Motion Denied; Abatement Order filed July 12, 2016

In The

Fourteenth Court of Appeals

NO. 14-16-00304-CR

MICHAEL BELLE, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 405th District Court
Galveston County, Texas
Trial Court Cause No. 15CR0003

ABATEMENT ORDER

Appellant filed a pro se motion to extend time to file his brief in which he states he has not received a copy of the court reporter's record. Appellant is not represented by counsel and this court is unaware whether appellant is entitled to appointment of an attorney. *See* Tex. R. App. P. 37.3(c)(2)(B). Accordingly, we deny appellant's motion and enter the following order. *See* Tex. R. App. P. 35.3(c).

We ORDER the judge of the 405th District Court to immediately conduct a hearing at which appellant, appellant's counsel, if any, and counsel for the State shall participate, either in person or by video teleconference, to determine whether appellant desires to prosecute his appeal, and, if so, whether appellant is indigent and, thus entitled to appointed counsel on appeal. The judge may appoint appellate counsel for appellant if necessary. The judge shall see that a record of the hearing is made, shall make findings of fact and conclusions of law, and shall order the trial clerk to forward a record of the hearing and a supplemental clerk's record containing the findings and conclusions. The transcribed record of the hearing, the court's findings and conclusions, and a videotape or compact disc, if any, containing a recording of the video teleconference shall be filed with the clerk of this court within thirty days of the date of this order.

The appeal is abated, treated as a closed case, and removed from this court's active docket. The appeal will be reinstated on this court's active docket when the trial court's findings and recommendations are filed in this court. The court will also consider an appropriate motion to reinstate the appeal filed by either party, or the court may reinstate the appeal on its own motion. It is the responsibility of any party seeking reinstatement to request a hearing date from the trial court and to schedule a hearing in compliance with this court's order. If the parties do not request a hearing, the court coordinator of the trial court shall set a hearing date and notify the parties of such date.

PER CURIAM