

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-12-00241-CR

Ricardo Donnell Smalls, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF WILLIAMSON COUNTY, 277TH JUDICIAL DISTRICT
NO. 11-829-K277, HONORABLE JAMES E. MORGAN, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant filed his notice of appeal on April 18, 2012, the clerk's record was completed on May 30, and the reporter's record was filed on December 10, making appellant's brief due on January 9, 2013. *See* Tex. R. App. P. 38.6(a). On January 17, counsel filed a motion to withdraw from the case, explaining that he has been elected to public office as the District Attorney of Milam County.

We grant counsel's motion to withdraw and abate the appeal. The trial court shall conduct a hearing to determine whether appellant still wishes to pursue his appeal and, if so, shall appoint new counsel to represent appellant on appeal. The court shall make appropriate findings and recommendations, and a supplemental record from this hearing, including copies of all findings and orders and a transcription of the court reporter's notes, shall be forwarded to the clerk of this Court no later than February 28, 2013. Appellant's brief shall be due thirty days from the date new counsel is notified of his or her appointment.

David Puryear, Justice

Before Justices Puryear, Pemberton and Rose

Abated

Filed: January 25, 2013