

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Maurice Murphy v. Amy Washington a/k/a Elisa Murphy

No. 05-12-00679-CV · No. No. 05-12-00679-CV · Decided February 19, 2013

SUMMARY

The Fifth District Court of Appeals at Dallas ordered the court reporter to file the reporter’s record or verify that the appellant had not requested its preparation. The court warned that, upon such verification, it would submit the appeal without the reporter’s record.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Texas
DECIDED	February 19, 2013
DOCKET	No. 05-12-00679-CV
DISPOSITION	other
PROCEDURAL POSTURE	Interlocutory appellate order directing the court reporter to file the reporter's record or verify that appellant did not request its preparation.
PRECEDENTIAL VALUE	Published procedural order; no substantive legal holding stated.
PARTIES	Maurice Murphy v. Amy Washington a/k/a Elisa Murphy

TOPICS

- appellate procedure
- family law procedure

PRACTICE AREAS

- appellate procedure
- family law

QUESTIONS PRESENTED

1. What action should the appellate court take when the reporter's record has not been filed and the court reporter reports that the appellant may not have requested its preparation?

KEY QUOTATIONS

“Accordingly, we ORDER court reporter Francheska Duffey, to file by MARCH 14, 2013, either the reporter’s record or written verification that appellant has not requested preparation of the record.” (Order)

FACTUAL BACKGROUND

The appeal lacked a reporter's record. The court reporter reported that she had not received a designation of the record from appellant, and neither appellant nor the court reporter had subsequently communicated with the appellate court regarding the record.

PROCEDURAL HISTORY

Maurice Murphy appealed from the 330th Judicial District Court of Dallas County, Texas, in trial court cause number DF-11-06133Y. After the appellate court ordered the court reporter to file the reporter's record, the reporter stated that appellant had not designated the record, and no reporter's record or further communication was received. The court entered this order requiring the reporter to file the record or written verification by March 14, 2013.

DISPOSITION

other

OPINION

PER CURIAM.

Order entered February 19, 2013 In The Court of Appeals Fifth District of Texas at Dallas No. 05-12-00679-CV MAURICE MURPHY, Appellant V. AMY WASHINGTON a/k/a ELISA MURPHY, Appellee On Appeal from the 330th Judicial District Court Dallas County, Texas Trial Court Cause No. DF-11-06133Y ORDER On September 27, 2012, this Court ordered court reporter Francheska Duffey to file the reporter’s record within twenty days.

On October 2, 2012, Ms. Duffey filed a letter stating she had not received a designation of the record from appellant. To date, we have not received the reporter’s record, nor has appellant or Ms. Duffey communicated with the Court regarding the record.

Accordingly, we ORDER court reporter Francheska Duffey, to file by MARCH 14, 2013, either the reporter’s record or written verification that appellant has not requested preparation of the record. We notify appellant that if we receive verification that he has not requested the record, we will order the appeal submitted without the reporter’s record.

We DIRECT the Clerk to send a copy of this order, by electronic transmission, to Francheska Duffey. We DIRECT the Clerk to send copies of this order, by first-class mail, to appellant Maurice Murphy and appellee Amy Washington. /s/ CAROLYN WRIGHT CHIEF JUSTICE

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