



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

---

No. 07-18-00043-CR

---

**ANTHONY CARTER, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

---

On Appeal from the 137th District Court  
Lubbock County, Texas  
Trial Court No. 2017-413,558, Honorable John J. "Trey" McClendon III, Presiding

---

**September 13, 2018**

**ORDER OF ABATEMENT AND REMAND**

**Before QUINN, C.J., and CAMPBELL and PARKER, JJ.**

Appellant Anthony Carter appeals his conviction for possession of a controlled substance with intent to deliver. We previously abated this appeal and remanded the cause to the trial court on May 23, 2018, after the reporter failed to timely file the reporter's record. The reporter's record was filed on July 10, 2018, and appellant's brief was originally due August 9, 2018. We subsequently granted appellant an extension to September 10, 2018, to file the brief. On September 10, 2018, appellant's counsel filed a second motion for extension seeking an additional thirty days to file a brief. In the motion, counsel informs the court, for the first time, that an exhibit was omitted from the reporter's record and has been requested from the reporter. Counsel did not, however,

file anything with this court indicating that the reporter was contacted regarding the omitted exhibit.

We deny appellant's motion for extension of time to file a brief, abate the appeal, and remand the cause to the trial court for further proceedings. On remand, the trial court shall determine the following:

1. whether a complete reporter's record containing a transcription of all proceedings had in the trial court and all exhibits admitted into evidence during those proceedings has been developed and filed with the Seventh Court of Appeals by the court reporter; and,
2. if not, what proceedings or exhibits were omitted from the reporter's record filed on July 10, 2018.

The trial court is directed to enter such orders necessary to address the aforementioned questions. So too shall it include its findings on those matters in a supplemental record and cause that record to be filed with this court by October 1, 2018. Should proceedings and/or exhibits have been omitted from the July 10, 2018, then the court reporter for the 137<sup>th</sup> Judicial District is ordered to include them in a supplemental reporter's record which must be filed with this court on or before October 1, 2018. Should further time be needed to perform these tasks, then same must be requested before October 1, 2018. Once a complete reporter's record including a transcription of all proceedings and exhibits is filed with this court, appellant is ordered to file his appellant's brief within 14 days of the date on which the complete record is filed. No further extensions of the briefing deadline will be granted.

It is so ordered.

Per Curiam

Do not publish.