



**In The  
Court of Appeals  
Sixth Appellate District of Texas at Texarkana**

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No. 06-10-00079-CV

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ANDERSON COUNTY BAIL BOND BOARD, Appellant

V.

DEBORAH LEE SEXTON, Appellee

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On Appeal from the 349th Judicial District Court  
Anderson County, Texas  
Trial Court No. 349-6424

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Before Morriss, C.J., Carter and Moseley, JJ.  
Memorandum Opinion by Justice Carter

## MEMORANDUM OPINION

This case was tried in the 349th Judicial District Court of Anderson County.<sup>1</sup> The transcription of the hearing on motion for new trial was reported by Jennifer Whitten and was filed with the District Clerk of Anderson County on August 16, 2010, and filed with this Court on November 12, 2010.

Nancy Currie reported the bench trial portion of the record. Her court reporter's license was suspended by the Texas Court Reporter's Certification Board as of November 30, 2010, before she had filed that portion of the record with this Court. Numerous attempts to obtain Currie's notes and have them forwarded to another reporter for transcription have failed.

This Court has determined that the entire reporter's record of the bench trial was lost or destroyed and, pursuant to Rule 34.6(f), we contacted the parties by letter dated April 5, 2011, to see if they could agree on the record. TEX. R. APP. P. 34.6(f)(4). We have now been informed that the parties cannot agree on the appellate record and that numerous factual issues are addressed in the missing record.

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<sup>1</sup>Originally appealed to the Twelfth Court of Appeals, this case was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. See TEX. GOV'T CODE ANN. § 73.001 (Vernon 2005). We are unaware of any conflict between precedent of the Twelfth Court of Appeals and that of this Court on any relevant issue. See TEX. R. APP. P. 41.3.

Appellant timely requested the preparation of the entire reporter's record, the loss of the record is through no fault of appellant, and the reporter's record is necessary for the appeal's resolution. Therefore, pursuant to Rule 34.6(f), we find the appellant is entitled to a new trial.

We reverse the judgment and remand this case to the trial court for a new trial.

Jack Carter  
Justice

Date Submitted: April 18, 2011  
Date Decided: April 19, 2011