



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

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No. 07-22-00196-CR

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**LASHA EILEEN SPACEK, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the 428th District Court  
Hays County, Texas<sup>1</sup>  
Trial Court No. CR-19-1300-D, Honorable Daniel H. Mills, Sitting by Assignment

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April 5, 2023

**ORDER OF ABATEMENT AND REMAND**

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

Appellant, Lasha Eileen Spacek, appeals her conviction for theft<sup>2</sup> and sentence to two years' confinement in a state jail facility. Appellant's brief was originally due December 28, 2022, but we granted Appellant's appointed counsel two extensions to file a brief due to counsel's caseload. By letter of February 13, 2023, we admonished

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

<sup>2</sup> See TEX. PENAL CODE ANN. § 31.03(e)(4)(D).

Appellant's counsel that no further extensions would be granted and that failure to file a brief by March 27 would result in the appeal being abated and the cause remanded to the trial court for further proceedings. 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 May 5, 2023. 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 counsel file a brief on or before April 19, 2023, he 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

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