

COURT OF APPEALS, FIFTH DISTRICT OF TEXAS AT DALLAS

Raymon Steffani Lawrence v. State

Nos. 05-17-01177-CR and 05-17-01178-CR · No. Nos. 05-17-01177-CR and 05-17-01178-CR · Decided August 20, 2018

SUMMARY

The Texas Court of Appeals, Fifth District at Dallas, ordered preparation and filing of supplemental clerk's records containing a judgment of conviction and properly signed certifications of the right to appeal. The court also granted the appellant access to the appellate record to prepare a pro se response to counsel's Anders brief and set a deadline for that response.

CASE DETAILS

COURT	Court of Appeals, Fifth District of Texas at Dallas
WRITING FOR THE COURT	Craig Stoddart
JURISDICTION	Texas
DECIDED	August 20, 2018
DOCKET	Nos. 05-17-01177-CR and 05-17-01178-CR
DISPOSITION	other
PROCEDURAL POSTURE	Consolidated criminal appeals pending review of counsel's Anders brief; the appellate court entered an order addressing deficiencies in the appellate records and the appellant's request to review the records and file a pro se response.
PRECEDENTIAL VALUE	Procedural order with no reporter citation; no substantive precedential holding identified.
PARTIES	Raymon Steffani Lawrence v. The State of Texas

TOPICS

[appellate procedure](#)[criminal procedure](#)[right to counsel](#)

PRACTICE AREAS

[criminal appellate practice](#)[Anders procedure](#)[appellate record supplementation](#)

QUESTIONS PRESENTED

1. Whether the appellate records should be supplemented to include the missing judgment of conviction and properly signed certifications of the right to appeal.
2. Whether Lawrence should be permitted to review the clerk's and reporter's records and file a pro se response to counsel's Anders brief.

HOLDINGS

1. The court determined that the records were deficient and ordered the trial court and Dallas County District Clerk to prepare and file supplemental clerk's records containing a properly signed certification of the right to appeal in each case and the missing judgment of conviction in cause number 05-17-01178-CR.
2. The court granted Lawrence's request to review the clerk's and reporter's records and file a pro se response, directed appointed counsel to provide the records and verify transmission, and set October 17, 2018, as the response deadline.

KEY QUOTATIONS

“Accordingly, we ORDER the trial court to prepare for inclusion in supplemental clerk’s records, within TEN DAYS of the date of this order, new certifications of the right to appeal that bear the signature of the trial court.” (at 2)

“The Court GRANTS appellant’s request to review the record and file a pro se response.” (at 2)

FACTUAL BACKGROUND

The appeals arose from criminal convictions in two Dallas County trial court causes. The appellate record in one appeal lacked the judgment of conviction, and the certifications of Lawrence's right to appeal in both records were unsigned by the trial court. Lawrence sought copies of the records to prepare a pro se response to counsel's Anders brief.

PROCEDURAL HISTORY

Lawrence appealed in two criminal cases from the 291st Judicial District Court of Dallas County. While the appeals were pending, counsel filed an Anders brief and Lawrence requested copies of the appellate record so he could file a pro se response. The court identified missing documents and unsigned certifications concerning the right to appeal, ordered supplementation of the records, and granted Lawrence additional time to respond.

DISPOSITION

other

REMAND INSTRUCTIONS

The trial court was ordered to prepare new signed certifications of Lawrence's right to appeal within ten days. The Dallas County District Clerk was ordered to file supplemental clerk's records within fourteen days containing the judgment of conviction in cause number 05-17-01178-CR and the new certifications. Counsel was

ordered to send Lawrence the clerk's and reporter's records and provide written verification to the appellate court within twenty-one days.

OPINION

PER CURIAM.

Order entered August 20, 2018 In The Court of Appeals Fifth District of Texas at Dallas No. 05-17-01177-CR No. 05-17-01178-CR RAYMON STEFFANI LAWRENCE, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 291st Judicial District Court Dallas County, Texas Trial Court Cause Nos. F16-20873-U, F17-00600-U ORDER Before the Court is appellant's August 16, 2018 request for a copy of the record in order to file a pro se response to counsel's Anders brief.

The Court notes problems with the clerk's records filed in these cases. By order entered December 8, 2017, the Court ordered the Dallas County District Clerk to supplement the clerk's record in cause no. 05-17-01178-CR (trial court cause no. F17-00600- U) with copies of the jury charge and judgment of conviction.

On December 21, 2017, the district clerk filed a supplemental clerk's record containing the jury charge. The supplemental clerk's record did not contain the judgment of conviction. Furthermore, in reviewing the records filed in these cases, the Court notes that the certifications of appellant's right to appeal were not signed by the trial court.

Accordingly, we ORDER the trial court to prepare for inclusion in supplemental clerk's records, within TEN DAYS of the date of this order, new certifications of the right to appeal that bear the signature of the trial court.

We ORDER the Dallas County District Clerk to file, within FOURTEEN DAYS of the date of this order, supplemental clerk's records in these cases containing the judgment of conviction in cause no. 05-17-01178-CR and the trial court's new certifications of the right to appeal.

The Court GRANTS appellant's request to review the record and file a pro se response. We ORDER counsel Lawrence B. Mitchell to send appellant copies of the clerk's and reporter's records, including the supplemental clerk's records ordered herein, and to provide this Court, within TWENTY-ONE DAYS of the date of this order, with written verification that the records have been sent to appellant.

Appellant's pro se response to the Anders brief is due by October 17, 2018. If appellant does not file a pro se response by October 17, 2018, the appeal will be submitted upon the brief of counsel. We DIRECT the Clerk to send a copy of this order, by electronic transmission, to the Honorable Stephanie Mitchell, Presiding Judge, 291st Judicial District Court; to Felicia Pitre, Dallas County District Clerk; to Lawrence B. Mitchell, counsel for appellant; and to counsel for the State. –2–

We further DIRECT the Clerk to send a copy of this order, by first-class mail, to Raymon Stefani Lawrence, TDCJ No. 02164511, Clemons Unit, 11034 Hwy 36, Brazoria, Texas 77422. /s/ CRAIG STODDART JUSTICE –3–