

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 17-9018

## ORDER ADOPTING AMENDMENTS TO TEXAS RULE OF APPELLATE PROCEDURE 33.1

**ORDERED** that:

1. Pursuant to section 22.004 of the Texas Government Code, the Supreme Court amends Rule of Appellate Procedure 33.1, effective July 1, 2017.
2. This rule may be changed in response to public comments received before May 31, 2017. Any interested party may submit written comments directed to Abel Acosta, Clerk of the Court, at [abel.acosta@txcourts.gov](mailto:abel.acosta@txcourts.gov).
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: February 14, 2017.



Nathan L. Hecht, Chief Justice



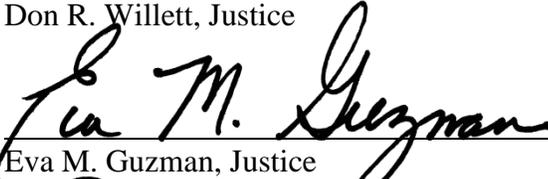
Paul W. Green, Justice



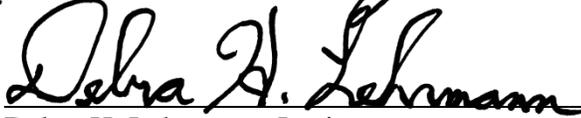
Phil Johnson, Justice



Don R. Willett, Justice



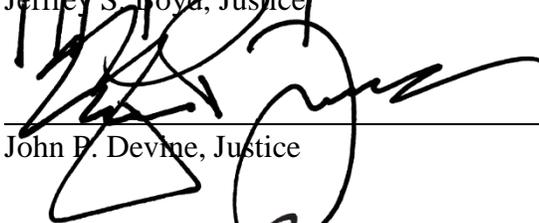
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice

# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

---

---

Misc. Docket No. 17-003

---

---

---

---

## ORDER ADOPTING AMENDMENTS TO TEXAS RULE OF APPELLATE PROCEDURE 33.1

---

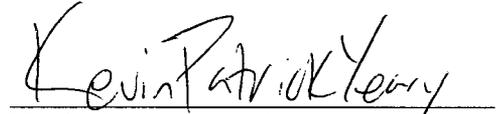
---

**ORDERED** that:

1. Pursuant to section 22.108 of the Texas Government Code, the Court of Criminal Appeals amends Rule of Appellate Procedure 33.1, effective July 1, 2017.
2. This rule may be changed in response to public comments received before May 31, 2017. Any interested party may submit written comments directed to Abel Acosta, Clerk of the Court, at [abel.acosta@txcourts.gov](mailto:abel.acosta@txcourts.gov).
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: February 15, 2017.

  
Sharon Keller, Presiding Judge

  
Kevin P. Yeary, Judge

  
Michael Keasler, Judge

  
David Newell, Judge

  
Barbara Hervey, Judge

  
Mary Lou Keel, Judge

  
Elsa Alcalá, Judge

  
Scott Walker, Judge

  
Bert Richardson, Judge

### **33.1. Preservation; How Shown**

(a) In General. As a prerequisite to presenting a complaint for appellate review, the record must show that:

(1) the complaint was made to the trial court by a timely request, objection, or motion that:

(A) stated the grounds for the ruling that the complaining party sought from the trial court with sufficient specificity to make the trial court aware of the complaint, unless the specific grounds were apparent from the context; and

(B) complied with the requirements of the Texas Rules of Evidence or the Texas Rules of Civil or Appellate Procedure; and . . .

(d) Sufficiency of Evidence Complaints in Civil Nonjury Cases. In a civil nonjury case, a complaint regarding the legal or factual insufficiency of the evidence - including a complaint that the damages found by the court are excessive or inadequate, as distinguished from a complaint that the trial court erred in refusing to amend a fact finding or to make an additional finding of fact - may be made for the first time on appeal in the complaining party's brief.

**Comment to 2017 change:** The 2017 amendment is intended only to clarify, and not to change, existing law.