

COURT OF APPEALS FOR THE FIFTH DISTRICT OF TEXAS AT DALLAS

Tyrontae Lomon Cooper v. State

Cooper v. State · No. Nos. 05-19-00229-CR, 05-19-00230-CR, 05-19-00231-CR, 05-19-00232-CR, 05-19-00233-CR · Decided July 10, 2019

SUMMARY

The Court of Appeals for the Fifth District of Texas granted counsel Timothy E. Brown’s motions to withdraw in five consolidated criminal appeals. The court ordered the trial court to appoint new counsel, transmit supplemental clerk’s records, and abated the appeals pending compliance.

CASE DETAILS

COURT	Court of Appeals for the Fifth District of Texas at Dallas
WRITING FOR THE COURT	Bill Pedersen, III
JURISDICTION	Texas
DECIDED	July 10, 2019
DOCKET	Nos. 05-19-00229-CR, 05-19-00230-CR, 05-19-00231-CR, 05-19-00232-CR, 05-19-00233-CR
DISPOSITION	other
PROCEDURAL POSTURE	During the pendency of five criminal appeals, appointed appellate counsel moved to withdraw. The court granted the motions, directed the trial court to appoint new counsel, abated the appeals, and ordered transmission of supplemental clerk's records.
PRECEDENTIAL VALUE	Procedural order; no reporter citation appears in the provided text.
PARTIES	Tyrontae Lomon Cooper v. The State of Texas

TOPICS

- appellate procedure
- right to counsel
- criminal procedure

PRACTICE AREAS

- criminal appellate procedure
- right to counsel

QUESTIONS PRESENTED

- Whether appellate counsel's motions to withdraw should be granted.

2. What procedural relief was necessary to ensure that appellant was represented by new counsel in the appeals.

HOLDINGS

1. The court granted Timothy E. Brown's motions to withdraw as counsel for appellant and directed the clerk to remove him as counsel of record.
2. The trial court was ordered to appoint new counsel to represent appellant in the five appeals.
3. The appeals were abated pending the trial court's compliance with the appointment order, after which the appellate court would reinstate the appeals and set a new briefing deadline.

KEY QUOTATIONS

“We *ORDER* the trial court to appoint new counsel to represent appellant in these appeals.” (Order)

“We *ABATE* the appeal to allow the trial court to comply with this order.” (Order)

FACTUAL BACKGROUND

Timothy E. Brown represented Tyrontae Lomon Cooper in five pending criminal appeals. Brown moved to withdraw as appellate counsel. The Court of Appeals granted the motions and required the trial court to appoint substitute counsel.

PROCEDURAL HISTORY

The appeals arose from the 15th Judicial District Court of Grayson County, Texas, in five trial court causes. Appellant's counsel moved to withdraw on July 9, 2019. The Court of Appeals granted the motions, ordered the trial court to appoint new counsel and transmit the appointment order within thirty days, and abated the appeals pending compliance.

DISPOSITION

other

REMAND INSTRUCTIONS

The trial court must appoint new counsel to represent appellant and transmit supplemental clerk's records containing the appointment order to the Court of Appeals within thirty days of July 10, 2019. The appeals are abated and will be reinstated upon receipt of the appointment order; the court will then set a new due date for appellant's brief.

OPINION

Tyrontae Lomon Cooper v. State

PER CURIAM.

Order entered July 10, 2019 In The Court of Appeals Fifth District of Texas at Dallas No. 05-19-

00229-CR No. 05-19-00230-CR No. 05-19-00231-CR No. 05-19-00232-CR No. 05-19-00233-CR
TYRONTAE LOMON COOPER, Appellant V. THE STATE OF TEXAS, Appellee On Appeal
from the 15th Judicial District Court Grayson County, Texas Trial Court Cause Nos. 069973,
069975, 069976, 069977 & 069796

ORDER

Before the Court are Timothy E. Brown's July 9, 2019 motions to withdraw as counsel for appellant. We GRANT the motions. We DIRECT the Clerk to remove Timothy E. Brown as appellant's counsel of record. We ORDER the trial court to appoint new counsel to represent appellant in these appeals. We ORDER the trial court to transmit supplemental clerk=s records containing the order appointing new counsel to this Court within THIRTY DAYS of the date of this order. We ABATE the appeal to allow the trial court to comply with this order. We will reinstate the appeals when we receive the order appointing new counsel. Upon reinstatement, the Court will also set a new due date for appellant's brief.

/s/ BILL PEDERSEN, III

JUSTICE

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