

TEXAS COURT OF APPEALS, THIRD DISTRICT AT AUSTIN

Victoria Curl v. The State of Texas

No. 03-26-00248-CR · No. 03-26-00248-CR · Decided June 26, 2026

SUMMARY

The Texas Court of Appeals for the Third District abated and remanded the criminal appeal after appellant's brief was not filed and counsel did not respond to the court's overdue-brief notice. The trial court was directed to determine whether appellant wished to prosecute the appeal, whether counsel had abandoned it, and whether substitute counsel was necessary, and to prepare supplemental records.

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-26-00248-CR Victoria Curl, Appellant v. The State of Texas, Appellee FROM THE 27TH DISTRICT COURT OF BELL COUNTY NO. 24DCR89167, THE HONORABLE DEBBIE GARRETT, JUDGE PRESIDING ORDER AND MEMORANDUM OPINION PER CURIAM Appellant's brief was originally due April 20, 2026.

On June 9, 2026, this Court sent a notice to appellant's attorney informing him that appellant's brief was overdue and that a failure to file a satisfactory response by June 19, 2026, 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, no response has been received. 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 July 10, 2026.

See id. R. 38.8(b)(3). It is so ordered June 26, 2026. Before Justices Triana, Kelly, and Ellis
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