



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

No. 07-13-00270-CR

ROBERT MOORE, JR, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 137th District Court
Lubbock County, Texas
Trial Court No. 2011-433,247, Honorable John J. "Trey" McClendon, Presiding

December 17, 2013

ON ABATEMENT AND REMAND

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

Appellant Robert Moore, Jr. appeals from his conviction for possession of marihuana. On October 3, 2013, the clerk's record was filed. On the same day, the court reporter filed for an extension which was granted to November 4, 2013. On November 4, 2013, the reporter once again requested an extension of time to file that portion of the record. We again granted an extension, but this time to December 9, 2013. We also admonished the reporter that no further extensions would be granted and the matter would be abated if the foregoing deadline could not be met. Instead of

filing the document by the December 9th deadline, the reporter requested another extension until January 9, 2014. She represents that the press of business prevents her from complying with the previous deadline. We recognize that the trial court for which the reporter works may be in the best position to assess the reporter's workload and ability to comply with our deadlines.

Accordingly, we 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 issue such orders and convene such hearings that it deems necessary to determine:

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 his right to appeal.

So too shall it 1) execute findings of fact and conclusions of law addressing the foregoing issue, 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 any hearing in this matter, and 3) cause to be developed a reporter's record transcribing the evidence and arguments presented at the aforementioned hearing, if any. Additionally, the trial court shall then cause the supplemental clerk's and reporter's records to be filed with the clerk of this court on or before January 16, 2014. Should further time be needed by the trial court to perform these tasks, then same must be requested before January 16, 2014.

It is so ordered.

Per Curiam

Do not publish.