

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Jose Lozano v. State

No. 05-14-00593-CR · No. No. 05-14-00593-CR · Decided December 30, 2014

SUMMARY

The Texas Court of Appeals for the Fifth District reinstated Jose Lozano's criminal appeal after adopting trial court findings concerning the delayed reporter's record. The court ordered the court reporter to file the complete record by February 2, 2015, and warned that failure to comply could result in an order barring her from sitting as a court reporter.

OPINION

PER CURIAM.

Order entered December 30, 2014 In The Court of Appeals Fifth District of Texas at Dallas No. 05-14-00593-CR JOSE LOZANO, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 194th Judicial District Court Dallas County, Texas Trial Court Cause No. F12-31495-M ORDER The Court REINSTATES the appeal.

On October 27, 2014, we ordered the trial court to make findings regarding why the reporter's record has not been filed. We ADOPT the findings that: (1) appellant desires to pursue the appeal; (2) appellant is indigent and represented by court-appointed counsel; (3) counsel timely requested preparation of the reporter's record; (4) Belinda Baraka is the court reporter who recorded the proceedings; (5) Ms. Baraka's explanation for the delay in filing the record is her workload; and (6) Ms. Baraka requires forty-five days from the December 19, 2014 findings to file the record.

We ORDER Belinda Baraka to file the reporter's record by 4:00 p.m. on FEBRUARY 2, 2015. We note the record is already four months overdue, the appeal was abated for two months awaiting the trial court's findings, and at no time did Ms. Baraka communicate with the Court regarding the status of the record.

Accordingly, if the complete reporter's record is not filed by the date and time specified, we will order that she not sit as a court reporter until she has filed the record in this appeal. We DIRECT the Clerk to send copies of this order, by electronic transmission, to the Honorable Ernest White, Presiding Judge, 194th Judicial District Court; Belinda Baraka, official court reporter, 194th Judicial District Court; and to counsel for all parties. /s/ ADA BROWN JUSTICE