

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

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**NO. 03-17-00117-CR**

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**Tajay Stephens, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE 427TH DISTRICT COURT OF TRAVIS COUNTY  
NO. D-1-DC-16-301543, THE HONORABLE TAMARA NEEDLES, JUDGE PRESIDING**

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**ORDER AND MEMORANDUM OPINION**

**PER CURIAM**

Appellant's brief was originally due June 1, 2017. After this Court granted multiple motions requesting an extension of time to file his brief, appellant's brief was due October 2, 2017. In granting the most recent extension, this Court advised counsel that no further extensions would be granted. To date, the brief has not been tendered for filing and is overdue.

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 November 27, 2017. *See* Tex. R. App. P. 38.8(b)(3).

It is so ordered October 27, 2017.

Before Justices Puryear, Field, and Bourland

Abated and Remanded

Filed: October 27, 2017

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