

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

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**NO. 03-16-00671-CR**

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**Joshua Moreno, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF COMAL COUNTY, 207TH JUDICIAL DISTRICT  
NO. CR2016-157, HONORABLE JACK H. ROBISON, JUDGE PRESIDING**

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**ORDER AND MEMORANDUM OPINION**

**PER CURIAM**

Appellant's brief was due February 16, 2017. On February 27, this Court sent a notice to appellant's counsel that his brief was overdue and that if this Court did not receive a satisfactory response by March 9, a hearing before the trial court would be ordered. *See* Tex. R. App. P. 38.8(b). Counsel has not filed a brief or responded to the notice.

The appeal is abated. 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 id.* 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 May 8, 2017. *See id.* R. 38.8(b)(3).

It is ordered on April 7, 2017.

Before Justices Puryear, Pemberton, and Goodwin

Abated and Remanded

Filed: April 7, 2017

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