



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

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No. 07-15-00273-CR  
No. 07-15-00274-CR  
No. 07-15-00275-CR  
No. 07-15-00276-CR

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**JAQUEL O'NEAL, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the 52nd District Court  
Coryell County, Texas  
Trial Court No. FISC-12-21463, FAM-12-21464, FAM-13-21693, FAM-13-21694;  
Honorable Trent D. Farrell, Presiding

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January 26, 2016

**ORDER ON ABATEMENT AND REMAND**

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

Appellant Jaquel O'Neal appeals his convictions for aggravated sexual assault of a child and three counts of bodily injury to a child by criminal negligence. Appellant's briefs in the above-identified causes were due on November 16, 2015. Before this deadline, appellant filed a motion to extend the time to file his brief in each cause. The court granted the motions, extending the briefing

deadline to December 16, 2015. On December 10, 2015, appellant filed a second motion to extend the time to file his brief in each cause. The court granted appellant an extension to January 15, 2016, but admonished appellant's counsel that failure to file the briefs by January 15th would result in the appeals being abated and the causes remanded to the trial court for further proceedings under Texas Rule of Appellate Procedure 38.8(b). On January 15, appellant filed a third motion for extension in each cause, but has not filed any briefs to date. The court denies appellant's motions.

Accordingly, we abate the appeals and remand the causes to the 52nd District Court of Coryell County (trial court) for further proceedings. Upon remand, the trial court shall determine the following:

1. whether appellant desires to prosecute the appeals;
2. whether appellant is indigent;
3. why timely appellate briefs have not been filed on behalf of appellant;
4. whether appellant has been denied the effective assistance of counsel due to counsel's failure to file timely appellate briefs, *See Ex parte Briggs*, 187 S.W.3d 458, 467 (Tex. Crim. App. 2005) (holding "a reasonably competent attorney—regardless of whether he is retained or appointed—must seek to advance his client's best defense in a reasonably competent manner");
5. whether new counsel should be appointed; and
6. if appellant desires to continue the appeals, the date the court may expect appellant's briefs to be filed.

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 the record to be filed with this court by February

25, 2016. If it is determined that appellant desires to proceed with the appeals, is indigent, and has been denied the effective assistance of counsel, the trial court may appoint him new counsel; the name, 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 February 25, 2016.

It is so ordered.

Per Curiam

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