



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

No. 07-23-00161-CR

LUCIO DELEON YANEZ, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 22nd District Court
Hays County, Texas
Trial Court No. CR-19-3860-A, Honorable R. Bruce Boyer, Presiding

May 16, 2023

ORDER OF ABATEMENT AND REMAND

Before PARKER and DOSS and YARBROUGH, JJ.

Appellant, Lucio Deleon Yanez, proceeding pro se, appeals his conviction for driving while intoxicated¹ and sentence to seven years' confinement.² In his notice of appeal, Appellant states that he is indigent and requests court-appointed appellate

¹ See TEX. PENAL CODE ANN. § 49.09(b).

² 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.

counsel. Accordingly, we abate the appeal and remand the cause to the trial court to determine:

- (1) whether Appellant still desires to prosecute the appeal; and
- (2) whether Appellant is indigent and entitled to appointed counsel. See TEX. CODE CRIM. PROC. ANN. art 1.051(d)(1).

The trial court shall enter such orders necessary to address the aforementioned questions. So too shall it include its findings on those matters in a clerk's record and cause that record to be filed with the Clerk of this Court by June 15, 2023. If it is determined that Appellant desires to proceed with the appeal, is indigent, and is entitled to appointed counsel, the trial court shall appoint counsel; the name, address, email address, phone number, and state bar number of any newly appointed counsel shall be included in the aforementioned findings.

Newly appointed counsel shall immediately request preparation of the appellate record. See TEX. R. APP. P. 35.3.

It is so ordered.

Per Curiam

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