

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-14-00704-CV

2004 Dodge Ram 1500 TX LP #CPL1988 and 2000 Buick TX LP CV1N817, Appellants

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF MILAM COUNTY, 20TH JUDICIAL DISTRICT
NO. CV36,279, HONORABLE JOHN YOUNGBLOOD, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

This is a civil-forfeiture case involving the State's seizure of two vehicles. LaToya Alcorn, who claims an interest in at least one of the vehicles, filed a notice of appeal from the trial court's judgment. Shortly thereafter, Alcorn filed an untimely affidavit of indigence in the trial court. *See* Tex. R. App. P. 20.1(c)(1) ("An appellant must file the affidavit of indigence in the trial court with or before the notice of appeal."). However, in a timely filed motion, Alcorn requests an extension of the filing deadline. *See id.* 20.1(c)(3) (appellate court may extend time to file affidavit of indigence if appellant requests extension within 15 days after affidavit filing deadline). We grant the motion and abate the appeal to allow the trial court clerk to (1) provide the notice specified in Tex. R. App. P. 20.1(d)(1) and (2) set a deadline for filing a contest to the affidavit of indigence. If a contest is timely filed, the trial court shall hold a hearing to consider evidence and grant appropriate relief. *See id.* 20.1(e), (f), (g), (i). The appeal will be reinstated

upon written notice to this Court from any party that (1) no contest was timely filed, (2) the trial court has issued an order sustaining the contest, or (3) the trial court has not sustained the contest within the period set for hearing the contest. *See id.* 20.1(f), (i)(4).

Before Chief Justice Jones, Justices Rose and Goodwin

Abated and Remanded

Filed: December 23, 2014