

Agenda for February 22, 2019 CCA Rules Advisory Committee Meeting

1. Welcome & introductory remarks
2. Review of minutes from October 2018 Rules Advisory Committee meeting (See Exhibit A)
3. Update on CCA final orders issued since last meeting (See Exhibits A.1 – A.6)
4. Proposal concerning bills of exception and offers of proof in habeas corpus proceedings (See Exhibit B)
5. Proposed amendments to TRAP 73.7 (revised, now TRAP 73.8; New Evidence after Application forwarded to CCA in Filed and Set Case) (See Exhibits C, C.1-C.4)
6. Proposed amendment adding TRAP 73.8 (revised, now TRAP 73.7; Supplementing or Amending Application Grounds or Providing New Evidence after Case Forwarded to the Court of Criminal Appeals; Motion to Stay Proceedings) and a comment (See Exhibit D & Exhibits C.1-C.4)
7. Discussion of sensitive data concerns regarding TRAP 9.10 (See Exhibits E.1, E.2)
8. Proposal to amend TRAP 9.4 to add page/word limits for Article 11.071 writ applications (See Exhibits F, F.1)
9. Proposal to amend TRAP 47 to address the publication and precedential value of memorandum criminal opinions (See Exhibit G)

LIST OF EXHIBITS

- A** Minutes from October 2018 CCA Rules Advisory Committee meeting
- A.1** Misc. Docket No. 18-021 amending TRAP 25.2
- A.2** Misc. Docket No. 18-022 amending TRAP 73.1 and 73.4
- A.3** Misc. Docket No. 18-023 amending TRAP Appendix E (Article 11.07 Writ Application Form)
- A.4** Misc. Docket No. 18-024 amending TRAP Appendix D (Certification of Right to Appeal)
- A.5** Misc. Docket No. 18-025 amending TRAP Appendix F (Clerk's Summary Sheet for Habeas)
- A.6** Misc. Docket No. 18-026 amending TRAP 31.1 and 31.2
- B** Message concerning bills of exception and offers of proof in habeas proceedings
- C** Revised Proposal re TRAP 73.8 (formerly TRAP 73.7; New Evidence after Application forwarded to CCA in Filed and Set Case)
- C.1** Current TRAP 73.7 (New Evidence after Application forwarded to CCA) and 2017 Comment
- C.2** *Ex parte Pena*, 484 S.W.3d 428 (CCA 2016), with highlighting
- C.3** *Ex parte Saenz*, 491 S.W.3d 819 (CCA 2016), with highlighting
- C.4** *Ex parte Speckman*, 537 S.W.3d 49 (CCA 2017), with highlighting
- D** Proposed new TRAP 73.7 (formerly 73.8; Supplementing or Amending Application Grounds or Providing New Evidence after Case Forwarded to the Court of Criminal Appeals; Motion to Stay Proceedings) & proposed 2019 comment
- E.1** Research related to sensitive data concerns (minor names) regarding TRAP 9.10
- E.2** Sensitive Data Definitions Table
- F** Proposed amendment to TRAP 9.4 adding page limits for Article 11.071 habeas applications
- F.1** Memorandum regarding proposal to add page limits for Article 11.071 habeas applications
- G** Message/memorandum requesting change to TRAP 47 re the publication and precedential value of memorandum criminal opinions