

Abatement Order filed July 14, 2020



In The

**Fourteenth Court of Appeals**

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NO. 14-19-00295-CR

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**BRITTANY CNAE MCCUTCHEON, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 212th District Court  
Galveston County, Texas  
Trial Court Cause No. 18-CR-0917**

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**ABATEMENT ORDER**

The trial court appointed Thomas Allan Martin to represent appellant on appeal. Both parties filed briefs and on March 18, 2020, the appeal was submitted. On June 26, 2020, a notice of appearance of retained appellate counsel and motion to substitute was filed by Tom Abbate.

An appointed attorney represents the defendant until “charges are dismissed, the defendant is acquitted, appeals are exhausted, or the attorney is permitted or

ordered by the court to withdraw as counsel for the defendant after a finding of good cause is entered on the record.” Tex. Code Crim. Proc. art. 26.04(j)(2). Accordingly, we abate this appeal and order the trial judge to determine whether appellant wishes to be represented by retained counsel and appointed counsel should be allowed to withdraw. The judge shall see that a record of any hearing is made, and shall order the trial clerk to forward a record of the hearing, if any, and a supplemental clerk’s record containing any order allowing appointed counsel to withdraw. The record(s) shall be filed with this court within **30 days** of the date of this order.

The court takes no action on the motion to substitute pending receipt of the requested record(s).

The appeal is abated, treated as a closed case, and removed from this court’s active docket. The appeal will be reinstated on this court’s active docket after the requested records are filed in this court.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Jewell and Spain.