

# Tips for Everyday Appellate Practice

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

DAYNA L. JONES  
Law Offices of Dayna L. Jones  
1800 McCullough Ave.  
San Antonio, Texas 78212  
&

ANDREW WARTHEN  
Bexar County District Attorney's Office  
101 W. Nueva  
San Antonio, Texas 78205

## 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

bcourts.gov/rules-forms/rules-standards/

Bar Admissions - Sign Up | TDR | SC | Attorney L... | Login/Register to... | Attorney Portal | State Sp. of Texas | eFiling for Texas | Socialization Appl...

BRANCH

Home | Courts | **Rules & Forms** | Organizations | Publications & Training | Programs & Services | Judicial Data | eFile Texas | Media

**Rules & Forms**

Home | Rules & Forms | Rules & Standards

**RULES & FORMS HOME**

- Forms
- Rules Advisories
- Rules & Standards**
- Court Rules History & Process
- Orders of Nonrecognition

**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
<a href="#">Texas Rules of Civil Procedure</a> <input type="checkbox"/>	December 11, 2018
<a href="#">Texas Rules of Appellate Procedure</a> <input type="checkbox"/>	December 1, 2018
<a href="#">Texas Rules of Evidence</a> <input type="checkbox"/>	January 1, 2018
<a href="#">Statewide Rules Governing Electronic Filing in Criminal Cases</a> <input type="checkbox"/>	May 1, 2017
<a href="#">Texas Rules of Judicial Administration</a> <input type="checkbox"/>	May 2, 2017
<a href="#">Texas Code of Judicial Conduct</a> <input type="checkbox"/>	August 22, 2002
<a href="#">Rules of Judicial Education</a> <input type="checkbox"/>	May 18, 2017
<a href="#">Judicial Branch Certification Commission Rules</a> <input type="checkbox"/>	April 24, 2018
<a href="#">Texas Disciplinary Rules of Professional Conduct</a> <input type="checkbox"/>	June 1, 2018
<a href="#">Texas Rules of Disciplinary Procedure</a> <input type="checkbox"/>	June 1, 2018
<a href="#">Judicial Bypass Rules under Ch. 33 of the Family Code</a> <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* (Seal 1997), updated by Robert H. Pemberton (Nov. 1998)

[How Texas Court Rules Are Made](#)  - By Nathan L. Hecht, Marina 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

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Tips for Everyday Appellate Practice

Also available as part of the eCourse

[Tips for Effective Writing, Briefing, Oral Argument Prep, and Appellate Practice](#)

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