

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Deric Eugene Madison v. State

No. 05-15-00859-CR · No. No. 05-15-00859-CR · Decided September 22, 2015

OPINION

Deric Eugene Madison v. State

PER CURIAM.

Order entered September 22, 2015 In The Court of Appeals Fifth District of Texas at Dallas No. 05-15-00859-CR DERIC EUGENE MADISON, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 291st Judicial District Court Dallas County, Texas Trial Court Cause No. F14-76000-U

ORDER

The Court DENIES court reporter Cheryl Dixon's September 11, 2015 request for an extension of time until September 18, 2015 to file the reporter's record. Ms. Dixon did not file the reporter's record by September 18, 2015. We ORDER the trial court to make findings of fact regarding whether appellant has been deprived of the reporter's record because of ineffective counsel, indigence, or for any other reason. The trial court shall first determine whether appellant desires to prosecute the appeal. If the trial court determines that appellant does not desire to prosecute the appeal, it shall make a finding to that effect. If the trial court determines that appellant desires to prosecute the appeal, it shall next determine whether appellant is indigent and entitled to proceed without payment of costs for the reporter's record. If appellant is entitled to proceed without payment of costs, the trial court shall make a finding to that effect. Moreover, if appellant is indigent, the trial court is ORDERED to take such measures as may be necessary to assure effective representation, which may include appointment of new counsel. If the trial court finds appellant is not indigent, it shall determine whether retained counsel has abandoned the appeal.

The trial court shall next determine: (1) the name and address of each court reporter who recorded the proceedings in this cause; (2) the court reporter's explanation for the delay in filing the reporter's record; and (3) the earliest date by which the reporter's record can be filed. We ORDER the trial court to transmit a record, containing the written findings of fact, any supporting documentation, and any orders, to this Court within THIRTY DAYS of the date of this order. The appeal is ABATED to allow the trial court to comply with this order. The appeal shall be reinstated thirty days from the date of this order or when the findings are received, whichever is earlier.

/s/ CAROLYN WRIGHT

CHIEF JUSTICE