Fourth Court of Appeals
San Antonio, Texas

July 28, 2017

No. 04-17-00329-CR

Brian **FAZIO,**
Appellant

v.

The **STATE** of Texas,
Appellee

From the 290th Judicial District Court, Bexar County, Texas
Trial Court No. 2016CR5284
Honorable Melisa Skinner, Judge Presiding

O R D E R

The reporter's record in this case was due June 19, 2017. When reporter Mary Beth Sasala failed to file her portion of the record, this court sent her a notice pursuant to Rule 37.3 of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 37.3. The notice advised Ms. Sasala the record was past due and that if the record had not been filed because appellant was required to pay for the record but had not, she should file a notification of late record on or July 3, 2017, stating such fact. The letter further stated that if payment was not an issue, the record was due in this court on or before July 24, 2017. Ms. Sasala did not respond to our notice letter. Thus, her portion of the record was due July 24, 2017.

On July 25, 2017, Ms. Sasala filed a notification of late record asking for an extension of ninety-eight days from the current due date and one hundred and thirty-three days from the original due date, i.e., October 30, 2017,. Ms. Sasala explained she needed additional time because she is "in court/trial nonstop every day and am trying to complete and file" records in three other cases in which the records total fifteen hundred pages. After review, we **GRANT IN PART AND DENY IN PART** the request for an extension of time to file the reporter's record. We grant the request for an extension to file the record, but only for thirty days from the current due date. *See* TEX. R. APP. P. 35.3(c) (stating each extension of time to file record must not exceed thirty days in ordinary or restricted appeal). Accordingly, we **ORDER** court reporter Mary Beth Sasala to file the record in this court on or before August 23, 2017.

We **order** the clerk of this court to serve a copy of this order on all parties and court reporter Mary Beth Sasala.

Marialyn Barnard, Justice

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 28th day of July, 2017.

COURT OF APPEALS
STATE OF TEXAS

Luz Estrada
Chief Deputy Clerk