

ORIGINAL PROCEEDINGS CHECKLIST

To assist the court in considering your original appellate proceeding, you are strongly encouraged to complete the court’s Original Proceedings checklist to ensure compliance with Rules 52 and 9 of the Texas Rules of Appellate Procedure, section 132.001 of the Texas Civil Practice and Remedies Code, and Rule 76a of the Texas Rules of Civil Procedure, if applicable. *See* Tex. R. App. P. 52; Tex. R. App. P. 9; Tex. Civ. Prac. & Rem. Code § 132.001; and Tex. R. Civ. P. 76a. Provide citations in the right-hand column to demonstrate compliance and include the checklist in your original appellate proceeding.

Tex. R. App. P. 52.3 Form and Contents of Petition	
52.3(a) <i>Identity</i> . List all parties and names and addresses of all counsel	
52.3(b) <i>Table of Contents</i>	
52.3(c) <i>Index of Authorities</i>	
52.3(d) <i>Statement of the Case</i>	
52.3(e) Statement of jurisdiction Pursuant to Tex. Gov’t Code § 22.221, state the basis of our jurisdiction to grant the relief requested.	
52.3(f) <i>Issues Presented</i>	
52.3(g) <i>Statement of Facts</i>	
52.3 (h) <i>Argument</i>	
52.3(i) <i>Prayer</i>	
52.3(j) Certification . You must certify that you have reviewed the petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix or record	
52.3(k) Appendix . MUST contain: (1) a <i>certified or sworn copy</i> of the complained-of order or other document showing the complained-of matter; (2) if practicable, the text of any rule, regulation, ordinance, statute, constitutional provision, or other law (not case authority) relied upon; and (3) for a writ, proof of restraint.	
Tex. R. App. P. 52.7 Record	
52.7(a) Filing by Relator Required . 1. A <i>certified or sworn copy</i> of every document material to the requested relief filed in any underlying proceeding; 2. A properly <i>authenticated</i> reporter’s record of relevant testimony from any underlying proceeding, with any exhibits offered in evidence, <i>or</i> a <i>statement</i> that no testimony was taken in connection with the complained-of matter.	
52.7(c) Service of Record on All Parties Any party filing materials for inclusion in the record must simultaneously serve	

<p>on each party:</p> <ol style="list-style-type: none"> 1. Materials not previously served on that party as part of the record in any other original appellate proceeding in the same or another court; and 2. An index listing the materials filed and describing them in sufficient detail to identify them. 	
52.10 Temporary Relief	
<p>52.10(a) Motion for Temporary Relief; Certificate of Compliance. The relator must certify to the court that all parties have been notified, or diligent efforts have been made to notify all parties by expedited means before the court will grant temporary relief.</p>	
Tex. R. App. P. 9 Documents Generally	
<p>All parties must comply with the privacy protection requirements of the applicable rule:</p> <p style="padding-left: 40px;">9.8 Protection of Minors in Parental-Rights Termination Cases and Juvenile Court Cases;</p> <p style="padding-left: 40px;">9.9 Privacy Protection for Documents Filed in Civil Cases; or</p> <p style="padding-left: 40px;">9.10 Privacy Protection for Documents Filed in Criminal Cases.</p> <p>Failure to comply may result in the striking of your document.</p>	
Tex. R. Civ. P. 76a Sealing Court Records	
<p>Any documents being filed under seal must be accompanied by a certified copy of the trial court's order.</p>	
Tex. Civ. Prac. & Rem. Code § 132.001 Unsworn Declaration	
<p>(a) Except as provided by Subsection (b), an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law.</p> <p>(b) This section does not apply to a lien required to be filed with a county clerk, an instrument concerning real or personal property required to be filed with a county clerk, or an oath of office or an oath required to be taken before a specified official other than a notary public.</p> <p>(c) An unsworn declaration made under this section must be:</p> <ol style="list-style-type: none"> (1) in writing; and (2) subscribed by the person making the declaration as true under penalty of perjury. <p>(d) Except as provided by Subsections (e) and (f), an unsworn declaration made under this section must include a jurat in substantially the following form:</p> <p>“My name is (First) (Middle) (Last), my date of birth is XX/XX/XXXX, and my address is (Street) (City), (State) (Zip Code), and (Country). I declare under penalty of perjury that the foregoing is true and correct. Executed in (Name) County, State of (Name) on the (date) day of (Month), (Year). /s/ (Declarant)”</p> <p>(e) An unsworn declaration made under this section by an inmate must include a jurat in substantially the following form:</p>	

“My name is (First) (Middle) (Last), my date of birth is XX/XX/XXXX, and my inmate identifying number, if any is (Number). I am presently incarcerated in (Corrections unit name) in (City), (County), (State) (Zip Code). I declare under penalty of perjury that the foregoing is true and correct. Executed on the (date) day of (Month), (Year). /s/ (Declarant)”

(f) An unsworn declaration made under this section by an employee of a state agency or a political subdivision in the performance of the employee's job duties, must include a jurat in substantially the following form:

“My name is (First) (Middle) (Last), and I am an employee of the following governmental agency (Agency). I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct. Executed in (Name) County, State of (Name) on the (date) day of (Month), (Year). /s/ (Declarant)”