



CAUSE NO. 12-13-00040-CR
IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS

GARY HALLIGAN,	}	APPEALED FROM 7TH DISTRICT COURT
APPELLANT		
 V.	 }	 IN AND FOR
THE STATE OF TEXAS,	}	SMITH COUNTY, TEXAS
APPELLEE		

ORDER

Came on for review the status of the instant appeal, and the same having been considered, it appears that Appellant is not currently represented by counsel.

On February 8, 2013, the Docketing Statement was due to be filed. TEX. R. APP. P. 32.2. On February 8, 2013, this Court notified Appellant that a Docketing Statement was to be filed and gave him until February 18, 2013, to file it. Thereafter, when no Docketing Statement was filed, Appellant was again notified on February 22, 2013, that the Docketing Statement was past due and was given until March 4, 2013, to file a Docketing Statement. As of the date of this Order, no satisfactory response has been received.

Pursuant to TEX. R. APP. P. 32.2 it is ORDERED that the Hon. Kerry L. Russell, Judge of the 7th District Court of Smith County, shall immediately conduct a hearing to determine the cause of Appellant's failure to file the Docketing Statement and whether the Appellant has abandoned the appeal.

It is FURTHER ORDERED that the trial court determine whether: (1) Appellant is indigent and entitled to the appointment of counsel on appeal; (2) Appellant has sufficient funds to retain counsel; or (3) Appellant desires to represent himself on appeal.

It is ADDITIONALLY ORDERED that once findings are made as to the above issues, the trial court shall appoint counsel, give Appellant an appropriate deadline for retaining counsel, or administer the appropriate warnings concerning the dangers of self-representation, in accordance with its findings and the court shall also take necessary action to insure the prompt filing of the Docketing Statement with this Court.

It is FINALLY ORDERED that a supplemental record containing the court's findings of fact and conclusions of law and any appropriate order(s) attendant thereto be certified to this Court on or before **April 15, 2013**.

WITNESS the Honorable James T. Worthen, Chief Justice of the Court of Appeals, 12th Court of Appeals District of Texas, at Tyler.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at my office this 14th day of March 2013, A.D.

CATHY S. LUSK, CLERK
12TH COURT OF APPEALS

By: Katrina McClenny
Katrina McClenny, Chief Deputy Clerk