IN THE
TENTH COURT OF APPEALS

No. 10-13-00416-CR

JOHN DAVID WAGUESPACK,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 19th District Court
McLennan County, Texas
Trial Court No. 2012-46-C1

ABATEMENT ORDER

The appellant's brief is overdue in this appeal. The Clerk of the Court's October 23, 2014 letter to appellant's counsel states:

> Our records indicate that the appellant's brief was due on or before October 15, 2014. To date, no brief has been filed.
>
> You will notice that the trial court has been copied with this letter as required by the Rules of Appellate Procedure. TEX. R. APP. P. 38.8(b)(2). Presumably, the purpose of notifying the trial court is to allow intervention by the trial court before the Court has to formally abate the proceeding for a hearing.

> Unless a brief or satisfactory response is received within 14 days, this Court must abate the appeal and order the trial court to immediately conduct a hearing pursuant to TEX. R. APP. P. 38.8(b)(2) & (3).

Because appellant's brief was not filed within 14 days, we abate this appeal to the trial court to conduct any necessary hearings within 21 days of the date of this order in accordance with Texas Rule of Appellate Procedure 38.8(b)(2) and (3). TEX. R. APP. P. 38.8(b)(2), (3).

The supplemental clerk's and reporter's records required by the rule, if any, are ordered to be filed within 35 days of the date of this Order. *See id*.

PER CURIAM

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Cause abated
Order issued and filed December 11, 2014
Do not publish

