



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

---

No. 07-22-00094-CR

---

**ANTONIO ADAM SUSTAITA, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

---

On Appeal from the 320th District Court  
Potter County, Texas  
Trial Court No. 74,851-D-CR, Honorable Pamela C. Sirmon, Presiding

---

August 26, 2022

**ORDER OF ABATMENT AND REMAND**

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

Appellant Antonio Adam Sustaita appeals his conviction for unlawful possession of a firearm<sup>1</sup> and sentence of twenty-five years' confinement. Appellant's brief was originally due June 8, 2022, but we granted Appellant's appointed counsel two extensions to file a brief due to her caseload. By letter of July 12, 2022, we admonished counsel that failure to file a brief by August 8 could result in the appeal being abated and the cause

---

<sup>1</sup> See TEX. PENAL CODE ANN. § 46.04(A).

remanded to the trial court for further proceedings without further notice. To date, Appellant's counsel has not filed a brief or had any further communication with this Court.

Accordingly, we abate this 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 Appellant's behalf;
- (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 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 September 26, 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 him new counsel; the name, address, email address, telephone number, and state bar number of any newly appointed counsel shall be included in the aforementioned findings.

Should counsel file a brief on or before September 9 2022, 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.