

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Christopher Holland v. the State of Texas

No. 01-24-00554-CR (Tex. App.—Houston [1st Dist.] Jan. 6, 2026) · No. 01-24-00554-CR · Decided January 6, 2026

SUMMARY

The First Court of Appeals of Texas dismissed Christopher Holland’s criminal appeal after an abatement hearing established that he did not want to pursue the appeal. The court suspended the usual requirements for a signed dismissal motion under Texas Rule of Appellate Procedure 42.2, reinstated the appeal, and dismissed it under Rules 2 and 43.2(b).

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Chief Justice Adams; Justice Gunn; Justice Johnson
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	January 6, 2026
DOCKET	01-24-00554-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Holland appealed his jury conviction and sentence for aggravated assault causing serious bodily injury. After an abatement hearing, the trial court found that Holland did not want to prosecute the appeal. The court of appeals suspended the requirements for a written dismissal motion and dismissed the appeal.
PRECEDENTIAL VALUE	Nonprecedential; opinion designated not for publication under Tex. R. App. P. 47.2(b).
PARTIES	Christopher Holland v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure
- preservation of error

PRACTICE AREAS

- criminal appellate procedure
- criminal procedure

QUESTIONS PRESENTED

1. Whether the court of appeals could suspend the written-motion and signature requirements of Texas Rule of Appellate Procedure 42.2(a) under Rule 2 when the record and trial court findings showed that the appellant did not wish to pursue his criminal appeal.
2. Whether the appeal should be dismissed after the court suspended Rule 42.2's requirements.

HOLDINGS

1. When good cause exists, an appellate court may suspend the operation of Texas Rule of Appellate Procedure 42.2 in a particular criminal appeal and order a different procedure for dismissal, including when the record and trial court findings establish that the appellant does not wish to pursue the appeal.
2. The appeal was properly dismissed after the court reinstated it and suspended Rule 42.2's written-motion requirements based on Holland's expressed desire not to pursue the appeal and the trial court's findings.

KEY QUOTATIONS

“Although no written motion has been filed in compliance with Rule 42.2(a), based on the record presented to this Court, and the finding of the trial court from the abatement hearing, we conclude that good cause exists to suspend the operation of Rule 42.2 in this appeal.” (at 2)

“Accordingly, based on the record before us, we reinstate and dismiss the appeal.” (at 3)

FACTUAL BACKGROUND

Holland was convicted by a jury of aggravated assault causing serious bodily injury and sentenced to fifty years' confinement in the Texas Department of Criminal Justice. During an abatement hearing concerning representation and the continuation of the appeal, Holland attended by video conference. The trial court found that Holland had not agreed to retain proposed counsel Brad Haggard and did not want to prosecute his appeal.

PROCEDURAL HISTORY

A Brazoria County jury convicted Holland on May 8, 2024, and the trial court sentenced him to fifty years' confinement. Trial counsel filed a notice of appeal, and retained counsel filed appellate briefing. After counsel moved to withdraw, the court of appeals granted substitution and abated the appeal for the trial court to determine whether Holland wished to continue and whether he had retained or needed appointed counsel. Following the trial court's findings that Holland did not want to pursue the appeal, the court of appeals reinstated and dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- *Connors v. State*, 966 S.W.2d 108, 110–11 (Tex. App.—Houston [1st Dist.] 1998, pet. ref'd)

- Hawthorne v. State, No. 01-24-00887-CR, 2025 WL 1225115, at *1 (Tex. App.—Houston [1st Dist.] Apr. 29, 2025, no pet.)
- Boiser v. State, No. 01-19-00911-CR, 2021 WL 3669627, at *2 (Tex. App.—Houston [1st Dist.] Aug. 19, 2021, no pet.)
- Truong v. State, No. 01-17-00343-CR, 2018 WL 1630177, at *1 (Tex. App.—Houston [1st Dist.] Apr. 5, 2018, no pet.)

OPINION

PER CURIAM.

Opinion issued January 6, 2026 In The Court of Appeals For The First District of Texas NO. 01-24-00554-CR CHRISTOPHER HOLLAND, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 412th Judicial District Court Brazoria County, Texas Trial Court Case No. 96101-CR On May 8, 2024, appellant Christopher Holland was convicted by a jury of Aggravated Assault Causing Serious Bodily Injury and sentenced to 50 years' confinement in the Texas Department of Criminal Justice (TDCJ) – Institutional Division.

Appellant's appointed trial counsel Kenneth Nash filed a notice of appeal on July 22, 2024. Appellant's retained attorney Chris Self filed appellant's brief on February 11, 2025, and on February 26, 2025, the State filed appellee's brief.

On June 24, 2025, Chris Self filed a Motion to Substitute Counsel, requesting to withdraw and stating that attorney Brad Haggard will represent appellant. We granted the motion to substitute and abated for the trial court to determine whether appellant wants to pursue his appeal and, if so, whether he retained Brad Haggard or is indigent and wants appointed counsel.

See TEX. R. APP. P. 6.5. The trial court held the abatement hearing on August 8, 2025, which appellant attended by video conference. On August 14, 2025, the trial court issued findings of fact and conclusions of law.

The trial court concluded, among other things, that appellant “has not agreed to retain attorney Brad Haggard” and “does not want to prosecute his appeal.” The voluntary dismissal of a criminal appeal is governed by Texas Rule of Appellate Procedure 42.2, which requires a motion to dismiss, signed by an appellant and his attorney, to be filed with the appellate court.

TEX. R. APP. P. 42.2(a). But on our own initiative, if we find good cause exists, we may suspend the requirements of Rule 42.2 in a particular case to order a different procedure. See TEX. R. APP. P. 2 (providing appellate courts may—to expedite a decision or for other good cause—suspend a rule's operation in a particular case and order a different procedure).

2 Although no written motion has been filed in compliance with Rule 42.2(a), based on the record presented to this Court, and the finding of the trial court from the abatement hearing, we conclude

that good cause exists to suspend the operation of Rule 42.2 in this appeal. See TEX. R. APP. P. 2, 42; *Conners v. State*, 966 S.W.2d 108, 110–11 (Tex. App.—Houston [1st Dist.]

1998, pet. ref'd) (using Rule 2 to suspend operation of Rule 42.2 to dismiss appeal); see also *Hawthorne v. State*, No. 01-24-00887-CR, 2025 WL 1225115, at *1 (Tex. App.—Houston [1st Dist.] Apr. 29, 2025, no pet.) (mem. op., not designated for publication) (suspending operation of Rule 42.2(a) and dismissing appeal based on appellant's statement at abatement hearing that he did not wish to pursue appeal and trial court's findings of fact that appellant expressed desire not to proceed with his appeal); *Boiser v. State*, No. 01-19-00911-CR, 2021 WL 3669627, at *2 (Tex.

App.—Houston [1st Dist.] Aug. 19, 2021, no pet.) (mem. op., not designated for publication) (suspending operation of Rule 42.2(a) and dismissing appeal based on record and trial court finding abandonment of appeal); *Truong v. State*, No. 01-17- 00343-CR, 2018 WL 1630177, at *1 (Tex. App.—Houston [1st Dist.] Apr. 5, 2018, no pet.) (mem. op., not designated for publication) (suspending operation of Rule 42.2 and construing abatement record as appellant's motion to dismiss appeal).

We have not issued a decision in the appeal. See TEX. R. APP. P. 42.2(b). 3 Accordingly, based on the record before us, we reinstate and dismiss the appeal. See TEX. R. APP. P. 43.2(b). We dismiss any pending motions as moot. PER CURIAM Panel consists of Chief Justice Adams and Justices Gunn and Johnson. Do not publish. TEX. R. APP. P. 47.2(b). 4