



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

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No. 07-14-00161-CR

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**REX BAKER, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the 137th District Court  
Lubbock County, Texas  
Trial Court No. 2013-438,616, Honorable John J. "Trey" McClendon, Presiding

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August 22, 2014

**ABATEMENT AND REMAND**

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

Appellant Rex Baker appeals from his conviction for felony driving while intoxicated. The clerk's record has been filed. On June 16, 2014, 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 June 16, 2014 to July 16, 2014. Thereafter, the reporter once again moved for an extension, which motion was granted. The new

deadline was set as August 6, 2014. The court reporter requested a third extension which was granted to August 20, 2014, and the reporter was told that failure to comply with the August 20th deadline may result in the appeal being abated. The court reporter has now filed a fourth 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 his 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 September 15, 2014. Should further time be needed by the trial court to perform these tasks, then same must be requested before September 15, 2014.

It is so ordered.

Per Curiam

Do not publish.