NUMBER 13-15-00353-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

ANTONIO SANTOS, **APPELLANT,**

v.

THE STATE OF TEXAS, **APPELLEE.**

On appeal from the 138th District Court of Cameron County, Texas.

ORDER OF ABATEMENT

Before Justices Benavides, Perkes, and Longoria
Order Per Curiam

This cause is before the Court on appellant's unopposed motion to supplement the record and abate the appeal, or in the alternative, extend the deadline for filing appellant's brief. Appellant's counsel states that appellant was indicted in 1998 and the records from that cause number, 98-CR-1421-B are necessary for a complete appellate record. Without supplementation of both the clerk's and reporter's records, counsel states he

cannot prepare the brief.

The clerk's record was filed on September 14, 2015. Counsel has requested that the clerk supplement the record to include missing portions of the record and include the 1998 prior case. A supplemental clerk's record containing the missing documents was filed on April 13, 2016. Accordingly, appellant's motion to supplement the clerk's record is DISMISSED AS MOOT.

The reporter's record was filed on March 8, 2016. Counsel states that documents requested to be included in the reporter's record: pretrial hearings on February 13, 2014, May 8, 2014, April 7, 2015, and May 8, 2015; have not been filed. When a relevant item has been omitted from the reporter's record, the appellate court may by letter direct the trial court clerk to prepare, certify, and file in the appellate court a supplemental reporter's record containing the omitted items. *See* TEX. R. APP. P. 34.6(d). Accordingly, the appellant's motion to supplement the appellate record and to abate the appeal is GRANTED and the briefing deadlines are suspended.

The court reporter of the 138th District Court of Cameron County is directed to prepare supplemental reporter's record in this cause to include pretrial hearings held on February 13, 2014, May 8, 2014, April 7, 2015, and May 8, 2015. The supplemental reporter's record shall be filed with this Court within 45 days from the date of this order.

This appeal will be reinstated upon receipt of the supplemental clerk's and reporter's record, or upon further order of this Court.

IT IS SO ORDERED.

PER CURIAM

Do not publish.
TEX. R. APP. P. 47.2(b).

Delivered and filed the
21st day of April, 2016.