



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

No. 07-16-00151-CR

ROBERT LARRY SHELTON, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 432nd District Court
Tarrant County, Texas
Trial Court No. 1366763D, Honorable Ruben Gonzalez, Jr., Presiding

September 20, 2016

ORDER OF ABATEMENT AND REMAND

Before **CAMPBELL** and **HANCOCK** and **PIRTLE, JJ.**

Appellant Robert Larry Shelton appeals his conviction for felony driving while intoxicated. His brief was due on September 19, 2016. Appellant's retained counsel has filed a motion to withdraw from the representation pursuant to appellate rule 6.5. TEX. R. APP. P. 6.5. In the motion counsel states that appellant "is indigent and may require a court appointed attorney to represent [him] in this appeal." Counsel's motion to withdraw is granted and he is relieved as appellant's appellate attorney of record.

Because appellant may be indigent and entitled to appointed counsel on appeal, TEX. CODE CRIM. PROC. ANN. art 1.051(d)(1) (West Supp. 2016), we abate the appeal and remand the cause to the trial court for further proceedings.

On remand, the trial court shall use whatever means it finds necessary, which may include noticing and conducting a hearing, to determine (1) whether appellant desires to prosecute this appeal and (2) whether appellant is indigent and entitled to appointed counsel.

Should the trial court determine that appellant does want to continue the appeal and is entitled to appointed counsel, the name, address, telephone number, email address, and state bar number of appointed counsel shall be provided to the clerk of this court in an order of the trial court. The trial court shall execute findings of fact and conclusions of law, and shall cause its findings, conclusions, and any necessary orders to be included in a supplemental clerk's record to be filed with the clerk of this court by October 21, 2016. If appointed, new counsel shall file appellant's brief within thirty days of the date of appointment.

It is so ordered.

Per Curiam

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