

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

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**NO. 03-15-00475-CR**

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**Darrell Lofton, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 299TH JUDICIAL DISTRICT  
NO. D-1-DC-14-302031, HONORABLE KAREN SAGE, JUDGE PRESIDING**

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**ORDER AND MEMORANDUM OPINION**

**PER CURIAM**

Appellant filed his notice of appeal on July 29, 2015. On May 26, 2016, we granted appellant's third motion for extension of time and ordered appellant's counsel to file appellant's brief by June 6, 2016. The order stated that no further extension of time would be granted and that failure to comply with the Court's order would result in the referral of this case to the trial court for a hearing under Rule 38.8(b) of the Texas Rules of Appellate Procedure.

To date, appellant's brief has not been filed and his appointed counsel has not responded to our order. We therefore abate this appeal and remand the case to the trial court. The trial court shall conduct a hearing to determine whether appellant wishes to pursue this appeal and, if so, whether counsel has abandoned the appeal. *See* Tex. R. App. P. 38.8(b)(2), (3). If necessary, the trial court shall appoint substitute counsel who will effectively represent appellant in this appeal.

The trial court shall make appropriate written findings and recommendations. *See* Tex. R. App. P. 38.8(b)(2), (3). 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 August 5, 2016. *See* Tex. R. App. P. 38.8(b)(3).

It is so ordered this 6th day of July, 2016.

Before Chief Justice Rose, Justices Goodwin and Bourland

Abated and Remanded

Filed: July 6, 2016

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