Order entered August 2, 2017

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-16-01306-CR

CHRISTOPHER RYAN WALL, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 380th Judicial District Court
Collin County, Texas
Trial Court Cause No. 380-81132-2015

ORDER

Appellant's brief was initially due April 26, 2017. When it was not filed, we notified appellant by postcard dated April 27 and instructed him to file his brief along with a motion to extend time. On May 10, appellant filed a motion to extend time to file his brief which we granted. On June 12, he filed a second motion which we granted although we cautioned appellant that the failure to file a brief by July 13 would result in this appeal being abated for a hearing under rule 38.8(b). TEX. R. APP. P. 38.8(b). To date, no brief has been filed and we have had no communication from appellant.

Therefore, we **ORDER** the trial court to conduct a hearing to determine why appellant's brief has not been filed. In this regard, the trial court shall make appropriate findings and recommendations and determine whether appellant desires to prosecute the appeal, whether

appellant is indigent, or if not indigent, whether retained counsel has abandoned the appeal. *See* TEX. R. APP. P. 38.8(b). If the trial court cannot obtain appellant's presence at the hearing, the trial court shall conduct the hearing in appellant's absence. *See Meza v. State*, 742 S.W.2d 708 (Tex. App.–Corpus Christi 1987, no pet.) (per curiam). If appellant is indigent, the trial court is **ORDERED** to take such measures as may be necessary to assure effective representation, which may include appointment of new counsel.

We **ORDER** the trial court to transmit a record of the proceedings, which shall include written findings and recommendations, to this Court within **THIRTY DAYS** of the date of this order.

The Clerk is **DIRECTED** to send copies of this order to the Honorable Benjamin Smith, Presiding Judge, 380th Judicial District Court; William Pigg; and the Collin County District Attorney's Office.

This appeal is **ABATED** to allow the trial court to comply with the above order. The appeal shall be reinstated thirty days from the date of this order or when the findings are received, whichever is earlier.

/s/ LANA MYERS
JUSTICE