

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Mickey Odell Gerald II v. State

Nos. 05-14-00596-CR, 05-14-00597-CR · No. Nos. 05-14-00596-CR, 05-14-00597-CR · Decided January 9, 2015

SUMMARY

The Texas Court of Appeals for the Fifth District reinstated two criminal appeals and adopted the trial court's findings concerning the delayed reporter's record. The court granted the court reporter an extension and ordered the complete reporter's record, including admitted exhibits, to be filed by February 9, 2015.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Lana Myers
JURISDICTION	Texas
DECIDED	January 9, 2015
DOCKET	Nos. 05-14-00596-CR, 05-14-00597-CR
DISPOSITION	other
PROCEDURAL POSTURE	Two criminal appeals were reinstated after the appellate court received trial-court findings concerning the delayed filing of the reporter's record and granted the court reporter an extension of time to file the complete record.
PRECEDENTIAL VALUE	Published procedural order
PARTIES	Mickey Odell Gerald II v. The State of Texas

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the appeals should be reinstated after the trial court made findings concerning the delayed filing of the reporter's record.
2. Whether the court reporter should receive an extension of time to file the complete reporter's record.

FACTUAL BACKGROUND

Appellant wished to pursue both appeals, was indigent, and was represented by appointed counsel. Counsel timely requested the reporter's record, which had been recorded by Debi Harris. Harris explained that a family death and other issues caused her to overlook the record and requested thirty days from the trial court's January 6, 2015 findings to file it.

PROCEDURAL HISTORY

The appeals arose from the 292nd Judicial District Court of Dallas County in trial court causes F07-72503-V and F07-72502-V. On October 28, 2014, the court of appeals ordered findings regarding why the reporter's record had not been filed. After adopting the findings, the court reinstated the appeals and ordered the complete reporter's record filed by February 9, 2015.

DISPOSITION

other

REMAND INSTRUCTIONS

The court reporter was ordered to file the complete reporter's record, including all admitted exhibits, by February 9, 2015. The appeals were reinstated.

OPINION

PER CURIAM.

Order entered January 9, 2015 In The Court of Appeals Fifth District of Texas at Dallas No. 05-14-00596-CR No. 05-14-00597-CR MICKEY ODELL GERALD II, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 292nd Judicial District Court Dallas County, Texas Trial Court Cause Nos. F07-72503-V, F07-72502-V ORDER The Court REINSTATES the appeals.

On October 28, 2014, we ordered the trial court to make findings regarding why the reporter's record has not been filed. We ADOPT the findings that: (1) appellant desires to pursue the appeals; (2) appellant is indigent and represented by court-appointed counsel; (3) counsel timely requested the reporter's record; (4) Debi Harris, court reporter for Auxiliary Court No. 8, is the court reporter who recorded the proceedings; (5) Ms. Harris's explanation for the delay in filing the record is due to a family death and other issues, she overlooked the record; and (6) Ms. Harris requested thirty days from the January 6, 2015 findings to file the record.

We GRANT Ms. Harris's January 2, 2015 request for an extension of time to file the reporter's record. We ORDER Ms. Harris to file the complete reporter's record, including all exhibits admitted into evidence, by FEBRUARY 9, 2015.

We DIRECT the Clerk to send copies of this order, by electronic transmission, to Debi Harris, court reporter, Auxiliary Court No. 8, and to counsel for all parties. /s/ LANA MYERS JUSTICE