

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-14-00270-CV
NO. 03-14-00271-CV**

In re Christopher L. Graham

**FROM THE DISTRICT COURT OF COMAL COUNTY, 207TH JUDICIAL DISTRICT
NOS. CR2013-366 & CR2013-519
HONORABLE LLOYD DOUGLAS SHAVER, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Christopher L. Graham has filed notices of appeal stating he is appealing from the trial court's order of contempt dated April 8, 2014. He has also filed motions for a free record and affidavits of indigence, but this Court has been informed that the trial court orally stated that Graham was not indigent. Because of the uncertainty of the issue, we abate the cause to the trial court for proceedings under rule 20.1. *See* Tex. R. App. P. 20.1. Any contest to the affidavit must be filed within ten days of the date of this order. *See id.* R. 20.1(e)(1). If a contest is not filed within ten days, the allegations in Graham's affidavit shall be deemed true and he shall be entitled to proceed in his appeal without advance payment for the record. *See id.* R. 20.1(f).

If a contest is filed, the trial court shall treat the affidavit as if it had been filed in the trial court and shall hold a hearing or sign an order extending the time for a hearing within ten days of the date the contest is filed. *See id.* R. 20.1(i)(2). In no event shall the contest be heard any later

than twenty days from the date the trial court signs an order extending the time to conduct the hearing, and if the court determines that the contest should be sustained, it must sign a written order to that effect within the time period set for the hearing. *See id.* R. 20.1(i)(3), (4). If no contest is timely filed, the trial court clerk shall notify this Court of that fact so that the case may be reinstated. If a contest is filed and heard in a timely manner, the trial court clerk shall provide this Court with a supplemental clerk's record containing the trial court's determinations related to Graham's affidavit of indigence. The supplemental clerk's record must be filed within thirty-five days of the date of this order.

It is ordered August 29, 2014.

Before Justices Puryear, Pemberton, and Field

Abated and Remanded

Filed: August 29, 2014