



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

No. 07-22-00187-CR

LOUIS GARCIA, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 100th District Court
Collingsworth County, Texas
Trial Court No. 3081, Honorable Stuart Messer, Presiding

November 21, 2022

ORDER OF ABATEMENT AND REMAND

Before **QUINN, C.J.**, and **DOSS** and **YARBROUGH, JJ.**

Appellant, Louis Garcia, appeals from the trial court's judgment adjudicating him guilty of aggravated assault with a deadly weapon¹ and sentencing him to eighteen years' confinement. The appellate record was originally due October 11, 2022. The clerk's record has been filed but the reporter's record has not. By letter of October 18, 2022, we notified the reporter that the record was overdue and directed her to advise this Court of

¹ See TEX. PENAL CODE ANN. § 22.02.

the status of the record by October 28. To date, the reporter's record has not been filed and the reporter has had no further communication with this Court.

Accordingly, we 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 the reporter has not completed the necessary tasks;
3. what amount of time is reasonably necessary for the completion of those tasks; and
4. whether the reporter can complete the tasks within the time the trial court finds reasonable.

Should the trial court determine that the reporter 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 December 21, 2022.

Should the reporter file the record on or before December 5, 2022, she is directed to immediately notify the trial court of the filing, in writing, whereupon the trial court shall not be required to take any further action.

It is so ordered.

Per Curiam

Do not publish.