



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

No. 07-17-00403-CR

CASEY LEON RIDDLEY, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 64th District Court
Hale County, Texas
Trial Court No. B20202-1604, Honorable Robert W. Kinkaid, Jr., Presiding

June 8, 2018

ORDER OF ABATEMENT AND REMAND

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

Appellant, Casey Leon Riddley, appeals his conviction for delivery of a controlled substance in a drug-free zone,¹ enhanced by two prior felony convictions,² and the resulting sentence of fifty-five years imprisonment. Appellant's brief was originally due March 2, 2018, but we granted appellant three extensions to May 9 to file a brief. Appellant did not file a brief by this deadline. By letter of May 16, 2018, we notified appellant's appointed counsel that the brief was overdue and admonished him that failure

¹ TEX. HEALTH & SAFETY CODE ANN. § 481.112(b); § 481.134(b), (d) (West 2017) (a third-degree felony).

² TEX. PENAL CODE ANN. § 12.42(d) (West Supp. 2017).

to file a brief by May 29 would result in the appeal being abated and the cause remanded to the trial court for further proceedings without further notice. See TEX. R. APP. P. 38.8(b)(2), (3). To date, counsel has not filed a brief or had any further communication with this Court.

We, therefore, abate this appeal and remand the cause to the trial court for further proceedings pursuant to Appellate Rule 38.8(b). On remand, the trial court shall utilize whatever means it finds necessary to determine the following:

1. whether appellant still desires to prosecute the appeal;
2. whether appellant is indigent;
3. why a timely appellate brief has not been filed on behalf of appellant;
4. whether appellant has been denied the effective assistance of counsel due to counsel's failure to timely file an appellate brief;
5. whether new counsel should be appointed; and
6. if appellant desires to continue the appeal, the date the Court may expect appellant's brief to be filed.

The trial court is directed to enter such orders necessary to address the aforementioned questions and shall include its findings on those matters in a supplemental record and cause that record to be filed with this Court by July 9, 2018. If it is determined that appellant desires to proceed with the appeal, is indigent, and has been denied the effective assistance of counsel, the trial court may appoint him new counsel; the name, address, email address, and phone number of any new counsel appointed shall be included in the aforementioned findings.

It is so ordered.

Per Curiam

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