rule 38.8 of the Rules of Appellate Procedure. Tex. R. App. P. 38.8(b)(2), (3). The trial court shall conduct a hearing to determine whether appellant still wishes to prosecute this appeal, whether appellant is indigent, and whether counsel has abandoned the appeal. *See id.* If appellant desires to appeal and is indigent, the trial court should make appropriate orders to ensure that appellant is adequately represented on appeal. *See id.* A record of the hearing, including

copies of all findings and any orders, shall be forwarded to the Clerk of this Court for filing as a supplemental record no later than March 17, 2014. *See id.*

Before Chief Justice Jones, Justices Pemberton and Field

Abated

Filed: February 14, 2014

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