

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Everett Gray v. State

Everett Gray v. State · No. Nos. 05-20-00772-CR, 05-20-00773-CR · Decided September 15, 2020

OPINION

PER CURIAM.

Order entered September 15, 2020 In The Court of Appeals Fifth District of Texas at Dallas No. 05-20-00772-CR No. 05-20-00773-CR EVERETT GRAY, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the Criminal District Court No. 2 Dallas County, Texas Trial Court Cause Nos. F15-71448-I & F15-55801-I ORDER After the Texas Court of Criminal Appeals granted Everett Gray out of time appeals in the above cases, he filed timely notices of appeal.

We ORDER the trial court to conduct a hearing to determine whether appellant is entitled to court-appointed counsel in these appeals. If the trial court finds that appellant is entitled to court-appointed counsel, we ORDER the trial court to appoint an attorney to represent appellant in the appeals. If the trial court finds that appellant is not entitled to court-appointed counsel, the trial court shall determine whether appellant will retain counsel to represent him in the appeals and, if so, the name, State Bar number, and contact information for retained counsel.

The clerk's records were filed on September 11, 2020. In cause number F15- 71448-I, the certification of appellant's right to appeal does not have any boxes checked; in cause number F15-55801-I, the certification states appellant waived his right to appeal despite his plea agreement stating it was an open plea.

We ORDER the trial court to file completed certifications of appellant's right to appeal in each case. We ORDER the trial court to transmit any record of the hearing on counsel, including findings of fact, any orders, and any supporting documentation, to this Court within THIRTY DAYS of the date of this order.

We ORDER District Clerk Felicia Pitre to file supplemental clerk's records containing the appointment of counsel and the certifications of appellant's right to appeal to this Court within THIRTY DAYS of the date of this order.

We DIRECT the Clerk to send copies of this order to the Honorable Nancy Kennedy, Presiding Judge, Criminal District Court No. 2; to Everett Gray, TDCJ# 02091901, Smith Unit, 1313 CR 19, Lamesa, TX 79331; and to the Dallas County District Attorney's Office.

We ABATE the appeals to allow the trial court to comply with the order. The appeals will be reinstated thirty days from the date of this order or when the findings are received, whichever is

earlier. /s/ ROBERT D. BURNS, III CHIEF JUSTICE

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