

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Mark Skladany v. The State of Texas

No. 03-25-00475-CR · No. No. 03-25-00475-CR · Decided March 6, 2026

SUMMARY

The Texas Court of Appeals, Third District, abated and remanded the criminal appeal because appellant's brief had not been filed by the extended deadline. The trial court was ordered to conduct a hearing under Texas Rule of Appellate Procedure 38.8(b) to determine whether appellant wished to prosecute the appeal and whether counsel had abandoned it, and to make related findings and recommendations.

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-25-00475-CR Mark Skladany, Appellant v. The State of Texas, Appellee FROM THE 424TH DISTRICT COURT OF BLANCO COUNTY NO. CR02153, THE HONORABLE EVAN C. STUBBS, JUDGE PRESIDING ORDER AND MEMORANDUM OPINION PER CURIAM Appellant's brief was originally due September 12, 2025.

After this Court granted multiple motions requesting an extension of time to file his brief, appellant's brief was due January 12, 2026. In granting the most recent extension, this Court ordered counsel to file appellant's brief by that date and informed him that no further extensions would be granted and that failure to comply with the order would result in the referral of this case to the trial court for a hearing under Rule 38.8(b) of the Texas Rules of Appellate Procedure.

To date, the brief has not been filed. The appeal is abated and remanded to the trial court. The trial court shall conduct a hearing to determine whether appellant desires to prosecute this appeal and, if so, whether counsel has abandoned this appeal. See Tex. R. App. P. 38.8(b)(2), (3).

The court shall make appropriate written findings and recommendations. See *id.* R. 38.8(b)(2), (3). If necessary, the court shall appoint substitute counsel who will effectively represent appellant in this appeal. Following the hearing, which shall be transcribed, the trial court shall order the appropriate supplemental clerk's and reporter's records—including all findings and orders—to be prepared and forwarded to this Court no later than April 6, 2026.

See *id.* R. 38.8(b)(3). It is so ordered March 6, 2026. Before Justices Triana, Kelly, and Ellis
Abated and Remanded Filed: March 6, 2026 Do Not Publish 2

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