



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

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No. 07-18-00143-CR  
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**FERNANDO AGAPITO AVILA, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the 108th District Court  
Potter County, Texas  
Trial Court Nos. 73,789-E & 75,482-E, Honorable Abe Lopez, Presiding

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August 31, 2018

**ORDER OF ABATEMENT AND REMAND**

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

Appellant Fernando Agapito Avila appeals his convictions for driving while intoxicated and evading arrest or detention using a vehicle. Appellant was represented by retained counsel, Mr. Ron Spriggs, at trial but filed a notice of appeal *pro se*. The appellate record has been filed and appellant's brief was due August 20, 2018. Appellant has not filed a brief to date, and appellant and Mr. Spriggs have had no communication with this court.

Accordingly, we abate these appeals and remand the causes to the 108th District Court of Potter County (trial court) for further proceedings. Upon remand, the trial court shall determine the following:

1. whether appellant still desires to prosecute the appeals;
2. whether Mr. Spriggs or any other attorney is representing appellant as appellate counsel;
3. if not, whether appellant is indigent;
4. if appellant is indigent, whether counsel should be appointed; and
6. if appellant desires to continue the appeals, the final date on which appellant will file appellant's brief.

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 that record to be filed with this court by October 1, 2018. If it is determined that appellant desires to proceed with the appeals, is indigent, and has no appellate counsel, the trial court may appoint him counsel; the name, address, email address, and phone number of any counsel appointed shall be included in the aforementioned findings. Should further time be needed to perform these tasks, then same must be requested before October 1, 2018.

It is so ordered.

Per Curiam

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