

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-14-00411-CR

Manuel Ruiz Constancio, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TOM GREEN COUNTY, 51ST JUDICIAL DISTRICT
NO. A-11-0535-S, HONORABLE JAY K. WEATHERBY, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Manuel Ruiz Constancio filed his notice of appeal on May 27, 2014, but did not file a brief when it was due. After Constancio's appointed counsel, Shawntell McKillop, failed to respond to this Court's overdue-brief notice, we abated the appeal for a hearing before the district court. *Constancio v. State*, No. 03-14-00411-CR, 2015 Tex. App. LEXIS 2821, at *1 (Tex. App.—Austin Mar. 26, 2015, no pet.) (mem. op.). At the hearing on April 17, 2015, McKillop represented to the court that she was working on an *Anders* brief for this appeal and needed “another two to three weeks at the most.” Two months later, the brief has not been filed and McKillop has failed to respond to another overdue-brief notice.

The appeal is abated. The district court shall conduct another hearing to determine whether Constancio desires to prosecute this appeal, whether he is indigent, whether McKillop has abandoned this appeal, and if so, whether new counsel should be appointed. *See* Tex. R. App.

P. 37.3(a)(2), 38.8(b)(2). A supplemental clerk's record containing copies of all findings and orders from this hearing and a transcription of the court reporter's notes, shall be filed with this Court no later than July 24, 2015. *See* Tex. R. App. P. 38.8(b)(3).

It is ordered on June 26, 2015.

Before Chief Justice Rose, Justices Goodwin and Field

Abated and Remanded

Filed: June 26, 2015

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