

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00661-CR

Austin Ray Carpenter, Appellant

v.

The State of Texas, Appellee

**FROM THE 119TH DISTRICT COURT OF TOM GREEN COUNTY
NO. B-16-0348-SB, THE HONORABLE MARTIN (BROCK) JONES, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant's brief was originally due December 15, 2017. On April 12, 2018, this Court sent a notice to appellant informing him that his brief was overdue and that a failure to file a satisfactory response by April 23, 2018, 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 id.* R. 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 July 12, 2018. *See id.* R. 38.8(b)(3).

It is so ordered June 12, 2018.

Before Chief Justice Rose, Justices Goodwin and Field

Abated and Remanded

Filed: June 12, 2018

Do Not Publish