

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

In the Interest of R.E.C. and C.A.C., Children

No. 05-15-00426-CV (Tex. App.—Dallas May 28, 2015) (per curiam order) · No. No. 05-15-00426-CV ·
Decided May 28, 2015

SUMMARY

The Texas Court of Appeals for the Fifth District ordered the court reporter to file the reporter’s record or provide written verification that it had not been paid for or arranged. The court cautioned that, absent payment or arrangements, the appeal could be submitted without the reporter’s record under Texas Rule of Appellate Procedure 37.3(c).

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
JURISDICTION	Texas
DECIDED	May 28, 2015
DOCKET	No. 05-15-00426-CV
DISPOSITION	other
PROCEDURAL POSTURE	Interlocutory procedural order concerning the absence of the reporter's record in a pending appeal.
PRECEDENTIAL VALUE	Published procedural order
PARTIES	R.E.C. and C.A.C., Children

TOPICS

- appellate procedure
- family law procedure
- civil procedure

PRACTICE AREAS

- appellate procedure
- family law procedure
- civil procedure

QUESTIONS PRESENTED

1. What procedural action should the appellate court take when the reporter's record has not been filed and the appellant has not initially shown that the record was requested and paid for or that payment arrangements were made?

HOLDINGS

1. Because the appellant informed the court that the reporter's record had been requested, the court ordered the court reporter to file the reporter's record within thirty days or provide written verification that it had not been paid for or that no payment arrangements had been made.

KEY QUOTATIONS

“Accordingly, we ORDER Court Reporter Kimberly Tinsley to file, within THIRTY DAYS of the date of this order, either (1) the reporter’s record, or (2) written verification that the reporter’s record has not been paid for or that no payment arrangements have been made.”

FACTUAL BACKGROUND

The reporter's record had not been filed in the appeal. The court reporter notified the appellate court that the record had not been filed because the appellant had either not requested it or had not paid for it or made arrangements to pay. After the appellate court requested verification, the appellant stated that the record had been requested.

PROCEDURAL HISTORY

The appeal was taken from the 401st Judicial District Court of Collin County, Texas, in trial court cause number 401-51560-00. The reporter's record had not been filed because the appellant had not established that she had requested and paid for the record or made payment arrangements. After the court directed the appellant to provide verification, she reported that the record had been requested, and the appellate court ordered the court reporter to file the record or verify that payment or payment arrangements had not been made.

DISPOSITION

other

OPINION

PER CURIAM.

Order entered May 28, 2015 In The Court of Appeals Fifth District of Texas at Dallas No. 05-15-00426-CV IN THE INTEREST OF R.E.C. AND C.A.C., CHILDREN On Appeal from the 401st Judicial District Court Collin County, Texas Trial Court Cause No. 401-51560-00 ORDER The reporter’s record in this case has not been filed. By letter dated May 4, 2015, we informed appellant that the court reporter notified us that the reporter’s record had not been filed because appellant had either not (1) requested the record; or (2) paid for or made arrangements to pay for the record.

We directed appellant to provide the Court with written verification she had requested the record and had paid for or made arrangements to pay for the record, or had been found entitled to proceed without payment of costs.

We cautioned appellant that failure to provide the required documentation within ten days might result in the appeal being ordered submitted without the reporter's record. On May 22, 2015, appellant informed the Court by letter that the record had been requested.

Accordingly, we ORDER Court Reporter Kimberly Tinsley to file, within THIRTY DAYS of the date of this order, either (1) the reporter's record, or (2) written verification that the reporter's record has not been paid for or that no payment arrangements have been made.

We caution appellant that if we receive verification that payment or payment arrangements have not been made, we will order the appeal submitted without the reporter's record and without further notice. See TEX. R. APP. P. 37.3(c). /s/ CAROLYN WRIGHT CHIEF JUSTICE