IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-77,088

GARY DAVID GREEN, Appellant

v.

THE STATE OF TEXAS

ON DIRECT APPEAL FROM CAUSE NO. 19FC-1013C IN THE 94TH DISTRICT COURT NUECES COUNTY

***Per curiam*.**

ORDER

The above-styled and numbered cause is pending before this Court as a result of appellant's capital murder conviction and resulting sentence of death in the 94th District Court of Nueces County, Cause No. 19FC-1013C, styled The State of Texas v. Gary David Green. Appellant has filed in this Court a motion titled "Joint Motion to Abate Appeal for Completion of the Record."

In his motion, appellant requests "[c]opies of all jury cards and juror questionnaires from the trial" in this case. Appellant should first present his request for

the disclosure of this information to the trial court. *See* TEX. CODE CRIM. PROC. Art. 35.29.

Appellant further lists numerous other items that he contends are missing from the appellate record. Because the trial court is in a better position to determine the accuracy of the record, we abate the appeal and remand this cause to the trial court to resolve this issue. The trial court is directed to make findings of fact regarding whether the items in question have been omitted from the record, and if so, whether they should be included. If the trial court determines that certain items need not be included in the record, then the trial court should state its reasons for making that determination. If the trial court determines that any relevant items have been omitted from the clerk's record or reporter's record, then the trial court shall direct the clerk and/or court reporter to prepare, certify, and file in this Court a supplemental record containing the omitted items. *See* TEX. R. APP. P. 34.5(c)(1) & 34.6(d).

The findings shall be made and any necessary supplements shall be filed within 30 days of the date of this order. Appellant's brief will be due in this Court within 30 days thereafter.

IT IS SO ORDERED THIS THE 30th DAY OF MARCH, 2020.

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