

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-12-00117-CR

Saul Salinas, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BURNET COUNTY, 424TH JUDICIAL DISTRICT
NO. 5141, HONORABLE BILLY RAY STUBBLEFIELD, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant filed his notice of appeal in the trial court in August 2011, the clerk's record was filed in this Court on February 9, 2012, and a partial reporter's record was filed on July 11. Appellant has filed a motion asking that we abate the case to the trial court because the clerk's record lacks many of the documents requested for inclusion by appellant and because the full reporter's record has not been filed. Jennifer Hoffman, official court reporter for the trial court, has filed fourteen volumes of record and one exhibit volume. According to appellant's request for the reporter's record, several volumes remain outstanding. Hoffman has informed this Court that those volumes were taken by two other court reporters, one of whom has died and the other of whom retired, has been "uncooperative" with past requests, and has not responded to Hoffman's communications.

We therefore grant appellant's motion and abate the appeal to the trial court to oversee the completion of the clerk's record as requested by appellant and the missing volumes of reporter's

record, if possible. If it is not possible to obtain the missing portions of the reporter's record, the trial court is instructed to determine how to proceed in this matter. *See, e.g.*, Tex. R. App. P. 34.6(f).

David Puryear, Justice

Before Justices Puryear, Pemberton and Henson

Abated

Filed: July 17, 2012

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