

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-14-00221-CR

Manuel Ruiz Constancio, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TOM GREEN COUNTY, 51ST JUDICIAL DISTRICT
NO. A-13-1024-SA, HONORABLE JAY K. WEATHERBY, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant Manuel Ruiz Constancio filed his notice of appeal on April 3, 2014, and his brief was due on July 28, 2014. This Court notified appellant's counsel on August 12, 2014 that his brief was overdue and requested a response by August 22, 2014. To date, appellant's brief has not been filed and appellant's appointed counsel, Ms. Shawntell McKillop, has not responded to this Court's notice.

The appeal is abated. The trial court shall conduct a hearing to determine whether appellant desires to prosecute this appeal, whether he is indigent, and whether his appointed counsel has abandoned this appeal. *See* Tex. R. App. P. 38.8(b)(2). The court shall make appropriate findings and recommendations. *See id.* A 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 for filing as a supplemental record no later than September 29, 2014. *See* Tex. R. App. P. 38.8(b)(3).

Before Chief Justice Jones, Justices Rose and Goodwin

Abated and Remanded

Filed: August 29, 2014

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