

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 97- 9159

CORRECTION OF CLERICAL ERRORS IN THE AUGUST 15, 1997 PROMULGATION OF TEXAS RULES OF APPELLATE PROCEDURE

ORDERED that:

The Texas Rules of Appellate Procedure, as promulgated on August 15, 1997, Misc. Docket No. 97-9139, are corrected as follows. This change is effective September 1, 1997. The Clerk is directed to file a copy of this Order with the Secretary of State forthwith, and to cause a copy of this Order to be sent to the *Texas Bar Journal* who shall make these changes in the official publication of these rules.

In Rule 3.1(d), the semicolon is replaced by a period.

In Rule 8.3(a), a comma is inserted in the second sentence following *stay*.

In Rule 13.6, *that* is replaced by *than* in the first sentence, as follows:

“When a defendant is convicted and sentenced, or is granted deferred adjudication for a felony other ~~that~~than a state jail felony . . .

In Rule 24.1(c)(3), the caption of the paragraph is amended to omit the semicolon and *interest*, as follows:

(3) *Clerk's duties; interest.*

In the Notes and Comments following Rule 24, a period is added at the end of the seventh sentence.

In the Notes and Comments following Rule 35, a period is added at the end of the last sentence.

In the second sentence of Rule 41.2(a), *constitute* is changed to *constitutes*.

In Rule 55.6, insert a comma in the first sentence following *the issues presented*.

In the Notes and Comments following Rule 58, delete “, except subdivision 58.10 now allows a motion for rehearing”

The cover for the reporter's record prescribed in paragraph A.2(i) of the Order Directing the Form of the Appellate Record in Civil Cases is amended to delete the comma following *Supreme Court of Texas* and insert a comma following *at Austin* in the first occurrence of the reference to the Supreme Court of Texas.

In paragraph B.1(r) of the Order Directing the Form of the Appellate Record in Civil Cases, delete the second occurrence of the word *of*.

The Table of Contents, which is not part of the official promulgation of the Texas Rules of Appellate Procedure, is corrected as follows.

3.1 Definitions.

- (a) *Appellant*
- (b) *Appellate court*
- (c) *Appellee*
- (d) *Applicant*
- ~~(de)~~ *Petitioner*
- ~~(ef)~~ *Relator*
- ~~(fg)~~ *Reporter*
- ~~(gh)~~ *Respondent*

13.6 Filing of Notes ~~When Defendant Convicted~~ in a Criminal Case.

24.1

(c)

(3) *Clerk's duties; interest.*

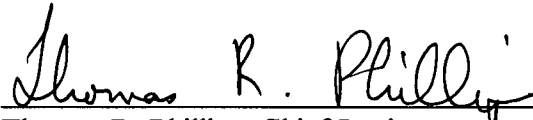
52.5 ~~Petitioner's~~ Relator's Reply to Response.

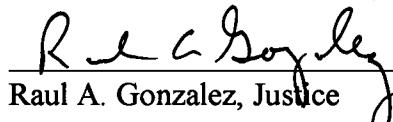
55.2


(f) *Issues Ppresented.*

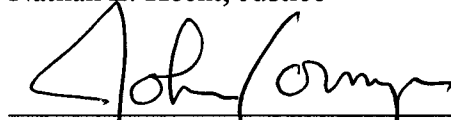
Add a period after *Rule 74* in the caption of the rule.

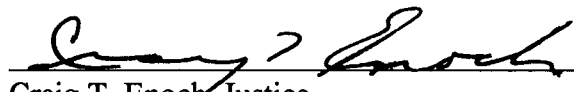
SIGNED AND ENTERED this 16th day of Sept., 1997.

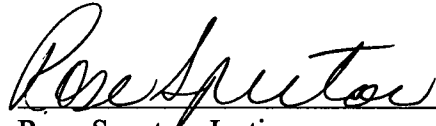

Thomas R. Phillips, Chief Justice

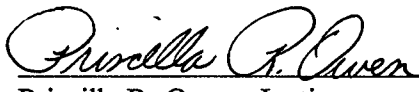

Raul A. Gonzalez, Justice


Nathan L. Hecht, Justice

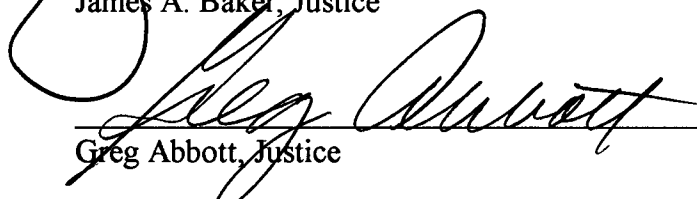

John Cornyn, Justice


Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

September 25, 1997

Office of the Secretary of State
Statutory Filings Division
1019 Brazos Street
Austin, Texas 78701

Please find enclosed, a copies of Misc. Docket No. 97-9134, Misc. Docket No. 97-9145 and Misc. Docket No. 97-9159, pertaining to Texas Rules of Appellate Procedure. Also enclosed is a copy of Misc. Docket No. 97-9139, pertaining to the Rules of Civil Procedure.

Originals of 97-9134 and 97-9139 are not yet available and will be forwarded as soon as possible. In the interim, please accept these certified copies.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.



THE SUPREME COURT OF TEXAS

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THOMAS R. PHILLIPS

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CLERK
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WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

August 15, 1997

Mr. Antonio Alvarado
Executive Director
State Bar of Texas
1414 Colorado Street
Austin, Texas 78701

Dear Mr. Alvarado,

Please find enclosed, a copy of an order of the Supreme Court of Texas of this date. Per this order, a copy is to be published as soon as possible in the Texas Bar Journal. You may contact the undersigned if there are any questions in this matter.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Ms. Kelley Jones