

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON

Pamela J. Hazelwood v. Keith L. Hazelwood

Hazelwood · No. 01-17-00147-CV · Decided November 14, 2017

SUMMARY

The First District Court of Appeals ordered the trial court to determine whether the exclusion of specified exhibits from the reporter’s record constituted an inaccuracy under Texas Rule of Appellate Procedure 34.6(e)(2). The trial court was directed to hold a hearing, make findings, and, if necessary, order certified corrections and supplemental records to be filed.

OPINION

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PER CURIAM.

COURT OF APPEALS FOR THE
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ORDER

Appellate case name: Pamela J. Hazelwood v. Keith L. Hazelwood Appellate case number: 01-17-00147-CV Trial court case number: 2015-49239 Trial court: 310th District Court of Harris County Appellant Pamela J. Hazelwood has filed a “Motion to Compel” in which she asks this court to order the court reporters to supplement the record with documents offered to the trial court in hearings on December 15, 2016 and February 9, 2017. According to appellant’s motion, the court reporters have refused to do so. There is an apparent dispute as to whether inaccuracies exist in the reporter’s record. When the parties cannot agree on whether or how to correct the reporter’s record so that the exhibits are accurate, the trial court must—after notice and hearing—settle the dispute. TEX. R. APP. P. 34.6(e)(2). If the court finds any inaccuracy, it must order the court reporter to conform the reporter’s record to what occurred in the trial court, and to file certified corrections in the appellate court. Accordingly, the trial court is ordered to determine whether the exclusion of the exhibits listed in the attached motion constitutes an inaccuracy in the reporter’s records. See *id.* The trial court shall hold a hearing within 30 days of the date of this order to resolve the dispute about alleged inaccuracies in the reporter’s record, enter an order containing the court’s findings, and cause a supplemental clerk’s record including the order to be filed in this court within 14 days after the hearing. If the trial court finds that there are inaccuracies in the reporter’s records that may be corrected, the trial court shall order the court reporters to file certified corrections to the reporter’s records, including any exhibits, in the appellate court within 14 days after the hearing. See *id.* It is so ORDERED. Judge’s signature: /s/ Michael Massengale Acting individually Acting for the Court Date: November 14, 2017

