

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

Victor Rajjaunh Harvey v. the State of Texas

Harvey · No. 07-25-00394-CR · Decided May 20, 2026

SUMMARY

The Seventh Court of Appeals of Texas abates Victor Rajjaunh Harvey’s appeal from the revocation of his community supervision and remands the matter to the trial court. The trial court is directed to determine whether Harvey wishes to continue the appeal, his indigency and representation status, the reasons for the missing brief, and related counsel issues, and to file a supplemental record by June 22, 2026.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Per Curiam; Parker, C.J.; Doss, J.; Yarbrough, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	May 20, 2026
DOCKET	07-25-00394-CR
DISPOSITION	remanded
PROCEDURAL POSTURE	Appeal from a judgment revoking community supervision and sentencing Appellant to nine years and nine months of confinement; the appellate court abated the appeal and remanded for findings concerning prosecution of the appeal and the failure to file an appellate brief.
PRECEDENTIAL VALUE	Unpublished and designated do not publish
PARTIES	Victor Rajjaunh Harvey v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure
- right to counsel
- ineffective assistance

PRACTICE AREAS

- criminal appellate procedure
- criminal procedure
- ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether the appeal should be abated and remanded when appointed appellate counsel failed to file a timely brief.
2. What factual and procedural findings the trial court must make concerning Harvey's desire to prosecute the appeal, indigency, counsel's failure to file a brief, possible abandonment, ineffective assistance, and possible appointment of new counsel.

HOLDINGS

1. When appointed appellate counsel fails to file the appellant's brief after being given notice and an additional deadline, the appellate court may abate the appeal and remand the cause for trial-court proceedings under Texas Rule of Appellate Procedure 38.8(b)(2) and (3).
2. On remand, the trial court must determine whether the appellant wishes to continue the appeal, whether the appellant is indigent, why the brief was not timely filed, whether counsel abandoned the appeal, whether the appellant was denied effective assistance of counsel, whether new counsel should be appointed, and when any brief will be filed, and must provide those findings in a supplemental record.

KEY QUOTATIONS

"Accordingly, we abate the appeal and remand the cause to the trial court for further proceedings."

"The trial court is also directed to enter such orders necessary to address the aforementioned questions."

FACTUAL BACKGROUND

The trial court revoked Harvey's community supervision for assault of a family or household member and sentenced him to nine years and nine months of confinement. Harvey's appointed appellate counsel did not file the required brief by April 13, 2026, or by the May 1, 2026 deadline set after the appellate court's admonition, and had no further communication with the court.

PROCEDURAL HISTORY

Harvey appealed the trial court's judgment revoking his community supervision for assault of a family or household member. His appointed counsel failed to file the appellate brief by the original deadline or by the extended date specified in the court's admonition, so the court abated the appeal and remanded the matter to the trial court for further proceedings and a supplemental record.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The trial court must determine whether Harvey still desires to prosecute the appeal; whether he is indigent; if not indigent, whether he has arranged for filing a brief; why a timely brief was not filed; whether counsel abandoned

the appeal; whether Harvey was denied effective assistance of counsel; whether new counsel should be appointed; and, if Harvey wishes to continue, when the brief will be filed. The trial court must enter necessary orders, include its findings in a supplemental record, and cause that record to be filed with the appellate court by June 22, 2026. If Harvey wishes to proceed, is indigent, and was denied effective assistance, the trial court may appoint new counsel. If counsel files a brief before the trial court acts, counsel must notify the trial court in writing and no further remand action is required.

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