

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00734-CR

Endicott McCray, Appellant

v.

The State of Texas, Appellee

**FROM THE 147TH DISTRICT COURT OF TRAVIS COUNTY
NO. D-1-DC-16-301466, THE HONORABLE CLIFFORD A. BROWN, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant's brief was originally due May 30, 2018. After this Court granted multiple motions requesting an extension of time to file his brief, appellant's brief was due September 27, 2018. 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 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 March 14, 2019. *See id.* R. 38.8(b)(3).

It is so ordered February 12, 2019.

Before Chief Justice Rose, Justices Triana and Smith

Abated and Remanded

Filed: February 12, 2019

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