

FOURTH COURT OF APPEALS OF TEXAS

Ex parte Rodolfo Lopez Hernandez

No. 04-22-00780-CR · No. No. 04-22-00780-CR · Decided November 22, 2022

SUMMARY

The Fourth Court of Appeals of Texas ordered appellant Rodolfo Lopez Hernandez to provide written proof that he requested preparation of the reporter’s record and designated the proceedings and exhibits to be included. The order states that the reporter’s record must be filed within fifteen days after the proof is filed and explains the briefing consequences if appellant does not respond.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas
JURISDICTION	Texas
DECIDED	November 22, 2022
DOCKET	No. 04-22-00780-CR
DISPOSITION	other
PROCEDURAL POSTURE	During an appeal from the County Court of Kinney County, the court reporter notified the court that the reporter's record had not been filed because appellant had not designated the proceedings and exhibits to be included.
PRECEDENTIAL VALUE	Published order
PARTIES	Rodolfo Lopez Hernandez

TOPICS

- appellate procedure
- criminal procedure
- post-conviction relief

PRACTICE AREAS

- appellate procedure
- criminal procedure
- post-conviction relief

QUESTIONS PRESENTED

1. What procedure should govern when the reporter's record is late because the appellant has not designated the proceedings and exhibits to be included?

FACTUAL BACKGROUND

The court reporter notified the appellate court that the reporter's record had not been filed because appellant had not provided a designation of the record. The appellate court required appellant to request preparation of the reporter's record and designate the proceedings and exhibits to be included.

PROCEDURAL HISTORY

The appeal was pending in the Fourth Court of Appeals of Texas after proceedings in the County Court of Kinney County, Texas. The court reporter filed a notification of late record, and the appellate court ordered appellant to provide written proof that he had requested preparation of the reporter's record and had designated the portions and exhibits to be included.

DISPOSITION

other

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas November 22, 2022 No. 04-22-00780-CR EX PARTE Rodolfo Lopez HERNANDEZ, From the County Court, Kinney County, Texas Trial Court No. 10596CR Honorable Tully Shahan, Judge Presiding ORDER On November 21, 2022, court reporter Lisa C. Greenwalt filed a notification of late record, notifying this court that the reporter's record was not filed because appellant has not provided the reporter a designation of record.

It is therefore ORDERED that appellant provide written proof to this court within ten (10) days of the date of this order that appellant has requested the court reporter to prepare the reporter's record, which request must designate the portions of the proceedings and the exhibits to be included. See TEX. R. APP. P. 34.6(b)(1). It is further ORDERED that the reporter's record must be filed no later than fifteen (15) days after the date appellant's written proof is filed with this court.

If appellant fails to respond within the time provided, appellant's brief will be due within twenty (20) days from the date the clerk's record is filed, and the court will consider only those issues or points raised in appellant's brief that do not require a reporter's record for a decision. See TEX. R. APP. P. 37.3(c). _____ Rebeca C. Martinez, Chief Justice IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 22nd day of November, 2022. _____ MICHAEL A. CRUZ, Clerk of Court