

FOURTEENTH COURT OF APPEALS OF TEXAS

Kenton Fryer v. State

No. 14-18-00381-CR (Tex. App.—Houston [14th Dist.] Aug. 14, 2018) (per curiam order) · No. No. 14-18-00381-CR · Decided August 14, 2018

SUMMARY

The Fourteenth Court of Appeals ordered the official court reporter to file the overdue reporter’s record in Kenton Fryer’s criminal appeal by September 13, 2018. The court warned that no further extension would be granted absent exceptional circumstances and could direct the trial court to conduct a hearing if the record was not timely filed.

CASE DETAILS

COURT	Fourteenth Court of Appeals of Texas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Texas
DECIDED	August 14, 2018
DOCKET	No. 14-18-00381-CR
DISPOSITION	other
PROCEDURAL POSTURE	Criminal appeal in which the appellate record had not been timely filed; the court issued a per curiam order directing the official court reporter to file the reporter's record.
PRECEDENTIAL VALUE	Published
PARTIES	Kenton Fryer v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal appellate procedure
- appellate record administration

QUESTIONS PRESENTED

1. What action should the appellate court take when the reporter's record has not been timely filed despite a prior filing order and extension?

HOLDINGS

1. When the reporter's record has not been timely filed, the appellate court may order the official court reporter to file the record by a specified deadline and may direct the trial court to conduct a hearing regarding the failure if the reporter does not comply.

KEY QUOTATIONS

“The trial and appellate courts are jointly responsible for ensuring that the appellate record is timely filed.”

FACTUAL BACKGROUND

The reporter's record in Fryer's criminal appeal was originally due June 18, 2018. Despite a subsequent filing order and an extension through August 6, 2018, the official court reporter had not filed the record by the date of this order.

PROCEDURAL HISTORY

The reporter's record was due June 18, 2018. After the court ordered filing within fifteen days and granted an extension through August 6, 2018, the record still had not been filed, prompting the court to order filing by September 13, 2018.

DISPOSITION

other

OPINION

PER CURIAM.

Order filed August 14, 2018. In The Fourteenth Court of Appeals _____ NO. 14-18-00381-CR _____ KENTON FRYER, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 21st District Court Bastrop County, Texas Trial Court Cause No. 16,029 ORDER The reporter's record in this case was originally due June 18, 2018. See Tex. R. App. P. 35.1.

On June 19, 2018, this court ordered the court reporter to file the record within 15 days. In response, the court reporter sought an extension of time to file the record. The extension was granted in part through August 6, 2018. See Tex. R. App. P. 35.3(c).

The record has not been filed with the court. Because the reporter's record has not been filed timely, we issue the following order. We order Margaret Raiford, the official court reporter, to file the record in this appeal on or before September 13, 2018. No further extension will be entertained absent exceptional circumstances.

The trial and appellate courts are jointly responsible for ensuring that the appellate record is timely filed. See Tex. R. App. P. 35.3(c). If Margaret Raiford does not timely file the record as ordered,

we may issue an order directing the trial court to conduct a hearing to determine the reason for the failure to file the record. PER CURIAM

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