



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

No. 07-23-00139-CR
No. 07-23-00140-CR

OSCAR REYES LUNA, JR., APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 320th District Court
Potter County, Texas
Trial Court Nos. 081610-D-CR & 081927-D-CR, Honorable Steven Denny, Presiding

September 13, 2023

ORDER OF ABATEMENT AND REMAND

Before PARKER and DOSS and YARBROUGH, JJ.

Appellant, Oscar Reyes Luna, Jr., appeals his convictions for assault and aggravated assault of a family or household member¹ and concurrent sentences of ten years' and thirty-four years' confinement. Appellant is represented by appointed counsel, Darrell Carey. On September 5, 2023, Paul Herrmann filed a "Notice of Substitution of

¹ See TEX. PENAL CODE ANN. §§ 22.01(b)(2)(A), 22.02(b)(1).

Counsel,” requesting permission to substitute as Appellant’s newly retained counsel. The notice is signed by Carey.

Because 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, we abate the appeals and remand the causes to the trial court to rule on the motion to substitute Appellant’s counsel. See TEX. CODE CRIM. PROC. ANN. arts. 1.051(d), 26.04(j)(2). Upon remand, the trial court shall determine (1) whether Appellant still desires to prosecute the appeals; (2) whether Appellant has retained counsel to prosecute the appeals; (3) if so, whether Appellant remains indigent and entitled to appointed counsel; and (4) whether to dismiss appointed counsel.

The trial court shall enter such orders necessary to address the motion to substitute and 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 October 13, 2023.

All appellate deadlines are suspended until further order of the Court.²

It is so ordered.

Per Curiam

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² Herrmann also filed a motion for an extension of time to file Appellant’s brief. It shall remain pending until reinstatement of the appeals.