



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

No. 07-22-00213-CR
No. 07-22-00214-CR
No. 07-22-00215-CR

JUSTIN DUNWAY FRIAR, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 452nd District Court
McCulloch County, Texas
Trial Court Nos. 6707, 6708, & 6709; Honorable Robert R. Hofmann, Presiding

December 14, 2022

ORDER OF ABATEMENT AND REMAND

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

Appellant, Justin Dunway Friar, appeals¹ his convictions for aggravated assault on a public servant,² evading arrest or detention with a motor vehicle,³ and unlawful

¹ Originally appealed to the Third Court of Appeals, this appeal was transferred to this Court by the Texas Supreme Court pursuant to its docket equalizations efforts. See TEX. GOV'T CODE ANN. § 73.001.

² See TEX. PENAL CODE ANN. § 22.01(b)(2)(B).

³ See TEX. PENAL CODE ANN. § 38.04(b)(2)(A).

possession of a firearm.⁴ Appellant's appointed counsel now moves to withdraw from these appeals because he has been elected as judge of the 198th District Court, will take office on January 1, 2023, and is closing his law practice.

The trial court has responsibility for appointing counsel to represent indigent defendants in criminal cases as well as the authority to relieve or replace appointed counsel. TEX. CODE CRIM. PROC. ANN. arts. 1.051(d), 26.04(j)(2). We, therefore, abate the appeals and remand the causes to the trial court to rule on counsel's motions to withdraw.

Upon remand, the trial court shall determine (1) whether Appellant still desires to prosecute the appeal; (2) whether to grant Appellant's counsel's motions to withdraw; and (3) if the motions to withdraw are granted, whether Appellant is indigent and entitled to appointment of new counsel. See TEX. CODE CRIM. PROC. ANN. arts. 1.051(d), 26.04(j)(2). If the trial court grants the motions to withdraw and appoints appellant new counsel; the name, address, email address, phone number, and State Bar number of any newly appointed counsel shall be included in the court's findings. The trial court may also enter such orders necessary to address the aforementioned questions. The trial court's findings and any orders issued shall be included in a supplemental clerk's record to be filed with this Court by December 30, 2022.

All other appellate deadlines are suspended until further order of this Court.

It is so ordered.

Per Curiam

⁴ See TEX. PENAL CODE ANN. § 46.04(e).