

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

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**NO. 03-17-00082-CR**

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**Dylan Scott Garrett, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE 207TH DISTRICT COURT OF COMAL COUNTY  
NO. CR2016-500, THE HONORABLE R. BRUCE BOYER, JUDGE PRESIDING**

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**ORDER AND MEMORANDUM OPINION**

**PER CURIAM**

Appellant's brief was originally due May 10, 2017. On May 22, 2017, this Court sent a notice to appellant's counsel informing him that his brief was overdue and that a failure to file a satisfactory response by June 1, 2017, 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.

The appeal is abated and 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 court shall make appropriate written findings and recommendations. *See* Tex. R. App. P. 38.8(b)(2), (3). If necessary, the 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 **September 21, 2017**. *See* Tex. R. App. P. 38.8(b)(3).

It is so ordered August 22, 2017.

Before Justices Puryear, Field, and Bourland

Abated and Remanded

Filed: August 22, 2017

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