

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

William Travis Hendrix v. State

Hendrix v. State · No. 05-18-00822-CR · Decided April 11, 2019

SUMMARY

The Fifth District Court of Appeals of Texas ordered the trial court to conduct a hearing concerning the appellant's failure to file an appellate brief. The appeal was abated pending findings on whether the appellant wished to prosecute the appeal or had abandoned it, and on whether effective representation was required.

OPINION

William Travis Hendrix v. State

PER CURIAM.

Order entered April 11, 2019 In The Court of Appeals Fifth District of Texas at Dallas No. 05-18-00822-CR WILLIAM TRAVIS HENDRIX, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 366th Judicial District Court Collin County, Texas Trial Court Cause No. 366-82997-2017

ORDER

Appellant's brief was initially due January 12, 2019. When it was not timely filed, we notified appellant by postcard dated January 16, 2019 and instructed him to file his brief along with a motion to extend time by January 26, 2019. Appellant subsequently filed two motions for extensions of time which we granted, making his brief due March 22, 2019. To date, appellant's brief has not been filed, and appellant has had no further communication with the Court regarding the brief or the appeal. 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 this appeal or whether appellant 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. We DIRECT the Clerk to send copies of this order to the Honorable Ray Wheless, Presiding Judge, 366th Judicial District Court; Kristin Brown; and to the Collin County District Attorney. 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/ CORY L. CARLYLE
JUSTICE

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