



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

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No. 07-16-00455-CR

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**KALISCIA ELONDA MILLSAP, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the County Court at Law No 1  
Potter County, Texas  
Trial Court No. 144118-1, Honorable W. F. (Corky) Roberts, Presiding

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August 10, 2017

**ABATEMENT AND REMAND**

Before QUINN, CJ., and CAMPBELL and PIRTLE, JJ.

Appellant, Kaliscia Elonda Millsap, appeals a judgment convicting her of terroristic threat, a class "A" misdemeanor. According to the clerk's record, appellant was charged by information with three counts of terroristic threat against three different victims. The parties decided to waive a jury and proceed with a bench trial. The State waived Count III, and appellant pled not guilty to Counts I and II. At the close of evidence during the guilt/innocence phase of the trial, the trial court advised the parties that he would review his notes on the evidence and let the parties know his verdict the

following day. Apparently, the trial court found appellant guilty of committing a terroristic threat because the record contains a judgment so stating. So too did the trial court state at the end of the punishment phase of the trial that it had “found [her] guilty.” However, neither the statement about “having found [her] guilty,” the ensuing pronouncement of sentence, nor the judgment reflect whether appellant was found guilty of both counts or of only one count and acquitted of the other. The judgment also indicates that appellant pled true to an enhancement paragraph and that the trial court found the enhancement allegation true. Yet, the charging instrument included no enhancement paragraph. Neither party broached these issues in their appellate briefs.

Accordingly, we abate this appeal and remand the cause to the County Court at Law No. 1 for Potter County (trial court) to clarify 1) the count or counts on which appellant was found guilty and 2) the accuracy of the judgment’s reference to the enhancement allegation. The trial court is also directed to issue such orders and decrees necessary to address and clarify those matters, including findings of fact and conclusions of law to support the decrees and orders entered. The trial court’s orders, decrees, and findings shall be included in a supplemental clerk’s record filed with this court by September 11, 2017. TEX. R. APP. P. 34.5(c)(2). Should further time be needed to perform these tasks, then same must be requested before September 11, 2017.

It is so ordered.

Per Curiam