



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

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No. 07-19-00372-CR  
No. 07-19-00373-CR

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**MARCUS REED, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the 167th District Court  
Travis County, Texas  
Trial Court Nos. D-1-DC-19-904028 & D-1-DC-19-904029,  
Honorable David Wahlberg, Presiding

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July 16, 2020

**ORDER OF ABATEMENT AND REMAND**

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

Appellant Marcus Reed, proceeding pro se, appeals his convictions for official oppression and aggravated perjury. Appellant's brief was originally due on April 3, 2020, but was not filed. We subsequently granted him two extensions to file a brief. By letter of June 1, 2020, we admonished appellant that no further extensions would be granted and that failure to file a brief by July 6 would result in the appeals being abated and the causes remanded to the trial court for further proceedings without further notice. On July 10, 2020, appellant filed a third motion for an extension until October 5, stating that due

to “the continued closure of public libraries, I have been unable to access the information required to perform the necessary research to complete the brief.” Appellant has a Georgetown, Texas address. The website for the Georgetown Public Library reveals that it reopened on May 1, 2020, and conducts operations from 9 a.m. to either 5 or 6 p.m. six days a week. This information indicates that appellant’s reason underlying his request for an additional delay is false and that he has the potential means to conduct research and file a brief. Furthermore, the Travis County Law library also appears to be open for business, which may not impose an inconvenience on appellant since his prosecution was conducted in a Travis County district court.

For these reasons, we deny appellant’s motion for an extension of time to file a brief, abate the appeals, and remand the causes to the trial court for further proceedings. TEX. R. APP. P. 38.8(b). Upon 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 has failed to make the necessary arrangements for filing a brief;
4. if appellant desires to continue the appeals, the date the Court may expect appellant’s brief to be filed.

If it is determined that appellant wants to proceed with the appeals, is indigent, and is entitled to appointed counsel, the trial court shall appoint appellate counsel. The name, address, email address, telephone number, and State Bar of Texas identification number of 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 a clerk's record containing the findings of fact, conclusions of law, and any necessary orders, and a reporter's record transcribing the evidence and argument presented at any hearing held. The hearing record shall be filed with the Clerk of this Court on or before August 3, 2020. Should additional time be needed for the trial court to comply with this order, it must request same before August 3, 2020.

It is so ordered.

Per Curiam

Do not publish.