



**COURT OF APPEALS FOR THE
FIRST DISTRICT OF TEXAS AT HOUSTON**

ORDER

Appellate case name: Ether Laver Thomas v. The State of Texas

Appellate case number: 01-18-00504-CR

Trial court case number: 15-DCR-070852

Trial court: 400th District Court of Fort Bend County

On October 3, 2019, the Court abated this appeal, ordering the trial court to conduct a hearing to determine whether the “Certification of Defendant’s Right of Appeal” entered by the trial court on November 17, 2017, was defective in stating that appellant’s case was a plea-bargain case, and appellant had no right of appeal and that appellant had waived her right of appeal. If the trial court determined that the certification was defective, the trial court was further ordered to execute an amended, corrected, certification, with the trial court clerk directed to submit a supplemental clerk’s record to this Court including the amended certification.

After two extensions of the abatement period, on January 10, 2020, the trial court held the ordered hearing with all necessary parties present. On January 21, 2020, a supplemental reporter’s record was filed with this Court including the transcript from the January 10, 2020 hearing. On March 24, 2020, the trial court clerk filed a supplemental clerk’s record including “Defendant’s Proposed Findings of Fact and Conclusions of Law” related to the January 10, 2020 hearing. Subsequently, on April 2, 2020, the trial court clerk filed another supplemental clerk’s record, including an “Order Adopting Defendant’s Proposed Findings of Fact and Conclusions of Law.” The trial court’s order was executed on March 26, 2020 and adopted the appellant’s proposed findings of fact and conclusions of law “in their entirety.”

The findings of fact and conclusions of law conclude that the original trial court certification of appellant’s right of appeal “is defective and inaccurate,” and that appellant “does, in fact, have the right to appeal. The findings of fact and conclusions of law further state that the trial court “will prepare an amended trial court certification of [appellant’s] right to appeal to correct inaccuracies, a defect or omissions, which will be submitted to the Court of Appeals for the First District of Texas.”

Despite the trial court's order, no further supplemental clerk's record has been filed with this Court including an amended certification of appellant's right of appeal. Accordingly, the trial court is directed to execute an amended certification of appellant's right of appeal, and the trial court clerk is directed to file a supplemental clerk's record containing the amended certification of appellant's right of appeal as outlined in the trial court's findings of fact and conclusions of law. *See* TEX. R. APP. P. 25.2(f), 34.5(c)(2). The supplemental clerk's record shall be filed with this Court no later than 20 days from the date of this order. *See* TEX. R. APP. P. 34.5(c) (2).

The appeal remains abated, treated as a closed case, and removed from this Court's active docket. The appeal will be reinstated on the Court's active docket when the supplemental clerk's record containing the amended certification of appellant's right of appeal is filed in this Court.

It is so ORDERED.

Judge's signature: /s/ Evelyn V. Keyes
 Acting individually Acting for the Court

Date: July 21, 2020