Order entered December 21, 2018

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-00663-CR
No. 05-18-00670-CR

JONATHAN TYRONE MCKELLER, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 380th Judicial District Court
Collin County, Texas
Trial Court Cause Nos. 380-81748-2017 & 380-80769-2017

ORDER

Appellant's brief was initially due October 25, 2018. After we granted an extension, it was due November 30, 2018. To date, no brief has been filed and we have had no communication from appellant about the brief or the appeals.

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 these appeals or whether appellant has abandoned the appeals. *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.

We **DIRECT** the Clerk to send copies of this order to the Honorable Benjamin Smith, Presiding Judge, 380th Judicial District Court; Kristin Brown; and to the Collin County District Attorney.

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

/s/ LANA MYERS
JUSTICE