

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-15-00075-CR

John Lynn Kolster, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TOM GREEN COUNTY, 391ST JUDICIAL DISTRICT
NO. D-14-0523-SB, HONORABLE THOMAS J. GOSSETT, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant's brief was due May 29, 2015. The brief has not been received and appellant's appointed attorney, Nathan Butler, did not respond to this Court's notice dated June 17, 2015, that the brief is overdue.

The appeal is abated. The trial court shall conduct a hearing to determine whether appellant desires to prosecute this appeal and, if so, whether the attorney it appointed to represent appellant has abandoned the appeal. Tex. R. App. P. 38.8(b)(2). The court shall make appropriate findings and recommendations. If necessary, the court shall appoint substitute counsel who will effectively represent appellant in this cause. 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 4, 2015. *Id.* R. 38.8(b)(3).

It is ordered on August 7, 2015.

Before Chief Justice Rose, Justices Pemberton and Field

Abated and Remanded

Filed: August 7, 2015

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