



**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

May 23, 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. The appellate record was originally due March 19, 2018. The clerk's record was filed that day. On March 20, 2018, we granted the court reporter, Ms. Breann Hays, an extension to April 18 to file the reporter's record. On April 19, 2018, Ms. Hays notified the court that she was unable to complete the reporter's record by the deadline due to her case load and requested a thirty-day extension. By letter of April 20, 2018, we granted Ms. Hays an extension to May 18, but admonished her that no further

extensions would be granted and failure to file the reporter's record by this deadline would result in the appeal being abated and the cause remanded to the trial court for further proceedings without further notice. On May 21, 2018, Ms. Hays requested an extension to June 18 to file the reporter's record due to her case load.

Accordingly, we deny the request, abate the appeal, and remand the cause to the trial court for further proceedings. See TEX. R. APP. P. 35.3(c), 37.3(a)(2). On remand, the trial court shall determine the following:

1. what tasks remain to complete the filing of the reporter's record;
2. why Ms. Hays has not completed the necessary tasks;
3. what amount of time is reasonably necessary for the completion of those tasks; and
4. whether Ms. Hays can complete the tasks within the time the trial court finds reasonable.

Should the trial court determine that Ms. Hays will require more than thirty days to complete, certify, and file the reporter's record, it shall arrange for a substitute reporter to do so. 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 June 18, 2018. Should further time be needed to perform these tasks, then same must be requested before June 18, 2018.

It is so ordered.

Per Curiam

Do not publish.