



IN THE
TENTH COURT OF APPEALS

No. 10-12-00041-CR

MANUEL GARCIA,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 40th District Court
Ellis County, Texas
Trial Court No. 35,813CR

ABATEMENT ORDER

Appellant's counsel of record has filed a motion to withdraw, asserting that she has been representing Appellant pro bono, that she cannot afford to pay for the reporter's record, and that Appellant is indigent and cannot pay for the reporter's record.

The appointment of counsel for an indigent defendant in a criminal case is under the sole authority of the trial court. *See Enriquez v. State*, 999 S.W.2d 906, 907-08 (Tex. App.—Waco 1999, order); TEX. CODE CRIM. PROC. ANN. art. 26.04(a) (West Supp. 2011);

cf. Meza v. State, 206 S.W.3d 684, 688 (Tex. Crim. App. 2006).

The Court abates this cause to the trial court with instructions to hold a hearing to determine: (1) whether Appellant is indigent and entitled to appointed counsel and a free record; and (2) if Appellant is not found to be indigent, whether Appellant desires to represent himself or retain new counsel.

The trial court shall conduct the hearing within twenty-one (21) days after the date of this order. The trial court clerk and court reporter shall file supplemental records within thirty-five (35) days after the date of this order.

Upon receipt of the supplemental records, the Court will dispose of the motion to withdraw.

PER CURIAM

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Cause abated
Order issued and filed May 2, 2012
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