

Order filed March 21, 2013



In The

# **Eleventh Court of Appeals**

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No. 11-12-00326-CR

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**AMMIE LUCILLE SMITH, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the County Court at Law No. 2**

**Midland County, Texas**

**Trial Court Cause No. CR137834**

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## **ORDER**

Ammie Lucille Smith, through her court-appointed trial counsel, filed a timely notice of appeal. Smith's trial counsel was thereafter permitted by the trial court to withdraw as counsel for Smith. The trial court has not appointed counsel for appeal. When this court notified Smith that her brief was due, we received a pro se response indicating that Smith had contacted the trial court regarding the appointment of an attorney and that she needed time to find an attorney. We abate this appeal.

We abate the appeal and remand the cause to the trial court so that it may determine the following:

1. Whether Smith desires to prosecute her appeal;
2. Whether Smith is indigent;
3. If not indigent, whether Smith has retained counsel for her appeal; and
4. If indigent, whether Smith desires to have counsel appointed to represent her in this appeal or whether, after being warned of the dangers and disadvantages of self-representation, Smith competently and intelligently chooses to exercise the right to represent herself.

The trial court is directed to make appropriate findings and recommendations and to appoint counsel if appropriate. The trial court clerk is directed to prepare and forward to this court a clerk's record containing the findings, recommendations, and any orders of the trial court. If a hearing is held, the court reporter is directed to prepare and forward to this court the reporter's record from the hearing. These records are due to be filed in this court on or before April 22, 2013. Smith's brief will be due to be filed in this court within thirty days after the date this appeal is reinstated.

The appeal is abated.

PER CURIAM

March 21, 2013

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,  
McCall, J., and Willson, J.