

COURT OF APPEALS OF TEXAS, FOURTEENTH DISTRICT

Demekayla Daquis Durden v. State

No. 14-19-00388-CR · No. No. 14-19-00388-CR · Decided December 5, 2019

SUMMARY

The Fourteenth Court of Appeals ordered substitute court reporter Pamela Knobloch to file the overdue reporter’s record within 10 days. The order warned that, absent exceptional circumstances, no further extension would be granted and that the court could direct the trial court to conduct a hearing if the record was not timely filed.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourteenth District
WRITING FOR THE COURT	Chief Justice Frost; Justice Christopher; Justice Bourliot
JURISDICTION	Texas
DECIDED	December 5, 2019
DOCKET	No. 14-19-00388-CR
DISPOSITION	other
PROCEDURAL POSTURE	Criminal appeal in which the reporter's record had not been filed by the deadline, prompting the court of appeals to order the substitute court reporter to file the record.
PRECEDENTIAL VALUE	Procedural appellate order; no precedential characterization stated in the opinion text.
PARTIES	Demekayla Daquis Durden v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure

PRACTICE AREAS

- appellate procedure
- criminal procedure

QUESTIONS PRESENTED

1. Whether the appellate court should order the substitute court reporter to file the overdue reporter's record.

2. Whether the trial and appellate courts share responsibility for ensuring that the appellate record is timely filed.

HOLDINGS

1. Because the reporter's record had not been timely filed, the court ordered substitute court reporter Pamela Knobloch to file the record within 10 days of the order.

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 Durden's criminal appeal was due on August 16, 2019, but had not been filed by the date of this order. The court of appeals had previously ordered the court reporter to file the record within 15 days, yet the record remained absent. The appellate court therefore directed substitute court reporter Pamela Knobloch to file the record within 10 days.

PROCEDURAL HISTORY

The reporter's record was due on August 16, 2019. After the record remained unfiled, the court ordered the court reporter on October 2, 2019, to file it within 15 days; when the record still was not filed, the court issued this order directing the substitute court reporter to file it within 10 days.

DISPOSITION

other

OPINION

Demekayla Daquis Durden v. State

PER CURIAM.

Order filed, December 5, 2019. In The Fourteenth Court of Appeals _____

NO. 14-19-00388-CR

_____ DEMEKAYLA DAQUIS DURDEN, Appellant V. THE STATE OF TEXAS,
Appellee On Appeal from the 179th District Court Harris County, Texas Trial Court Cause No.
1491520

ORDER

The reporter's record in this case was due August 16, 2019. See Tex. R. App. P. 35.1. On October 2, 2019, this court ordered the court reporter to file the record within 15 days. 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 Pamela Knobloch, the substitute court reporter, to file the record in this appeal within 10 days of the date of this order. 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 Pamela Knobloch 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

Panel Consists of Chief Justice Frost and Justices Christopher and Bourliot.