

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Aaron Howard Kloefer v. State

No. 05-13-00723-CR · No. No. 05-13-00723-CR · Decided October 31, 2013

SUMMARY

The Texas Court of Appeals ordered the trial court to conduct a hearing concerning the failure to file the appellant's brief. The trial court was directed to determine whether the appellant wished to prosecute the appeal, was indigent, or had been abandoned by retained counsel, and the appeal was abated pending the required findings and recommendations.

OPINION

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PER CURIAM.

Order entered October 31, 2013 In The Court of Appeals Fifth District of Texas at Dallas No. 05-13-00723-CR AARON HOWARD KLOEPFER, Appellant V. THE STATE OF TEXAS, Appellee
On Appeal from the 296th Judicial District Court Collin County, Texas Trial Court Cause No. 296-81623-2012

ORDER

The Court ORDERS 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. 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/ DAVID EVANS

JUSTICE