

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

Albert Nicolas v. State

Nicolas v. State · No. 04-13-00834-CR & 04-13-00835-CR · Decided February 3, 2014

OPINION

PER CURIAM.

The State of TexasAppellee/s Fourth Court of Appeals San Antonio, Texas February 3, 2014 Nos. 04-13-00834-CR & 04-13-00835-CR Albert NICOLAS, Appellant v. THE STATE OF TEXAS, Appellee From the 198th Judicial District Court, Kerr County, Texas Trial Court Nos. B93-6 & B93-7 Honorable M. Rex Emerson, Judge Presiding ORDER Appellant filed a “Motion for Nunc Pro Tunc to Correct Judgments and Sentences, Motion to Set, Motion for Bench Warrant.” In this motion, appellant sought to have the trial court correct the judgments in his prior convictions “to remove the attorney fees” imposed because appellant was at all times indigent.

By order signed October 1, 2013, the trial court found appellant was indigent and stated appellant “is no longer required to pay the fine, court cost due to Kerry County, as required in the Judgment recorded in the above entitled cause in the amount of \$5,766.86.” Despite receiving what appears to be all the relief he sought by way of his motion, appellant timely filed a notice of appeal.

Based on our initial review of the clerk’s records, it appears appellant’s appeals are moot – given that it appears he received the relief he sought. However, we cannot make such a determination until we know the issues appellant intends to raise on appeal.

Accordingly, we ORDER appellant to file in this court on or before February 24, 2014 a statement of the issues he intends to raise on appeal. If appellant does not file a statement of issues as ordered, we will dismiss his appeal as moot, given that it appears he has received all the relief requested in his “Motion for Nunc Pro Tunc to Correct Judgments and Sentences, Motion to Set, Motion for Bench Warrant.” We further order the clerk of this court to serve a copy of this order on appellant, all counsel, and the trial court. _____ Marialyn Barnard, Justice IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 3rd day of February, 2014. _____ Keith E. Hottle Clerk of Court