



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

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No. 07-17-00130-CR

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**MATTHEW ULYSSES THOMPSON, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the 64th District Court  
Hale County, Texas  
Trial Court No. B20211-1604, Honorable Robert W. Kinkaid, Jr., Presiding

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July 14, 2017

**ORDER OF ABATEMENT AND REMAND**

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

Appellant Matthew Ulysses Thompson was convicted of delivery of a controlled substance in a drug-free zone, sentenced to two years imprisonment, and assessed a \$1,000 fine. Appellant's retained counsel filed a notice of appeal from the judgment.

The appellate record was due on June 16, 2017. The court reporter's record was filed by this deadline. However, the trial court clerk notified us on June 15 that appellant had not made payment arrangements for the clerk's record. See TEX. R. APP. P. 35.3(a)(2). By letter dated June 16, 2017, we granted an extension to July 3 to file the

clerk's record. We also directed appellant to make acceptable payment arrangements for the clerk's record and certify compliance by June 26. Failure to do so, we advised, could result in the appeal being abated and the cause remanded to the trial court for further proceedings. See TEX. R. APP. P. 37.3(a)(2). This deadline has passed and the clerk has notified us that appellant has not made payment arrangements for the clerk's record. Further, appellant's counsel has not made any response to our letter.

Accordingly, we abate this appeal and remand the cause to the 64th District Court of Hale 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 is entitled to have the clerk's record furnished without charge;
4. if appellant is not entitled to have the clerk's record furnished without charge, the date appellant will make acceptable payment arrangements for the clerk's record;
5. whether appellant's present counsel has abandoned the appeal; and
6. if appellant's present counsel has abandoned the appeal and appellant is indigent, whether new counsel should be appointed to represent appellant on appeal.

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 August 14, 2017. If it is determined that appellant desires to proceed with the appeal, is indigent, and has been denied the effective assistance of counsel, the trial court may appoint him new counsel; the name, address, email 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 August 14, 2017.

It is so ordered.

Per Curiam

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