



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

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No. 07-19-00046-CV

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**IN THE MATTER OF X.M.**

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On Appeal from the 99th District Court  
Lubbock County, Texas  
Trial Court No. 2013-764,893; Honorable William R. Eichman II, Presiding

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August 6, 2019

**ABATEMENT AND REMAND**

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

Appellant, X.M.,<sup>1</sup> appeals from the trial court's judgment finding that he engaged in delinquent conduct and the court's order committing him to the Texas Juvenile Justice Department for a period of twenty-five years. We abate the appeal and remand the cause to the trial court for further proceedings.

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<sup>1</sup> To protect the privacy of the minor involved, we refer to him by his initials. See TEX. R. APP. P. 9.8(c).

We previously remanded this cause to the trial court on June 25, 2019, after Appellant's appointed counsel, Mr. Charles Blevins, failed to timely file an appellate brief. Upon remand, the trial court was to determine (1) whether Appellant still desired to prosecute the appeal; (2) whether Appellant's counsel had abandoned the appeal; and (3) whether Appellant is indigent and entitled to the appointment of new counsel. After a hearing on the matter on July 24, 2019, the trial court entered findings that Appellant still desired to prosecute the appeal, that he remained indigent, and that his counsel had not abandoned the appeal. The trial court permitted Mr. Blevins to continue to represent Appellant on appeal and directed him to file Appellant's brief by July 31, 2019.

The appeal was subsequently reinstated on this court's docket. By letter of July 26, 2019, the clerk of this court notified Mr. Blevins that Appellant's brief was due on July 31. However, to date, counsel has not filed a brief or had any further communication with this court.

Because Appellant's appointed counsel has still not filed an appellate brief, we deem it appropriate to abate the appeal and remand the cause to the trial court for further proceedings. See TEX. R. APP. P. 38.8(a)(2); *In re M.A.D.*, 167 S.W.3d 938, 939 (Tex. App.—Waco 2005, order) (per curiam). Upon remand, the trial court is directed to discharge Mr. Blevins as Appellant's counsel and appoint new appellate counsel. The name, address, email address, telephone number, and State Bar of Texas identification number of newly-appointed counsel shall be included in a supplemental clerk's record to be filed with the clerk of this court by August 30, 2019.

It is so ordered.

Per Curiam