

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-12-00540-CR

Rockelle LaShawn Parker, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 27TH JUDICIAL DISTRICT
NO. 62845, HONORABLE FANCY H. JEZEK, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

Appellant Rockelle LaShawn Parker has appealed from the district court's order revoking her community supervision for the offense of possession of cocaine with intent to deliver. On December 31, 2012, appellant's appointed counsel, Mr. W.W. Torrey, filed a motion to withdraw and for substitution of counsel in light of the commencement of his term of office as the District Attorney of Milam County effective January 1, 2013. For the reasons explained in *Williamson v. State*, No. 03-12-00672-CR, 2013 Tex. App. LEXIS 811, at *1-2 (Tex. App.—Austin Jan. 25, 2013, no pet. h.) (not designated for publication), we abate the appeal and remand the cause to the district court for consideration of counsel's motion. If the district court determines that good cause exists to relieve counsel of his duties and replace him with substitute counsel, the district court shall permit counsel to withdraw and promptly appoint substitute counsel for the appeal of this

cause. A copy of the court's order appointing substitute counsel and the court's order granting counsel's withdrawal shall be forwarded to this Court no later than March 4, 2013.

Mr. Torrey's December 31, 2012 motion was also accompanied by a brief concluding that this appeal is frivolous and without merit. *See Anders v. California*, 386 U.S. 738 (1967). As a formal matter, this *Anders* brief has been marked "received," but not filed, in part because it does not contain the required certificate of compliance with the newly enacted Rule 9.4, regarding the length of briefs. *See* Tex. R. App. P. 9.4(i)(3). Within thirty days of appointment, substitute counsel shall file an amended brief that remedies this omission and makes such other amendments as new counsel deems appropriate.

Before Justices Puryear, Pemberton and Rose

Abated

Filed: February 20, 2013

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