



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

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No. 07-14-00314-CR

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**RACHEL JOHNSON, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the 137th District Court  
Lubbock County, Texas  
Trial Court No. 2013-438,766, Honorable John J. "Trey" McClendon, Presiding

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January 23, 2015

**ABATEMENT AND REMAND**

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

Appellant Rachel Johnson appeals her conviction for robbery. The clerk's record was filed on November 19, 2014. On that same day, the court reporter moved for an extension of time to file the reporter's record. The motion was granted, and the deadline was moved from November 19, 2014 to December 19, 2014. Thereafter, the reporter once again moved for an extension, which motion was granted. The new deadline was set as January 20, 2015. Furthermore, the court reporter was told that

failure to comply with the January 20th deadline may result in the appeal being abated. The court reporter has now filed a third extension to file the reporter's record.

Accordingly, we deny the request for an extension of time to file the reporter's record and abate the appeal and remand the cause to the 137th District Court of Lubbock County (trial court) for further proceedings. Upon remand, the trial court shall immediately determine, through hearing or otherwise:

when the reporter's record can reasonably be transcribed into written form and filed in a manner that does not further delay the prosecution of this appeal or have the practical effect of depriving the appellant of her right to appeal.

The trial court shall 1) execute findings of fact and conclusions of law addressing the foregoing issue and 2) cause to be developed a supplemental clerk's record containing its findings of fact and conclusions of law and all orders it may issue as a result of its resolution of the foregoing inquiry. Additionally, the district court shall then file the supplemental clerk's record with the clerk of this court on or before February 5, 2015. Should further time be needed by the trial court to perform these tasks, then same must be requested before February 5, 2015.

It is so ordered.

Per Curiam

Do not publish.