

COURT OF APPEALS FOR THE FIFTH DISTRICT OF TEXAS AT DALLAS

Donald Stevenson v. State

Stevenson v. State · No. Nos. 05-12-01668-CR, 05-12-01669-CR · Decided August 16, 2013

SUMMARY

The Court of Appeals for the Fifth District of Texas reinstates Donald Stevenson's appeals. The court adopts findings concerning appointed counsel's health-related inability to complete the appellant's brief, substitutes John Tatum as counsel of record, and orders a brief filed within forty-five days.

CASE DETAILS

COURT	Court of Appeals for the Fifth District of Texas at Dallas
WRITING FOR THE COURT	Lana Myers
JURISDICTION	Texas
DECIDED	August 16, 2013
DOCKET	Nos. 05-12-01668-CR, 05-12-01669-CR
DISPOSITION	other
PROCEDURAL POSTURE	Appellant's criminal appeals were reinstated after the appellate court reviewed and adopted trial-court findings concerning appointed counsel's inability to complete the appellant's brief and the appointment of substitute counsel.
PRECEDENTIAL VALUE	Published procedural order
PARTIES	Donald Stevenson v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure

PRACTICE AREAS

- appellate procedure
- criminal procedure

QUESTIONS PRESENTED

1. Whether the appeals should be reinstated and substitute counsel designated after appointed counsel became unable to complete the appellant's brief because of health issues.

FACTUAL BACKGROUND

Appointed appellate counsel David Pire was unable to complete Donald Stevenson's brief because of health issues. John Tatum was appointed as replacement counsel. The appellate court relied on these circumstances in reinstating the appeals and setting a new briefing deadline.

PROCEDURAL HISTORY

The appeals were pending in the Fifth District Court of Appeals. On July 29, 2013, the appellate court ordered the trial court to make findings regarding the status of the appeals. The court adopted findings that appointed counsel David Pire could not complete the brief because of health issues and that John Tatum had been appointed in his place, reinstated the appeals, substituted Tatum as counsel of record, and ordered a brief to be filed within forty-five days.

DISPOSITION

other

REMAND INSTRUCTIONS

The trial court was directed to implement the appellate court's order through the appointment of substitute counsel; appellant was ordered to file a brief within forty-five days of August 16, 2013.

OPINION

PER CURIAM.

Order entered August 16, 2013 In The Court of Appeals Fifth District of Texas at Dallas No. 05-12-01668-CR No. 05-12-01669-CR DONALD STEVENSON, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 265th Judicial District Court Dallas County, Texas Trial Court Cause Nos. F12-54028-R, F12-54029-R ORDER The Court REINSTATES the appeals.

On July 29, 2013, we ordered the trial court to make findings regarding the status of the appeal. We ADOPT the findings that: (1) appointed counsel David Pire has been unable to complete appellant's brief due to health issues; and (2) John Tatum has been appointed as appellant's attorney in place of Mr. Pire.

We DIRECT the Clerk to substitute John Tatum as appellant's attorney of record in place of David Pire. We ORDER appellant to file a brief within FORTY-FIVE DAYS of the date of this order. We DIRECT the Clerk to send copies of this order, by electronic transmission, to David Pire, John Tatum, and the Dallas County District Attorney's Office. /s/ LANA MYERS JUSTICE