

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-16-00083-CR

Isirdo Vargas, Jr., Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF COMAL COUNTY, 207TH JUDICIAL DISTRICT
NO. CR2015-114, HONORABLE R. BRUCE BOYER, JUDGE PRESIDING**

MEMORANDUM OPINION AND ORDER

PER CURIAM

Appellant's appointed counsel, Atanacio Campos, has filed a motion to withdraw as counsel. In his motion, counsel asserts that good cause exists for his withdrawal because the appellant has filed a motion in the trial court requesting that he be allowed to proceed pro se in this appeal.

The legislature has given the trial court the responsibility of appointing counsel in criminal proceedings. Tex. Code Crim. Proc. arts. 1.051(d), 26.04(j)(2). When counsel is appointed by the trial court to represent an indigent defendant on appeal, it is the trial court's responsibility to relieve or replace counsel. *See Enriquez v. State*, 999 S.W.2d 906, 907 (Tex. App.—Waco 1999, no pet.); *Williamson v. State*, No. 03-12-00672-CR, 2013 WL 363677. At *1 (Tex. App.—Austin Jan. 25, 2013, no pet.) (mem. op., not designated for publication).

We therefore abate the appeal and remand the cause to the trial court to hold a hearing on this motion to withdraw, appoint new counsel, if appropriate, and make appropriate findings and recommendations. *See* Tex. R. App. P. 38.8(b)(2), (3); *see Webb v. State*, 533 S.W.2d 780, 784 (Tex. Crim. App. 1976) (right to self representation extends to appellate process). A supplemental record from this hearing, including copies of all findings and orders and a transcription of the court reporter's notes, shall be forwarded to the clerk of this Court as a supplemental record not later than thirty days from the date of this opinion.

It is so ordered this 30th day of June 2016.

Before Justices Puryear, Goodwin, and Field

Abated and Remanded

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