

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

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**NO. 03-14-00328-CR**

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**Isreal Reyes, Sr., Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF COMAL COUNTY, 207TH JUDICIAL DISTRICT  
NO. CR2012-427, THE HONORABLE JACK H. ROBISON, JUDGE PRESIDING**

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**ORDER AND MEMORANDUM OPINION**

**PER CURIAM**

Appellant's brief was due September 4, 2014. The brief has not been received and appellant's court-appointed attorney, Joseph E. Garcia, did not respond to this Court's notice that the brief is overdue.

We abate this appeal and remand the case to the trial court. The trial court shall conduct a hearing to determine whether appellant desires to prosecute this appeal and, if so, whether counsel has abandoned the appeal. *See* Tex. R. App. P. 38.8(b)(2), (3). The court shall make appropriate written findings and recommendations. *See* Tex. R. App. P. 38.8(b)(2), (3). If necessary, the court shall appoint substitute counsel who will effectively represent appellant in this appeal. Following the hearing, which shall be transcribed, the trial court shall order the appropriate

supplemental clerk's and reporter's records—including all findings and orders—to be prepared and forwarded to this Court no later than November 19, 2014. *See* Tex. R. App. P. 38.8(b)(3).

It is so ordered on this the 20th day of October, 2014.

Before Chief Justice Jones, Justices Rose and Goodwin

Abated and Remanded

Filed: October 20, 2014

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