

TENTH COURT OF APPEALS OF TEXAS

Virginia Adams v. The State of Texas

No. 10-21-00086-CR (Tex. App.—Waco Jan. 14, 2022) · No. 10-21-00086-CR · Decided January 14, 2022

SUMMARY

The Tenth Court of Appeals of Texas abated Virginia Adams’s criminal appeal after her appellate attorney filed an Anders brief and Adams requested appointment of new counsel. The court directed the trial court to conduct a hearing within 30 days to determine whether Adams was entitled to new counsel and, if so, to notify the appellate court of the new attorney’s identity.

CASE DETAILS

COURT	Tenth Court of Appeals of Texas
WRITING FOR THE COURT	Chief Justice Gray; Justice Johnson; Justice Wright
JURISDICTION	Texas
DECIDED	January 14, 2022
DOCKET	10-21-00086-CR
DISPOSITION	other
PROCEDURAL POSTURE	Adams appealed her conviction and sentence. Her appellate attorney filed an Anders brief, and Adams requested appointment of new appellate counsel. The court abated the appeal and ordered the trial court to determine whether she was entitled to new counsel.
PRECEDENTIAL VALUE	Published
PARTIES	Virginia Adams v. The State of Texas

TOPICS

appellate procedure right to counsel criminal procedure

PRACTICE AREAS

criminal appellate procedure right to counsel

QUESTIONS PRESENTED

1. Whether Adams's request for new appellate counsel required the appellate court to abate the appeal for a trial-court determination of whether she was entitled to new counsel.

HOLDINGS

1. In light of Adams's allegations of dissatisfaction with her appellate attorney's representation, the appellate court abated the appeal and required the trial court to determine whether Adams was entitled to appointment of new counsel.

KEY QUOTATIONS

“Considering Adams’ allegations, we abate this case to the trial court for a determination of whether Adams is entitled to appointment of new counsel.” (Page 1)

FACTUAL BACKGROUND

Virginia Adams was convicted and sentenced in the trial court. During the appeal, her appointed appellate attorney filed an Anders brief. After receiving notice of her right to review the record and respond, Adams requested appointment of a new attorney and expressed dissatisfaction with her appellate representation.

PROCEDURAL HISTORY

After Adams appealed her conviction and sentence, appointed appellate counsel filed an Anders brief. The appellate court notified Adams of her right to review the record and respond, and she requested new counsel based on dissatisfaction with her attorney's representation. The appellate court abated the appeal for a trial-court hearing on her request.

DISPOSITION

other

REMAND INSTRUCTIONS

The trial court shall hold a hearing on Adams's request within 30 days of the order. If the trial court determines that Adams is entitled to new counsel, it shall notify the appellate court of the identity of Adams's new attorney within 10 days.

OPINION

Virginia Adams v. the State of Texas

PER CURIAM.

IN THE

TENTH COURT OF APPEALS

No. 10-21-00086-CR

VIRGINIA ADAMS,

Appellant v.

THE STATE OF TEXAS,

Appellee From the 361st District Court Brazos County, Texas Trial Court No. 18-04769-CRF-361

ABATEMENT ORDER

Virginia Adams has appealed her conviction and sentence. Adams' appellate attorney has filed an Anders brief. This Court issued a letter on January 3, 2022 notifying Adams of her right to review the record and to file a written response to the Anders brief. On the same date, the Court received a letter from Adams requesting appointment of a new attorney. Adams expresses dissatisfaction with her appellate attorney's representation. Considering Adams' allegations, we abate this case to the trial court for a determination of whether Adams is entitled to appointment of new counsel. The trial court shall hold a hearing on Adams' request within thirty (30) days from the date of this Order. If the trial court determines that Adams is entitled to a new attorney, the trial court shall notify this Court of the identity of Adams' new attorney within ten (10) days.

PER CURIAM

Before Chief Justice Gray, Justice Johnson, and Justice Wright 1 Abatement order Order delivered and filed January 14, 2022

RWR

1 The Honorable Jim R. Wright, Senior Chief Justice (Retired) of the Eleventh Court of Appeals, sitting by assignment of the Chief Justice of the Texas Supreme Court. See TEX. GOV'T CODE ANN. §§ 74.003, 75.002, 75.003. Virginia Adams v. The State of Texas Page 2