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

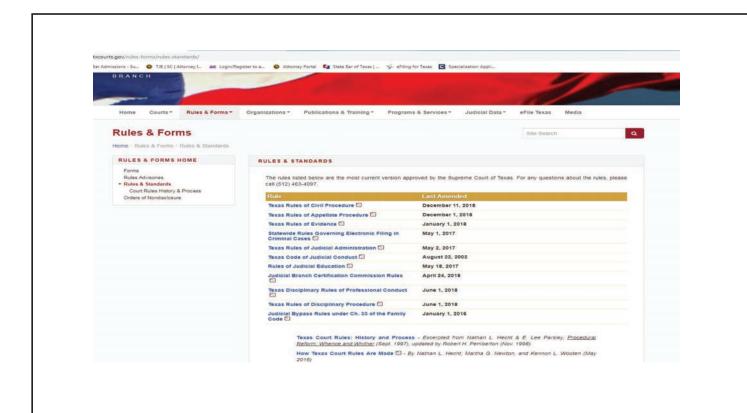
8

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





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 <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

Title search: Tips for Everyday Appellate Practice

Also available as part of the eCourse

<u>Tips for Effective Writing, Briefing, Oral Argument Prep, and Appellate Practice</u>

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