



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

No. 07-21-00144-CV

ROBERT COOK, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 364th District Court
Lubbock County, Texas
Trial Court No. 2019-416,811, Honorable Mark Hocker, Presiding

September 22, 2021

ORDER OF ABATEMENT AND REMAND

Before **PIRTLE** and **PARKER** and **DOSS, JJ.**

Appellant, Robert Cook, appeals from the trial court's order of civil commitment pending criminal charges. We now remand the cause for further proceedings.

Appellant's brief was originally due July 30, 2021. We granted Appellant's appointed counsel two extensions to file a brief. Upon granting the second extension to September 8, we admonished that no further extensions would be granted. On September 8, counsel filed a third motion for extension. We denied the motion by letter of September 9 and notified counsel that the cause would be remanded to the trial court

if a brief was not received by September 20. To date, Appellant's counsel has not filed a brief or had any further communication with this Court.

Accordingly, we abate the appeal and remand the cause to the trial court for further proceedings. See TEX. R. APP. P. 38.8(a)(2). Upon remand, the trial court shall determine the following:

1. why a timely appellate brief has not been filed on behalf of Appellant;
2. whether Appellant's counsel has abandoned the appeal;
3. whether Appellant has been denied the effective assistance of counsel;
4. whether new counsel should be appointed; and
5. the date the Court may expect Appellant's brief to be filed.

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 12, 2021. If it is determined that Appellant has been denied the effective assistance of counsel, the trial court may appoint new counsel; the name, address, email address, phone number, and state bar number of any newly appointed counsel shall be included in the aforementioned findings.

Should Appellant's counsel file a brief with this Court on or before October 4, 2021, she is directed to immediately notify the trial court of the filing, in writing, whereupon the trial court shall not be required to take any further action.

It is so ordered.

Per Curiam

Do not publish.