



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

No. 07-22-00368-CR
No. 07-22-00369-CR

PABLO OLIVAREZ, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 287th District Court
Bailey County, Texas
Trial Court Nos. 3178 & 3268, Honorable Gordon H. Green, Presiding

May 2, 2023

ORDER OF ABATEMENT AND REMAND

Before PARKER and DOSS and YARBROUGH, JJ.

Appellant, Pablo Olivarez, appeals two convictions for assault on a peace officer¹ and concurrent sentences of twelve and eighteen years of confinement. Appellant's brief was originally due March 3, 2023, but was not filed. We subsequently granted Appellant's counsel two extensions to file a brief. By letter of April 5, 2023, we admonished Appellant's counsel that failure to file a brief by April 17 could result in the appeals being

¹ See TEX. PENAL CODE ANN. § 22.01(b-2).

abated and the causes remanded to the trial court for further proceedings. To date, Appellant's counsel has not filed a brief or had any further communication with this Court.

We, therefore, abate the appeals and remand the causes 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 appeals;
- (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 appeals;
- (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 appeals, 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 1, 2023. If it is determined that Appellant desires to proceed with the appeals, 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 Appellant's counsel file a brief on or before May 16, 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

Do not publish.