

Abatement Order filed July 16, 2020.



In The

Fourteenth Court of Appeals

NO. 14-19-00958-CR

MICHAEL PATRICK ANDERSON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 230th District Court
Harris County, Texas
Trial Court Cause No. 1634095**

ABATEMENT ORDER

The trial court appointed attorney Nicholas Vitolo to represent appellant on appeal. On June 29, 2020, Nicholas Vitolo filed a motion to withdraw as counsel to appellant. On June 30, 2020, appellant filed a motion to substitute counsel and allow R. Scott Shearer to represent appellant as his retained counsel. The motion to substitute is signed by R. Scott Shearer and appellant.

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). We abate this appeal and order the trial court to determine whether appointed counsel should be allowed to withdraw. The trial 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.

We take no action to rule on the motion to withdraw or 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 Zimmerer and Poissant.