Motion Granted; Abatement Order filed January 5, 2017



In The

Fourteenth Court of Appeals

NO. 14-15-01066-CR
NO. 14-15-01067-CR
NO. 14-15-01068-CR

DYLAN ANDREW QUICK, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 339th District Court
Harris County, Texas
Trial Court Cause Nos. 1383658, 1383659 & 1383660

ABATEMENT ORDER

Appellant filed a motion to abate these appeals to determine whether significant portions of the reporter's record have been lost or destroyed. Rule 34.6(f) of the Texas Rules of Appellate Procedure provides that an appellant is entitled to a new trial when the reporter's record or exhibits are lost, under the following circumstances:

> (1) if the appellant timely requested a reporter's record;
>
> (2) if, without the appellant's fault, a significant exhibit or a significant portion of the court reporter's notes and records has been lost or destroyed;
>
> (3) if the lost, destroyed, or inaudible portion of the reporter's record, or the lost or destroyed exhibit, is necessary to the appeal's resolution; and
>
> (4) if the lost, destroyed or inaudible portion of the reporter's record cannot be replaced by agreement of the parties, or the lost or destroyed exhibit cannot be replaced either by agreement of the parties or with a copy determined by the trial court to accurately duplicate with reasonable certainty the original exhibit.

Tex. R. App. P. 34.6(f).

The motion is granted. Accordingly, the trial court is directed to conduct a hearing to determine the following: (1) whether appellant timely requested a reporter's record; (2) whether without the appellant's fault, significant exhibits have been lost or destroyed; (3) whether the lost exhibits are necessary to appellant's appeal; and (4) whether the parties can agree on replacement of the missing exhibits with copies, or (5) if the trial court can determine with reasonable certainty that copies accurately duplicate the missing exhibits. The court is directed to reduce its findings to writing and to have a supplemental clerk's record containing those findings filed with the clerk of this court, together with a reporter's record from the hearing, within 30 days of the date of this order.

The appeals are abated, treated as cases, and removed from this court's active docket. The appeals will be reinstated on this court's active docket when the trial court's findings and recommendations are filed in this court. The court also will consider an appropriate motion to reinstate the appeals filed by either party, or the court may reinstate the appeals on its own motion. It is the responsibility of any party

seeking reinstatement to request a hearing date from the trial court and to schedule a hearing in compliance with this court's order. If the parties do not request a hearing, the court coordinator of the trial court shall set a hearing date and notify the parties of the hearing date and time.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Brown and Jewell.