



Court of Appeals
Sixth Appellate District
State of Texas

CHIEF JUSTICE
JOSH R. MORRISS, III

JUSTICES
JACK CARTER
BAILEY C. MOSELEY

CLERK
DEBBIE AUTREY

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TEXARKANA, TEXAS 75501
903/798-3046

November 13, 2007

The Honorable Nathan L. Hecht, Liaison
Supreme Court Advisory Committee
Supreme Court of Texas
201 West 14th Street, 3rd Floor
Austin, TX 78701

The Honorable Phil Johnson, Liaison
Council of Chief Justices
Supreme Court of Texas
201 West 14th Street, 3rd Floor
Austin, TX 78701

Re: Request for Referral to Supreme Court Advisory Committee

Dear Justice Hecht and Justice Johnson:

The Council of Chief Justices of the intermediate courts of appeals has directed me to ask for your assistance. It has been brought to our attention that the courts of appeals are split in whether they designate certain proceedings as criminal or civil. We find no guidance in the Rules of Appellate Procedure regarding this issue. This classification issue has recently been seen in mandamus proceedings based on, or arising out of, criminal matters, for example, mandamus cases resulting from officials attempting to collect criminal court costs from inmate trust accounts.

The classification of an action affects where subsequent relief is sought. If a court of appeals uses a criminal classification, then further relief is ordinarily sought in the Court of Criminal Appeals. A civil classification results in relief being sought in the Supreme Court.

On behalf of the Council, I ask that you refer this matter to the Supreme Court Advisory Committee to study whether the Rules of Appellate Procedure should provide guidance on how to classify certain cases as civil or criminal.

Sincerely,

Josh R. Morris, III
(Chair, Council of Chief Justices)

cc: The Honorable Sharon Keller, Presiding Judge, Texas Court of Criminal Appeals



The Supreme Court of Texas

CHIEF JUSTICE
WALLACE B. JEFFERSON

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December 12, 2007

Hon. Josh R. Morriss III
Chair, Council of Chief Justices
The Court of Appeals for the
Sixth Appellate District of Texas
100 North State Line Avenue #20
Texarkana TX 75501

Re: Request for referral to Supreme Court Advisory Committee
on case classifications as civil or criminal

Dear Chief Justice Morriss:

Thank you for your letter. A few times I have seen case numbers that caused me to wonder about the classification scheme, and I think it will be useful to clarify the matter. I appreciate your calling it to my attention.

Of course, the Advisory Committee and the Court will want the advice of the Council of Chief Justices.

Cordially,

A handwritten signature in black ink, appearing to read "Nathan L. Hecht".

Nathan L. Hecht
Justice

c: Hon. Phil Johnson, Justice
The Supreme Court of Texas
Hon. Sharon Keller, Presiding Judge
The Court of Criminal Appeals of Texas
Charles L. Babcock, Chair
The Supreme Court Advisory Committee
Jody Hughes, Rules Attorney
The Supreme Court of Texas