

# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

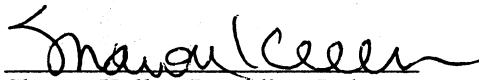
Misc. Docket No. 18-006


## ORDER PROPOSING AMENDMENTS TO TEXAS RULE OF APPELLATE PROCEDURE 73.4

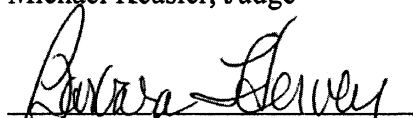
**ORDERED** that:

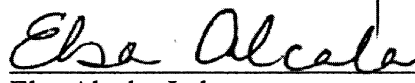
1. Pursuant to section 22.108 of the Texas Government Code, the Court of Criminal Appeals proposes an amendment to Rule of Appellate Procedure 73.4(b)(2) and a comment to Rule 73.
2. These amendments may be changed in response to public comments received before May 25, 2018. Any interested party may submit written comments to the Court of Criminal Appeals at [txccarulescomments@txcourts.gov](mailto:txccarulescomments@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: April 9, 2018.

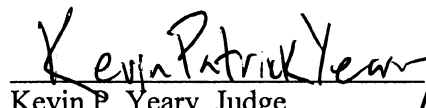
  
Sharon Keller, Presiding Judge

  
Michael Keasler, Judge

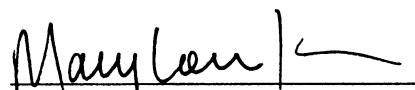
  
Barbara Hervey, Judge

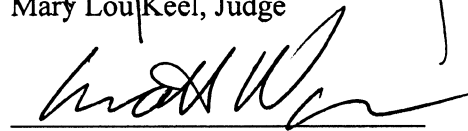
  
Elsa Alcalá, Judge

  
Bert Richardson, Judge

  
Kevin P. Yeary, Judge

  
David Newell, Judge

  
Mary Lou Keel, Judge

  
Scott Walker, Judge

#### 73.4. Filing and Transmission of Habeas Record

\* \* \*

(b) In addition to the duties set out in Article 11.07, the clerk shall do the following:

\* \* \*

2. When any pleadings, objections, motions, affidavits, exhibits, proposed or entered findings of fact and conclusions of law, or other orders are filed or made a part of the record, the district clerk shall immediately send a copy to all parties in the case. A party has ten days from the date he receives the trial court's findings of fact and conclusions of law to file objections, but the trial court may, nevertheless, order the district clerk to transmit the record to the Court of Criminal Appeals before the expiration of the ten days. Upon transmission of the record, the district clerk shall immediately notify all parties in the case.

\* \* \*

Comment to 2018 Change: The phrase "all parties in the case" as used in Rule 73.4(b) includes: the attorney representing the State; the applicant (including *pro se* and inmate applicants); and, if the applicant is represented by counsel, applicant's attorney.