

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-15-00695-CR
NO. 03-15-00696-CR**

Justin Michael Johnson, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 147TH JUDICIAL DISTRICT
NO. D-1-DC-13-300332 & D-1-DC-13-300333
HONORABLE CLIFFORD A. BROWN, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Counsel for appellant sought and received extensions of time to file appellant's brief, resulting in a July 29, 2016 deadline. We cautioned counsel that failure to file brief by that date would result in the referral of the appeals to the trial court pursuant to rule 38.8(b). To date, the brief has not been filed.

The appeal is therefore abated. The trial court shall conduct a hearing to determine whether appellant still wishes to pursue his appeal and whether appellant is indigent. *See* Tex. R. App. P. 38.8(b)(2), (3). The court shall make appropriate findings and recommendations, including determining whether new counsel should be appointed to assist appellant, and a supplemental record from this hearing, including copies to the court's findings and orders and a transcription of the court

reporter's notes, shall be forwarded to the Clerk of this Court no later than September 26, 2016.

See id. R. 38.8(b)(3).

It is ordered August 26, 2016.

Before Justices Puryear, Pemberton, and Field

Abated and Remanded

Filed: August 26, 2016

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