

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Jeremy Dwayne Parker v. The State of Texas

No. 03-25-00611-CR (Tex. App.—Austin Jan. 23, 2026) (mem. op.) · No. No. 03-25-00611-CR · Decided January 23, 2026

SUMMARY

The Texas Court of Appeals, Third District, abated the appeal and remanded the case to the trial court to resolve a dispute concerning a corrupted or incomplete recording admitted as State’s Exhibit 4. The trial court was directed to proceed under Texas Rule of Appellate Procedure 34.6 and make findings or provide necessary record supplements within 30 days.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Per Curiam; Justice Triana; Justice Kelly; Justice Ellis
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	January 23, 2026
DOCKET	No. 03-25-00611-CR
DISPOSITION	remanded
PROCEDURAL POSTURE	Parker appealed convictions and sentences for possession of a controlled substance with intent to deliver and evading arrest or detention with a vehicle, then moved to abate the appeal and remand for a hearing concerning a corrupted or inaccessible trial exhibit.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jeremy Dwayne Parker v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure
- evidence
- authentication

PRACTICE AREAS

- criminal appellate procedure
- criminal procedure
- evidence

QUESTIONS PRESENTED

1. Whether the appeal should be abated and the dispute over the accuracy and accessibility of State's Exhibit 4 submitted to the trial court under Texas Rule of Appellate Procedure 34.6.
2. What procedures the trial court must follow if the exhibit is inaccurate, lost or destroyed, or must be inspected or transmitted in its original form.

HOLDINGS

1. When the parties cannot agree whether or how to correct an exhibit in the reporter's record, the appellate court must submit the dispute to the trial court for resolution under Texas Rule of Appellate Procedure 34.6(e)(3); the appeal was therefore abated and remanded.

KEY QUOTATIONS

"We, therefore, abate this case and "submit the dispute to the trial court for resolution." (at 2)

"If the court finds any inaccuracy, it must order the court reporter to conform the reporter's record (including text and any exhibits) to what occurred in the trial court, and to file certified corrections in the appellate court." (at 2)

FACTUAL BACKGROUND

Parker was convicted of possession of a controlled substance with intent to deliver and evading arrest or detention with a vehicle. During trial, the court admitted a body-camera recording depicting Officer Beverly Fraga's vehicle inventory and her discovery of drug-related and other items, but the exhibit later became corrupted or otherwise inaccessible beyond a portion of the recording and could not be uploaded electronically to the appellate court.

PROCEDURAL HISTORY

During trial, the court admitted Officer Beverly Fraga's body-camera recording as State's Exhibit 4. After the parties disputed whether and how the exhibit and reporter's record could be corrected, Parker moved under Texas Rule of Appellate Procedure 34.6 for abatement and remand. The court abated the appeal and remanded the dispute to the trial court for resolution, with findings and any necessary record supplements due within 30 days.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The trial court must conduct the required notice-and-hearing process, settle the dispute concerning State's Exhibit 4, order certified corrections if inaccuracies are found, make findings under Rule 34.6(f) if certified corrections are impossible because the exhibit was lost or destroyed, and proceed under Rule 34.6(g) if the original exhibit should be inspected or sent to the appellate court. Findings and any necessary supplements must be filed within 30 days of the order.

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-25-00611-CR Jeremy Dwayne Parker, Appellant v. The State of Texas, Appellee FROM THE 274TH DISTRICT COURT OF COMAL COUNTY NO. CR2025-043C, THE HONORABLE ROBERT UPDEGROVE, JUDGE PRESIDING O R D E R A N D M E M O R A N D U M O P I N I O N PER CURIAM Appellant Jeremy Parker is appealing his judgments of conviction and sentence for possession of a controlled substance with intent to deliver and evading arrest or detention with a vehicle.

During the trial, Officer Beverly Fraga's body-cam recording of her "vehicle inventory" was admitted into evidence as State's Exhibit Number 4. According to her testimony, the recording captured her discovery, among other things, of Ziploc bags, a crystal-like substance, a scale, drug ledgers, a knife, and several cell phones. According to Parker, he was notified that State's Exhibit Number 4 has become corrupted and is no longer working, and the parties cannot agree on whether or how to correct the reporter's record.

Parker filed a motion requesting that this Court abate the appeal and remand the case to the trial court for a hearing under Rule 34.6 of the Texas Rules of Appellate Procedure. The State filed a response asserting that the court reporter has recently confirmed for the parties that the issue is not that the disc "is no longer working" at all, but that the disc will not play beyond 32:43, and will not upload to this Court's system electronically.

The State notes that it only published the exhibit to 23:38. The State asks us to deny Parker's motion, or hold it in abeyance and direct the trial court clerk to send the original State's Exhibit 4 to this court. State's Exhibit 4 has not been included in the record before us.

We, therefore, abate this case and "submit the dispute to the trial court for resolution." Tex. R. App. P. 34.6(e)(3). Rule 34.6(e)(2) provides that if the parties cannot agree on whether or how to correct the reporter's record so that the exhibit is accurate, "the trial court must—after notice and hearing—settle the dispute." Id., R. 34.6(e)(2). "If the court finds any inaccuracy, it must order the court reporter to conform the reporter's record (including text and any exhibits) to what occurred in the trial court, and to file certified corrections in the appellate court." Id. If such certified corrections are not possible because the exhibit had been lost or destroyed, we order the trial court to make findings under Rule 34.6(f).

Id., R. 34.6(f). Finally, if the trial court determines that original exhibit should be inspected by this Court or sent to this Court in lieu of a copy, the trial court must proceed under Rule 34.6(g). Id., R. 34.6(g).

The findings shall be made and any necessary supplements shall be filed within 30 days of the date of this order. It is so ordered on January 23, 2026. Before Justices Triana, Kelly, and Ellis
Abated and Remanded Filed: January 23, 2025 Do Not Publish 2

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