

NO. 12-13-00288-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*CRAIG WELVON SAWYER,
APPELLANT*

§ *APPEAL FROM THE 114TH*

V.

§ *JUDICIAL DISTRICT COURT*

*THE STATE OF TEXAS,
APPELLEE*

§ *SMITH COUNTY, TEXAS*

MEMORANDUM OPINION

Craig Welvon Sawyer appeals his conviction for failure to register as a sex offender. After a bench trial, the court found him guilty and sentenced him to fifteen years of imprisonment. Appellant contends the trial court abused its discretion in denying his request for new counsel and his attorney's motion to withdraw. We affirm.

BACKGROUND

Appellant was indicted for failure to register as a sex offender, and the trial court appointed counsel to represent him at trial. At a June 10, 2013 docket call, Appellant complained that his attorney was hostile toward him, did not have his best interests in mind, and was not being effective counsel. He requested a different attorney but presented no evidence on the matter. The bench trial began the following day. Because of a delay in getting defense witnesses to court, the trial was continued. Counsel filed a motion to withdraw on August 14, 2013, claiming the attorney-client relationship was no longer tenable. A hearing was held the following day and the trial court denied the motion. The trial resumed the following week, and Appellant was found guilty.

REQUEST FOR NEW COUNSEL

In his sole issue, Appellant asserts that the trial court abused its discretion in denying his request for new counsel and his attorney's motion to withdraw. He argues that he and counsel had fundamental disagreements about trial strategy and were unable to work together.

Applicable Law

The trial court's ruling on a defendant's request for a change of appointed counsel is reviewed for abuse of discretion. See *King v. State*, 29 S.W.3d 556, 566 (Tex. Crim. App. 2000). Once the court has appointed an attorney to represent the indigent defendant, the defendant has been accorded the protections provided under the Sixth and Fourteenth Amendments regarding counsel. *Malcom v. State*, 628 S.W.2d 790, 791 (Tex. Crim. App. 1982). If a defendant is displeased with his appointed counsel, he bears the burden of proving that he is entitled to a change of counsel. *Id.* However, the trial court has no duty to search for counsel agreeable to the defendant. *King*, 29 S.W.3d at 566. Personality conflicts and disagreements concerning trial strategy are typically not valid grounds for the replacement of appointed counsel. *Id.*

Analysis

Just before his trial was to begin, Appellant complained that his court appointed attorney was hostile and ineffective. He asked for another attorney. Appellant did not ask for a hearing or present any evidence in support of his request for a new attorney. Midway through the trial, counsel filed a motion to withdraw. No evidence was presented at the hearing on that motion.

Due to the timing of the complaint, substitution of counsel would have caused delay in the trial. See *id.* Appellant has made only vague complaints about personality conflicts and trial strategy. Further, counsel stated on the record that the grievances Appellant had filed against her had been found to have no merit. Further, at the sentencing hearing, Appellant said he was satisfied with counsel's services. Personality conflicts and disagreements over trial strategy do not require appointment of new counsel. *Id.* The trial court did not abuse its discretion in denying Appellant's request for new counsel and his attorney's motion to withdraw. We overrule Appellant's sole issue.

DISPOSITION

We *affirm* the trial court's judgment.

JAMES T. WORTHEN
Chief Justice

Opinion delivered June 30, 2014
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

JUNE 30, 2014

NO. 12-13-00288-CR

CRAIG WELVON SAWYER,

Appellant

V.

THE STATE OF TEXAS,

Appellee

Appeal from the 114th District Court
of Smith County, Texas (Tr.Ct.No. 114-0252-13)

THIS CAUSE came to be heard on the appellate record and briefs filed herein, and the same being considered, it is the opinion of this court that there was no error in the judgment.

It is therefore ORDERED, ADJUDGED and DECREED that the judgment of the court below **be in all things affirmed**, and that this decision be certified to the court below for observance.

James T. Worthen, Chief Justice.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.