



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-20-00010-CV

In the Matter of Q.P.O.

On Appeal from the County Court at Law
Bowie County, Texas
Trial Court No. 17JV0007-CCL

Before Morriss, C.J., Burgess and Stevens, JJ.

ORDER

Q.P.O. appeals from the trial court's order transferring him from the Texas Juvenile Justice Department to the Texas Department of Criminal Justice.

Pending before this Court is an agreed motion to supplement the appellate record. The motion states that certain "exhibits and documents were omitted from—but should be included in—the [r]eporter's [r]ecord." By way of contrast, the court reporter indicates that there were no exhibits introduced or admitted at the transfer hearing in this case and states that she does not have copies of the documents the parties now seek to make part of the record.

Since the parties have raised issues regarding the accuracy of the reporter's record, we will submit this dispute to the trial court for resolution under Rule 34.6, subsections (e) and (f), of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 34.6(e), (f). We hereby abate this matter to the trial court to conduct an evidentiary hearing pursuant to Rule 34.6, subsections (e) and (f), for the purposes of (1) determining whether all portions of the record to which the parties are entitled have been accurately included in the appellate record and (2) identifying and correcting, if possible, any inaccuracies or deficiencies in the reporter's record.

We instruct the trial court to conduct an evidentiary hearing within thirty days of the date of this order and to enter findings regarding the following:

1. Precisely what portions of the record the parties claim are missing or inaccurate;
2. For each error or omission identified in response to number 1 above, whether the issue can be resolved by agreement as contemplated by Rule 34.6(e)(1) of the Texas Rules of Appellate Procedure;

3. If such error or omission can be corrected by agreement, then the trial court is instructed to take steps to ensure that the reporter's record is corrected in accordance with the parties' agreement;

4. If such error or omission cannot be corrected by agreement, then the trial court is instructed to take the steps outlined in Rule 34.6(e)(2) of the Texas Rules of Appellate Procedure to resolve the dispute and correct the record;

5. For each error or omission identified in response to number 1 above, whether any missing portion of the reporter's record has been lost or destroyed as contemplated by Rule 34.6(f) of the Texas Rules of Appellate Procedure; and

6. For each portion of the reporter's record that is determined to be lost or destroyed, if any, the trial court is instructed to take evidence on and enter findings regarding each of the four factors set out in Rule 34.6(f) of the Texas Rules of Appellate Procedure and to enter recommendations regarding whether the appellant is entitled to a new trial as a result of the lost or destroyed portion of the record.

7. We also request that the trial court make any additional findings that it believes will be helpful to this Court in fully and finally resolving all issues related to the record in this matter.

The trial court's findings, as set forth above, shall be entered into the record of the case and filed with this Court as a supplemental clerk's record within twenty-one days of the date of the hearing. The reporter's record of the hearing and any certified corrections to the reporter's record under Rule 34.6(e)(2) shall be filed within twenty-one days of the date of the hearing.

All appellate timetables are stayed and will resume on our receipt of the supplemental record.

IT IS SO ORDERED.

BY THE COURT

Date: June 16, 2020