

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Charles Richard Vandiver v. State

Vandiver v. State · No. 05-12-01678-CR · Decided March 27, 2014

SUMMARY

The Texas Court of Appeals, Fifth District at Dallas, grants appointed counsel Valencia Bush leave to withdraw and directs the clerk to remove her as counsel of record. The court denies the appellant’s motion for a new hearing and grants in part his motion to enforce a court order by directing counsel to provide specified records and an exhibit.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Per curiam; signed by Justice Michael J. O’Neill; Justice Bridges; Justice O’Neill; Justice Brown
JURISDICTION	Texas
DECIDED	March 27, 2014
DOCKET	05-12-01678-CR
DISPOSITION	other
PROCEDURAL POSTURE	Appellate order resolving post-submission motions concerning appointed appellate counsel, a requested new hearing, and enforcement of a prior court order.
PRECEDENTIAL VALUE	Published appellate order; precedential status is not otherwise described in the provided text.
PARTIES	Charles Richard Vandiver v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure
- right to counsel

PRACTICE AREAS

- criminal appellate procedure
- appointed appellate counsel

QUESTIONS PRESENTED

- Whether appointed appellate counsel should be permitted to withdraw.

2. Whether appellant was entitled to a new hearing.
3. Whether appellant's motion to enforce a court order should be granted.

HOLDINGS

1. The court granted Valencia Bush leave to withdraw as appointed counsel on appeal and directed the clerk to remove her as counsel of record.
2. The court denied Vandiver's March 20, 2014 motion for a new hearing.
3. The court granted the motion to enforce in part by ordering Valencia Bush to send Vandiver a copy of the supplemental reporter's record filed January 31, 2014 and Exhibit 26, a CD containing jail calls.

FACTUAL BACKGROUND

Charles Richard Vandiver was represented by appointed appellate counsel, Valencia Bush. Bush moved for leave to withdraw, and Vandiver filed motions seeking a new hearing and enforcement of a court order. The court ordered counsel to provide Vandiver with a copy of the supplemental reporter's record filed January 31, 2014 and Exhibit 26, identified as a CD containing jail calls.

PROCEDURAL HISTORY

The appeal was pending in the Fifth District Court of Appeals of Texas under docket number 05-12-01678-CR. On March 27, 2014, the court issued an order based on its opinion of the same date, granting appointed counsel's motion to withdraw, denying appellant's motion for a new hearing, and partially granting appellant's motion to enforce a court order.

DISPOSITION

other

OPINION

PER CURIAM.

Order issued March 27, 2014 S In The Court of Appeals Fifth District of Texas at Dallas

No. 05-12-01678-CR
CHARLES RICHARD VANDIVER, Appellant
V. THE STATE OF TEXAS, Appellee ORDER Before Justices Bridges, O'Neill, and Brown
Based on the Court's opinion of this date, we GRANT the September 4, 2013 motion of Valencia Bush for leave to withdraw as appointed counsel on appeal.

We DIRECT the Clerk of the Court to remove Valencia Bush as counsel of record for appellant. We DENY appellant's March 20, 2014 motion for new hearing. We GRANT appellant's March 20, 2014 motion to enforce court order to the extent that we ORDER counsel Valencia Bush to send

appellant a copy of the supplemental reporter's record filed January 31, 2014 and Exhibit #26, CD-jail calls.

We DIRECT the Clerk of the Court to send a copy of this order and all future correspondence to Charles Richard Vandiver, TDCJ No. 1831208, Dalhart Unit, 11950 FM 998, Dalhart, Texas, 79022. /Michael J. O'Neill/ MICHAEL J. O'NEILL JUSTICE