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Plot Ye Course

**Petitions for Discretionary Review
&
Motions for Rehearing**

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Introduction: You're Marooned on Loser Island.



Marooned on Loser Island

About ninety-nine percent of the time, a PDR comes into play after you've been marooned on "Loser Island" based on an adverse decision from an intermediate appeals court. In rare cases, you're the prevailing party on harm but want the CCA to settle a merits issue.

In either case, it's best to strategically plan how to convince the Court to grant review. Remember: they don't have to grant anything!

Past papers have delved into strategy and writing tactics; this paper focuses on strategies for particular issues for prosecutors and defense attorneys and provides an update on rule changes.

I. Avoid the Gallows.

a. Calendar 30 days.

First things first. Calendar your PDR due date; the due date should be posted on the COA's docket. You have 30 days after (1) the COA's judgment, (2) a timely motion for rehearing was overruled, or (3) a timely motion for en banc consideration was overruled. TEX. R. APP. P. 68.2.



b. Change to parties and counsel identities.

There's been a substantive change to TEX. R. APP. P. 53.2(a). You are now required to provide more detailed information to the Court.

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[Practical Guidance in Criminal Appeals Practice \(2023\): Statutory Interpretation, Discretionary Review, Preservation of Error, and More](#)

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