

NO. 07-12-0522-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
FEBRUARY 19, 2013

In the Interest of N.M.G., A Child

FROM THE 181st DISTRICT COURT OF RANDALL COUNTY;
NO. 64,078-B; HON. JOHN B. BOARD, PRESIDING

ON ABATEMENT AND REMAND

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

Appellant Jason Gutierrez filed a notice of appeal on November 30, 2012. On December 13, 2012, the clerk's record was filed. The reporter's record was due on December 10, 2012. On December 27, 2012, this court notified the reporter by letter that the record was late and directed the reporter to respond, by January 7, 2013, and explain why it had not been filed. On January 7, 2013, the reporter filed a motion for extension of time to file the record, which was granted to February 7, 2013. To date, no response, status report, or reporter's record has been filed.

Accordingly, we abate this appeal and remand the causes to the 181st District Court of Randall 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 March 18, 2013. Should further time be needed by the trial court to perform these tasks, then same must be requested before March 18, 2013.

It is so ordered.

Per Curiam