Fourth Court of Appeals
San Antonio, Texas

August 3, 2017

No. 04-16-00836-CR

Eugene **CASTILLO**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 227th Judicial District Court, Bexar County, Texas
Trial Court No. 2014CR9058
Honorable Kevin M. O'Connell, Judge Presiding

O R D E R

The reporter's record was originally due May 4, 2017, but a portion of the record was not filed. On May 11, 2017, this court notified the court reporter, Amy Hinds, that her portion of the reporter's record was past due. In that letter, we advised Ms. Hinds that she should respond to our notice within ten days of the letter by filing a notification of late record in the event she had not been paid. We further advised Ms. Hinds that if she did not file a response, her portion of the reporter's record would be due on or before June 12, 2017. On May 18, 2017, in response to our letter, Ms. Hinds filed a notification of late record, requesting an extension of time until June 20, 2017 to file her portion of the record. On May 24, 2017, we granted Ms. Hinds's request, ordering her to file her portion of the reporter's record by June 20, 2017.

On June 20, 2017, Ms. Hinds filed a second notification of late record, requesting an additional extension of time until July 20, 2017, for a total extension of 77 days from the original due date. We granted the court reporter's request, ordering Ms. Hinds to file the record by July 20, 2017. In our order, we further advised the court reporter that no further extensions of time would be considered or granted without written proof of extraordinary circumstances.

On July 27, 2017, Ms. Hinds filed a third notification of late record, requesting an additional extension of time until August 7, 2017, for a total extension of 95 days. In her notification, Ms. Hinds stated she completed a twelve-day jury trial and three records, and therefore, she needs more time to finish the record in this appeal. While we understand there are competing demands on a court reporter's time, these demands cannot justify such a lengthy delay

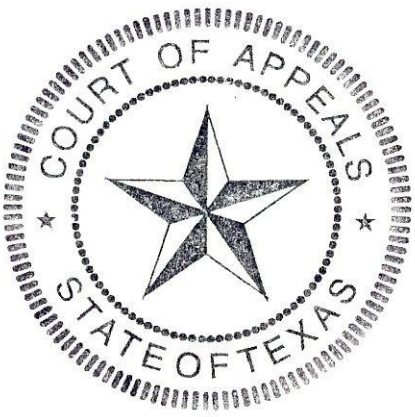
and potential prejudice to appellant's rights. If the court reporter is unable to perform all of her duties and complete a record in a timely manner, she must take whatever steps are necessary to file the record by the date ordered.

After consideration, we **GRANT** the requested extension and **ORDER** Ms. Hinds to file her portion of the reporter's record on or before **August 7, 2017**. **Ms. Hinds is advised that if the record is not received by this date, we may order her to appear and show cause why she should not be held in contempt. Ms. Hinds is further advised that no further extensions of time will be granted.**

We **order** the clerk of this court to serve a copy of this order on all counsel and Ms. Amy. Hinds, the court reporter.

Marialyn Barnard, Justice

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 3rd day of August, 2017.



Luz Estrada
Chief Deputy Clerk