

COURT OF APPEALS FOR THE FIFTH DISTRICT OF TEXAS AT DALLAS

Robert Howard Green v. State

Nos. 05-18-01068-CR and 05-18-01069-CR · No. Nos. 05-18-01068-CR and 05-18-01069-CR · Decided April 10, 2020

SUMMARY

The Texas Court of Appeals for the Fifth District of Dallas ordered the court reporter to file a supplemental reporter's record from an October 17, 2019 hearing and related hearings. The order arose from issues concerning the reporter's record in two consolidated criminal appeals.

CASE DETAILS

COURT	Court of Appeals for the Fifth District of Texas at Dallas
JURISDICTION	Texas
DECIDED	April 10, 2020
DOCKET	Nos. 05-18-01068-CR and 05-18-01069-CR
DISPOSITION	other
PROCEDURAL POSTURE	Appellant moved to supplement the appellate record after the appeals had been abated because of issues concerning the reporter's record.
PRECEDENTIAL VALUE	Published
PARTIES	Robert Howard Green v. The State of Texas

TOPICS

[appellate procedure](#)[criminal procedure](#)

PRACTICE AREAS

[Appellate procedure](#)[Criminal procedure](#)

QUESTIONS PRESENTED

1. Whether the appellate court should require supplementation of the record with the reporter's record from the October 17, 2019 hearing and any related hearings.

HOLDINGS

1. The court ordered the court reporter to file the supplemental reporter's record from the October 17, 2019 hearing and any other related hearings within fifteen days.

KEY QUOTATIONS

“We ORDER court reporter Debi Harris to file the supplemental reporter’s record from the October 17, 2019 hearing and any other hearings held by the Honorable Gary Stephens in conjunction with the November 26, 2019 “Trial Court’s Findings of Fact” WITHIN FIFTEEN DAYS of the date of this order.” (at 2)

FACTUAL BACKGROUND

The appellate court had abated the appeals because of issues concerning the reporter's record. The trial court held an October 17, 2019 hearing and later filed findings of fact on November 26, 2019. Although the reporter's record from the underlying trial had been filed, the record from the October 17 hearing and any related hearings had not been filed by the date of the order.

PROCEDURAL HISTORY

The appeals arose from the 283rd Judicial District Court of Dallas County in trial court causes F16-76425-T and F16-76426-T. The appellate court previously abated the appeals concerning the reporter's record. After the trial court filed findings of fact from an October 17, 2019 hearing and the appellate court adopted those findings, the reporter's record from that hearing remained unfiled. The court ordered the court reporter to file the supplemental record and related hearing records within fifteen days.

DISPOSITION

other

REMAND INSTRUCTIONS

Court reporter Debi Harris was ordered to file within fifteen days the supplemental reporter's record from the October 17, 2019 hearing and any other hearings held by Judge Gary Stephens in conjunction with the trial court's findings of fact.

OPINION

PER CURIAM.

Order entered April 10, 2020 In The Court of Appeals Fifth District of Texas at Dallas No. 05-18-01068-CR No. 05-18-01069-CR ROBERT HOWARD GREEN, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 283rd Judicial District Court Dallas County, Texas Trial Court Cause Nos. F16-76425-T & F16-76426-T ORDER Before the Court is appellant’s April 8, 2020 motion to supplement the record.

We abated the appeals because of issues regarding the reporter’s record. On November 26, 2019, the trial court filed its findings of fact from its October 17, 2019 hearing. We adopted the findings and ordered the reporter’s record due.

Although the reporter's record from the underlying trial has been filed, to date, the reporter's record from the October 17, 2019 hearing has not been filed. We ORDER court reporter Debi Harris to file the supplemental reporter's record from the October 17, 2019 hearing and any other hearings held by the Honorable Gary Stephens in conjunction with the November 26, 2019 "Trial Court's Findings of Fact" WITHIN FIFTEEN DAYS of the date of this order.

We DIRECT the Clerk to send copies of this order to the Honorable Lela Mays, Presiding Judge, 283rd Judicial District Court; the Honorable Gary Stephens, Presiding Judge, Auxiliary Court No. 8; court reporter Debi Harris; court reporter Sharina Fowler; and to counsel for all parties. /s/ ROBERT D. BURNS, III CHIEF JUSTICE -2-