

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-16-00792-CR

Mark Lyn Broadaway, Appellant

v.

The State of Texas, Appellee

**FROM THE COUNTY COURT AT LAW NO. 1 OF WILLIAMSON COUNTY,
NO. 14-07826-1, HONORABLE MICHAEL JERGENS, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant Mark Lyn Broadaway filed a notice of appeal in this Court on November 28, 2016. Subsequently, this Court granted appellant two extensions of time to file his brief, for a total of 117 days. On July 7, 2017, appellant filed another motion for extension of time, and on August 4, 2017, we ordered appellant to file his brief no later than September 5, 2017. We also instructed appellant that no further extensions would be granted and that if appellant failed to file his brief by the deadline, a hearing before the district court would be ordered.¹

To date, appellant's brief has not been filed, nor have we received a response from counsel. We therefore abate the appeal and remand the cause to the district court. The district court shall hold a hearing immediately to determine whether appellant still wishes to prosecute his appeal,

¹ Tex. R. App. P. 38.8(b).

whether appellant is indigent, and whether counsel has abandoned the appeal.² If appellant desires to appeal and is indigent, the district court should make appropriate orders to ensure that appellant is adequately represented on appeal.³ Following the hearing, the district court should order the appropriate supplemental clerk's and reporter's records to be prepared and forwarded to this Court no later than November 10, 2017.

It is ordered on October 10, 2017.

Before Chief Justice Rose, Justices Pemberton and Goodwin

Abated and Remanded

Filed: October 10, 2017

Do Not Publish

² *See id.*

³ *See id.*