



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

---

No. 07-21-00184-CR

---

**FRANKIE LAREZ, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

---

On Appeal from the 137th District Court  
Lubbock County, Texas  
Trial Court No. 2018-414,821, Honorable John J. "Trey" McClendon III, Presiding

---

December 30, 2021

**ORDER OF ABATEMENT AND REMAND**

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

Appellant Frankie Larez appeals his conviction for possession of a controlled substance. The appellate record was originally due October 8, 2021. The clerk's record was filed by this deadline, but the reporter's record was not. We subsequently granted the reporter, Ms. Breann Hays, two extensions to file the reporter's record due to her caseload. By letter of November 10, 2021, we admonished Ms. Hays that failure to file the reporter's record by December 8 could result in the appeal being abated and the

cause remanded to the trial court for further proceedings without further notice. Ms. Hays has since requested a third extension to file the reporter's record due to her caseload.

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) ("The trial and appellate courts are jointly responsible for ensuring that the appellate record is timely filed."); 37.3(a)(2) (requiring appellate courts to "make whatever order is appropriate to avoid further delay and to preserve the parties' rights" when the appellate record is not timely filed). 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 clerk's record and cause that record to be filed with this Court by January 10, 2022. Should further time be needed to perform these tasks, then same must be requested before January 10, 2022.

It is so ordered.

Per Curiam

Do not publish.