

NO. 07-12-0382-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL B  
JANUARY 4, 2013

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PAUL DAVID GILLETTE,

Appellant

V.

THE STATE OF TEXAS,

Appellees

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FROM THE 47th DISTRICT COURT OF POTTER COUNTY;

NO. 62,169-A; HON. DAN L. SCHAAP, PRESIDING

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***ON ABATEMENT AND REMAND***

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Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Appellant Paul David Gillette appeals from his conviction for the offense of murder. On October 18, 2012, the clerk's record was filed. The reporter's record was due on October 26, 2012. On November 2, 2012, this court notified the reporter by letter that the record was late and directed the reporter to respond, by November 13, 2012, and explain why it had not been filed. On November 9, 2012, the reporter filed a

motion for extension of time to file the record, which was granted to November 26, 2012. On November 29, 2012, the reporter filed a second extension to extend the time to file the record, which was granted to December 27, 2012. To date, no response, status report, or reporter's record has been filed.

Accordingly, we abate this appeal and remand the causes to the 47th District Court of Potter County (trial court) for further proceedings. Upon remand, the trial court shall determine, via hearing or other reasonable means:

when the reporter's record will be transcribed into written form and filed in accordance with the rules of appellate procedure and in a manner that does not further delay the prosecution of this appeal or have the practical effect of depriving the appellant of his right to appeal.

The trial court shall cause the hearing to be transcribed. So too shall it 1) execute findings of fact and conclusions of law addressing the foregoing issue. Additionally, the district court shall then cause those findings of fact and conclusions of law to be filed with the clerk of this court on or before February 4, 2013. Should further time be needed by the trial court to perform these tasks, then same must be requested before February 4, 2013.

It is so ordered.

Per Curiam

Do not publish.