

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00076-CR

Darla Wilcox, Appellant

v.

The State of Texas, Appellee

**FROM THE COUNTY COURT AT LAW NO. 1 OF HAYS COUNTY
NO. 14-0106CR, HONORABLE ROBERT UPDEGROVE, JUDGE PRESIDING**

MEMORANDUM OPINION AND ORDER

PER CURIAM

Retained counsel for appellant has filed a motion to withdraw. Counsel represents that appellant plans to file an affidavit of indigence to obtain a court appointed attorney to continue to prosecute this appeal.

On this Court's own motion, we abate this case, remand it to the trial court, and refer counsel's motion to withdraw to the trial court for its consideration. On remand, if the trial court grants the motion to withdraw, the trial court is directed to determine if appellant is indigent and entitled to appointment of counsel. *See* Tex. Code Crim Proc. art. 26.04. If the trial court appoints new counsel, the trial court is directed to provide counsel's name, address, telephone number, and state bar number to the Clerk of this Court immediately upon such appointment. Any orders shall be included in a supplemental clerk's record, and the supplemental clerk's record is to be filed with

the Clerk of this Court on or before May 15, 2017. The trial court also is directed to hold any hearings it deems necessary to comply with this order. Any such hearings shall be recorded and a supplemental reporter's record containing these hearings shall be filed with the Clerk of this Court on or before May 15, 2017.

This appeal shall be reinstated upon the date the supplemental clerk's record is filed with this Court. Appellant's brief shall be due thirty days after the appeal is reinstated in this Court.

It is ordered May 2, 2017.

Before Justices Puryear, Pemberton, and Goodwin

Abated and Remanded

Filed: May 2, 2017