

FILED BY THOMAS H. HENNING

NUMBERS 13-14-00171-CR  
COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS CORPUS CHRISTI - EDINBURG

## Ramirez v. State

Decided Aug 26, 2014

NUMBERS 13-14-00171-CR NUMBERS 13-14-00172-CR NUMBERS 13-14-00301-CR

08-26-2014

MICHAEL DAVID RAMIREZ, Appellant, v. THE STATE OF TEXAS, Appellee.

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Order Per Curiam

On appeal from the 445th District Court of Cameron County, Texas.

### ORDER ABATING APPEAL

**Before Justices Rodriguez, Garza, and Benavides**

**Order Per Curiam**

Appellant's appointed counsel, Alfredo Padilla, advised this Court on July 2, 2014, that Larry Warner had been retained to represent the appellant in these causes. Padilla filed notices of appeal and is identified as lead counsel. *See* TEX. R. APP. P. 6.1 ("Unless another attorney is designated, lead counsel for an appellant is the attorney whose \*2 signature first appears on the notice of appeal."). Padilla has requested that his name be removed as attorney of record.

Padilla has filed no motion to withdraw. *See id.* at R. 6.5 (providing that an appellate court may, on appropriate terms and conditions permit an attorney to withdraw from representing a party in the appellate court). We have received no appropriately signed designation of new lead counsel. *See id.* at R. 6.1(c) ("If a new lead counsel is being designated, both the new attorney and either the party or the former lead counsel must sign the notice.").

Because we are unable to determine who is representing Ramirez in these appeals and what Ramirez' desires are in this matter, we ABATE the appeal and REMAND the cause to the trial court for clarification. Upon remand, the trial court shall hold a hearing, if necessary, and shall make and reduce to writing any findings and orders clarifying Ramirez' desires regarding the prosecution of these appeals and his representation. The trial court shall cause its findings and conclusions, together with any orders it may enter, to be included in a supplemental clerk's record. It shall also cause a supplemental reporter's record of any proceedings to be prepared. The supplemental clerk's record and supplemental reporter's record, if any, shall be filed with the Clerk of this Court on or before the expiration of thirty days from the date of this order. This appeal will be reinstated upon receipt of the foregoing materials and upon further order of this Court.

It is so ORDERED.

3 PER CURIAM \*3 Do not publish.

TEX. R. APP. P. 47.2(b).

Delivered and filed the 26<sup>th</sup> day of August, 2014.

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