

Tips for Everyday Appellate Practice

2019 ROBERT O. DAWSON
CONFERENCE ON CRIMINAL APPEALS
May 3, 2019

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Familiarize Yourself with TRAP and Other Rules

- TRAP outlines what the parties can and can't do
- TRAP tells you everything from deadlines, to font size, to what motions can be filed in which courts
- Remember that the Code of Criminal Procedure and individual courts have additional rules
- Rules available on Texas Courts website

txcourts.gov/rules-forms/rules-standards/

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RULES & STANDARDS

The rules listed below are the most current version approved by the Supreme Court of Texas. For any questions about the rules, please call (512) 463-4097.

Rule	Last Amended
Texas Rules of Civil Procedure <input type="checkbox"/>	December 11, 2018
Texas Rules of Appellate Procedure <input type="checkbox"/>	December 1, 2018
Texas Rules of Evidence <input type="checkbox"/>	January 1, 2018
Statewide Rules Governing Electronic Filing in Criminal Cases <input type="checkbox"/>	May 1, 2017
Texas Rules of Judicial Administration <input type="checkbox"/>	May 2, 2017
Texas Code of Judicial Conduct <input type="checkbox"/>	August 22, 2002
Rules of Judicial Education <input type="checkbox"/>	May 18, 2017
Judicial Branch Certification Commission Rules <input type="checkbox"/>	April 24, 2018
Texas Disciplinary Rules of Professional Conduct <input type="checkbox"/>	June 1, 2018
Texas Rules of Disciplinary Procedure <input type="checkbox"/>	June 1, 2018
Judicial Bypass Rules under Ch. 33 of the Family Code <input type="checkbox"/>	January 1, 2016

Texas Court Rules: History and Process - Excerpted from Nathan L. Hecht & E. Lee Parsley, *Procedural Reform: Whence and Whither* (Sept. 1997), updated by Robert H. Pemberton (Nov. 1998).

How Texas Court Rules Are Made ☐ - By Nathan L. Hecht, Martha G. Newton, and Kennon L. Wooten (May 2016)



Initial Considerations

- TRAP 26.2: Defendant Time to Perfect Appeal
 - Defendant has 30 days from the day sentence is imposed or suspended in open court, or after the day trial court enters an appealable order
 - Defendant has 90 days if the defendant timely filed a Motion for New Trial



Bond Pending Appeal

- CCP 44.04 (a)-(i)
 - (a) Pending the determination of any motion for new trial or the appeal from any misdemeanor conviction, the defendant is entitled to be released on reasonable bail.
 - (b) The defendant may not be released on bail pending appeal from any felony conviction where the punishment equals or exceeds 10 years confinement or where the defendant has been convicted of an offense listed under Article 42A.054(a), but shall immediately be placed in custody and the bail discharged.

TRAP 32.2: Docketing Statement

- Appellant must file docketing statement
- Form is available on the court's website

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First appeared as part of the conference materials for the
2019 Robert O. Dawson Conference on Criminal Appeals session
"Tips for Everyday Appellate Practice"