

COURT OF APPEALS OF TEXAS, FIRST DISTRICT AT HOUSTON

Fernando Guerrero v. The State of Texas

No. 01-17-00462-CR, Court of Appeals of Texas, First District at Houston (January 18, 2018)

SUMMARY

The First District Court of Appeals for Texas reinstated Fernando Guerrero's criminal appeal on its active docket after the trial court appointed appellate counsel. The court also designated Daucie Schindler as lead counsel and ordered that appellant's brief be filed within 30 days.

CASE DETAILS

COURT	Court of Appeals of Texas, First District at Houston
WRITING FOR THE COURT	Russell Lloyd
JURISDICTION	Texas
DECIDED	January 18, 2018
DOCKET	01-17-00462-CR
DISPOSITION	other
PROCEDURAL POSTURE	The criminal appeal was abated and remanded to the trial court for determination of appointed trial counsel's motion to withdraw and, if necessary, appointment of appellate counsel. After the trial court appointed appellate counsel and appellant designated new lead counsel, the Court of Appeals reinstated the appeal on its active docket.
PRECEDENTIAL VALUE	published
PARTIES	Fernando Guerrero v. The State of Texas

TOPICS

[appellate procedure](#) [criminal procedure](#) [right to counsel](#)

PRACTICE AREAS

[criminal procedure](#) [appellate procedure](#)

QUESTIONS PRESENTED

1. Whether the appeal should be reinstated after the trial court complied with the abatement order by appointing appellate counsel.
2. Whether the appellate court should designate Daucie Schindler as appellant's appointed lead counsel under Texas Rules of Appellate Procedure 6.1(c) and 6.3.

HOLDINGS

1. Because the trial court entered an order appointing counsel to represent appellant on appeal, the Court of Appeals reinstated the case on its active docket.
2. The court directed its clerk to note Daucie Schindler as appointed lead counsel for appellant on the appellate docket after appellant filed notice designating her as new lead counsel.

KEY QUOTATIONS

“Accordingly, we REINSTATE this case on the Court’s active docket.”

“Appellant’s brief is due to be filed in this appeal no later than 30 days from the date of this order.”

FACTUAL BACKGROUND

The order concerns the representation of Fernando Guerrero in a pending criminal appeal. The trial court was directed to address appointed trial counsel's motion to withdraw and to appoint appellate counsel if necessary. The trial court appointed Scott C. Pope, after which Guerrero designated Daucie Schindler as new lead counsel.

PROCEDURAL HISTORY

On December 5, 2017, the court abated the appeal and remanded it to the 351st District Court of Harris County. The trial court entered an order on December 7, 2017, appointing Scott C. Pope to represent appellant on appeal. After appellant filed a January 8, 2018 notice designating Daucie Schindler as new lead counsel, the Court of Appeals reinstated the appeal and set a deadline for appellant's brief.

DISPOSITION

other

OPINION

PER CURIAM.

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON ORDER
Appellate case name: Fernando Guerrero v. The State of Texas Appellate case number: 01-17-00462-CR Trial court case number: 1493328 Trial court: 351st District Court of Harris County On December 5, 2017, we abated this appeal and remanded the case to the trial court.

In the abatement order, we directed the trial court to determine appointed trial counsel’s motion to withdraw and, if necessary, appoint counsel, at no expense to appellant, to represent him on

appeal. The trial court clerk has filed a supplemental clerk's record that includes the trial court's December 7, 2017 order appointing Scott C. Pope of the Harris County Public Defender's Office to represent appellant on appeal.

Accordingly, we REINSTATE this case on the Court's active docket. On January 8, 2018, appellant filed a notice designating Daucie Schindler of the Harris County Public Defender's Office as new lead counsel for appellant. See TEX. R. APP. P. 6.1(c).

The Clerk of this Court is directed to note Daucie Schindler as appointed counsel for appellant on the docket of this Court. See id. 6.1(c), 6.3. Appellant's brief is due to be filed in this appeal no later than 30 days from the date of this order. It is so ORDERED. Judge's signature: /s/ Russell Lloyd Acting individually Acting for the Court Date: January 18, 2018