

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-14-00086-CR**

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**Sergio Delgado Dominguez, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 299TH JUDICIAL DISTRICT  
NO. D-1-DC-05-205935-A, HONORABLE KAREN SAGE, JUDGE PRESIDING**

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**ORDER AND MEMORANDUM OPINION**

**PER CURIAM**

Appellant's brief was due in this Court on June 16, 2014. On July 1, we notified appellant's counsel that appellant's brief was overdue and that if we did not receive a satisfactory response from counsel on or before July 11, 2014, a hearing before the district court pursuant to Tex. R. App. P. 38.8(b) would be ordered. To date, appellant's brief has not been filed, nor have we received a response from counsel.

We therefore abate the cause and remand it to the district 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 district court shall hold a hearing immediately to determine whether appellant still wishes to prosecute his appeal, whether appellant is indigent, and whether counsel has abandoned the appeal. *See id.* If appellant desires to appeal and is indigent, the district court should make appropriate orders to ensure that appellant is adequately represented on appeal. *See id.* Following the hearing,

the district court should order the appropriate supplementary clerk's and reporter's records to be prepared and forwarded to this Court no later than September 29, 2014. *See id.*

Before Justices Puryear, Pemberton, and Field

Abated and Remanded

Filed: August 28, 2014

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