

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00056-CR

Jonathan Price, Appellant

v.

The State of Texas, Appellee

**FROM THE 450TH DISTRICT COURT OF TRAVIS COUNTY
NO. D-1-DC-15-206378, THE HONORABLE BRAD URRUTIA, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant's brief was originally due June 12, 2017. After this Court granted multiple motions requesting an extension of time to file his brief, appellant's brief was due September 27, 2017. In granting the most recent extension, this Court advised counsel that no further extensions would be granted and that the failure to file the brief as ordered would result in the referral of this case to the trial court for a hearing. Nevertheless, counsel has filed a fourth motion for extension.

This appeal is abated and the cause is remanded to the trial court. The trial court shall conduct a hearing to determine whether appellant desires to prosecute this appeal and, if so, whether counsel has abandoned this appeal. *See* Tex. R. App. P. 38.8(b)(2), (3). The trial court shall make appropriate written findings and recommendations. *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. 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 October 27, 2017. *See* Tex. R. App. P. 38.8(b)(3).

It is so ordered on September 29, 2017.

Before Chief Justice Rose, Justices Pemberton and Goodwin

Abated and Remanded

Filed: September 29, 2017

Do Not Publish