



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

THE STATE OF TEXAS,	§	No. 08-13-00010-CR
Appellant,	§	Appeal from the
v.	§	Criminal District Court No. 1
JORGE SANCHEZ,	§	of El Paso County, Texas
State.	§	(TC#20100D04455)
	§	

ORDER

Pending before the Court is Appellee's motion requesting that we order the State to provide Appellee and his retained counsel a copy of the reporter's record at no cost for use during this appeal. Appellee asserts that he has become indigent during the course of this appeal and he requests that we abate the appeal and remand the cause to the trial court for a hearing on indigency. We decline to do so for the following reasons.

The reporter's record has been filed with this Court and the trial court clerk. Appellee's counsel should be permitted to utilize the reporter's record on file with the district clerk in order to prepare his brief. Additionally, Appellee's counsel may review the reporter's record on file with this Court. Even if Appellee is indigent, we do not have authority to order the State or El Paso County to pay for the preparation of an additional copy of the record for Appellee's use.

However, if Appellee believes that a portion of the hearings below has not been included in the reporter's record, he may designate additional portions to be included in the reporter's record pursuant to Rule 34.6(c)(2) and (c)(3) at the appellant's cost. TEX.R.APP.P. 34.6(c)(2), (3). Finally, as a courtesy, the Clerk's Office has prepared a CD of the electronic reporter's record for use by Appellee's counsel. Appellee's motion is DENIED.

IT IS SO ORDERED THIS 20TH DAY OF MARCH, 2013.

PER CURIAM

Before McClure, C.J., Rivera and Rodriguez, JJ.