



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

No. 07-14-00386-CR

VINCENT OLIVA, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 140th District Court
Lubbock County, Texas
Trial Court No. 2012-435,021, Honorable Jim Bob Darnell, Presiding

April 8, 2015

ABATEMENT AND REMAND

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

Appellant Vincent Oliva appeals his conviction for robbery. The clerk's record was filed on February 2, 2015. By letter dated February 10, 2015, this court notified the court reporter that the reporter's record was overdue and that he should advise the court of the status of the record by February 20, 2015. The court reporter then moved for an extension of time to file the record. The motion was granted, and the deadline was moved to March 4, 2015. Thereafter, the reporter once again moved for an extension, which motion was granted. The new deadline was set as April 3, 2015.

Furthermore, the court reporter was told that failure to comply with the deadline may result in the appeal being abated. The court reporter has now filed a third 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 140th 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 a supplemental clerk's record with the clerk of this court on or before April 23, 2015. Should further time be needed by the trial court to perform these tasks, then same must be requested before April 23, 2015.

It is so ordered.

Per Curiam

Do not publish.