

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.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
JURISDICTION	Texas
DECIDED	December 30, 2014
DOCKET	No. 05-14-00593-CR
DISPOSITION	other
PROCEDURAL POSTURE	Appellate order reinstating a criminal appeal and directing the court reporter to file the overdue reporter's record.
PRECEDENTIAL VALUE	Published order
PARTIES	Jose Lozano v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal appellate procedure

QUESTIONS PRESENTED

- Whether the appeal should be reinstated after the trial court made findings concerning the delayed filing of the reporter's record.
- What deadline and consequences should govern the court reporter's filing of the overdue reporter's record.

HOLDINGS

1. The appeal was reinstated after the Court of Appeals adopted the trial court's findings.
2. The court reporter was ordered to file the complete reporter's record by 4:00 p.m. on February 2, 2015.

FACTUAL BACKGROUND

Appellant sought to pursue the appeal, was indigent, and was represented by appointed counsel who timely requested preparation of the reporter's record. The official court reporter, Belinda Baraka, attributed the delay to her workload and indicated that she needed forty-five days from the trial court's December 19, 2014 findings to file the record; the record was already four months overdue.

PROCEDURAL HISTORY

The appeal was previously abated after the appellate court ordered the trial court to make findings concerning the delayed reporter's record. After adopting the trial court's findings, the Court of Appeals reinstated the appeal and ordered the court reporter to file the complete reporter's record by February 2, 2015.

DISPOSITION

other

REMAND INSTRUCTIONS

The appeal was reinstated. Belinda Baraka was ordered to file the complete reporter's record by 4:00 p.m. on February 2, 2015. If the record was not filed by that deadline, the court stated that it would order her not to sit as a court reporter until the record was filed.