

COURT OF APPEALS OF THE FIFTH DISTRICT OF TEXAS AT DALLAS

Bernard Kipngeno Ngetich v. State

No. 05-12-00734-CR · No. No. 05-12-00734-CR · Decided March 29, 2013

OPINION

PER CURIAM.

Order entered March 29, 2013 In The Court of Appeals Fifth District of Texas at Dallas No. 05-12-00734-CR BERNARD KIPNGENO NGETICH, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 282nd Judicial District Court Dallas County, Texas Trial Court Cause No. F-11-62810-S ORDER The Court REINSTATES the appeal.

On January 8, 2013, we ordered the trial court to make findings regarding why appellant's brief has not been filed. We ADOPT the trial court's March 26, 2013 findings that: (1) appellant desires to pursue the appeal; (2) appellant is indigent and represented by court- appointed counsel Riann Moore; (3) Ms. Moore's explanation for the delay in filing appellant's brief is her workload; and (4) Ms. Moore requested thirty additional days from the March 26, 2013 hearing to file appellant's brief.

We ORDER Riann Moore to file appellant's brief by MAY 1, 2013. Because appellant's brief is already more than four months overdue, no further extensions will be granted. If appellant's brief is not filed by the date specified, the Court will order Riann Moore and the Dallas County Public Defender's Office removed as counsel and will order the trial court to appoint new counsel to represent appellant in this appeal.

We DIRECT the Clerk to send copies of this order, by electronic transmission, to the Honorable Andy Chatham, Presiding Judge, 282nd Judicial District Court; Katherine Drew, Appellate-Chief, Dallas County Public Defender's Office; Riann Moore; and Michael Casillas. /s/ DAVID EVANS JUSTICE