



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

No. 07-21-00275-CR

ROBERT THOMAS III, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 46th District Court
Wilbarger County, Texas
Trial Court No. 12,454, Honorable Dan Mike Bird, Presiding

May 25, 2022

ORDER OF ABATEMENT AND REMAND

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

Appellant Robert Thomas III appeals his conviction for capital murder. Appellant's brief was originally due March 10, 2022, but we granted appellant's appointed counsel two extensions to file a brief. By letter of April 25, 2022, we admonished appellant's counsel that failure to file a brief by May 11 could result in the appeal being abated and the cause remanded to the trial court for further proceedings without further notice. Appellant's counsel has not filed a brief or had any further communication with this Court to date.

We, therefore, abate the appeal and remand the cause to the trial court for further proceedings. See TEX. R. APP. P. 38.8(b)(2), (3). Upon remand, the trial court shall determine the following:

1. whether appellant still desires to prosecute the appeal;
2. whether appellant is indigent;
3. why a timely appellate brief has not been filed on behalf of appellant;
4. whether appellant's counsel has abandoned the appeal;
5. whether appellant has been denied the effective assistance of counsel;
6. whether new counsel should be appointed; and
7. if appellant desires to continue the appeal, 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 June 15, 2022. If it is determined that appellant desires to proceed with the appeal, is indigent, and 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 further time be needed to perform these tasks, then same must be requested before June 15, 2022.

It is so ordered.

Per Curiam

Do not publish.