

NO. 07-12-00149-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
NOVEMBER 7, 2012

JARRED ALFORD, APPELLANT

v.

THE STATE OF TEXAS, APPELLEE

FROM THE COUNTY COURT AT LAW NO. 1 OF LUBBOCK COUNTY;
NO. 2011-464,220; HONORABLE MARK HOCKER, JUDGE

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

ON ABATEMENT AND REMAND

Appellant Jarred M. Alford appeals from the trial court's judgment finding him guilty of driving while intoxicated. Appellant filed notice of appeal on April 25, 2012. The clerk's record was received and filed on July 23. The reporter's record was due on October 5. By letter of October 19, we advised the reporter that the record was late and directed the reporter to advise us of the status of the reporter's record on or before October 29. As of this date, the court reporter has not responded.

Accordingly, we abate this appeal and remand the cause to the trial court for further proceedings. See Tex. R. App. P. 35.3(c). On remand, the trial court shall utilize whatever means it finds necessary to determine the following:

1. Why the reporter has not responded to the Court's directive;
2. Why the reporter's record has not been filed;
3. When this Court can expect the record to be filed; and
3. Whether an alternative or substitute reporter should or can be appointed to complete the record in a timely manner.

The trial court shall (1) execute findings of fact and conclusions of law addressing the foregoing issues, (2) cause a supplemental clerk's record to be developed containing its findings of fact and conclusions of law and any orders it may issue relating to this matter, and (3) if the trial court holds a hearing, cause the hearing to be transcribed and cause a reporter's record of the hearing to be prepared. The trial court shall then file the supplemental clerk's record and the reporter's record of the hearing, if any, with the clerk of this Court on or before November 30, 2012. Should further time be needed by the trial court to perform these tasks, same must be requested before November 30, 2012.

It is so ordered.

Per Curiam

Do not publish.