

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 19-012


ORDER ADOPTING TEXAS RULE OF APPELLATE PROCEDURE 80.1, DELETING RULE OF APPELLATE PROCEDURE 68.11, AND AMENDING RULES OF APPELLATE PROCEDURE 70.3 AND 79.7

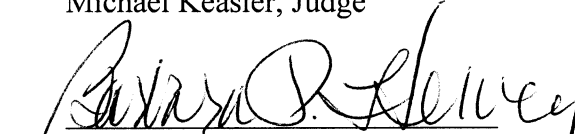
ORDERED that:


1. On June 3, 2019, the Court of Criminal Appeals signed Misc. Docket No. 19-006 proposing the adoption of Rule 80.1, the deletion of Rule 68.11, and the amendment of Rules 70.3 and 79.7 of the Texas Rules of Appellate Procedure. The public comment period has expired.
2. The Court has reviewed any comments received. This order incorporates all revisions and contains the final version of these rule amendments.
3. Pursuant to section 22.108 of the Texas Government Code, the Court of Criminal Appeals adopts Rule 80.1 of the Texas Rule of Appellate Procedure, the deletion of Rule of Appellate Procedure 68.11 and amendments to Rules of Appellate Procedure 70.3 and 79.7. The proposed rule and amendments will take effect on December 1, 2019.
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*.

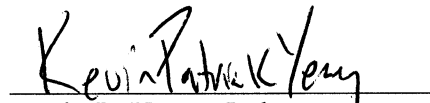
Dated: November 4, 2019.

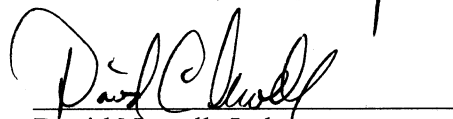

Sharon Keller, Presiding Judge

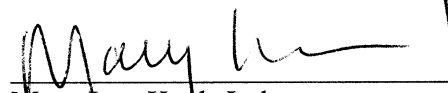

Michael Keasler, Judge


Barbara P. Hervey, Judge



Bert Richardson, Judge


Kevin P. Yeary, Judge


David Newell, Judge


Mary Lou Keel, Judge


Scott Walker, Judge


Michelle M. Slaughter, Judge

IN THE SUPREME COURT OF TEXAS

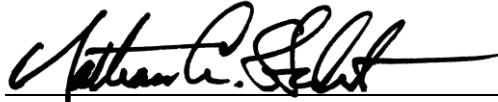
Misc. Docket No. 19-9106

**ORDER ADOPTING TEXAS RULE OF APPELLATE PROCEDURE 80.1, DELETING
RULE OF APPELLATE PROCEDURE 68.11, AND AMENDING RULES OF
APPELLATE PROCEDURE 70.3 AND 79.7**

ORDERED that:

1. By order dated June 3, 2019, in Misc. Docket No. 19-006, the Court of Criminal Appeals proposed the adoption of Rule 80.1, the deletion of Rule 68.11, and the amendment of Rules 70.3 and 79.7 of the Texas Rules of Appellate Procedure and invited public comments. This joint order contains the final version of the rules, which are effective December 1, 2019.
2. 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*.

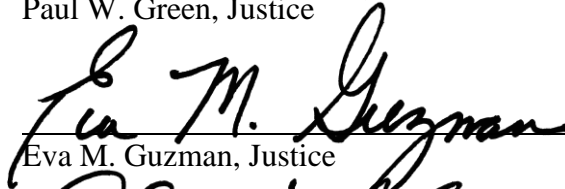
Dated: November 7, 2019



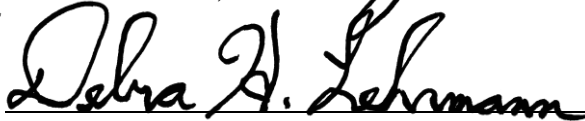
Nathan L. Hecht, Chief Justice



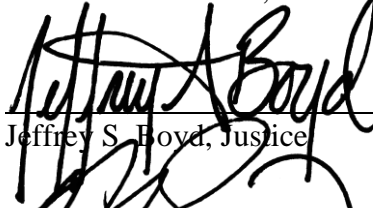
Paul W. Green, Justice



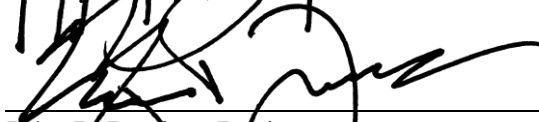
Eva M. Guzman, Justice



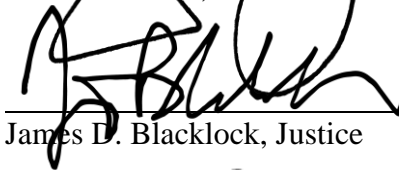
Debra H. Lehrmann, Justice



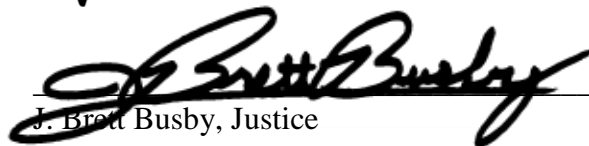
Jeffrey S. Boyd, Justice



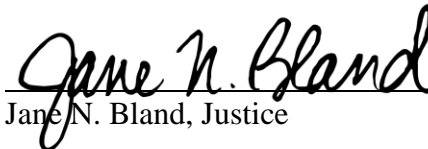
John F. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice

Rule 68.11. Service on State Prosecuting Attorney

~~In addition to the service required by Rule 9.5, service of the petition, the reply, and any amendment or supplementation of a petition or reply must be made on the State Prosecuting Attorney.~~

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Rule 70.3. Brief Contents and Form

Briefs must comply with the requirements of Rules 9 and 38, except that they need not contain the appendix (Rule 38.1(k)). ~~Copies must be served as required by Rule 68.11.~~

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Rule 79.7. Service

The requirements of Rule ~~68.11~~ 80.1 apply.

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Rule 80. State Prosecuting Attorney

Rule 80.1. Service on State Prosecuting Attorney

The State Prosecuting Attorney must be served on every petition for discretionary review or brief filed by any party or amicus curiae in the Court of Criminal Appeals, including replies, responses, amendments, and supplements.

Comment to 2019 change: This rule incorporates and expands former Rule 68.11 to require service on the State Prosecuting Attorney of all petitions for discretionary review and all substantive briefing in the Court of Criminal Appeals. In using the phrase “brief filed by any party or amicus curiae in the Court of Criminal Appeals,” the rule does not intend to require service on the State Prosecuting Attorney of petitions for a writ of mandamus (or responses) or applications for a writ of habeas corpus (or answers) and their accompanying memoranda. However, if the Court of Criminal Appeals has filed and set a

mandamus petition or habeas corpus application, the rule does require service on the State Prosecuting Attorney of the briefs filed in the case.