



**In The  
Court of Appeals  
Sixth Appellate District of Texas at Texarkana**

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No. 06-13-00113-CV

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IN THE INTEREST OF J.C.D., A MINOR CHILD

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On Appeal from the 5th District Court  
Cass County, Texas  
Trial Court No. 03-CS-657

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Before Morriss, C.J., Carter and Moseley, JJ.  
Memorandum Opinion by Justice Moseley

## MEMORANDUM OPINION

This is an appeal from an “Order Concerning Community Supervision” which appears at its essence to have revoked John Dupree’s community supervision and ordered him imprisoned until he “purge[s] himself of this revocation” by paying specified sums, to be distributed by the Cass County Sheriff’s Department toward child support arrears. The activities below involved amounts due for the support of two children, J.D. and J.C.D.

It appears that the trial court attempted unsuccessfully to act as its own court recorder. His efforts to record the proceedings failed. The judge informed the parties that the record of the proceedings cannot be provided. On February 6, this Court issued an order directing the parties to confer and determine whether they could provide an agreed statement of the case. We have been informed by the parties that they cannot agree on a statement of the case as regards to the proceedings involving J.C.D. As the stated nature of the arguments to be raised involves sufficiency of the evidence, it is obvious that a record of the evidentiary proceedings is necessary to the appeal’s resolution, and no agreement between the parties is possible. Pursuant to Rule 34.6(f)(3) and (4) of the Texas Rules of Appellate Procedure, appellant is therefore entitled to a new trial. *See* TEX. R. APP. P. 34.6(f)(3), (4).

We reverse and remand the case to the trial court for a new trial.

Bailey C. Moseley  
Justice

Date Submitted: July 1, 2014  
Date Decided: July 2, 2014