

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 January 1, 2021)

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, Barbara Hervey, Bert Richardson, Kevin P. Yeary, David Newell, Mary Lou Keel, Scott Walker, Michelle Slaughter and Jesse F. McClure, III
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 usually 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

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 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 <https://www.txcourts.gov/cca/>.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA District Clerk Electronic Filing Procedures

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, index, 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

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**

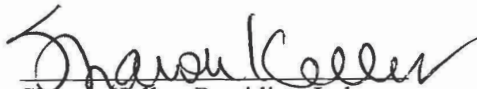
ORDERED that:

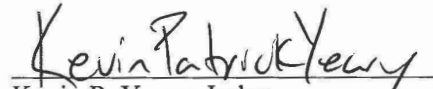
1. On February 13 and 14, 2017, the Supreme Court of Texas (Misc. Docket No. 17-9017) and the Court of Criminal Appeals (Misc. Docket No. 17-002) adopted amendments to the statewide rules governing electronic filing in criminal cases and invited public comment. After receiving public comments, the Supreme 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*.

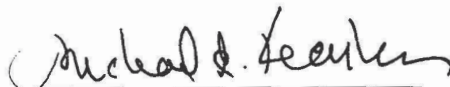
Dated: April 24, 2017.


COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS


CCA Rules for Electronic Filing

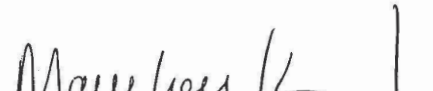

Sharon Keller, Presiding Judge

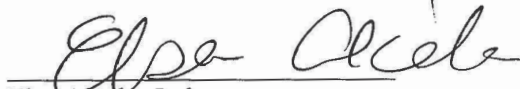

Kevin P. Yeary, Judge

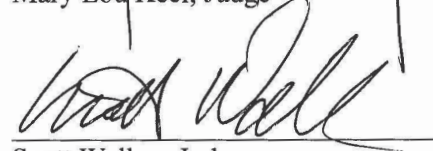

Michael Keasler, Judge


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



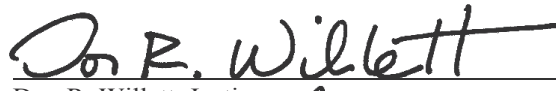
Nathan L. Hecht, Chief Justice



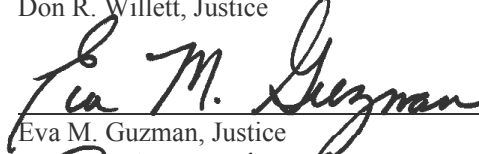
Paul W. Green, Justice



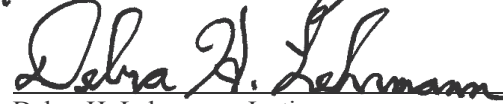
Phil Johnson, Justice



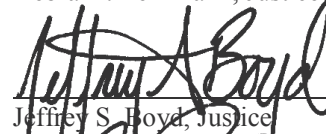
Don R. Willett, Justice



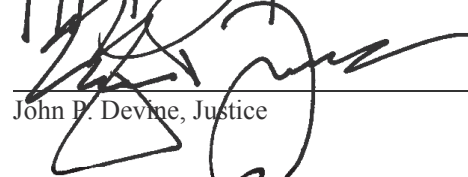
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice

Misc. Docket No. 17-9039

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

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

CCA Rules for Electronic Filing

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.

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

New Technology Standards

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 21-005

**APPROVAL OF TECHNOLOGY STANDARDS, VERSION 7.0, SET BY
THE JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY**

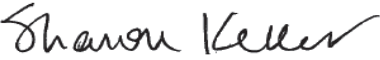
ORDERED that:

The Court of Criminal Appeals approves the attached Technology Standards, Version 7.0, 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 17-005, and Texas Rule of Appellate Procedure 9. These standards will be effective January 1, 2022.

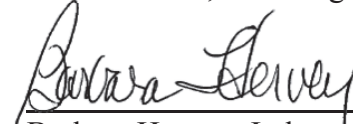
Dated: December 7, 2021.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

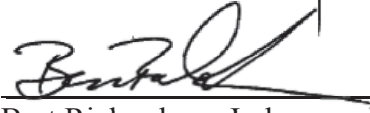
New Technology Standards



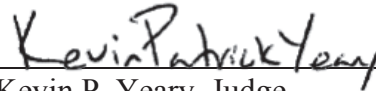
Sharon Keller, Presiding Judge



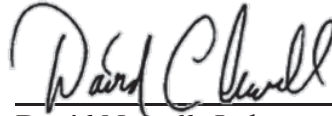
Barbara Hervey, Judge



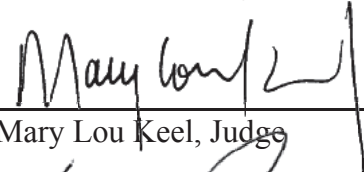
Bert Richardson, Judge



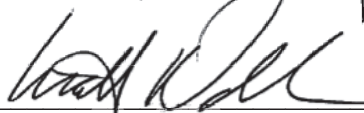
Kevin P. Yeary, Judge



David Newell, Judge



Mary Lou Keel, Judge



Scott Walker, Judge



Michelle M. Slaughter, Judge



Jesse McClure, Judge

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

New Technology Standards

Supreme Court of Texas

Misc. Docket No. 21-9151

**Approval of Technology Standards, Version 7.0, Set by
the Judicial Committee on Information Technology**

ORDERED that:

The Supreme Court of Texas hereby approves, effective January 1, 2022, the attached Technology Standards, Version 7.0, 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.

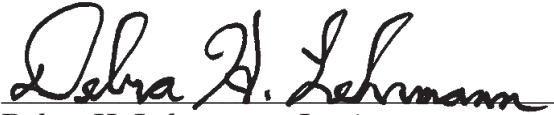
Dated: December 7, 2021.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

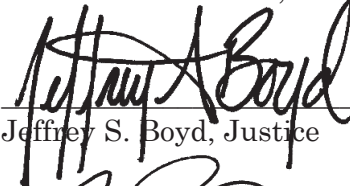
New Technology Standards



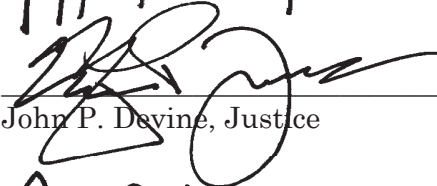
Nathan L. Hecht, Chief Justice



Debra H. Lehrmann, Justice



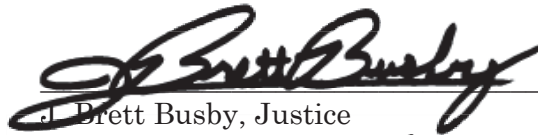
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



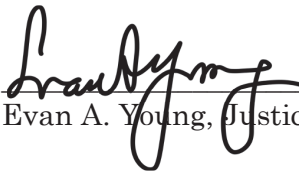
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

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

New Technology Standards

COURT OF CRIMINAL APPEALS
RULES,
PROCEDURES AND INSTRUCTIONS

TECHNOLOGY STANDARDS

JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY

Version 7.0

Released: November 2021

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

New Technology Standards

Technology Standards v7.0

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	January 2019
6.5	Added codes for Juvenile cases, other changes per requests. Expanded definition of Attorney on the Case to include users authorized by the firm administrator	October 2019
7.0	Changed codes and additional services to support SB41 of the 87 th Session	November 2021

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.

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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

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-courtfiling/>
- 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

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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.

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.
- G. Once accepted, an eFiled document remains available to the filer for download for 30 days.

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)

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- 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 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
	Emergency Mental Health
	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	Condemnation
	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)

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	Stolen or Seized Property
	Other
Civil - Tax	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
Transfer (County Use Only)	Action/Interpleader/Intervention/Third Party
	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 with Children
	Declare Marriage Void without Children
	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	Adoption/Adoption with Termination
	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

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(Title IV-D OAG Use Only) Service Documents

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 Action
Transfer (County Use Only)	/Interpleader/Intervention/Third Party
(Title IV-D OAG Use Only)	Habeas Corpus (Continuing
Establishment	Jurisdiction)Motion (No Fee)
(Title IV-D OAG Use Only) Paternity	Motion for Contempt
(Title IV-D OAG Use Only) Interstate –	Motion for Contempt - SAPCR
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.

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

New Technology Standards

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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	Emergency Mental Health
	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 Letter	Annual Report
Petition	Answer/Response
Proposed Order	Application for Removal
Statement of Inability to Afford Costs	Application in an Existing Estate
Will/Codicil	Application on Sale of Personal Property
Transfer (County Use Only)	Application on Sale of Real Property
	Bond
	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

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

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	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
Transfer (County Use Only)	Action/Interpleader/Intervention/Third Party
	Contest
	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

COURT OF CRIMINAL APPEALS RULES, PROCEDURES AND INSTRUCTIONS

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4.5 JUVENILE CASES

4.5.1 CASE CATEGORIES/TYPES

Case Category Code	Case Type Codes
Juvenile	Child in Need of Supervision
	Delinquent Conduct
	Transfer of Probation
	Magistrate Case

4.5.2 FILING TYPES

New Case	Subsequent Filings
Petition	Amended Filing
Transfer Case (County Use Only)	Affidavit
	Application
	Motion
	No Fee Documents
	Notice
	Proposed Order
	Report/Return
	Subpoena
	Transfer