

FOURTH COURT OF APPEALS OF TEXAS

Matthew Rose v. The State of Texas

No. 04-22-00028-CR (Tex. App.—San Antonio June 2, 2022) · No. 04-22-00028-CR · Decided June 2, 2022

SUMMARY

The Fourth Court of Appeals of Texas denied as moot appellant Matthew Rose’s motion to abate and request for appointment of new counsel because the trial court had already substituted John Michael Lamerson as counsel. The court stated that appellant’s brief was due on or before June 15, 2022.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas
WRITING FOR THE COURT	Per curiam
JURISDICTION	Texas
DECIDED	June 2, 2022
DOCKET	04-22-00028-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant moved to abate the appeal and requested appointment of different counsel. While the motion was pending, the trial court substituted John Michael Lamerson as appellant's counsel.
PRECEDENTIAL VALUE	Published
PARTIES	Matthew Rose v. The State of Texas

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether appellant's motion to abate the appeal and request for appointment of another attorney should be denied as moot after the trial court substituted new counsel.

HOLDINGS

1. The motion was denied as moot because the trial court had already substituted John Michael Lamerson as appellant's counsel.

KEY QUOTATIONS

“In light of the substitution, the pending motion is DENIED AS MOOT.”

FACTUAL BACKGROUND

Appellant's counsel sought abatement of the appeal and appointment of another attorney. The trial court subsequently entered an order substituting John Michael Lamerson as appellant's counsel. Because the requested substitution had occurred, the appellate motion no longer required adjudication.

PROCEDURAL HISTORY

The appeal was pending before the Fourth Court of Appeals of Texas. Appellant's counsel filed a motion to abate and request for appointment of another attorney on May 26, 2022. The trial court's May 26 order substituting John Michael Lamerson as counsel was filed in a supplemental clerk's record on May 27, 2022, and the appellate court denied the pending motion as moot.

DISPOSITION

dismissed