



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

Nos. 07-18-00244-CR
07-18-00245-CR

JOEL FLOYD, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 108th District Court
Potter County, Texas
Trial Court Nos. 71,537-E & 71,538-E; Honorable Douglas R. Woodburn, Presiding

August 24, 2018

ABATEMENT AND REMAND

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

Appellant, Joel Floyd, proceeding *pro se*, appeals his convictions for aggravated sexual assault of a child¹ and indecency with a child by sexual contact.² The trial court sentenced Appellant to five years imprisonment for aggravated sexual assault of a child,

¹ TEX. PENAL CODE ANN. § 22.021(a)(1), (2)(B) (West Supp. 2017).

² TEX. PENAL CODE ANN. § 21.11(a)(1) (West Supp. 2017).

suspended in favor of community supervision for five years, and two years imprisonment for indecency with a child, suspended in favor of community supervision for two years.

The clerk's record and reporter's record were due on July 23, 2018, but were not filed because Appellant had not made acceptable payment arrangements for the appellate record. See TEX. R. APP. P. 35.3(a)(2), (b)(3). By letter on July 25, we directed Appellant to make acceptable payment arrangements for the clerk's record and reporter's record by August 6. Failure to do so, we advised, could result in the appeals being abated and the causes remanded to the trial court for further proceedings. See TEX. R. APP. P. 37.3(a)(2). The clerk and reporter have notified the court that Appellant has not made payment arrangements for the appellate record to date.

Accordingly, we abate the appeals and remand the causes to the trial court for further proceedings. See TEX. R. APP. P. 37.3(a)(2). On remand, the trial court shall utilize whatever means it finds necessary to determine the following:

- (1) whether Appellant still desires to prosecute the appeals;
- (2) whether Appellant is indigent and entitled to the appointment of appellate counsel;
- (3) whether Appellant is entitled to have the clerk's record and reporter's record furnished without charge pursuant to Texas Rule of Appellate Procedure 20.2; and
- (4) if Appellant is not entitled to have the clerk's record and reporter's record furnished without charge, the date Appellant will make acceptable payment arrangements for the appellate record.

Should it be determined that Appellant wants to continue the appeals, is indigent, and entitled to appointed counsel, the name, address, email address, telephone number, and State Bar of Texas identification number of newly-appointed counsel shall be

provided to the clerk of this court. The trial court shall execute findings of fact, conclusions of law, and any necessary orders addressing the foregoing subjects. The trial court shall also cause to be developed (1) a clerk's record containing the findings of fact, conclusions of law, and any necessary orders; and (2) a reporter's record transcribing the evidence and argument presented at any hearing held. The trial court shall cause the record to be filed with the clerk of this court on or before September 28, 2018.

It is so ordered.

Per Curiam

Do not publish.