

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

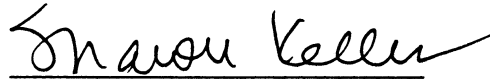
Misc. Docket No. 19-006

ORDER PROPOSING THE ADOPTION OF TEXAS RULE OF APPELLATE PROCEDURE 80.1, DELETION OF RULE OF APPELLATE PROCEDURE 68.11, AND AMENDMENTS TO RULES OF APPELLATE PROCEDURE 70.3 AND 79.7

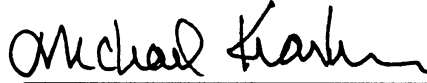
ORDERED that:

1. Pursuant to section 22.108 of the Texas Government Code, the Court of Criminal Appeals proposes the adoption of Texas Rule of Appellate Procedure 80.1, the deletion of Texas Rule of Appellate Procedure 68.11, and amendments to Texas Rules of Appellate Procedure 70.3 and 79.7.
2. These amendments may be changed in response to public comments received before October 1, 2019. Any person may submit written comments to the Court of Criminal Appeals at txccarulescomments@txcourts.gov or by mail to the Clerk of the Court of Criminal Appeals at P.O. Box 12308, Austin, Texas 78711.
3. 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*.

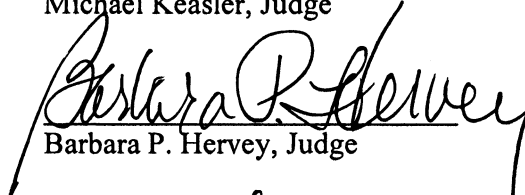
Dated: June 10, 2019.



Sharon Keller, Presiding Judge



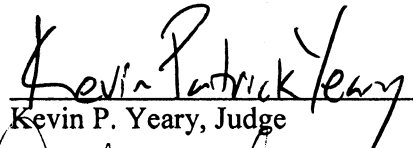
Michael Keasler, Judge



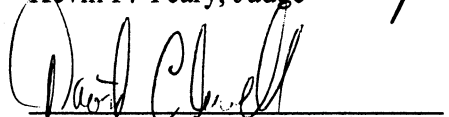
Barbara P. Hervey, Judge



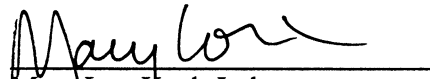
Bert Richardson, Judge



Kevin P. Yeary, Judge



David Newell, Judge



Mary Lou Keel, Judge



Scott Walker, Judge



Michelle M. Slaughter, Judge

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 80.1. 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.