

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-07-00669-CR

William Edward Hughes, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BLANCO COUNTY, 424TH JUDICIAL DISTRICT
NO. CR952, HONORABLE DANIEL H. MILLS, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant William Edward Hughes was convicted of four counts of sexual assault of a child and assessed four consecutive twenty-year prison terms. His retained attorney at trial, Eddie Shell, signed and filed a notice of appeal on Hughes's behalf. The reporter's record has not been filed and is overdue. When notified by the Court, Shell replied in a letter that he was not retained for the appeal and does not know whether Hughes wishes to pursue the appeal.

Having signed the notice of appeal, Shell is Hughes's lead counsel on appeal. *See* Tex. R. App. P. 6.1(a). Shell's letter to the Court does not comply with either rule 6.4 or 6.5. *See* Tex. R. App. P. 6.4 (nonrepresentation notice), 6.5 (withdrawal of counsel).

To avoid further delays and protect the rights of the parties, the appeal is abated and the trial court is instructed to determine, following a hearing if necessary, if Hughes wishes to pursue the appeal and, if so, if Hughes is presently indigent. *See* Tex. R. App. P. 37.3. If the court finds

that Hughes wishes to appeal and is indigent, it shall appoint counsel to represent Hughes in this appeal and order the preparation of the reporter's record. Copies of all findings, conclusions, and orders, and a transcription of the reporter's notes if a hearing is held, shall be tendered for filing in this Court no later than June 6, 2008.

Jan P. Patterson, Justice

Before Justices Patterson, Puryear and Henson

Abated

Filed: May 7, 2008

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