

IN THE COURT OF CRIMINAL APPEALS OF TEXAS
ORDER DIRECTING THE FORM OF THE APPELLATE
RECORD IN CRIMINAL CASES

IT IS ORDERED that:

Pursuant to Texas Rule of Appellate Procedure 34.4, the Court of Criminal Appeals of Texas orders that the appellate record in criminal cases be in the form specified below. All references in this Order to a rule are to the Texas Rules of Appellate Procedure unless otherwise stated.

A. Clerk's Record

1. The trial court clerk must prepare and file the clerk's record in accordance with Rules 34.5 and 35. Even if more than one notice of appeal or request for inclusion of items is filed, the clerk should prepare only one record in a case. To prepare the clerk's record, the trial court clerk must:

- (a) gather the documents required by Rule 34.5(a) and those requested by a party under Rule 34.5(b);
- (b) make a legible copy of the documents on opaque, white, 8 1/2 X 11 inch paper, if practicable;
- (c) arrange the documents in ascending chronological order, by date of filing or occurrence;
- (d) consecutively number the pages in the bottom right-hand corner;
- (e) bind the documents together in one or more groups under a heavy cover;
- (f) prepare, label, and certify the clerk's record as required by this Order.

2. The clerk's record should be in the following form:

- (a) It is preferred that the clerk's record lie flat when opened.
- (b) If the clerk's record will lie flat when opened, two-sided copies may be included in the clerk's record; otherwise, only one-sided copies may be included.
- (c) Each individual document must start on a new page.
- (d) The first volume should be numbered "1" and each succeeding volume numbered sequentially.
- (e) Page numbering should start on the first page of the first volume of the clerk's record and continue to the final page of the clerk's record without regard for the number of volumes in the clerk's record.
- (f) It is preferred that the clerk's record be tabbed to show the beginning of each document.
- (g) Each document must show the date of filing.
- (h) As far as practicable, each order and judgment must show the date of signing by

- the judge.
- (i) The front cover of the first volume of the clerk's record must include the following information and be in substantially the following form:

CLERK'S RECORD

VOLUME ____ of ____
Trial Court Cause No. _____
In the ____ (District or County) Court
of _____ County, Texas,
Honorable _____, Judge Presiding

_____, Plaintiff(s)
vs.
_____, Defendant(s)

Appealed to the (Supreme Court of Texas at Austin, Texas,
or Court of Criminal Appeals of Texas at Austin, Texas,
or Court of Appeals for the ____ District of Texas, at _____, Texas).

Attorney for Appellant(s):

Name _____
Address _____
Telephone no. _____
Fax no. _____
SBOT no. _____
Attorney for _____, Appellants

Delivered to the (Supreme Court of Texas at Austin, Texas,
or Court of Criminal Appeals of Texas at Austin, Texas,
or Court of Appeals for the ____ District of Texas, at _____, Texas)
on the ____ day of _____, _____.

signature of clerk: _____
name of clerk: _____
title: _____

Appellate Court Cause No. _____
Filed in the (Supreme Court of Texas at Austin, Texas,
or Court of Criminal Appeals of Texas at Austin, Texas,

or Court of Appeals for the _____ District of Texas, at _____, Texas)
this _____ day of _____, _____.

By _____, Clerk
_____, Deputy

- (j) The front cover of the second and subsequent volumes of the clerk's record must include the same information and be in substantially the same form except that second and subsequent volumes may, but need not, include statements of delivery and filing.
- (k) The clerk must prepare and include on the first pages of the clerk's record a detailed index identifying each document included in the clerk's record, the date of filing, and the page where it first appears. The index must be double spaced and conform to the order in which matters appear in the clerk's record, rather than in alphabetical order.
- (l) After the index, the clerk must include the following:

The State of Texas)
County of _____)

In the (County Court or Judicial District Court) of _____ County, Texas, the Honorable _____, Judge Presiding, the following proceedings were held and the following instruments and other papers were filed in this cause, to wit:

Trial Court Cause No.

_____, Plaintiff(s)) IN THE _____ COURT
vs.)
_____, Defendant(s)) _____ COUNTY, TEXAS

- (m) The clerk's record must conclude with a certificate in substantially the following form:

The State of Texas)
County of _____)

I, _____, Clerk of the _____ Court of _____ County, Texas do hereby certify that the documents contained in this record to which this certification is attached are all of the documents specified by Texas Rule of Appellate Procedure 34.5(a) and all other documents timely requested by a party to this proceeding under Texas Rule of Appellate Procedure 34.5(b).

GIVEN UNDER MY HAND AND SEAL at my office in _____ County, Texas this _____ day of _____, _____.

signature of clerk _____
name of clerk _____
title _____

3. A supplement must be prepared in conformity with this Order.

4. In the event of a flagrant violation of this Order in the preparation of the clerk's record, on motion of a party or on its own initiative, the appellate court may require the clerk to amend the clerk's record or to prepare a new clerk's record in proper form - and provide it to any party who has previously made a copy of the original, defective clerk's record - at the clerk's expense.

B. Reporter's Record

1. The court reporter must prepare and file the reporter's record in accordance with Rules 34.6 and 35 and the UNIFORM FORMAT MANUAL FOR TEXAS COURT REPORTERS. Even if more than one notice of appeal or request for preparation of the record is filed, the reporter should prepare only one record in a case.

2. In the event of a flagrant violation of this Order in the preparation of a reporter's record, on motion of a party or on the court's own initiative, the appellate court may require the court reporter to amend the reporter's record or to prepare a new reporter's record in proper form - and provide it to any party who has previously made a copy of the original, defective reporter's record - at the reporter's expense. Failure of a reporter to comply with the requirements of the UNIFORM FORMAT MANUAL FOR TEXAS COURT REPORTERS is also subject to discipline by the Court Reporter's Certification Board.

[NOTE: The text of the UNIFORM FORMAT MANUAL FOR TEXAS COURT REPORTERS is not reproduced in this Clerks Manual.]