

In The  
*Court of Appeals*  
*Ninth District of Texas at Beaumont*

**FILED**

MAY - 8 1997

CAROL ANNE FLORES, CLERK  
COURT OF APPEALS  
NINTH DISTRICT  
BEAUMONT, TEXAS

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NO. 09-97-021 CR

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DESIREE SHAW, Appellant

V.

THE STATE OF TEXAS, Appellee

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On Appeal from the 159th District Court  
Angelina County, Texas  
Trial Cause No. 19058

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**ORDER**

The statement of facts is due to be filed on April 30, 1997. On May 1, 1997, appellant's retained counsel filed a "Motion to Abate the Filing of the Statement of Facts and the Request for an Order from this Honorable Court for a Hearing in the Court Below," and "Appellant's Motion for Extension of Time to File the Statement of Facts." Counsel informs the Court the statement of facts has not been filed because it is impossible

to comply with the district court's order regarding sale of certain property.

It is ORDERED that the trial court conduct a hearing pursuant to TEX. R. APP. P. 53(j) and (m) to determine whether appellant desires to prosecute her appeal, whether appellant is indigent, whether appointment of counsel is necessary, whether appellant has exercised diligence in obtaining a statement of facts, and whether appellant has been deprived of a statement of facts because of ineffective assistance of counsel or for any other reason. For this purpose the trial court shall conduct hearings as may be necessary, make findings of facts and conclusions of law, and prepare a record of the proceedings. If appellant is indigent, the judge shall take such measures as may be necessary to assure effective representation of counsel which may include ordering appellant to reimburse the county in the event of the sale of property in which she has an interest. The record of the hearing, including any orders and findings of the trial judge, shall be filed in the Court of Appeals on or before June 23, 1997.

The appeal is abated pending resolution of this matter before the trial court. All appellate timetables are suspended until the supplemental statement of facts and supplemental transcript are filed, or until further order of this Court.

ORDER ENTERED May 8, 1997.

PER CURIAM