



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-15-00036-CR

DESIREE NICOLE ROMERO, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 100th District Court
Carson County, Texas
Trial Court No. 4898, Honorable Stuart Messer, Presiding

June 22, 2015

ABATEMENT AND REMAND

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Desiree Nicole Romero, appellant, appeals her conviction for possession of marihuana. Appellant timely perfected her appeal. The clerk's record was filed on April 16, 2015, while the reporter's record was filed on April 21, 2015. Appellant's brief was due on May 21, 2015. No brief was filed. On June 1, 2015, appellant's counsel was notified by letter that the brief was overdue and that unless appellant's brief was filed on or before June 11, 2015, the appeal would be abated. To date, no appellant's brief has been filed.

Accordingly, we abate this appeal and remand the cause to the 100th District Court of Carson County (trial court) for further proceedings. Upon remand, the trial court shall determine the following:

1. whether appellant desires to prosecute the appeal;
2. whether appellant is indigent;
3. whether appellant has been denied the effective assistance of counsel due to counsel's failure to file a timely appellate brief. *See Ex parte Briggs*, 187 S.W.3d 458, 467 (Tex. Crim. App. 2005) (holding "a reasonably competent attorney--regardless of whether he is retained or appointed--must seek to advance his client's best defense in a reasonably competent manner"); and
4. why a timely appellate brief has not been filed on behalf of appellant.

The trial court is also directed to enter such orders necessary to address the aforementioned questions. So too shall it include its findings on those matters in a supplemental record and cause that record to be filed with this court by July 22, 2015. If it is determined that appellant is indigent and has been denied the effective assistance of counsel, the trial court may appoint him new counsel; the name, address, and phone number of any new counsel appointed shall be included in the aforementioned findings. Should further time be needed to perform these tasks, then same must be requested before July 22, 2015.

It is so ordered.

Per Curiam

Do not publish.