

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Mark Angelo Guajardo v. State

No. 05-15-00365-CR · No. No. 05-15-00365-CR · Decided August 19, 2015

SUMMARY

The Fifth District Court of Appeals of Texas ordered the official court reporter to file the complete reporter’s record, including all admitted exhibits, by August 24, 2015. The court also ordered that the reporter not sit until the complete record was filed and directed that copies of the order be sent to specified court and county officials and counsel.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Lana Myers
JURISDICTION	Texas
DECIDED	August 19, 2015
DOCKET	No. 05-15-00365-CR
DISPOSITION	other
PROCEDURAL POSTURE	On appeal from the 291st Judicial District Court of Dallas County, the court of appeals issued an order directing the official court reporter to file the complete reporter's record and temporarily prohibiting her from sitting as a court reporter until the record was filed.
PRECEDENTIAL VALUE	Published
PARTIES	Mark Angelo Guajardo v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure

PRACTICE AREAS

- appellate procedure
- criminal procedure

QUESTIONS PRESENTED

1. What appellate remedy should be imposed when the official court reporter fails to file the required reporter's record and does not communicate with the court?

HOLDINGS

1. When the official court reporter failed to file the complete reporter's record as previously ordered, the court of appeals ordered her to file the complete record, including all admitted exhibits, by a specified deadline and prohibited her from sitting as a court reporter until compliance.

KEY QUOTATIONS

“We further ORDER that Cheryl Dixon not sit as a court reporter until the complete record is filed in this appeal.”

FACTUAL BACKGROUND

The reporter's record in Guajardo's criminal appeal had not been filed despite the court of appeals' prior order requiring its filing within seven days. Court reporter Cheryl Dixon also failed to communicate with the appellate court about the record's status.

PROCEDURAL HISTORY

The court had previously ordered court reporter Cheryl Dixon to file the reporter's record within seven days and warned that it could impose remedies if she failed to comply. After Dixon neither filed the record nor communicated with the court, the court entered this enforcement order.

DISPOSITION

other