

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-14-00064-CR
NO. 03-14-00065-CR**

Julie Ann Martinez, Appellant

v.

The State of Texas, Appellee

**FROM DISTRICT COURT OF TOM GREEN COUNTY, 391ST JUDICIAL DISTRICT
NOS. D-09-0032-SA & D-13-0127-SB, HONORABLE THOMAS J. GOSSETT, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant filed her notice of appeal on February 4, 2014, and after this Court granted two extensions of time to file appellant's brief, her brief was due on June 9, 2014. On July 1, 2014, we notified appellant's appointed counsel that the brief was overdue and that if we did not receive a satisfactory response on or before July 11, 2014, a hearing before the district court 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 Texas Rules of Appellate Procedure. *See* 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 and, if so, whether appointed counsel has abandoned the appeal. *See id.* R. 38.8(b)(2). The trial court should make appropriate findings and recommendations. If necessary, the court shall

appoint substitute counsel who will effectively represent appellant on appeal. *See id.* Following the hearing, which shall be transcribed, the trial court shall order the appropriate supplemental clerk's and reporter's record—including copies of all findings and any orders—to be prepared and forwarded to the Clerk of this Court no later than September 22, 2014. *See id.* R. 38.8(b)(3).

It is ordered August 28, 2014.

Before Justices Puryear, Pemberton, and Field

Abated and Remanded

Filed: August 28, 2014

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