

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

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COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Internal Operating Procedures



Court of Criminal Appeals

State of Texas
Supreme Court Building
201 W. 14th Street, Room 106
Austin, TX 78701
(512) 463-1551

In 2004, the Appellate Section of the State Bar of Texas and the Court of Criminal Appeals worked together to identify key information needed by appellate attorneys and pro se litigants to practice effectively before the court. To assist the court in this effort, the Appellate Section collected and formatted the relevant information and published it originally in the Appellate Advocate in February 2005.

Internal Operating Procedures – Court of Criminal Appeals (Revised February 10, 2015)

Court Information

1. Address: Court of Criminal Appeals, P.O. Box 12308, Austin, TX 78711 (U.S. Mail) or 201 W. 14th St., Supreme Court Bldg, Room 106, Austin, TX 78701 (Commercial Carrier, ie: Fed Ex, UPS, etc.)
2. Telephone numbers: Phone: (512) 463-1551; Fax: (512) 463-7061
3. Website address: <http://www.txcourts.gov/cca>
4. Judges: Presiding Judge Sharon Keller, Serving Judges Lawrence E. Meyers, Cheryl Johnson, Michael Keasler, Barbara Hervey, Elsa Alcalá, Bert Richardson, Kevin P. Yearly, and David Newell
5. Clerk of the Court: Abel Acosta
6. Local Rules: Misc. Docket Number 13-004 - Order Requiring Copies Pursuant to Texas Rules of Appellate Procedure 9.3(b)(2)

FILINGS

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
Electronic Filing	Attorneys are required to file documents electronically through http://www.efiletexas.gov/ **original = electronically filed version** see information on E-Filing			TRAP 9.2(c)
Motions	Motion for Extension of time - Original only Original plus 10 copies of all other motions	First motions for extension of time are routinely granted. Motions for extension of time must comply with TRAP 10.5(b) and 68.2(c).		TRAP 38.6 (b) 68.2(c)

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Internal Operating Procedures

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
Briefs	Original – File Electronically Mail 10 paper copies		Briefs must comply with TRAP 38 and 71.3 Amendment and supplementation is allowed only with leave of Court.	TRAP 70 71.3
PDR	Original – File Electronically Mail 10 paper copies			TRAP 68 Record will be forwarded by the COA
Oral Argument	n/a	The Court will designate whether a case requires oral argument. Notification of such designation shall be sent to counsel along with notification of submission. If counsel desires oral argument and the Court has not so designated the case, counsel may petition the Court within 30 days of the submission notification.	The total maximum time for oral argument is 20 minutes per side. If a motion for rehearing is granted and the cause re-submitted, oral argument is limited to 15 minutes per side	Additional citations should not be made orally during argument, but should be reduced to writing and filed with the Clerk.
Opinions			Opinions and Orders are released Wednesday mornings at 9:00 a.m.	
Motions for Rehearing	Original – file electronically – Mail 10 paper copies			TRAP 79
Extraordinary Matters	Original – file electronically (you will be advised if copies are needed).			TRAP 72.1

Technology

1. Westlaw and Lexis are both available to the Court.
2. The Court does not accept fax filings.
3. The orders and opinions of the Court are posted to the web and can be searched at this URL:
<http://www.search.txcourts.gov/CaseSearch.aspx?coa=coscca&s=c>
4. The Court makes audio recordings of oral arguments available on CD-Rom for \$5.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Checklist

COURT OF CRIMINAL APPEALS

District Clerk Electronic Filing Procedures

(Effective November 1, 2017)

We are no longer requiring paper copies for records filed electronically, excluding those filed in death penalty cases. All records pertaining to a death penalty case will be required to be sent in paper form. This includes direct appeals, Article 11.071 writs, DNA appeals, etc.

- Please use the following name format:

LastName_FirstName_TrialCourtCounty_TrialCourtCase#_CR.pdf

or

LastName_FirstName_TrialCourtCounty_TrialCourtCase#_SuppCR.pdf

- If the record contains multiple volumes, the record must be transmitted in a one file PDF and bookmarked accordingly. Each volume must adhere to the 500 page rule [Appendix C 1.3(b)]
- If the file size exceeds 100 MB, the record must be divided and transmitted separately.
- If the record is divided please add Part 1 of 2, Part 2 of 2, etc.:

LastName_FirstName_TrialCourtCounty_TrialCourtCase#_CR_Part 1 of 2.pdf

- **The record must be in PDF text searchable format and properly indexed and bookmarked accordingly. [Appendix C 1.2(a) and (b)]**
- **Records received that are not in the proper format will be rejected.**
- Original exhibits, video or audio files should be transmitted only at the request of this Court or by order of the trial court.
- *11.07 Writs of Habeas Corpus*, please prepare the Clerk's Record in the following order [see T.R.A.P. Appendix C] for **all** records, both electronic and paper records:
 - 1) Cover page – the cover page must have “ELECTRONIC RECORD” at the top of the page and should be page 1 [T.R.A.P. Appendix C 1.1(e)]
 - 2) Writ Summary Sheet [T.R.A.P. Appendix F]
 - 3) Table of Contents
 - 4) Indictment
 - 5) Judgment
 - 6) Plea Papers (if any)
 - 7) Application for writ of habeas corpus
 - 8) Attachment/appendix/memorandum/exhibit, etc. to the application
 - 9) State's Response (if any)
 - 10) Trial Court's Findings (if any)
 - 11) Affidavits ordered by the trial court in response to the writ
 - 12) Other Items listed in T.R.A.P. Rule 73.4(4)
 - 13) All other documents filed in association with the writ can be added chronologically by filed date
- *11.07 Writs of Habeas Corpus Supplemental Clerk's Records* must include a cover page, appendix, and otherwise prepared in accordance with the rules.

For additional information, please see Texas Rules of Appellate Procedure 34, 35, 73 and Appendix C

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Oral Argument Instruction Sheet

Oral Argument Instruction Sheet

Court of Criminal Appeals

To All Attorneys Arguing Before the Texas Court of Criminal Appeals

A growing number of attorneys now practicing before the Court are new to its practice and therefore unaware of its procedures. We have, from time to time, reminded the bar about the particulars of arguing before this Court. The following are a few suggestions:

1. Obtain a copy of the Submission List from the Clerk's Office. This will give you some idea as to when to expect to argue.
2. If you wish to divide the time allotted for argument, make these arrangements before the Court takes the bench. Such arrangements may be made with the timekeeper at the bailiff's desk located at the front of the courtroom. Inform the Court of such arrangements at the outset of your argument.

Allocation of time is especially important for those cases which have been consolidated for argument as the sum total of time allotted to such arguments remains at twenty (20) minutes.

3. When your case is called by the Presiding Judge, move to the appropriate counsel table, appellant on the left and the State on the right, as you face the bench. Move to the podium when presentation of your portion of the case is called by the Presiding Judge. Please remind the Court of your name and the county from which the case arose.
4. Limit the presentation of your case to the legal issues involved and do not embark on a jury argument. Remain behind the podium at all times during the presentation of your case.
5. There are two lights on the podium: a yellow light and a red light. In all situations, unless you give the timekeeper instructions to the contrary regarding the division of time, when there is one (1) minute remaining in the time allotted for presentation of your case, the yellow light will come on and in most instances remain on throughout the minute. When time for presentation of your case has expired, the yellow light will be extinguished and the red light will come on. Please conclude your argument before the red light comes on. Do not continue arguing once the red light is on. You may remain to answer questions propounded by the Court. Once you have finished presenting your case and/or answering questions, vacate the podium area as quickly as possible.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Oral Argument Instruction Sheet

6. Please note that your presentation of the case is not the first exposure the Judges have had to the case. Please, in the course of presenting your case, include discussion of any new cases not cited in your brief which might have an effect on your case. In addition, please submit a supplemental list of authorities containing any citations not presented in your brief to the Clerk prior to argument.

Copies of these instructions are available upon request from the Clerk's Office, Room 106, Supreme Court Building or the Court's website at www.cca.courts.state.tx.us.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Application for a Writ of Habeas Corpus Seeking Relief Under Article 11.07

COURT OF CRIMINAL APPEALS OF TEXAS APPLICATION FOR A WRIT OF HABEAS CORPUS SEEKING RELIEF FROM FINAL FELONY CONVICTION UNDER CODE OF CRIMINAL PROCEDURE, ARTICLE 11.07

INSTRUCTIONS

- 1. You must use the complete form, which begins on the following page, to file an application for a writ of habeas corpus seeking relief from a final felony conviction under Article 11.07 of the Code of Criminal Procedure. (This form is not for death-penalty cases, probated sentences which have not been revoked, or misdemeanors.)**
- 2. The district clerk of the county in which you were convicted will make this form available to you, on request, without charge.**
- 3. You must file the entire writ application form, including those sections that do not apply to you. If any pages are missing from the form, or if the questions have been renumbered or omitted, your entire application may be dismissed as non-compliant.**
- 4. You must make a separate application on a separate form for each judgment of conviction you seek relief from. Even if the judgments were entered in the same court on the same day, you must make a separate application for each one.**
- 5. Answer every item that applies to you on the form. Do not attach any additional pages for any item.**
- 6. You must include all grounds for relief on the application form as provided by the instructions under item 17. You must also briefly summarize the facts of your claim on the application form as provided by the instructions under item 17. Each ground shall begin on a new page, and the recitation of the facts supporting the ground shall be no longer than the two pages provided for the claim in the form.**
- 7. Legal citations and arguments may be made in a separate memorandum that complies with Texas Rule of Appellate Procedure 73 and does not exceed 15,000 words if computer-generated or 50 pages if not.**
- 8. You must verify the application by signing either the Oath Before Notary Public or the Inmate's Declaration, which are at the end of this form on pages 11 and 12. You may be prosecuted and convicted for aggravated perjury if you make any false statement of a material fact in this application.**
- 9. When the application is fully completed, mail the original to the district clerk of the county of conviction. Keep a copy of the application for your records.**
- 10. You must notify the district clerk of the county of conviction of any change in address after you have filed your application.**

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Application for a Writ of Habeas Corpus Seeking Relief Under Article 11.07

Case No. _____
(The Clerk of the convicting court will fill this line in.)

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

APPLICATION FOR A WRIT OF HABEAS CORPUS SEEKING RELIEF FROM FINAL FELONY CONVICTION UNDER CODE OF CRIMINAL PROCEDURE, ARTICLE 11.07

NAME: _____

DATE OF BIRTH: _____

PLACE OF CONFINEMENT: _____

TDCJ-CID NUMBER: _____ SID NUMBER: _____

(1) This application concerns (check all that apply):

- | | |
|---------------------------------------|---|
| <input type="checkbox"/> a conviction | <input type="checkbox"/> parole |
| <input type="checkbox"/> a sentence | <input type="checkbox"/> mandatory supervision |
| <input type="checkbox"/> time credit | <input type="checkbox"/> out-of-time appeal or petition for
discretionary review |

(2) What district court entered the judgment of the conviction you want relief from?
(Include the court number and county.)

(3) What was the case number in the trial court?

(4) What was the name of the trial judge?

Effective: January 1, 2014

1

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Application for a Writ of Habeas Corpus Seeking Relief Under Article 11.07

(5) Were you represented by counsel? If yes, provide the attorney's name:

(6) What was the date that the judgment was entered?

(7) For what offense were you convicted and what was the sentence?

(8) If you were sentenced on more than one count of an indictment in the same court at the same time, what counts were you convicted of and what was the sentence in each count?

(9) What was the plea you entered? (Check one.)

guilty-open plea

guilty-plea bargain

not guilty

nolo contendere/no contest

If you entered different pleas to counts in a multi-count indictment, please explain:

(10) What kind of trial did you have?

no jury

jury for guilt and punishment

jury for guilt, judge for punishment

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Application for a Writ of Habeas Corpus Seeking Relief Under Article 11.07

- (11) Did you testify at trial? If yes, at what phase of the trial did you testify?

- (12) Did you appeal from the judgment of conviction?

yes

no

If you did appeal, answer the following questions:

(A) What court of appeals did you appeal to? _____

(B) What was the case number? _____

(C) Were you represented by counsel on appeal? If yes, provide the attorney's name:

(D) What was the decision and the date of the decision? _____

- (13) Did you file a petition for discretionary review in the Court of Criminal Appeals?

yes

no

If you did file a petition for discretionary review, answer the following questions:

(A) What was the case number? _____

(B) What was the decision and the date of the decision? _____

- (14) Have you previously filed an application for a writ of habeas corpus under Article 11.07 of the Texas Code of Criminal Procedure challenging *this conviction*?

yes

no

If you answered yes, answer the following questions:

(A) What was the Court of Criminal Appeals' writ number? _____

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Application for a Writ of Habeas Corpus Seeking Relief Under Article 11.07

(B) What was the decision and the date of the decision? _____

(C) Please identify the reason that the current claims were not presented and could not have been presented on your previous application.

(15) Do you currently have any petition or appeal pending in any other state or federal court?

yes no

If you answered yes, please provide the name of the court and the case number:

(16) If you are presenting a claim for time credit, have you exhausted your administrative remedies by presenting your claim to the time credit resolution system of the Texas Department of Criminal Justice? (This requirement applies to any final felony conviction, including state jail felonies)

yes no

If you answered yes, answer the following questions:

(A) What date did you present the claim? _____

(B) Did you receive a decision and, if yes, what was the date of the decision?

If you answered no, please explain why you have not submitted your claim:

**COURT OF CRIMINAL APPEALS
RULES, PROCEDURES AND INSTRUCTIONS**

CCA Application for a Writ of Habeas Corpus Seeking Relief Under Article 11.07

- (17) **Beginning on page 6, state *concisely* every legal ground for your claim that you are being unlawfully restrained, and then briefly summarize the facts supporting each ground. You must present each ground on the form application and a brief summary of the facts. *If your grounds and brief summary of the facts have not been presented on the form application, the Court will not consider your grounds.* If you have more than four grounds, use pages 14 and 15 of the form, which you may copy as many times as needed to give you a separate page for each ground, with each ground numbered in sequence. The recitation of the facts supporting each ground must be no longer than the two pages provided for the ground in the form.**

You may include with the form a memorandum of law if you want to present legal authorities, but the Court will *not* consider grounds for relief set out in a memorandum of law that were not raised on the form. The citations and argument must be in a memorandum that complies with Texas Rule of Appellate Procedure 73 and does not exceed 15,000 words if computer-generated or 50 pages if not. If you are challenging the validity of your conviction, please include a summary of the facts pertaining to your offense and trial in your memorandum.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Application for a Writ of Habeas Corpus Seeking Relief Under Article 11.07

WHEREFORE, APPLICANT PRAYS THAT THE COURT GRANT APPLICANT RELIEF TO WHICH HE MAY BE ENTITLED IN THIS PROCEEDING.

VERIFICATION

This application must be verified or it will be dismissed for non-compliance. For verification purposes, an applicant is a person filing the application on his or her own behalf. A petitioner is a person filing the application on behalf of an applicant, for example, an applicant’s attorney. An inmate is a person who is in custody.

The inmate applicant must sign either the “Oath Before a Notary Public” before a notary public or the “Inmate’s Declaration” without a notary public. If the inmate is represented by a licensed attorney, the attorney may sign the “Oath Before a Notary Public” as petitioner and then complete “Petitioner’s Information.” A non-inmate applicant must sign the “Oath Before a Notary Public” before a notary public unless he is represented by a licensed attorney, in which case the attorney may sign the verification as petitioner.

A non-inmate non-attorney petitioner must sign the “Oath Before a Notary Public” before a notary public and must also complete “Petitioner’s Information.” An inmate petitioner must sign either the “Oath Before a Notary Public” before a notary public or the “Inmate’s Declaration” without a notary public and must also complete the appropriate “Petitioner’s Information.”

OATH BEFORE A NOTARY PUBLIC

STATE OF TEXAS

COUNTY OF _____

_____, being duly sworn, under oath says: “I am the applicant / petitioner (circle one) in this action and know the contents of the above application for a writ of habeas corpus and, according to my belief, the facts stated in the application are true.”

Signature of Applicant / Petitioner (circle one)

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 20 ____.

Signature of Notary Public

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Application for a Writ of Habeas Corpus Seeking Relief Under Article 11.07

PETITIONER'S INFORMATION

Petitioner's printed name: _____

State bar number, if applicable: _____

Address: _____

Telephone: _____

Fax: _____

INMATE'S DECLARATION

I, _____, am the applicant / petitioner (circle one) and
being presently incarcerated in _____, declare under penalty of
perjury that, according to my belief, the facts stated in the above application are true and correct.

Signed on _____, 20____.

Signature of Applicant / Petitioner (circle one)

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Application for a Writ of Habeas Corpus Seeking Relief Under Article 11.07

PETITIONER'S INFORMATION

Petitioner's printed name: _____

Address: _____

Telephone: _____

Fax: _____

Signed on _____, 20____.

Signature of Petitioner

COURT OF CRIMINAL APPEALS

RULES, PROCEDURES AND INSTRUCTIONS

Chart Regarding Legal and Factual Sufficiency – *Matlock v. State*, 392 S.W.3d 662 (Tex. Crim. App. 2013)

APPENDIX: CHART REGARDING LEGAL AND FACTUAL SUFFICIENCY – *Matlock v. State*, 392 S.W.3d 662 (Tex. Crim. App. 2013)

APPENDIX

CLAIM	BASIS	PROOF REQ'D	REMEDY
SUFFICIENCY to support conviction	Federal Constitution <i>Jackson v. Virginia</i>	Viewing the evidence in the light most favorable to the verdict whether any rational trier of fact could find the essential elements beyond a reasonable doubt.	Acquittal
LEGAL SUFFICIENCY to reject defendant's affirmative defense	no evidence; legally insufficient evidence as a matter of law <i>Sterner v. Marathon Oil</i>	2-step modified <i>Sterner</i> test: 1. Search for evidence supporting finding; ignoring contrary evidence unless unreasonable to do so. If more than a scintilla, evidence is legally sufficient. If not, 2. Determine if evidence is so conclusive that the defendant's claim was established as matter of law.	Acquittal
FACTUAL SUFFICIENCY to reject defendant's affirmative defense	finding against the great weight and preponderance of the evidence (bias, manifestly unjust, conscience-shocking) <i>Pool v. Ford Motor Co.</i>	1. Set out all relevant evidence, viewing it in a neutral light, but deferring to the jury's weight and credibility choices. 2. Explain precisely how the contrary evidence outweighs. 3. Document why the verdict is so much against the great weight of the evidence.	New Trial

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Rules for Electronic Filing

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 17-005

FINAL ORDER ADOPTING AMENDMENTS TO STATEWIDE RULES GOVERNING ELECTRONIC FILING IN CRIMINAL CASES

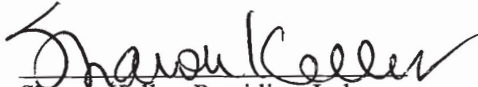
ORDERED that:

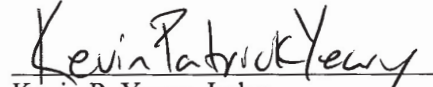
1. On February 13 and 14, 2017, the Supreme Court of Texas (Misc. Docket No. 17-9017) and the Court of Criminal Appeals (Misc. Docket No. 17-002) adopted amendments to the statewide rules governing electronic filing in criminal cases and invited public comment. After receiving public comments, the Supreme Court and the Court of Criminal Appeals have made revisions to the rules. This order incorporates those revisions and contains the final version of the rules.
2. The attached Statewide Rules Governing Electronic Filing in Criminal Cases replace and supplant the Proposed Statewide Rules Governing Electronic Filing in Criminal Cases effective November 1, 2015 (Misc. Docket Nos. 15-004, 15-9205).
3. The rules are effective May 1, 2017.
4. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

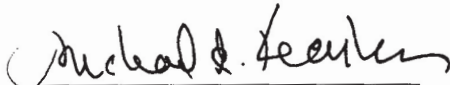
Dated: April 24, 2017.

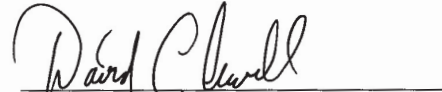
COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS


CCA Rules for Electronic Filing

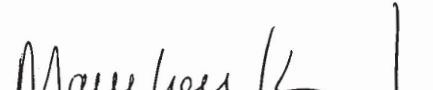

Sharon Keller, Presiding Judge

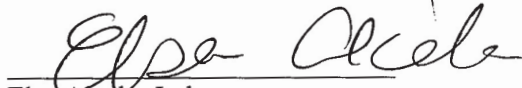

Kevin P. Yeary, Judge

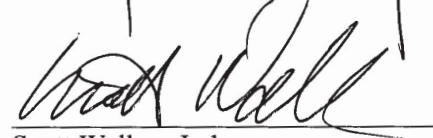

Michael Keasler, Judge


David Newell, Judge


Barbara Hervey, Judge


Mary Lou Keel, Judge


Elsa Alcafa, Judge


Scott Walker, Judge


Bert Richardson, Judge

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Rules for Electronic Filing

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 17-9039

FINAL ORDER ADOPTING AMENDMENTS TO STATEWIDE RULES GOVERNING ELECTRONIC FILING IN CRIMINAL CASES

ORDERED that:

1. Pursuant to Tex. Const. Art. V, Sec. 31 and Sections 22.004, 22.108, 74.024, and 72.031 of the Texas Government Code, the Supreme Court of Texas, acting concurrently with the Court of Criminal Appeals, amends the Statewide Rules Governing Electronic Filing in Criminal Cases. On February 13 and 14, 2017, the Supreme Court of Texas (Misc. Docket No. 17-9017) and the Court of Criminal Appeals (Misc. Docket No. 17-002) adopted amendments to the statewide rules governing electronic filing in criminal cases and invited public comment. After receiving public comments, the Supreme Court and the Court of Criminal Appeals have made revisions to the rules. This order incorporates those revisions and contains the final version of the rules.
2. The attached Statewide Rules Governing Electronic Filing in Criminal Cases are intended to replace and supplant the Proposed Statewide Rules Governing Electronic Filing in Criminal Cases effective November 1, 2015 (Misc. Docket No. 15-9205, 17-9017).
3. The rules are effective May 1, 2017.
4. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

Dated: April 27, 2017.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Rules for Electronic Filing



Nathan L. Hecht, Chief Justice



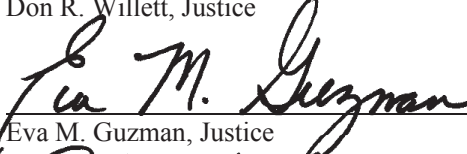
Paul W. Green, Justice



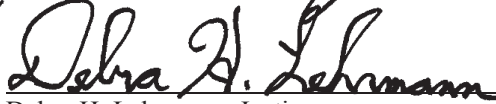
Phil Johnson, Justice



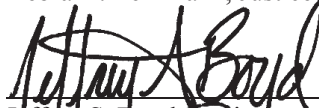
Don R. Willett, Justice



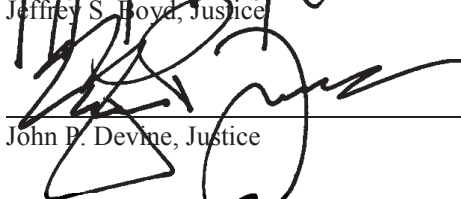
Eva M. Guzman, Justice



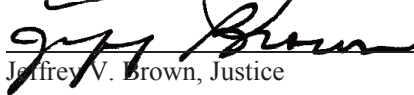
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Rules for Electronic Filing

STATEWIDE RULES GOVERNING ELECTRONIC FILING in CRIMINAL CASES

PART 1. GENERAL PROVISIONS

Rule 1.1 Scope

These rules govern the electronic filing of documents with the clerk in criminal cases in appellate courts, district courts, statutory county courts, and constitutional county courts in those counties in which criminal case electronic filing has been implemented pursuant to Rule 1.2 of these rules. A justice court or municipal court may implement criminal case electronic filing. If a justice court or municipal court implements an electronic filing system, the system must comply with these rules.

Rule 1.2 Electronic Filing

Clerks serving Texas appellate courts, district courts, statutory county courts, and constitutional county courts must implement criminal case electronic filing in compliance with the Court of Criminal Appeals' Order Mandating Statewide Electronic Filing in Criminal Cases (Misc. Docket No. 16-003) entered June 30, 2016, and any subsequent orders entered by the Court of Criminal Appeals governing electronic filing. A clerk may implement criminal case electronic filing prior to the mandatory date set out in the Court of Criminal Appeals' Order Mandating Statewide Electronic Filing in Criminal Cases. Once a court becomes subject to mandatory electronic filing, attorneys must electronically file all documents, pleadings, and materials filed in that court through the electronic filing portal provided or approved by the Office of Court Administration, except where these rules or other Texas law allow or mandate non-electronic (paper) filing. Attorneys must not file documents through any alternative electronic document filing transmission system, except in the event of an emergency or where these rules provide for the use of the alternative filing transmission system. Unrepresented parties may electronically file documents but it is not required.

Rule 1.3 Exceptions

The following may not be electronically filed:

- (1) documents filed under seal or presented to the court in camera; and
- (2) documents to which access is otherwise restricted by these rules, law, or court order.

Rule 1.4 Documents Containing Signatures

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Rules for Electronic Filing

- (a) A document that is electronically served, filed, or issued by a court or clerk is considered signed if the document includes:
- (1) a “/s/” and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or
 - (2) an electronic image or scanned image of the signature.
- (b) If a paper document must be notarized, sworn to, or made under oath, the filer may electronically file the paper document as a scanned image containing the necessary signature(s).
- (c) If a paper document requires the signature of an opposing party, the filer may electronically file the paper document as a scanned image containing the opposing party’s signature.

Rule 1.5. Courts Authorized to Make Electronic Orders

A judge may electronically sign an order by applying his or her electronic signature to the order. Judges are not required to electronically sign orders.

Comment to Part 1: These rules do not apply to court reporters, charging instruments, exhibits filed in a hearing or trial, or documents, such as plea paperwork, filed directly with a judge, and do not mandate electronic filing of these items. These rules do not authorize a clerk to require electronic filing by persons not represented by an attorney. Clerks should maintain a process for filing paper submissions from such filers. These rules also do not affect whether electronically filed documents may be posted on the internet. Any posting of filed documents, pleadings, or materials to the internet must comply with Part 4 of these rules.

PART 2. FILING MECHANISM

Rule 2.1 Office of Court Administration established Electronic Filing Manager

Electronic filing must be done through the electronic filing manager established by the Office of Court Administration and an electronic filing service provider certified by the Office of Court Administration or through another electronic filing portal approved by the Office of Court Administration.

Rule 2.2 Format

An electronically filed document must:

- (1) be in text-searchable portable document format (PDF);
- (2) be directly converted to PDF rather than scanned, if possible;

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Rules for Electronic Filing

- (3) not be locked; and
- (4) otherwise comply with the Technology Standards set by the Judicial Committee on Information Technology and approved by the Supreme Court and the Court of Criminal Appeals.

Rule 2.3 Timely Filing

(a) Unless a statute, rule, or court order requires that a document be filed by a certain time of day, a document is considered timely filed if it is electronically filed at any time before midnight (in the court's time zone) on the day of the filing deadline. An electronically filed document is deemed filed when transmitted to the filing party's electronic filing service provider, except:

- (1) if a document is transmitted on a Saturday, Sunday, or legal holiday, it is deemed filed on the next day that is not a Saturday, Sunday, or legal holiday; and
- (2) if a document requires a motion and an order allowing its filing, the document is deemed filed on the date the motion is granted.

(b) If a document is untimely filed due to a technical failure or a system outage, the filing party may seek appropriate relief from the court.

Comment to Rule 2.3: This rule addresses when a document is timely filed for purposes of meeting a legal deadline imposed by a statute or a court. A clerk's acceptance of a document on a weekend or legal holiday does not impact whether a document is timely filed under this rule.

Rule 2.4 E-Mail Address Required

The email address of any person who electronically files a document must be included on the document.

Rule 2.5 Paper Copies

At the time of filing, a filer need not provide paper copies of an electronically filed document. A filer should provide paper copies of electronically filed documents upon request by a court.

Rule 2.6 Non-Conforming Documents

The clerk may not refuse a document that fails to conform to these rules. But the clerk may identify the error to be corrected and state a deadline for the party to resubmit the document in a conforming format.

Comment to Rule 2.6: The intent of this rule is to establish that a clerk *may not* refuse a document for any perceived violation of these rules. However, the rule permits a clerk the limited authority to identify errors the clerk perceives with

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whether a filing complies with the Judicial Committee on Information Technology Standards currently in effect. When a clerk notifies a filer of an error, it is inconsequential to a judicial determination regarding whether the document submitted actually violates these rules, and it does not constitute an extension of time to file the document. The purpose of the deadline is to allow for a non-conforming document to be conformed to these rules. The deadline for correction established by the clerk should permit only a reasonable amount of time to allow for the filing to be conformed to the requirements of these rules, and, in general, the deadline should not exceed 72 hours.

Rule 2.7 Electronic Notices from the Court

The clerk may send notices, orders, or other communications about the case to the party electronically. A court seal may be electronic.

Rule 2.8 Official Record

The clerk may designate an electronically filed document or a scanned paper document as the official court record. The clerk is not required to keep both paper and electronic versions of the same document. However, the clerk must not destroy scanned paper documents and other scanned materials until the clerk has determined that the scanned image is an accurate copy of the paper documents and materials.

Comment to Rule 2.8: This rule does not authorize or permit the destruction of original trial or hearing exhibits.

PART 3. SERVICE OF DOCUMENTS

Rule 3.1 Electronic Service of Documents

Every notice required by these rules, and every pleading, plea, motion, or other form of request required to be served, except as otherwise expressly provided in these rules, must be served by delivering a copy to the party to be served, or the party's duly authorized agent or attorney of record.

Documents Filed Electronically. A document filed electronically under these rules must be served electronically through the electronic filing manager if the email address of the party or attorney to be served is on file with the electronic filing manager. If the email address of the party or attorney to be served is not on file with the electronic filing manager, the document must be served on that party or attorney as permitted by law.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Rules for Electronic Filing

Rule 3.2 Electronic Service Complete

Electronic service is complete on transmission of the document to the serving party's electronic filing service provider. The electronic filing manager will send confirmation of service to the serving party.

Rule 3.3 Proof of Service

The party or attorney of record shall certify to the court compliance with this rule in writing above the signature on the filed instrument. A certificate by a party or an attorney of record, or the return of the officer, or the affidavit of any other person showing service of a notice shall be prima facie evidence of the fact of service. Nothing herein shall preclude any party from offering proof that the document, notice, or instrument was not received, and upon so finding, the court may extend the time for taking the action required of such party or grant such other relief as it deems just.

PART 4. PRIVACY PROTECTION FOR FILED DOCUMENTS

Rule 4.1 Sensitive Data Defined

Sensitive data consists of:

- (1) a driver's license number, passport number, social security number, tax identification number, or similar government-issued personal identification number;
- (2) a bank account number, credit card number, or other financial account number;
- (3) a birth date, home address, or personal phone number; and
- (4) the name of any person who was a minor when the underlying suit was filed unless, under Texas Family Code Section 54.02, a juvenile court has waived its exclusive original jurisdiction and transferred the individual to a district court.

Rule 4.2 Filing of Documents Containing Sensitive Data Prohibited

An electronic or paper document containing sensitive data may not be filed with a court unless the sensitive data is redacted. Documents containing sensitive data may be filed with a court when the data's inclusion is specifically required by a statute, court rule, or administrative regulation, or when the data is exempt from redaction under Texas Rule of Appellate Procedure 9.10.

Rule 4.3 Redaction of Sensitive Data; Retention Requirement

Sensitive data must be redacted by using the letter "X" in place of each omitted digit or character or by removing the sensitive data in a manner indicating that the data has been redacted. The filing party must retain an unredacted version of the

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Rules for Electronic Filing

filed document during the pendency of the case and any related appellate proceedings filed within three years of the date the judgment is signed.

Rule 4.4 Notice to Clerk

If an electronic or paper document must contain sensitive data, the filing party must state on the upper left-hand side of the first page, “NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.” This notice is not required if the only sensitive data contained in the document is exempt from redaction under Texas Rule of Appellate Procedure 9.10.

Rule 4.5 Non-Conforming Documents

The clerk may not refuse a document that contains sensitive data in violation of these rules or any other statute, rule, or court order. But the clerk may identify the error to be corrected and state a deadline for the party to resubmit a redacted, substitute document.

Comment to Rule 4.5: The intent of this rule is to establish that a clerk *may not* refuse a document for any perceived violation of these rules. However, the rule permits a clerk the limited authority to identify information the clerk perceives to be sensitive data. When a clerk identifies such information to a filer, it does not constitute an extension of time to file the document. The purpose of the deadline is to allow for a non-conforming document to be conformed to these rules. The deadline for correction established by the clerk should permit only a reasonable amount of time to allow for the filing to be conformed to the requirements of these rules, and, in general, the deadline should not exceed 72 hours.

Rule 4.6 Restriction on Remote Access

Documents that contain sensitive data restricted by these rules or any State or Federal law must not be posted on the internet.

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CCA internal operating procedures 2017



Court of Criminal Appeals

State of Texas

Supreme Court Building
201 W. 14th Street, Room 106
Austin, TX 78701
(512) 463-1551

In 2004, the Appellate Section of the State Bar of Texas and the Court of Criminal Appeals worked together to identify key information needed by appellate attorneys and pro se litigants to practice effectively before the court. To assist the court in this effort, the Appellate Section collected and formatted the relevant information and published it originally in the Appellate Advocate in February 2005.

Internal Operating Procedures – Court of Criminal Appeals (Revised January 2, 2017)

Court Information

1. Address: Court of Criminal Appeals, P.O. Box 12308, Austin, TX 78711 (U.S. Mail) or 201 W. 14th St., Supreme Court Bldg., Room 106, Austin, TX 78701(Commercial Carrier, ie: Fed Ex, UPS, etc.)
2. Telephone numbers: Phone: (512) 463-1551; Fax: (512) 463-7061
3. Website address: <http://www.txcourts.gov/cca>
4. Judges: Presiding Judge Sharon Keller, Serving Judges, Michael Keasler, Barbara Hervey, Elsa Alcala, Bert Richardson, Kevin P. Yearly, David Newell, Mary Lou Keel and Scott Walker
5. Clerk of the Court: Deana Williamson
6. Local Rules: Misc. Docket Number 13-004 - Order Requiring Copies Pursuant to Texas Rules of Appellate Procedure 9.3(b)(2)

FILINGS

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
Electronic Filing	Attorneys are required to file documents electronically through http://www.efiletexas.gov/ **original = electronically filed version** see information on E-Filing			
Motions	Motion for Extension of time - Original only Original plus 10 copies of all other motions	First motions for extension of time are routinely granted. Motions for extension of time must comply with TRAP 10.5(b) and 68.2(c).		TRAP 9.2(c) TRAP 38.6 (b) 68.2(c)

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA internal operating procedures 2017

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
Briefs	Original – File Electronically Mail 10 paper copies		Briefs must comply with TRAP 38 and 71.3 Amendment and supplementation is allowed only with leave of Court.	TRAP 70 71.3
PDR	Original – File Electronically Mail 10 paper copies			TRAP 68 Record will be forwarded by the COA
Oral Argument	n/a	The Court will designate whether a case requires oral argument. Notification of such designation shall be sent to counsel along with notification of submission. If counsel desires oral argument and the Court has not so designated the case, counsel may petition the Court within 30 days of the submission notification.	The total maximum time for oral argument is 20 minutes per side. If a motion for rehearing is granted and the cause re-submitted, oral argument is limited to 15 minutes per side	Additional citations should not be made orally during argument, but should be reduced to writing and filed with the Clerk.
Opinions			Opinions and Orders are released Wednesday mornings at 9:00 a.m.	
Motions for Rehearing	Original – file electronically – Mail 10 paper copies			TRAP 79
Extraordinary Matters	Original – file electronically (you will be advised if copies are needed)			TRAP 72.1

Technology

1. Westlaw and Lexis are both available to the Court.
2. The Court does not accept fax filings.
3. The orders and opinions of the Court are posted to the web and can be searched at this URL:
<http://www.search.txcourts.gov/CaseSearch.aspx?coa=coscca&s=c>
4. The Court makes audio recordings of oral arguments available on CD-Rom for \$5.

**COURT OF CRIMINAL APPEALS
RULES, PROCEDURES AND INSTRUCTIONS**

New Technology Standards

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 19-001

**APPROVAL OF TECHNOLOGY STANDARDS, VERSION 6.0, SET BY
THE JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY**

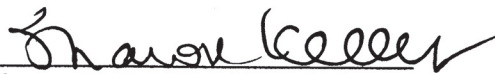
ORDERED that:


The Court of Criminal Appeals approves the attached Technology Standards, Version 6.0, set by the Judicial Committee on Information Technology. These standards apply to documents filed electronically under the Statewide Rules governing Electronic Filing in Criminal Cases, Misc. Order 17-002, and Texas Rule of Appellate Procedure 9.

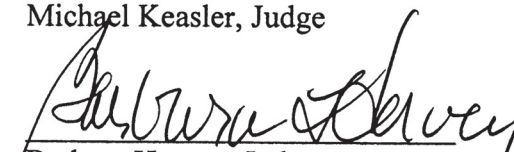
Dated: March 4, 2019.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

New Technology Standards

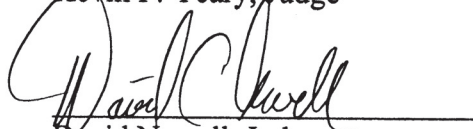

Sharon Keller, Presiding Judge

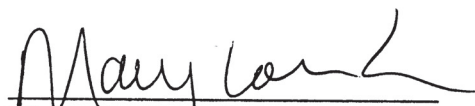

Michael Keasler, Judge



Barbara Hervey, Judge



Bert Richardson, Judge


Kevin P. Yeary, Judge


David Newell, Judge


Mary Lou Keel, Judge


Scott Walker, Judge


Michelle M. Slaughter, Judge

**COURT OF CRIMINAL APPEALS
RULES, PROCEDURES AND INSTRUCTIONS**

New Technology Standards

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 19-9018

**APPROVAL OF TECHNOLOGY STANDARDS, VERSION 6.0, SET BY
THE JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY**

ORDERED that:

The Supreme Court of Texas hereby approves the attached Technology Standards, Version 6.0, set by the Judicial Committee on Information Technology. These standards apply to documents filed electronically under Texas Rule of Civil Procedure 21 and Texas Rule of Appellate Procedure 9.

Dated: February 26, 2019.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

New Technology Standards



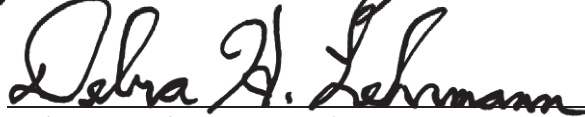
Nathan L. Hecht, Chief Justice



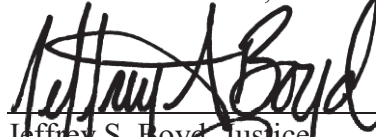
Paul W. Green, Justice



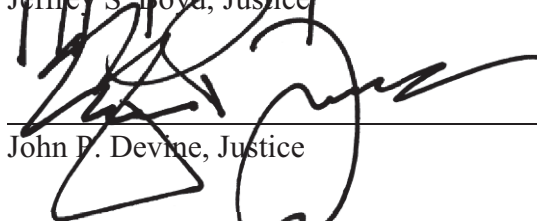
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



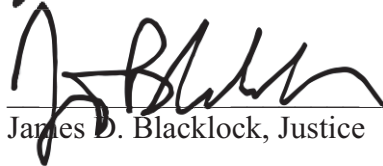
Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice



James D. Blacklock, Justice

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

New Technology Standards

TECHNOLOGY STANDARDS

JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY

Version 6.0

Released: January 2019

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

New Technology Standards

Technology Standards v6.0

1 INTRODUCTION

1.1 PURPOSE

Pursuant to Texas Government Code, Chapter 77, Section 77.031, this document delineates standards for the technological needs of the judicial system. This document is approved by the Judicial Committee on Information Technology (JCIT) that was created by the 74th Texas Legislature. Changes to this document are effective 90 days after adoption and publication by the JCIT.

1.2 VERSIONS

Version	Action	Release Date
1.0	Initial Draft	April 11, 2012
1.1	Added Audio/Video Standards	July 25, 2012
1.2	Added eFiling Filing Types	November 12, 2013
1.3	Added additional eFiling Types	March 21, 2014
1.4	Added standards for Additional Services; Removed Digital Signature standard (covered in rules); Various changes to other standards	October 14, 2014
2.0	Small changes to codes per county feedback	February 20, 2015
2.5	Small changes to codes per county feedback	August 14, 2015
3.0	Changes to return for correction reasons, additional services	January 29, 2016
3.5	Addition of JP civil and criminal standards Additional codes in district/county criminal Addition of standard filer processes	August 26, 2016
4.0	Small changes per feedback	January 20, 2017
4.5	Small changes per feedback	October 20, 2017
5.0	Changed per Judicial Information. Combined JP code set into the District/County code set. Incorporated roles and permissions to support Re:SearchTX	May 4, 2018
6.0	Added eFile and re:SearchTX configurations for the intermediate courts of appeals. Added standard document display names to eliminate filer confusion. Other minor changes	

1.3 DEFINITIONS

Attachment – any unique supporting document including exhibits and proposed orders that are not defined in Rule 21 (a) of the Texas Rules of Civil Procedure.

Digital Media – any files stored in an electronic format. This can include (but is not limited to) text, audio and video files.

Document – a pleading, plea, motion, application, request, exhibit, brief, memorandum of law, order, or other instrument in electronic form.

Document Access System – the statewide electronic court record system provided by the Office of Court Administration (currently Re:SearchTX).

DPI – Dots per inch

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Lead Document – a document as defined by Rule 21 (a) of the Texas Rules of Civil Procedure. If filing a single document, it is the lead document.

NARA - National Archives and Records Administration

NIEM – National Information Exchange Model – a partnership of the U.S. Department of Justice, the U.S. Department of Homeland Security, and the U.S. Department of Health and Human Services designed to develop, disseminate and support enterprise-wide information exchange standards and processes that can enable jurisdictions to effectively share critical information in emergency situations, as well as support the day-to-day operations of agencies throughout the nation. NIEM was adopted formally by JCIT and is promulgated in data exchanges in Texas Administrative Code, Title 1, Part 8, Chapter 177.

Electronic Court Filing (ECF) standards – a set of non-proprietary extensible markup language (XML) and Web services specifications, along with clarifying explanations and amendments to those specifications that have been added for the purpose of promoting interoperability among electronic court filing vendors and systems.

OCA – Office of Court Administration

OCR – Optical Character Recognition

PDF – Portable Document Format – for the purpose of these standards this is PDF 1.4 (ISO 19005-1:2005 – Revised as ISP/NP 19005-1). This standard specifies how to use PDF for long-term preservation of electronic documents and is applicable to documents containing combinations of character, raster and vector data.

PDF Distiller – a program or application that converts files into PDF files so that the printed appearance of a document is preserved regardless of the application used to create it. This functionality is commonly seen as “Print to PDF”, “Save to PDF” or “Export to PDF”.

PDF Software – software that conforms to International Organization for Standardization (ISO) 32000-1:2008. This standard specifies standards for creating (writing), reading, displaying and interacting with PDF documents.

JCIT – Judicial Committee on Information Technology

1.4 REFERENCES

- NIEM – <http://www.niem.gov>
- OASIS LegalXML Electronic Court Filing (ECF) specifications – <http://www.oasis-open.org/committees/legalxml-court-filing/>
- VLC media player supported formats – <http://www.videolan.org/vlc/features.html>
- Windows media player supported formats – <http://support.microsoft.com/kb/316992>

2 SYSTEM DATA EXCHANGE STANDARDS

In accordance with Texas Administrative Code, Title 1, Part 8, Chapter 177, information exchanges that occur between the various systems (electronic filing manager, case management, document management, etc.) should occur using the current OASIS LegalXML specifications. The OASIS LegalXML specification is a subset to NIEM.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

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3 DIGITAL MEDIA STANDARDS

In addition to content and formatting promulgated by the Texas Rules of Civil Procedure, Texas Code of Criminal Procedure, and Texas Rules of Appellate Procedure, the following standards apply to digital media filed electronically or scanned from source records (filed after the effective date of these standards) by the clerk.

3.1 DOCUMENTS

- A. An e-filed document must be in text-searchable PDF, using fonts specified in the PDF specification, on 8.5x11 page size, with the content appropriately rotated.
- B. When possible, the document should be generated directly from the originating software using a PDF distiller.
- C. Prior to being filed electronically, a scanned document must have a resolution of 300 DPI. Preferably, scanned documents should be made searchable using OCR technology.
- D. An e-filed document may not contain any security or feature restrictions including password protection or encryption and may not contain embedded multi-media video, audio, or programming.
- E. Documents may not contain package PDF's. PDF's should not be embedded inside of another PDF. Documents may not contain embedded fonts. Each document must be a single PDF. An appellate court may require that multiple PDF documents be combined into a single PDF document and bookmarks used to separate content appropriately. The content of the document should not depend on bookmarks.
- F. Any e-filed document filename should contain only alphanumeric characters that are part of the Latin1_General character set. No special characters are allowed and the length of the filename should be restricted to 50 characters.

3.2 AUDIO/VIDEO

- A. The following media players are supported (specific audio/video formats can be found on each media player's website):
 - a. VLC media player (VideoLAN Organization)
 - b. Windows media player (Microsoft)
- B. When an audio/video file is natively supported by at least one media player listed in these standards, the file must not be converted into another format.
- C. If an audio/video file is not natively supported by at least one media player listed in these standards, the file must be converted to another format supported by at least one media player listed. The original, any hardware requirements, and software needed to view/hear

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the original must be submitted as well.

- D. If modifications are needed to enhance the native audio/video, a copy of the original must be made. The modified copy (submitted in addition to the original audio/video) must also be generated in a format supported by at least one media player listed in these standards.

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4 EFILING FILING CONFIGURATIONS

Below are the standard filing configurations to be used in the eFiling system for district, county court at law, probate, constitutional county, and justice of the peace courts. This list of filing configurations must be accepted in each court. Courts and clerks may not add to this configuration but may eliminate codes if not needed in a particular jurisdiction.

It is important to note that these standards only apply to the electronic filing system which is a delivery system and are NOT standards for a county case management or document management system.

4.1 CIVIL CASES

4.1.1 CASE CATEGORIES/TYPES

Case Category Code	Case Type Codes
Civil - Contract	Debt/Contract - Consumer/DTPA
	Debt/Contract - Debt Collection
	Debt/Contract - Fraud/Misrepresentation
	Debt/Contract - Other
	Evictions - Commercial
	Evictions - Residential
	Foreclosure - Home Equity-Expedited
	Foreclosure - Other
	Franchise
	Home Owners Association
	Insurance
	Other Landlord/Tenant - Commercial
	Other Landlord/Tenant - Residential
	Non-Competition
	Partnership
	Repair and Remedy
Other Contract	
Civil - Employment	Discrimination
	Retaliation
	Termination
	Workers' Compensation
	Other Employment
Civil - Injury or Damage	Assault/Battery
	Construction
	Defamation/Libel/Slander
	Malpractice - Accounting
	Malpractice - Legal
	Malpractice - Medical
	Malpractice - Other Professional Liability
	Motor Vehicle Accident
	Premises
Product Liability - Asbestos/Silica	

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	Product Liability - Other
	Other Injury or Damage
Civil - Other Civil	Administrative Appeal
	Antitrust/Unfair Competition
	Appeal from a Lower Court
	Bill of Review
	Code Violations
	Communicable Disease
	Cruelly Treated Animal
	Dangerous Dog
	Dog Causing Death or Serious Bodily Injury
	Driver's License Suspension Hearing
	Foreign Judgment
	Fraudulent Liens
	Garnishment
	Handgun License
	Intellectual Property
	Judicial Review- Fraudulent Documents
	Lawyer Discipline
	Order for Entry and Property Retrieval
	Perpetuate Testimony
	Protective Order (Non-Domestic Relations)
	Securities/Stock
	Small Claims
	Tortious Interference
	Toll Road
	Tow Hearing
	Transfer Structured Settlement Payment Rights
	Truancy
	Turnover
	Writ of Sequestration
	Writ to Retrieve Judgment
	Other Civil
	Civil - Real Property
Eminent Domain	
Partition	
Quiet Title	
Tax Appraisal	
Trespass to Try Title	
Other Property	
Civil - Related to Criminal Matters	Expunction
	Judgment Nisi
	Non-Disclosure
	Occupational Driver's License
	Seizure/Forfeiture
	Sexual Predator (Health & Safety Code 841)
Stolen or Seized Property	

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Civil - Tax	Other
	Tax Delinquency
	Tax Suit
	Other Tax

4.1.2 FILING TYPES

New Case	Subsequent Filings
Application	Amended Filing
Petition	Answer/ Response
Proposed Order	Bond
Statement of Inability to Afford Costs	Counter Claim/Cross Action/Interpleader/Intervention/Third Party
Transfer (County Use Only)	Contest
	Filing of Action other than Original
	Garnishment
	Motion (No Fee)
	Motion for Contempt
	Motion for New Trial
	Motion to Modify
	Motion to Reinstate
	Motion to Terminate Wage Withholding
	Motion to Transfer
	Notice
	Notice of Appeal
	No Fee Documents
	Proposed Order
	Request
	Statement of Inability to Afford Costs
	Transfer (County Use Only)
	Vital Statistics Forms

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4.2 FAMILY CASES

The Title IV-D Agency (Texas Office of the Attorney General – Child Support Division) will file its documents under the “Family – Title IV-D (OAG Use Only)” category and use only the case and filing types that begin with “(Title IV-D OAG Use Only)” for all its new and subsequent filings.

4.2.1 CASE CATEGORIES/TYPES

Case Category Code	Case Type Codes
Family – Marriage Relationship	Annulment with Children
	Annulment without Children
	Declare Marriage Void
	Divorce with Children
	Divorce without Children
Family – Other Family Law	Adult Adoption
	Register Foreign Judgment
	Garnishment
	Habeas Corpus
	Name Change
	Protective Order
	Removal of Disabilities of Minority
	Temporary Authorization for Care of Child
	Unaccompanied Alien Child
	Other
	Family – Parent-Child Relationship
Child Protection	
Child Protection (Gov. Code 24.620)	
Child Support	
Custody or Visitation	
Gestational Parenting	
Grandparent Access	
Parentage/Paternity/Voluntary Legitimation	
Termination of Parental Rights	
Other Parent-Child	
Family – Post-judgment Actions	
	Modification – Custody
	Modification – Other
Family – Title IV-D (OAG Use Only)	(Title IV-D OAG Use Only) Establishment
	(Title IV-D OAG Use Only) Paternity
	(Title IV-D OAG Use Only) Interstate – No TX Cause
	(Title IV-D OAG Use Only) Interstate – Existing TX Cause
	(Title IV-D OAG Use Only) Enforcement
	(Title IV-D OAG Use Only) Intervention
	(Title IV-D OAG Use Only) Other – Billed
	(Title IV-D OAG Use Only) Other – Not Billed
	(Title IV-D OAG Use Only) Capias/Writ
	(Title IV-D OAG Use Only) Service Documents

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4.2.2 FILING TYPES

New Case	Subsequent Filings
Application	Amended Filing
Petition	Answer/Contest/Response/Waiver
Proposed Order	Bond
Statement of Inability to Afford Costs	Counter Claim/Cross
Transfer (County Use Only)	Action/Interpleader/Intervention/Third
(Title IV-D OAG Use Only)	Party
Establishment	Habeas Corpus (Continuing Jurisdiction)
(Title IV-D OAG Use Only) Paternity	Motion (No Fee)
(Title IV-D OAG Use Only) Interstate –	Motion for Contempt
No TX Cause	Motion for Enforcement
(Title IV-D OAG Use Only) Interstate –	Motion for New Trial
Existing TX Cause	Motion to Modify
(Title IV-D OAG Use Only) Enforcement	Motion to Modify and Enforce
(Title IV-D OAG Use Only) Intervention	Motion to Reinstate
(Title IV-D OAG Use Only) Other –	Motion to Revoke/Suspend/Withhold
Billed	Motion to Stay
(Title IV-D OAG Use Only) Other – Not	Motion to Terminate Wage Withholding
Billed	Motion to Transfer
(Title IV-D OAG Use Only) Capias/Writ	Notice
(Title IV-D OAG Use Only) Service	Notice of Appeal
Documents	Notice of Delinquency
	No Fee Documents
	Proposed Order
	Request
	Statement of Inability to Afford Costs
	Transfer (County Use Only)
	(Title IV-D OAG Use Only) Establishment
	(Title IV-D OAG Use Only) Paternity
	(Title IV-D OAG Use Only) Interstate – No TX
	Cause
	(Title IV-D OAG Use Only) Interstate –
	Existing TX Cause
	(Title IV-D OAG Use Only) Enforcement
	(Title IV-D OAG Use Only) Intervention
	(Title IV-D OAG Use Only) Other – Billed
	(Title IV-D OAG Use Only) Other – Not Billed
	(Title IV-D OAG Use Only) Capias/Writ
	(Title IV-D OAG Use Only) Service Documents

4.2.3 PARTY TYPES

For each Title IV-D case type, the court will list one (1) Petitioner and two (2) Respondents as required party types.

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4.3 PROBATE CASES

4.3.1 CASE CATEGORIES/TYPES

Case Category Code	Case Type Codes
Probate	Dependent Administration
	Independent Administration
	Foreign Will
	Letters Testamentary
	Muniment of Title
	Other Estate Proceedings
	Small Estate Proceedings
	Open Safety Deposit Box
Probate - Guardianship	Guardianship - Adult
	Guardianship - Minor
	Guardianship Management Trust
	Sale of Property
Probate - Other	Other Probate
	Relief from Firearms Disability
	Condemnation/Eminent Domain (Bexar/Denton/Travis County Only)

4.3.2 FILING TYPES

New Case	Subsequent Filings
Application	Amended Filing
Application with Ad Litem	Annual Account
Guardianship Information	Annual Report
Letter	Answer/Response
Petition	Application for Removal
Proposed Order	Application in an Existing Estate
Statement of Inability to	Application on Sale of Personal Property
Afford Costs	Application on Sale of Real Property
Will/Codicil	Bond
Transfer (County Use Only)	Claim
	Counter Claim/Cross
	Action/Interpleader/Intervention/Third Party/Contest
	Final Account
	Final Report
	Inventory
	Inventory - (filed after the 90 th day after the date the personal rep has qualified)
	Motion (No Fee)
	No Fee Documents
	Notice
	Oath
	Proposed Order
	Request
	Statement of Inability to Afford Costs
	Will/Codicil

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4.4 MULTI-DISTRICT LITIGATION (MDL) CASES

The case categories and types below are updated upon an order from the Supreme Court creating or removing a MDL case type.

4.4.1 CASE CATEGORIES/TYPES

Case Category Code	Case Type Codes
Multi-District Litigation (MDL)	MDL – Asbestosis
	MDL – GM Ignition Switch
	MDL – Hailstorm
	MDL – Hurricane Ike
	MDL – Product Liability

4.4.2 FILING TYPES

New Case	Subsequent Filings
Application	Amended Filing
Petition	Answer /Response
Proposed Order	Bond
Statement of Inability to Afford Costs	Counter Claim/Cross Action/Interpleader/Intervention/Third Party Contest
Transfer (County Use Only)	Motion (No Fee)
	Motion for Contempt
	Motion for Enforcement
	Motion for New Trial
	Motion to Modify
	Motion to Reinstate
	Motion to Terminate Wage Withholding
	Motion to Transfer
	Notice
	Notice of Appeal
	No Fee Documents
	Proposed Order
	Request
	Statement of Inability to Afford Costs

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4.5 CRIMINAL CASES

4.5.1 CASE CATEGORIES/TYPES

Case Category Code	Case Type Codes
Criminal - Misdemeanor	Appeal from a Lower Court
	Misdemeanor ¹
	Misdemeanor A
	Misdemeanor B
	Misdemeanor C
	Magistrate Case
	Occupational Driver's License
	Writ - Other
	Writ - Habeas Corpus - Other
	Writ - Habeas Corpus - 11.072
Criminal - Felony	Appeal from a Lower Court
	Acquittal Expunction
	Capital Felony
	Felony
	Felony 1
	Felony 2
	Felony 3
	Felony - State Jail
	Magistrate Case
	Occupational Driver's License
	Sexual Predator (Health & Safety Code 841)
	Writ - Habeas Corpus - Other
	Writ - Habeas Corpus - 11.07 and 11.071
	Writ - Habeas Corpus - 11.072

4.5.2 FILING TYPES

New Case	Subsequent Filings
Complaint	Amended Filing
Indictment	Amended Filing for Occupational Driver's License
Information	Affidavit
Petition	Answer/Response
Transfer Case (County Use Only)	Application
	Bill of Review
	Bond
	Election as to Punishment
	Expunction (TABC 106.12)
	Letters
	Motion
	Motion for New Trial
	Motion to Revoke Probation/Adjudicate Guilt

¹ For the "Misdemeanor" and "Felony" case types, the intent is that the clerk chooses either the broad case type (Misdemeanor) OR the detailed case types (Misdemeanor A, Misdemeanor B, Misdemeanor C).

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	No Fee Documents Notice Notice of Appeal Notice of Non-Disclosure Pleas Proposed Order Reinstatement with Cost Request Report/Return Sanctions Toward Effective Probation (STEP) Statement of Facts Form Subpoena/Summons Warrants Writs
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4.6 FOURTEEN COURTS OF APPEALS

4.6.1 CASE CATEGORIES/TYPES

Case Category Code	Case Type Codes
Civil - Contract	All Cases
Civil - Employment	Workers Compensation
	Other Employment
Civil - Injury or Damage	Personal Injury
	Professional Malpractice
Civil - Other Civil	Administrative Appeal
	Corporation/Partnership
	Election - Original Proceeding
	Election - Appeal
	Governmental Immunity
	Insurance
	Lawyer Discipline
	Mandamus
	Oil and Gas
	Prohibition
	Securities/Stock
	Other Civil
Civil - Real Property	All Cases
Civil - Related to Criminal Matters	Expunction
	Non-Disclosure
	Seizure/Forfeiture
Civil - Tax	All Cases
Criminal	All Cases
Family - Marriage Relationship	Marriage Dissolution
	Divorce
Family - Parent-Child Relationship	SAPCR (Suit Affecting Parent-Child Relationship)
	Termination of Parental Rights
Family - Title IV-D (OAG Use Only)	All Cases
Juvenile	All Cases
Probate	Estate Proceedings and Administration
	Guardianship
	Mental Health

4.6.2 FILING TYPES

New Case and Subsequent Filings
Affidavit of Indigence (TRAP 20.1(c),(2))
Amended Notice of Appeal
Appendix
Brief Not Requesting Oral Argument
Brief Requesting Oral Argument
Copy of Notice of Appeal
Copy of Notice of Appeal - Exempt

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Docketing Statement
Exhibit
Exhibits - Exempt
Letter
Mediation Document
Motion
Motion - Exempt
Motion for Emergency Relief
Motion for Emergency Relief - Exempt
Motion for Rehearing
Motion for Rehearing - Exempt
Original Proceeding Petition
Original Proceeding Petition - Exempt
Original Proceeding Response
Other Brief
Other Document
Petition for Discretionary Review
Petition for Permissive Appeal
Petition for Permissive Appeal - Exempt
Reply to Petition for Discretionary Review
Response
Sworn Record

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4.7 OTHER STANDARD ELECTRONIC FILING SYSTEM CONFIGURATIONS

4.7.1 STANDARD DOCUMENTS TO FILE

All filers will be given the following document types to file per envelope:

Display Name	Formats Allowed	Stamped?	Multiples Allowed?
Standalone Document	PDF	Yes	Yes
Proposed Order	PDF	No	Yes
Exhibits/Supporting Documents	PDF	No	Yes

4.7.2 STANDARD FILER PROCESSES

All filers using the electronic filing system must follow the standard processes when filing particular items with the court. Clerks may not return a document for correction if the filer followed the processes outlined below.

4.7.2.1 Request for Citations

When citation is needed, the filer must select "Issue Citation" as an additional service.

Preferred Clerk Implementation

1. Clerk accepts the lead document and attachments and then electronically prepares the citation.
2. Clerk sends the citation to the filer via
 - a. The eFileTexas system as a "eServe Only" filing,
 - b. Email to the party using the email address on file.

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4.7.3 ACCEPTANCE OF DOCUMENTS TENDERED FOR FILING

A clerk must accept a document tendered for e-filing unless specifically authorized not to accept the document(s) by statute, Texas Rules of Appellate Procedure, or by the Texas Rules of Civil Procedure for the reasons listed below.

Category	Reason	Authority
Sealed Documents	Documents filed under seal or presented to court <i>in camera</i> cannot be eFiled.	TRCP 21(f)(4) TRAP 9.10
Vexatious Litigant	Filer has been found to be a vexatious litigant and has not presented an order from the local administrative judge permitting the filing.	CPRC §11.103

4.7.4 REQUEST FOR CORRECTION

A clerk may request a filer to correct an e-filed document only for the following reasons. The request must state the reason and reference any supporting authority as follows:

Category	Reason	Authority
Insufficient Fees	Fees submitted are insufficient. Please resubmit your filing with the correct case type/filing type. <i><provide short summary as to what fees were not included></i>	TRCP 99(d) and Gov't Code, §51.318(b)(7) and (8) Gov't Code §51.317(a) Local Gov't Code §118.052; §118.121; or §118.131
Insufficient Funds	Credit Card was declined. Please resubmit with a valid method of payment.	TRCP 99(d) and Gov't Code, §51.318(b)(7) and (8) Gov't Code §51.317(a) Local Gov't Code §118.052; §118.121; or §118.131
Document Addressed to Wrong Clerk/Location	The document is addressed to a court for which this clerk's office does not accept filings. Please correct or re-file with the appropriate clerk's office.	
Duplicate New Case Filing	The filing requesting a new case duplicates an existing case. Please file under the existing case.	
Incorrect/Incomplete Information	Please resubmit using the correct/complete information	Family Code

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	<ul style="list-style-type: none"> • Cause number • Case Type • Case Category • Filing Code • Party names on document(s) • Attorney/Party email address(es) • Required forms • Information required by Statute 	<p>§102.008 and §105.006 require identification of children by name and DOB</p> <p>TRCP 79</p> <p>Civil Practices and Remedies Code 30.015</p>
Incorrect Formatting	<p>Please resubmit the document</p> <ul style="list-style-type: none"> • By rotating the document so that the file mark will appear in the upper right corner • In text searchable PDF • Directly converted to PDF if possible. • With a 300dpi resolution • With a page size of 8.5"x11" • With no embedded fonts 	TRCP 21 (f)(8)
PDF Documents Combined	You have submitted multiple documents for filing in a single PDF. The file-mark will only appear on documents submitted as lead documents. Please file all lead documents as separate PDF documents.	
Illegible/Unreadable	Please resubmit in a format that is legible.	
Sensitive Data	<p>Please resubmit with all sensitive data redacted:</p> <ul style="list-style-type: none"> • DL, SSN, Passport Number, Tax ID Number, Government Issued ID Number • Bank Account Number, Credit Card Number, Financial Account Number • Birth Date, Home Address and name of any person who was a minor when the suit was filed. 	TRCP 21c (a-f) TRAP 9.10
Filer's Request	The filer requested that this filing be returned.	
Judge's Request	The judge requested that this filing be returned	

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4.7.5 ADDITIONAL SERVICES

A clerk may offer additional services as outlined in statute that are charged in addition to any filing fees. The following additional services are allowed to be offered in the eFiling system. A clerk may choose not to offer a particular service and eliminate it from their local configuration, however, a clerk may not add a service not shown below.

If a clerk chooses to provide additional services functionality, all of the services listed below beginning with (Title IV-D OAG Use Only) must be made available to the Title IV-D Agency. The Title IV-D Agency will use only these additional services.

Additional Service	Statute
Additional Plaintiffs (11-25)	Government Code 51.317 (b-1)(1)
Additional Plaintiffs (26-100)	Government Code 51.317 (b-1)(2)
Additional Plaintiffs (101-500)	Government Code 51.317 (b-1)(3)
Additional Plaintiffs (501-1000)	Government Code 51.317 (b-1)(4)
Additional Plaintiffs (1001+)	Government Code 51.317 (b-1)(5)
Adoptive Child VSU	Health and Safety Code 191.0045(d)
Adoptive Child DPW	Health and Safety Code 191.0045(d)
Authenticated Certificate	Local Government Code 118.060
Background Check	Local Government Code 411.1386
Bill of Cost	Local Government Code 118.011(c) Government Code 51.319(3)
Bond Approval Fee	Government Code 51.318(b)(6)
Certificate Issuance	Local Government Code 118.060
Certificate of Name Change	Family Code 45.106(c)
Certificate of No Appeal	Local Government Code 118.060 Government Code 51.318(b)(4)
Copies – Certified	Local Government Code 118.011(3)(B) Government Code 51.318(b)(7)
Copies – Exemplified	Government Code 51.319(3)
Copies – Non-Certified	Local Government Code 118.011(3)(C) Government Code 51.318(b)(8)
Copies – Service	Rules of Civil Procedure 99(a)
Document over 25 pages after 120 days or upon approving order	Local Government Code 118.052(2)(B)(vi)
Issue Abstract of Judgment	Local Government Code 118.052(1)(C)(i) Government Code 51.318 (b)(5)
Issue Bench Warrant	Local Government Code 118.059 Government Code 51.318 (b)(2)
Issue Capias	Local Government Code 118.059 Government Code 51.318 (b)(2)
Issue Citation	Local Government Code 118.059 Government Code 51.318(b)(2)
Issue Citation - Certified Mail	Local Government Code 118.059 Government Code 51.318(b)(2)
Issue Citation – Hague Convention	Texas Rules of Civil Procedure 108a.
Issue Citation – Insurance Commission	Government Code 118.131(a)
Issue Citation - Publication	Local Government Code 118.059

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Additional Service	Statute
	Government Code 51.318(b)(2)
Issue Citation – Registered Mail	Local Government Code 118.059 Government Code 51.318(b)(2)
Issue Citation – Secretary of State	Local Government Code 118.059 Government Code 405.031(a) Civil Practice and Remedies Code 17.091
Issue Citation – State Highway Commission	Government Code 118.131(a)
Issue Commission to Take Deposition	Local Government Code 118.059
Issue Expunction – Certified Mail	Code of Criminal Procedure 102.006(a)(2 and 3)
Issue Expunction – Electronic	Local Government Code 118.059 Government Code 51.318(b)(2)
Issue Letter Rogatory	Local Government Code 118.011(c) Government Code 51.319(3)
Issue Letters Testamentary, Guardianship, or Administration	Local Government Code 118.052(3)(D)
Issue Notice of Order Suspending License	Family Code 232.008(d)
Issue Order of Sale	Local Government Code 118.052(1)(C)(ii) Government Code 51.318(b)(2)
Issue Order Staying Suspended License	Family Code 232.008(d)
Issue Order Vacating Suspended License	Family Code 232.013(b)
Issue Precept/Notice	Local Government Code 118.059 Government Code 51.318(b)(2)
Issue Precept – Secretary of State	Local Government Code 118.059 Government Code 51.318(b)(2)
Issue Protective Order	Family Code 82.042
Issue Show Cause	Local Government Code 118.059
Issue SR42 (Transcript of Civil Proceedings)	Local Government Code 118.059 Texas Administrative Code
Issue Subpoena	Local Government Code 118.059 Government Code 51.318(b)(1)
Issue Summons	Code of Criminal Procedure 23.03(9)
Issue Tax Warrant	Local Government Code 118.059
Issue Temporary Restraining Order	Local Government Code 118.059
Issue VS-165 (Information for SAPCR)	Family Code 105.008
Issue Warrant	Government Code 51.318(b)(2)
Issue Writ	Local Government Code 118.059 Government Code 51.318(b)(2)
Issue Writ – Secretary of State	Government Code 51.318(b)(2)
Issue Writ of Attachment	Government Code 51.318(b)(2)
Issue Writ of Execution	Government Code 51.318(b)(2)
Issue Writ of Garnishment	Government Code 51.318(b)(2)
Issue Writ of Scire Facias	Local Government Code 118.059
Issue Writ of Sequestration	Government Code 51.318(b)(2)
Issue Writ of Withholding	Family Code 110.004
Judge Signatures	Local Government Code 118.101(11)

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Additional Service	Statute
Jury Fee	Rules of Civil Procedure 216 Government Code 51.604(a)
OPR Double Recording Fee 1 st Page	Local Government Code 191.007
OPR Double Recording Fee for Additional Pages	Local Government Code 191.007
OPR Recording Fee 1 st Page	Local Government Code 118.013
OPR Recording Fee for Additional Pages	Local Government Code 118.013
Postage (1-5 Pages)	Civil Practice and Remedies Code 17.025
Postage (6-10 Pages)	Civil Practice and Remedies Code 17.025
Postage (11-15 Pages)	Civil Practice and Remedies Code 17.025
Postage (16-20 Pages)	Civil Practice and Remedies Code 17.025
Postage (21-25 Pages)	Civil Practice and Remedies Code 17.025
Postage (26-30 Pages)	Civil Practice and Remedies Code 17.025
Postage (31-35 Pages)	Civil Practice and Remedies Code 17.025
Postage (36-40 Pages)	Civil Practice and Remedies Code 17.025
Postage (41-45 Pages)	Civil Practice and Remedies Code 17.025
Postage (46-50 Pages)	Civil Practice and Remedies Code 17.025
Postage (51-150 Pages)	Civil Practice and Remedies Code 17.025
Postage (151-1300 Pages)	Civil Practice and Remedies Code 17.025
Postage (1300+ Pages)	Civil Practice and Remedies Code 17.025
Postage (1oz Letter to Canada/Mexico)	Civil Practice and Remedies Code 17.025
Postage (1oz Letter International)	Civil Practice and Remedies Code 17.025
Postage (Large APO/DPO/FPO Box)	Civil Practice and Remedies Code 17.025
Post Judgment – Issue Citation	Local Government Code 118.052(1)(C)(ii)
Post Judgment – Issue Citation – Certified Mail	Local Government Code 118.052(1)(C)(ii)
Post Judgment – Issue Citation - Publication	Local Government Code 118.052(1)(C)(ii)
Post Judgment – Issue Citation – Secretary of State	Local Government Code 118.052(1)(C)(ii)
Post Judgment – Issue Commission to Take Deposition	Local Government Code 118.052(1)(C)(ii)
Post Judgment – Issue Letters	Local Government Code 118.052(1)(C)(ii)
Post Judgment – Issue Order of Sale	Local Government Code 118.052(1)(C)(ii)
Post Judgment – Issue Precept/Notice	Local Government Code 118.052(1)(C)(ii)
Post Judgment – Issue Show Cause	Local Government Code 118.052(1)(C)(ii)
Post Judgment – Issue Subpoena	Local Government Code 118.052(1)(C)(ii)
Post Judgment – Issue Tax Warrant	Local Government Code 118.052(1)(C)(ii)
Post Judgment – Issue Temporary Restraining Order	Local Government Code 118.052(1)(C)(ii)
Post Judgment – Issue Writ	Local Government Code 118.052(1)(C)(ii)
Record Search	Local Government Code 118.011(c) Government Code 51.318 (b)(3)
Service – Additional Copy	Texas Rules of Civil Procedure 736.3 (c)
Service – Certified Mail	Local Government Code 118.063 Government Code 51.319(2)
Service – Certified Mail – Expedited Foreclosure	Texas Rules of Civil Procedure 736.3 (b)

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Additional Service	Statute
Service – Constable – Certified Mail	Local Government Code 118.131(a)
Service – Constable – Fraudulent Liens	TRCP 12.005(b)(2)
Service – Constable – Order of Sale/Writ of Execution	Local Government Code 118.131(a)
Service – Constable – Personal Service	Local Government Code 118.131(a)
Service – Constable – Posting	Local Government Code 118.131(a)
Service – Constable – Publication	Local Government Code 118.131(a)
Service – Constable – Subpoena – More than five days	Local Government Code 118.131(a)
Service – Constable – Subpoena – Less than five days	Local Government Code 118.131(a)
Service – Constable – Tax Sale	Local Government Code 118.131(a)
Service – Constable – Writ- (Precinct) - (List writ type if applicable) ²	Local Government Code 118.131(a)
Service – Constable – All Other	Local Government Code 118.131(a)
Service – Publication	Local Government Code 118.011(c) Government Code 51.319(3)
Service – Registered Mail	Local Government Code 118.063 Government Code 51.319(2)
Service – Sheriff – Certified Mail	Local Government Code 118.131(a)
Service – Sheriff – Fraudulent Liens	TRCP 12.005(b)(2)
Service – Sheriff – Order of Sale	Local Government Code 118.131(a)
Service – Sheriff – Personal Service	Local Government Code 118.131(a)
Service – Sheriff – Posting	Local Government Code 118.131(a)
Service – Sheriff – Publication	Local Government Code 118.131(a)
Service – Sheriff – Subpoena – More than five days	Local Government Code 118.131(a)
Service – Sheriff – Subpoena – Less than five days	Local Government Code 118.131(a)
Service - Sheriff – Writ – (List writ type if applicable) ³	Local Government Code 118.131(a)
Service - Sheriff - All Other	Local Government Code 118.131(a)
(Title IV-D OAG Use Only) Citation Issuance	Family Code 231.202(1)
(Title IV-D OAG Use Only) Citation Issuance – TRCP R 106 Sub Service	Rules of Civil Procedure 106
(Title IV-D OAG Use Only) Citation Issuance – Publication	Rules of Civil Procedure 116
(Title IV-D OAG Use Only) Citation Issuance – Certified Mail	Family Code 231.202(4)(A)
(Title IV-D OAG Use Only) Precept Issuance	Family Code 231.202(1)

² Local Government Code 118.131(a) allows a commissioners court to set fees for the services of sheriffs and constables. In instances where the commissioners court sets different amounts for different types of writs, clerks may designate the type of writ and have multiple “Service-Constable-Writ” services available.

³ Local Government Code 118.131(a) allows a commissioners court to set fees for the services of sheriffs and constables. In instances where the commissioners court sets different amounts for different types of writs, clerks may designate the type of writ and have multiple “Service-Sheriff-Writ” services available.

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Additional Service	Statute
(Title IV-D OAG Use Only) Precept Issuance – TRCP R 106 Sub Service	Rules of Civil Procedure 106
(Title IV-D OAG Use Only) Precept Issuance – Publication	Family Code 231.202(1)
(Title IV-D OAG Use Only) Precept Issuance – Certified Mail	Family Code 231.202(4)(A)
(Title IV-D OAG Use Only) Subpoena Issuance by Clerk	Family Code 231.202(6)
(Title IV-D OAG Use Only) Service of Process through Law Enforcement	Family Code 231.202(4)(A)
Z-(County Use Only) – Service – Constable – (List service type) – (List precinct number) ⁴	

⁴ In some counties, clerks use additional services to route money to the appropriate general ledger accounts. In these cases, clerks can use “Z-(County Use Only) – Service – Constable” additional services to route to the appropriate account. In these cases, the services listed should be associated with an existing “Service – Constable” type of additional service that the filer would normally use.

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5 DOCUMENT ACCESS CONFIGURATIONS

Below are the configurations to be used in the document access system provided by OCA for district, county court at law, probate, and constitutional county courts.

It is important to note that these standards only apply to the electronic document access system which is a delivery system and are NOT standards for a county case management or document management system.

5.1 ROLE DEFINITIONS

The following roles are defined for the electronic document access system:

Role 1 — Judge. “Judge” means any sitting judge on the Supreme Court, the Court of Criminal Appeals, the intermediate Courts of Appeals, the District Courts, the County Courts, and the County Courts at Law, together with associate judges and designated court staff. Justice court judges and municipal court judges are not included at this time.

Role 2 — Attorney on the Case, Visiting Judge. “Attorney on the Case” means an attorney licensed in Texas who has made an appearance in the case. “Visiting Judge” means a qualified judge assigned to a specific case or docket for a temporary period.

Role 3 — Clerk. “Clerk” means the custodian of the official record, including district and county clerks and deputy clerks and staff necessary for the performance of the clerk’s duties.

Role 4 – Licensed Attorney. A Licensed Attorney is an attorney licensed by the State of Texas that does not fall into Role 1 (Judge), Role 2 (Attorney on the Case, Visiting Judge), or Role 3 (Clerk).

Role 5 – Registered User. A Registered User is a user that does not fall into Role 1 (Judge), Role 2 (Attorney on the Case, Visiting Judge), Role 3 (Clerk), Role 4 (Licensed Attorney) and registers with the Document Access System.

5.2 ROLE PERMISSIONS

The roles defined in Section 5.1 above are given the following permission:

Role 1 – Judges - A Judge may access all case index information and all electronically filed documents in any case in any court.

Role 2 – Attorney on the Case, Visiting Judge. An Attorney on the Case may access case index information and all electronically filed documents for any case in which he or she is attorney of record or has made an appearance in the case. A Visiting Judge may access case index information and all electronically filed documents in a case to which he or she is assigned.

Role 3 – Clerk. For purposes of the Document Access System, a Clerk has the same permission level as a Judge for cases filed in the district or county. A Clerk may access case

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

New Technology Standards

Technology Standards v6.0

index information and all electronically filed documents for any case in the district or county. Additionally, Clerks will have access to reports and other system features that will allow them to configure systems and to provide them with additional information concerning their offices.

Role 4 – Licensed Attorney. Licensed Attorneys can access case index information and all publicly available electronically filed documents relating to any case in which they may have an interest. This would exclude cases and documents that are restricted by Court Order, Rule or Statute including documents containing un-redacted sensitive data (“Restricted Documents”).

Role 5 – Registered Users. Registered Users can access case index information and publicly available electronically filed documents in accordance with the Section 5.3. Additionally, Registered User access does not include cases and documents that are restricted by Court Order, Rule and Statute including unredacted documents marked as containing Sensitive Data (collectively referred to as “Restricted Documents”).

5.3 REGISTERED USER MATRIX

The permissions outlined below mirror the eFiling Case Categories and Case Types found in eFiling and apply only to Registered Users (Role 5) of the system.

Index Info – an X indicates that for this case type, case index information is shown. “Restyle” indicates that the case style should be changed to protect the identities of minors.

Images – an X indicates that document images are available for this case type.

Delay – indicates the number of days delay before the case information and/or documents may be accessed by registered users.

5.3.1 CIVIL CASES

Case Category Code	Case Type Codes	Index Info	Images	Delay
Civil – Contract	Debt/Contract – Consumer/DTPA	X	X	
	Debt/Contract – Debt/Collection	X	X	
	Debt/Contract – Fraud/Misrepresentation	X	X	
	Debt/Contract – Other	X	X	
	Evictions – Commercial	X	X	
	Evictions – Residential (filed in JP Courts)			
	Evictions – Residential (appealed to county courts)	X	X	180
	Foreclosure – Home Equity-Expedited	X	X	
	Foreclosure – Other	X	X	
	Franchise	X	X	
	Property Owners Association	X	X	

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New Technology Standards

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Case Category Code	Case Type Codes	Index Info	Images	Delay	
	Insurance	X	X		
	Other Landlord/Tenant - Commercial	X	X		
	Other Landlord/Tenant - Residential	X	X		
	Non-Competition	X	X		
	Partnership	X	X		
	Other Contract	X	X		
Civil - Employment	Discrimination	X	X		
	Retaliation	X	X		
	Termination	X	X		
	Workers' Compensation	X	X		
	Other Employment	X	X		
Civil - Injury or Damage	Assault/Battery	X	X		
	Construction	X	X		
	Defamation/Libel/Slander	X	X		
	Malpractice - Accounting	X	X		
	Malpractice - Legal	X	X		
	Malpractice - Medical	X	X		
	Malpractice - Other Professional Liability	X	X		
	Motor Vehicle Accident	X	X		
	Premises	X	X		
	Product Liability - Asbestos/Silica	X	X		
	Product Liability - Other	X	X		
	Other Injury or Damage	X	X		
	Civil - Other Civil	Administrative Appeal	X	X	
Antitrust/Unfair Competition		X	X		
Appeal from a Lower Court		X	X		
Bill of Review		X	X		
Code Violations		X	X		
Communicable Disease					
Foreign Judgment		X	X		
Fraudulent Liens		X	X		
Garnishment		X	X		
Intellectual Property		X	X		
Judicial Review- Fraudulent Documents		X	X		
Lawyer Discipline		X	X		
Perpetuate Testimony		X	X		
Protective Order (Non-Domestic Relations)		X	X		
Securities/Stock		X	X		
Tortious Interference		X	X		
Toll Road		X	X		
Transfer Structured Settlement Payment Rights					
Truancy					
Other Civil		X	X		
Civil - Real Property		Condemnation	X	X	

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

New Technology Standards

Technology Standards v6.0

Case Category Code	Case Type Codes	Index Info	Images	Delay
	Eminent Domain	X	X	
	Partition	X	X	
	Quiet Title	X	X	
	Tax Appraisal	X	X	
	Trespass to Try Title	X	X	
	Other Property	X	X	
Civil - Related to Criminal Matters	Expunction			
	Judgment Nisi	X	X	
	Non-Disclosure			
	Occupational Driver's License	X	X	
	Seizure/Forfeiture	X	X	
	Sexual Predator (Health & Safety Code 841)	X	X	
	Other	X	X	
Civil - Tax	Tax Delinquency	X	X	
	Other Tax	X	X	

5.3.2 FAMILY CASES

Case Category Code	Case Type Codes	Index Info	Docs Show	Delay
Family- Marriage Relationship	Annulment with Children	ReStyle		31
	Annulment No Children	X		31
	Declare Marriage Void	X		31
	Divorce with Children	ReStyle		31
	Divorce No Children	X		31
Family- Other Family Law	Adult Adoption	X	X	
	Register Foreign Judgment <i>See Family Code §152.315</i>	ReStyle		31
	Garnishment/income withholding for support. <i>See Family Code §158.001</i>	ReStyle		31
	Habeas Corpus under Family Code Chapter 157 to regain rightful possession of child	ReStyle		31
	Name Change - Adult	X	X	
	Name Change - Minor			
	Protective Order	X		31
	Removal of Disabilities of Minor			
	Unaccompanied Alien Child			
	Other	X		31
Family- Parent-Child Relationship	Adoption/Adoption with Termination			
	Child Protection			
	Child Protection (Gov. Code 24.620)			
	Child Support	ReStyle		31
	Custody or Visitation	ReStyle		31
	Gestational Parenting			

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	Grandparent Access	ReStyle	31
	Parentage/Paternity/Voluntary Legitimation	Restyle	31
	Termination of Parental Rights	ReStyle	31
	Other Parent-Child	ReStyle	31
Family- Post-judgment Actions	Enforcement	ReStyle	31
	Modification – Custody	ReStyle	31
	Modification – Other	ReStyle	31
Family- Title IV-D (OAG Use Only)	(Title IV-D OAG Use Only) Establishment	ReStyle	31
	(Title IV-D OAG Use Only) Paternity	ReStyle	31
	(Title IV-D OAG Use Only) Interstate – No TX Cause	ReStyle	31
	(Title IV-D OAG Use Only) Interstate – Existing TX Cause	ReStyle	31
	(Title IV-D OAG Use Only) Enforcement	ReStyle	31
	(Title IV-D OAG Use Only) Intervention	ReStyle	31
	(Title IV-D OAG Use Only) Other – Billed	ReStyle	31
	(Title IV-D OAG Use Only) Other – Not Billed	ReStyle	31
	(Title IV-D OAG Use Only) Capias/Writ	ReStyle	31
	(Title IV-D OAG Use Only) Service Documents	ReStyle	31

5.3.3 PROBATE CASES

Case Category Code	Case Type Codes	Index Info?	Docs Show?	Delay
Probate	Dependent Administration	X	X	
	Independent Administration	X	X	
	Foreign Will	X	X	
	Muniment of Title	X	X	
	Other Estate Proceedings	X	X	
	Small Estate Proceedings	X	X	
	Open Safety Deposit Box	X	X	
Probate – Guardianship	Guardianship – Adult			
	Guardianship – Minor			
	Guardianship Management Trust	X	X	
	Sale of Property	X	X	
Probate – Other	Other Probate	X	X	
	Relief from Firearms Disability	X		
	Condemnation/Eminent Domain (Bexar/Denton/Travis County Only)	X	X	

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New Technology Standards

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5.3.4 MDL CASES

Case Category Code	Case Type Codes	Index Info?	Docs Show?	Delay
Multi-District Litigation (MDL)	MDL - Asbestosis	X	X	
	MDL - GM Ignition Switch	X	X	
	MDL - Hailstorm	X	X	
	MDL - Hurricane Ike	X	X	
	MDL - Product Liability	X	X	

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New Technology Standards

Technology Standards v6.0

5.3.5 FOURTEEN COURTS OF APPEALS

Case Category Code	Case Type Codes	Index Info?	Docs Show?	Delay
Civil – Contract	All Cases	X	X	
Civil – Employment	Workers Compensation	X	X	
	Other Employment	X	X	
Civil – Injury or Damage	Personal Injury	X	X	
	Professional Malpractice	X	X	
Civil – Other Civil	Administrative Appeal	X	X	
	Corporation/Partnership	X	X	
	Election – Original Proceeding	X	X	
	Election – Appeal	X	X	
	Governmental Immunity	X	X	
	Insurance	X	X	
	Lawyer Discipline	X	X	
	Mandamus	X	X	
	Oil and Gas	X	X	
	Prohibition	X	X	
	Securities/Stock	X	X	
	Other Civil	X	X	
	Civil – Real Property	All Cases	X	X
Civil – Related to Criminal Matters	Expunction			
	Non-Disclosure			
	Seizure/Forfeiture	X	X	
Civil – Tax	All Cases	X	X	
Criminal	All Cases	X	X	
Family – Marriage Relationship	Marriage Dissolution	X	X	
	Divorce	X	X	
Family – Parent-Child Relationship	SAPCR (Suit Affecting Parent-Child Relationship)	X	X	
	Termination of Parental Rights	X	X	
Family – Title IV-D (OAG Use Only)	All Cases	X	X	
Juvenile	All Cases	X	X	
Probate	Estate Proceedings and Administration	X	X	
	Guardianship	X	X	
	Mental Health	X	X	

**COURT OF CRIMINAL APPEALS
RULES, PROCEDURES AND INSTRUCTIONS**

Appendices to Texas Rules of Appellate Procedure

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 18-9152

**ORDER AMENDING APPENDIX D OF THE
TEXAS RULES OF APPELLATE PROCEDURE**

ORDERED that:

1. By order dated June 18, 2018, in Misc. Docket No. 18-014, the Court of Criminal Appeals proposed amendments to Appendix D of the Texas Rules of Appellate Procedure and invited public comments. This joint order contains the final version of the amendments, which are effective December 1, 2018.
2. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

Dated: November 5, 2018.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

Appendices to Texas Rules of Appellate Procedure



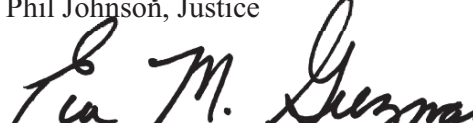
Nathan L. Hecht, Chief Justice



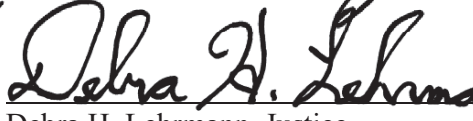
Paul W. Green, Justice



Phil Johnson, Justice



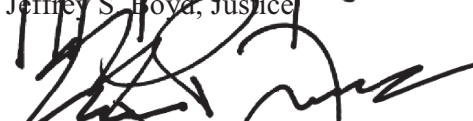
Eva M. Guzman, Justice



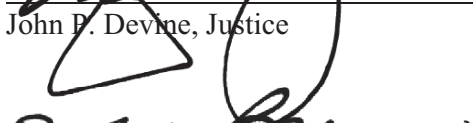
Debra H. Lehrmann, Justice



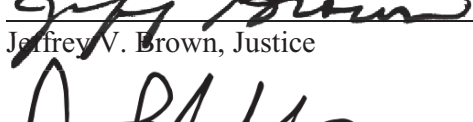
Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice



James D. Blacklock, Justice

**COURT OF CRIMINAL APPEALS
RULES, PROCEDURES AND INSTRUCTIONS**

Appendices to Texas Rules of Appellate Procedure

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 18-024

**ORDER AMENDING APPENDIX D OF THE
TEXAS RULES OF APPELLATE PROCEDURE**

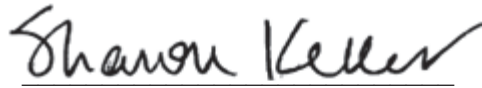
ORDERED that:

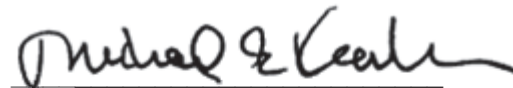
1. On June 18, 2018, the Court of Criminal Appeals signed Miscellaneous Docket Order 18-014 proposing amendments to Appendix D of the Rules of Appellate Procedure and invited public comments. The public comment period has expired.
2. The Court has reviewed any comments received. This order incorporates all revisions and contains the final version of these rule amendments.
3. Pursuant to section 22.108 of the Texas Government Code, the Court of Criminal Appeals amends Appendix D of the Rules of Appellate Procedure. The amendments will take effect on December 1, 2018.
4. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

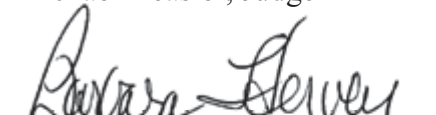
Dated: October 30, 2018.

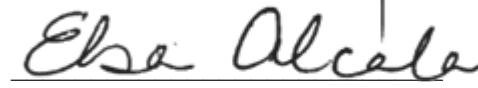
COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

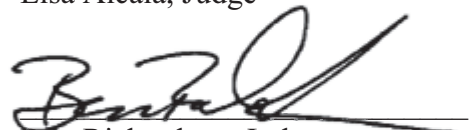
Appendices to Texas Rules of Appellate Procedure


Sharon Keller, Presiding Judge

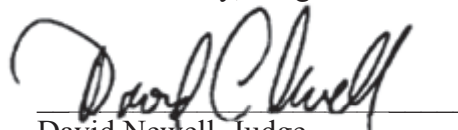

Michael Keasler, Judge

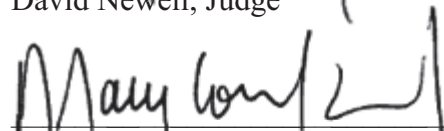

Barbara Hervey, Judge

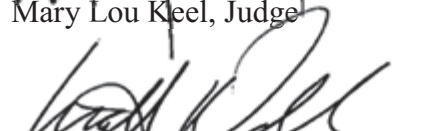

Elsa Alcala, Judge


Bert Richardson, Judge


Kevin P. Yeary, Judge


David Newell, Judge


Mary Lou Keel, Judge


Scott Walker, Judge

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

Appendices to Texas Rules of Appellate Procedure

APPENDIX D

Certification of Defendant's Right of Appeal

No. _____

The State of Texas

In the _____ Court

v.

of

_____ County, Texas

Defendant

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL*

I certify that this criminal case:

- is not a plea-bargain case, and the defendant has the right of appeal;
- is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal;
- is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal;
- is a plea-bargain case, and the defendant has NO right of appeal;
- the defendant has waived the right of appeal.

Judge

Date Signed

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals' judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2, 68.3. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

Defendant

Defendant's Counsel

Mailing address: _____

State Bar of Texas ID number: _____

Mailing address: _____

Telephone number: _____

Telephone number: _____

Email Address (if any): _____

Email Address: _____

* See TEX. R. APP. P. 25.2(a)(2).

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

Appendices to Texas Rules of Appellate Procedure

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 18-9153

ORDER AMENDING APPENDIX E OF THE TEXAS RULES OF APPELLATE PROCEDURE

ORDERED that:

1. By order dated September 10, 2018, in Misc. Docket No. 18-018, the Court of Criminal Appeals proposed amendments to Appendix E of the Texas Rules of Appellate Procedure and invited public comments. This joint order contains the final version of the amendments, which are effective December 1, 2018.
2. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

Dated: November 5, 2018.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

Appendices to Texas Rules of Appellate Procedure



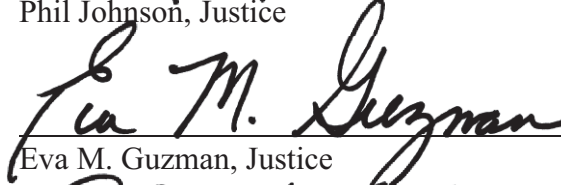
Nathan L. Hecht, Chief Justice



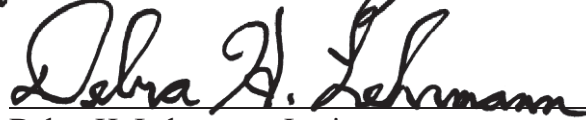
Paul W. Green, Justice



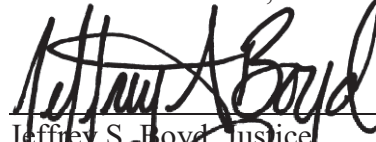
Phil Johnson, Justice



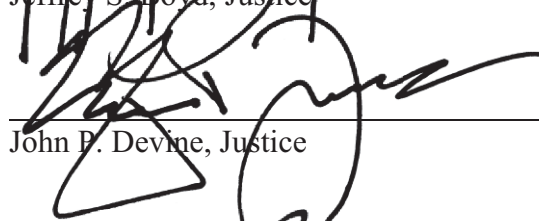
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



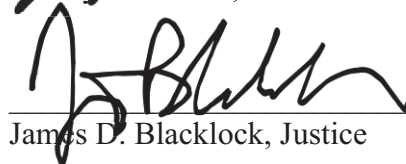
Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice



James D. Blacklock, Justice

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

Appendices to Texas Rules of Appellate Procedure

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 18-023

ORDER AMENDING APPENDIX E OF THE TEXAS RULES OF APPELLATE PROCEDURE

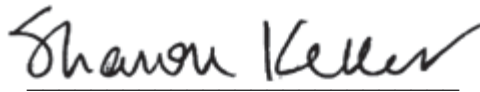
ORDERED that:

1. On September 10, 2018, the Court of Criminal Appeals signed Miscellaneous Docket Order 18-018 proposing amendments to Appendix E of the Rules of Appellate Procedure and invited public comments. The public comment period has expired.
2. The Court has reviewed any comments received. This order incorporates all revisions and contains the final version of these rule amendments.
3. Pursuant to section 22.108 of the Texas Government Code, the Court of Criminal Appeals amends Appendix E of the Rules of Appellate Procedure. The amendments will take effect on December 1, 2018.
4. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

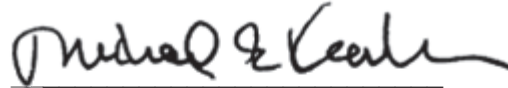
Dated: October 30, 2018.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

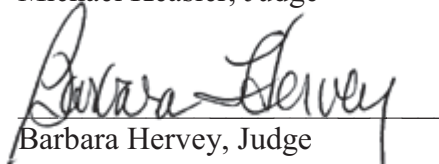
Appendices to Texas Rules of Appellate Procedure




Sharon Keller, Presiding Judge



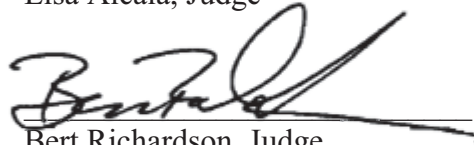
Michael Keasler, Judge



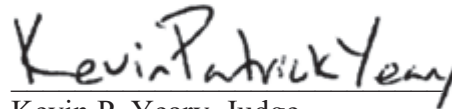
Barbara Hervey, Judge



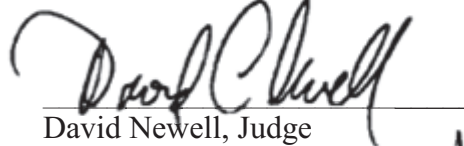
Elsa Alcala, Judge



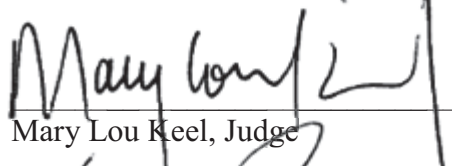
Bert Richardson, Judge



Kevin P. Yeary, Judge



David Newell, Judge



Mary Lou Keel, Judge



Scott Walker, Judge

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

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APPENDIX E COURT OF CRIMINAL APPEALS OF TEXAS APPLICATION FOR A WRIT OF HABEAS CORPUS SEEKING RELIEF FROM FINAL FELONY CONVICTION UNDER CODE OF CRIMINAL PROCEDURE, ARTICLE 11.07

DEFINITIONS

In this application form:

1. “Applicant” means a person seeking relief in an application for a writ of habeas corpus from his or her felony conviction imposing a sentence other than the death penalty or a probated sentence that has not been revoked. An applicant can be an inmate or a non-inmate whose liberty is restrained.
2. “Inmate” means a person who is in custody in a prison or jail.
3. “Petitioner” means a person, **including an attorney or a non-attorney**, presenting an application for a writ of habeas corpus on behalf of another person (the applicant). Any petitioner may present an application on behalf of an applicant for the purpose of obtaining relief from the applicant’s felony conviction. However, the petitioner presenting the application form must sign and attest that he or she has consulted with the applicant concerning the application and the applicant has given consent to the filing of this application form.

INSTRUCTIONS

1. **All applicants and petitioners, including attorneys, must use the complete application form.** You must use this application form, which begins on the page following these instructions, to file an application, or an amended or supplemental application, for a writ of habeas corpus seeking relief **from a final felony conviction under Article 11.07 of the Code of Criminal Procedure.** (This application form is not for death-penalty cases, probated sentences which have not been revoked, misdemeanors, or pretrial habeas applications under Article 11.08 of the Code of Criminal Procedure.)
2. **Failure to follow these instructions may cause your entire application to be dismissed.**
3. The district clerk of the county in which you were convicted will make this application form available to you, on request, without charge. The form can also be obtained from the Court of Criminal Appeals’ website.
4. You must **file** the entire application form, including those sections that do not apply to you. If any pages are missing from the form, or if the questions have been renumbered or omitted, your entire application may be dismissed as non-compliant.
5. You must make a separate application on a separate form for each case number from which you seek relief. Even if the judgments were entered in the same court on the same day, you must complete a separate application form for each case number. If a case number has multiple counts, include all the counts on one application form.

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6. You **must** include all grounds for relief on the application form as provided by the instructions under item 18. You **must** also briefly summarize the facts of your ground on the application form as provided by the instructions under item 18. Each ground shall begin on a new page, and the recitation of the facts supporting the ground shall be no longer than the two pages provided for the ground in the form.
7. Answer every item that applies to you on the application form. Do not attach any additional pages for any ground. However, if you have more than five grounds for relief, you may include additional copies of pages 14 and 15 to add more grounds for relief. Additional grounds must still comply with instruction 6.
8. Legal citations and arguments may be made in a separate memorandum that complies with Texas Rule of Appellate Procedure 73 and certifies that the document does not exceed 15,000 words if computer-generated or 50 pages if not.
9. You must verify the application form by signing either the appropriate Unsworn Declaration or the “Oath Before a Notary Public,” which are at the end of this form. If you are a petitioner presenting the application on behalf of an applicant, you may sign and verify the application form on behalf of the applicant. **However, any petitioner who signs and verifies the application form may be prosecuted and convicted for aggravated perjury if the application form contains any false statement of a material fact.**
10. When the application form is fully completed, mail the original and any exhibits and memorandum of law to the district clerk of the county of conviction or electronically file the application form with the district clerk of the county of conviction following the current electronic filing rules for criminal cases. Keep a copy of the application form for your records.
11. You must notify the district clerk of the county of conviction of any change in your address or email address after you have filed your application form. In addition, after the application form has been received by the Court of Criminal Appeals, you must notify the Clerk of the Court of Criminal Appeals of any change in your address or email address.
12. **Warning: If the application form does not include all of the grounds for relief, additional grounds brought at a later date may be procedurally barred.** *See* TEX. CODE CRIM. PROC. Art. 11.07 § 4.

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Case No. _____

(The district clerk of the county of conviction will fill in this blank.)

IN THE COURT OF CRIMINAL APPEALS OF TEXAS APPLICATION FOR A WRIT OF HABEAS CORPUS SEEKING RELIEF FROM FINAL FELONY CONVICTION UNDER CODE OF CRIMINAL PROCEDURE ARTICLE 11.07

NAME: _____

DATE OF BIRTH: _____

PLACE OF CONFINEMENT: _____

WARDEN: _____

TDCJ-CID NUMBER: _____ SID NUMBER: _____

(1) This application concerns (check all that apply):

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> a conviction | <input type="checkbox"/> parole |
| <input type="checkbox"/> a sentence | <input type="checkbox"/> mandatory supervision |
| <input type="checkbox"/> time credit | <input type="checkbox"/> out-of-time appeal or petition for discretionary review |

(2) What are the court number and county of the district court in which you were convicted?

(3) What was the case number in the trial court? (Put only one case number here, even if it includes multiple counts. You must make a separate application on a separate form for other case numbers.)

(4) What was the name of the trial judge?

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- (5) Were you represented by counsel? If yes, provide the attorney's name:

- (6) What was the date that the judgment was entered?

- (7) For what offense were you convicted and what was the sentence?

- (8) If you were sentenced on more than one count of an indictment in the same court at the same time, what counts were you convicted of and what was the sentence in each count?

- (9) What was the plea you entered? (Check one.)

guilty-open plea

guilty-plea bargain

not guilty

nolo contendere/no contest

If you entered different pleas to counts in a multi-count indictment, please explain:

- (10) What kind of trial did you have?

no jury

jury for guilt and punishment

jury for guilt, judge for punishment

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(11) Did you testify at trial? If yes, at what phase of the trial did you testify?

(12) Has your sentence discharged? yes no

If you answered yes, when did your sentence discharge? _____

(13) Did you appeal from the judgment of conviction?

yes no

If you did appeal, answer the following questions:

(A) Which court of appeals decided the appeal? _____

(B) What was the case number? _____

(C) Were you represented by counsel on appeal? If yes, provide the attorney's name: _____

(D) What was the decision and the date of the decision? _____

(14) Did you file a petition for discretionary review in the Court of Criminal Appeals?

yes no

If you did file a petition for discretionary review, answer the following questions:

(A) What was the case number? _____

(B) What was the decision and the date of the decision? _____

(15) Have you previously filed an application for a writ of habeas corpus under Article 11.07 of the Texas Code of Criminal Procedure challenging *the conviction in this case number*?

yes no

If you answered yes, answer the following questions:

(A) What was the Court of Criminal Appeals' writ number? _____

(B) What was the decision and the date of the decision? _____

**COURT OF CRIMINAL APPEALS
RULES, PROCEDURES AND INSTRUCTIONS**

Appendices to Texas Rules of Appellate Procedure

(C) Please briefly explain why the current grounds were not presented and could not have been presented in your previous application.

(16) Do you currently have any petition or appeal pending in any other state or federal court?

yes no

If you answered yes, please provide the name of the court and the case number:

(17) If you are presenting a time credit claim, other than for pre-sentence jail time credit, have you exhausted your administrative remedies by presenting the time credit claim to the time credit resolution system of the Texas Department of Criminal Justice? (This requirement applies to any final felony conviction, including state jail felonies.)

yes no

If you answered yes, answer the following questions:

(A) What date did you present the claim to the time credit resolution system?

(B) Did you receive a decision and, if yes, what was the date of the decision? _____

If you answered no, please explain why you have not presented your time credit claim to the time credit resolution system of the Texas Department of Criminal Justice:

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

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-
-
-
-
- (18) Beginning on page 6, state concisely every legal ground for why you think that you are being illegally confined or restrained and then briefly summarize the facts supporting each ground. You must present each ground and a brief summary of the facts on the application form. **If your grounds and a brief summary of the facts have not been presented on the application form, the Court will not consider your grounds. A factual summary that merely references an attached memorandum or another ground for relief will not constitute a sufficient summary of the facts.**

If you have more than four grounds, use pages 14 and 15 of the application form, which you may copy as many times as needed to give you a separate page for each ground, with each ground numbered in sequence. The recitation of the facts supporting each ground must be no longer than the two pages provided for the ground in the form.

You may include with the application form a memorandum of law if you want to present legal authorities or provide greater factual detail, but the Court will *not* consider grounds for relief set out in a memorandum of law that were not raised on the application form. The memorandum of law must comply with Texas Rule of Appellate Procedure 73 and must not exceed 15,000 words if computer-generated or 50 pages if not. If you are challenging the validity of your conviction, please include a summary of the facts pertaining to your offense and trial in your memorandum of law.

If the application form does not include all of the grounds for relief, additional grounds brought at a later date may be procedurally barred.

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WHEREFORE, I PRAY THAT THE COURT GRANT THE RELIEF TO WHICH APPLICANT MAY BE ENTITLED IN THIS PROCEEDING.

VERIFICATION

This application form *must be verified* in one of the following ways by either an applicant or a petitioner or it may be dismissed for noncompliance.

Applicants

In order to verify this application form, an applicant must sign one of the following:

- (1) the “Unsworn Declaration” for inmates (page 16) if applicant is an inmate; or
- (2) the “Unsworn Declaration” for non-inmates (page 17) if applicant is not an inmate; or
- (3) the “Oath Before a Notary Public” before a notary public (page 18).

Petitioners

If a petitioner, including an attorney, presents an application form on behalf of an applicant, the petitioner may verify the application form for the applicant. In order to verify this application form, a petitioner must sign one of the following:

- (1) the “Unsworn Declaration” for inmates (page 16) if petitioner is an inmate; or
- (2) the “Unsworn Declaration” for non-inmates (page 17) if petitioner is not an inmate; or
- (3) the “Oath Before a Notary Public” before a notary public (page 18).

In addition, *all petitioners*, including attorneys, presenting an application on behalf of an applicant must complete “Petitioner’s Information” and sign “Petitioner’s Statement” (page 19).

UNSWORN DECLARATION (INMATE)

My name is (First) _____ (Middle) _____ (Last) _____, my date of birth is _____, and my inmate identifying number, if any, is _____.

I am presently incarcerated in (Corrections unit name) _____ in (City) _____, (County) _____, (State) _____, (Zip Code) _____. I declare under penalty of perjury that the contents of this application for a writ of habeas corpus and the facts stated in the application form are true and correct.

Executed on the _____ day of (Month) _____ (Year) _____.

Signature of Declarant: _____

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UNSWORN DECLARATION (NON-INMATE)

My name is (First) _____ (Middle) _____ (Last) _____, my
date of birth is _____, and my address is (Street) _____
_____, (City) _____, (State) _____, (Zip
Code) _____, and (Country) _____. I declare under penalty of perjury that
the contents of this application for a writ of habeas corpus and the facts stated in the application form
are true and correct.

Executed in _____ County, State of _____, on the
_____ day of (Month) _____ (Year) _____.

Signature of Declarant: _____

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

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OATH BEFORE A NOTARY PUBLIC

STATE OF TEXAS

COUNTY OF _____

_____, being duly sworn, under oath says: "I am the applicant or petitioner in this action and know the contents of this application for a writ of habeas corpus and, according to my belief, the facts stated in the application form are true."

Signature of Declarant

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 20 ____.

Signature of Notary Public

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PETITIONER'S INFORMATION

(Contact information for a petitioner presenting this application on behalf of the applicant)

Petitioner's printed name: _____

State bar number, if applicable: _____

Address: _____

Telephone: _____

Fax: _____

Email Address: _____

PETITIONER'S STATEMENT

"I am signing and presenting this application form on behalf of the applicant for the purpose of obtaining relief from the applicant's felony conviction. I have consulted with the applicant concerning this application and the applicant has given consent to the filing of this application form."

Signature of Petitioner

Signed on _____, 20 ____.

**COURT OF CRIMINAL APPEALS
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Appendices to Texas Rules of Appellate Procedure

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 18-9154

**ORDER AMENDING APPENDIX F OF THE
TEXAS RULES OF APPELLATE PROCEDURE**

ORDERED that:

1. By order dated June 18, 2018, in Misc. Docket No. 18-015, the Court of Criminal Appeals proposed amendments to Appendix F of the Texas Rules of Appellate Procedure and invited public comments. This joint order contains the final version of the amendments, which are effective December 1, 2018.
2. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

Dated: November 5, 2018.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

Appendices to Texas Rules of Appellate Procedure



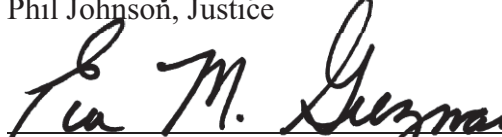
Nathan L. Hecht, Chief Justice



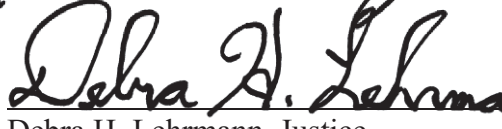
Paul W. Green, Justice



Phil Johnson, Justice



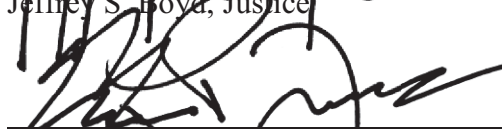
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



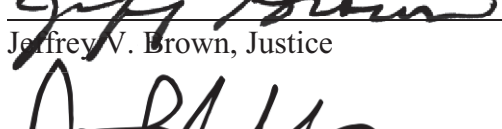
Jeffrey S. Boyd, Justice



John F. Devine, Justice



Jeffrey V. Brown, Justice



James D. Blacklock, Justice

**COURT OF CRIMINAL APPEALS
RULES, PROCEDURES AND INSTRUCTIONS**

Appendices to Texas Rules of Appellate Procedure

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 18-025

**ORDER AMENDING APPENDIX F OF THE
TEXAS RULES OF APPELLATE PROCEDURE**

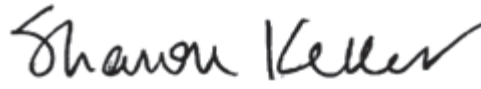
ORDERED that:

1. On June 18, 2018, the Court of Criminal Appeals signed Miscellaneous Docket Order 18-015 proposing amendments to Appendix F of the Rules of Appellate Procedure and invited public comments. The public comment period has expired.
2. The Court has reviewed any comments. This order incorporates all revisions and contains the final version of these rule amendments.
3. Pursuant to section 22.108 of the Texas Government Code, the Court of Criminal Appeals amends Appendix F of the Rules of Appellate Procedure. The amendments will take effect on December 1, 2018.
4. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

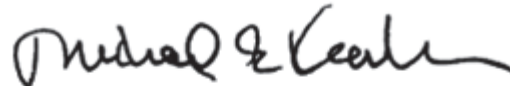
Dated: October 30, 2018.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

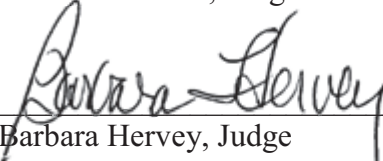
Appendices to Texas Rules of Appellate Procedure



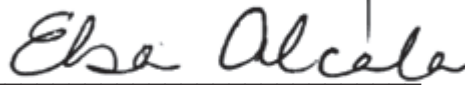
Sharon Keller, Presiding Judge



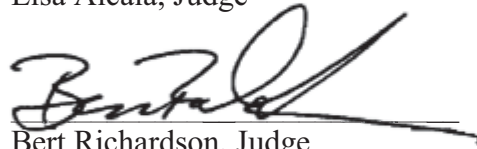
Michael Keasler, Judge



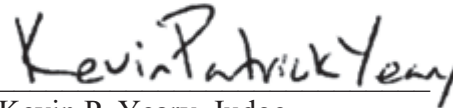
Barbara Hervey, Judge



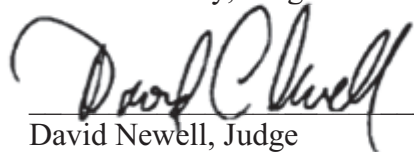
Elsa Alcala, Judge



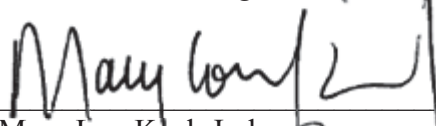
Bert Richardson, Judge



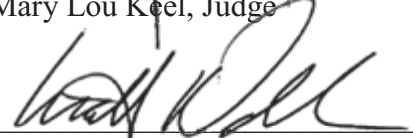
Kevin P. Yeary, Judge



David Newell, Judge



Mary Lou Keel, Judge



Scott Walker, Judge

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

Appendices to Texas Rules of Appellate Procedure

APPENDIX F IN THE COURT OF CRIMINAL APPEALS OF TEXAS CLERK'S SUMMARY SHEET FOR POSTCONVICTION APPLICATIONS FOR WRIT OF HABEAS CORPUS UNDER CODE OF CRIMINAL PROCEDURE, ARTICLES 11.07 AND 11.071

Application for Writ of Habeas Corpus

Ex Parte _____ from _____ County
(Name of Applicant) _____ Court

TRIAL COURT WRIT NO. _____

APPLICANT'S NAME (As reflected in judgment): _____

OFFENSE (As reflected in judgment): _____

CAUSE NO. (As reflected in judgment): _____

PLEA: GUILTY NOT GUILTY

SENTENCE: _____ DATE: _____
(Terms of years reflected in judgment)

TRIAL DATE: _____

TRIAL JUDGE'S NAME (Judge presiding at trial): _____

APPEAL NO. (If applicable): _____

CITATION TO OPINION (If applicable): _____ S.W.3d _____

HEARING HELD: YES NO
(Pertaining to the application for writ of habeas corpus)

FINDINGS & CONCLUSIONS ENTERED BY HABEAS JUDGE: YES NO
(Pertaining to the application for writ of habeas corpus)

RECOMMENDATION: GRANT DENY DISMISS NONE
(Habeas judge's recommendation regarding application for writ of habeas corpus)

HABEAS JUDGE'S NAME: _____
(Judge presiding over habeas corpus proceeding)

NAME OF HABEAS COUNSEL IF APPLICANT IS REPRESENTED: _____

I certify that all applicable requirements of Texas Rule of Appellate Procedure 73.4 have been complied with in this habeas proceeding, including the requirement to serve on all the parties in the case any objections, motions, affidavits, exhibits, proposed findings of fact and conclusions of law, findings of fact and conclusions of law, and any other orders entered or pleadings filed in the habeas case.

Signature of District Clerk or Clerk's Representative

Date Signed

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS
