

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

- 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.