

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-14-00138-CR

Larry Dewayne Garrett, Appellant

v.

The State of Texas, Appellee

**FROM COUNTY COURT AT LAW NO. 2 OF BELL COUNTY
NO. 2C1307176, HONORABLE JOHN MICHAEL MISCHTIAN, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant's brief was due on June 6, 2014. On June 13, 2014, we notified appellant's court-appointed attorney that the brief was overdue and that if we did not receive a satisfactory response on or before June 23, 2014, 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 and, if so, whether appointed counsel has abandoned the appeal. *See id.* The trial court shall make appropriate findings and recommendations. *See id.* If appellant desires to appeal and present counsel is not prepared to prosecute this appeal in a timely fashion, the court shall appoint substitute

counsel who will effectively represent appellant on appeal. Following the hearing, which shall be transcribed, the trial court shall order the appropriate supplemental clerk's and reporter's records, including copies of all findings and any orders, to be prepared and forwarded to the Clerk of this Court for filing no later than August 25, 2014. *See id.*

It is ordered July 24, 2014

Before Justices Puryear, Pemberton, and Field

Abated and Remanded

Filed: July 24, 2014

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