COURT OF APPEALS FOR THE
FIRST DISTRICT OF TEXAS AT HOUSTON

ORDER

Appellate case name: Wilberto Arrellano v. The State of Texas

Appellate case number: 01-15-00814-CR

Trial court case number: 1353257

Trial court: 339th District Court of Harris County

On May 26, 2016, appellant's retained counsel filed a motion to withdraw stating that counsel "has been fired by Appellant and Appellant no longer wishes that the undersigned represent him." Counsel's motion to withdraw is **granted**.

Further, we abate the appeal and remand the cause to the trial court to conduct a hearing at which a representative of the Harris County District Attorney's Office shall be present. Appellant shall also be present for the hearing in person or, if appellant is incarcerated, at the trial court's discretion, appellant may participate in the hearing by closed-circuit video teleconferencing.

We direct the trial court to:

1) Determine whether appellant still wishes to pursue this appeal;
2) Determine whether appellant is now indigent, and
    a. if appellant is indigent, appoint substitute appellate counsel at no cost to appellant;
    b. if appellant is not indigent, admonish appellant regarding the dangers and disadvantages of self-representation, and:
        i. determine whether appellant is knowingly and intelligently waiving his right to counsel; and
        ii. if so, obtain a written waiver of the right to counsel and provide appellant with a copy of a written order setting a date when appellant's *pro se* brief is due, regardless of whether this Court has yet reinstated the appeal and no later than 30 days from the date of the hearing; or
        iii. if appellant is not indigent and does not wish to proceed *pro se*, provide a deadline by which appellant must hire an attorney, which must be no more than 30 days from the date of the hearing;

3) Enter written findings of fact, conclusions of law, and recommendations as to these issues, separate and apart from any docket sheet notations; and
4) Make any other findings and recommendations the trial court deems appropriate.

See TEX. CRIM. PROC. ANN. art. 1.051(a), (c), (d)(1), (f) (West Supp. 2015), 26.04 (West Supp. 2015).

The court coordinator of the trial court shall set a hearing date no later than 30 days from the date of this order and notify the parties and the Clerk of this Court of such date. The trial court clerk is directed to file, within 30 days of the date of the hearing, a supplemental clerk's record containing the trial court's findings, recommendations, and any order made. *See* TEX. R. APP. P. 34.5(c). The court reporter is directed to file, within 30 days of the date of the hearing, the supplemental reporter's record of the hearing.

The appeal is abated, treated as a closed case, and removed from this Court's active docket. The appeal will be reinstated on this Court's active docket when the supplemental clerk's record and the reporter's record of the hearing are filed in this Court. The court coordinator of the trial court shall set a hearing date and notify the parties and the Clerk of this Court of such date.

It is so ORDERED.

Judge's signature: /s/ Michael Massengale
☒ Acting individually ☐ Acting for the Court

Date: June 21, 2016