

# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

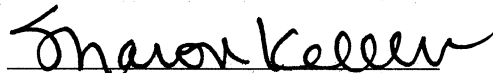
Misc. Docket No. 19-011

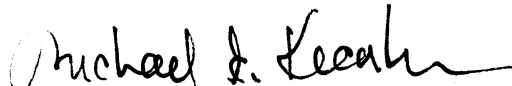
## ORDER ADOPTING TEXAS RULE OF APPELLATE PROCEDURE 73.8

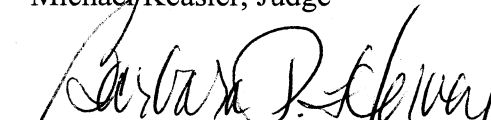
**ORDERED** that:


1. By order dated June 3, 2019, in Misc. Docket No. 19-005, The Court of Criminal Appeals proposed adopting Rule 73.8 of the Texas Rules of Appellate Procedure and invited public comments. 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 73.8 of the Texas Rules of Appellate Procedure. The proposed rule 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*.

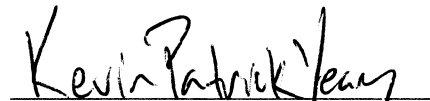
Dated: November 4, 2019.

  
Sharon Keller, Presiding Judge

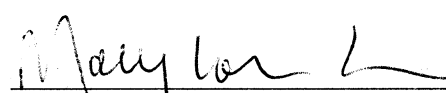
  
Michael Keasler, Judge

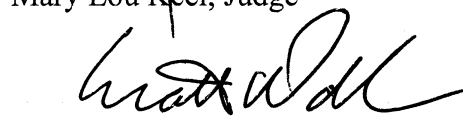
  
Barbara P. Hervey, Judge


  
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**

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Misc. Docket No. 19-9105

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**ORDER ADOPTING TEXAS RULES OF APPELLATE PROCEDURE 73.8**

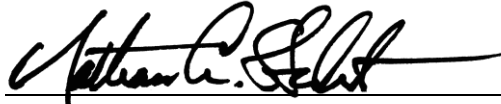
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**ORDERED** that:

1. By order dated June 3, 2019, in Misc. Docket No. 19-005, the Court of Criminal Appeals proposed adopting Rule 73.9 of the Texas Rules of Appellate Procedure and invited public comments. This joint order contains the final version of the rule, which has been renumbered as Rule 73.8 and is 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*.

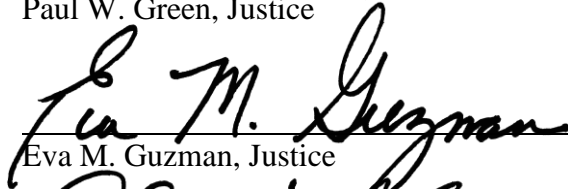
Dated: November 7, 2019.



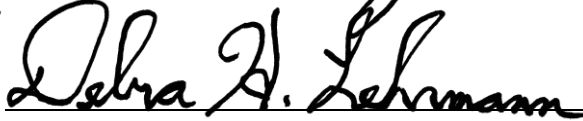
Nathan L. Hecht, Chief Justice



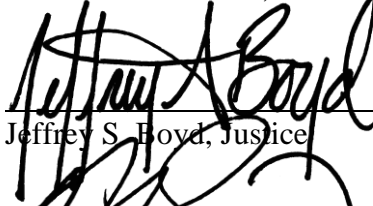
Paul W. Green, Justice



Eva M. Guzman, Justice



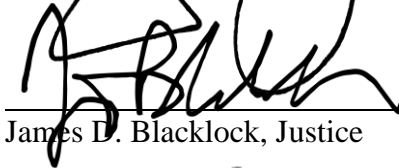
Debra H. Lehrmann, Justice



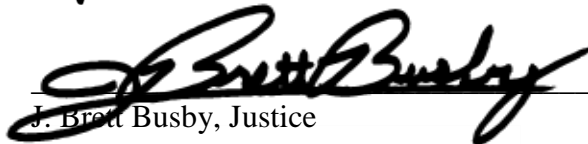
Jeffrey S. Boyd, Justice



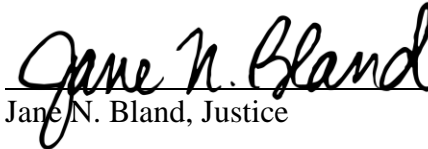
John F. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice

### **73.8. Rules of Evidence**

The Texas Rules of Evidence apply to a hearing held on a postconviction application for a writ of habeas corpus filed under Code of Criminal Procedure Article 11.07 or 11.071.

Comment to 2019 change: Rule 73.8 is added to clarify that the Rules of Evidence apply in hearings held in Article 11.07 and 11.071 habeas corpus cases. This rule does not limit the ability of an applicant to attach supporting documents to an application for a writ of habeas corpus.