

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

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**NO. 03-17-00461-CR**

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**Ex parte Judy Morales**

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**FROM THE COUNTY COURT AT LAW NO. 2 OF BELL COUNTY  
NO. 2C14-02036, HONORABLE JOHN MICHAEL MISCHTIAN, JUDGE PRESIDING**

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**ORDER AND MEMORANDUM OPINION**

**PER CURIAM**

Appellant's brief was originally due September 4, 2017. On October 4, 2017, this Court sent a notice to appellant informing her that her brief was overdue and that a failure to file a satisfactory response by October 16, 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. As of this date, appellant has not filed a brief or otherwise responded to this Court.

The appeal is abated and remanded to the trial court. The trial court shall conduct a hearing to determine whether appellant desires to prosecute the appeal and, if so, whether counsel has abandoned this appeal.<sup>1</sup> The court shall make appropriate written findings and recommendations.<sup>2</sup> 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

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<sup>1</sup> See Tex. R. App. P. 38.8(b)(2), (3).

<sup>2</sup> See *id.*

shall order the appropriate supplemental clerk and reporter's records—including all findings and orders—to be prepared and forward to this Court no later than January 16, 2018.<sup>3</sup>

It is so ordered December 13, 2017.

Before Chief Justice Rose, Justices Pemberton and Goodwin

Abated and Remanded

Filed: December 13, 2017

Do Not Publish

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<sup>3</sup> See Tex. R. App. P. 38.8(b)(3).