TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-15-00210-CR

Daniel Uvalle, Appellant

v.

The State of Texas, Appellee

FROM THE DISTRICT COURT OF TOM GREEN COUNTY, 51ST JUDICIAL DISTRICT
NO. A-13-1053-SA, HONORABLE THOMAS J. GOSSETT, JUDGE PRESIDING

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant Daniel Uvalle filed his notice of appeal on April 7, 2015. Appellant's brief was originally due in this Court on July 27, 2015. On counsel's motion, we extended the deadline for filing the brief by 60 days, making the brief due on September 25, 2015. On September 25, 2015, appellant's counsel filed a second request for a 60-day extension to file the brief. We granted the extension but ordered that the brief be filed no later than November 24, 2015. We notified appellant's counsel that no further extension would be granted and that failure to file the brief by November 24, 2015, would result in the referral of this case to the trial court for a hearing pursuant to rule 38.8(b) of the Texas Rules of Appellate Procedure. To date, appellant's brief has not been filed, nor have we received a response from counsel.

We therefore abate the cause and remand it to the trial court to hold a hearing in accordance with rule 38.8 of the rules of appellate procedure. Tex. R. App. P. 38.8(b). The district court shall hold a hearing immediately to determine whether appellant still wishes to prosecute his appeal, whether appellant is indigent, and whether counsel has abandoned the appeal. *Id*. If appellant desires to appeal and is indigent, the district court should make appropriate orders to ensure that appellant is adequately represented on appeal. *See id*. Following the hearing, the district court should order the appropriate supplementary clerk's and reporter's records to be prepared and forwarded to this Court no later than 30 days from the date of this opinion. *See id*.

Before Justices Puryear, Goodwin, and Bourland

Abated and Remanded

Filed: December 10, 2015

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