

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

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) start each document on a new page;

(c) include the date of filing on each document;

(d) arrange the documents in ascending chronological order, by date of filing or occurrence;

(e) start the page numbering on the first page of the first volume of the clerk's record and continue to consecutively number the pages until the final page of the clerk's record, without regard for the number of volumes in the clerk's record, and place each page number in the bottom right-hand corner of each page;

(f) prepare, label, and certify the clerk's record as required by this Order;

(g) as far as practicable, include the date of signing by the judge on each order and judgment;

(h) if filing a paper record:

1) bind the documents together in one or more volume under a heavy cover.

2) bind the documents with a top bound, two-inch capacity, two-and-three-quarter inch center-to-center removable fastener.

3) include no more than 500 pages in each volume, or limit the thickness of each volume to a maximum of two inches.

4) if practicable, bind the documents so that the clerk's record will lie flat when opened.

5) include only one-sided copies in the clerk's record if the clerk's record will not lie flat when opened; otherwise, two-sided copies may be included.

6) number the first volume "1" and each succeeding volume sequentially.

7) if using protruding tabs to show the beginning of each document, as preferred, include on the main area of each tabbed page the title of the document immediately following the tabbed page, as well as the content on the protruding tab, and

8) if practicable, make a legible copy of the documents on opaque, white, 8½ X 11 inch paper;

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Deleted: make a legible copy of the documents on opaque, white, 8 ½ x 11 paper, if practicable;¶

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Deleted: (c)

Deleted: (d) , consecutively number the pages in the bottom right-hand corner;¶
 (e) , bind the documents together in one or more group under a heavy cover;¶

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(i) if filing an electronic record:

- 1) if filing electronic documents created as scanned images, scan each image in black and white with a resolution of 300 dots per inch (dpi),
 - 2) limit the size of each file to 40 MB or less,
 - 3) include the following elements in the computer file name, exemplified as JimHogg-D-1-GN-08-003658-CR-Vol001.pdf.
 - a. county name without spaces between words,
 - b. a hyphen,
 - c. the trial-court cause number,
 - d. a hyphen,
 - e. "CR-Vol",
 - f. the volume number as three digits with leading zeroes if needed,
 - g. a period, and
 - h. "pdf",
 - 4) if there are multiple volumes in a clerk's record, include numbers at the end of the main part of the computer file name to identify the sequential order of the volumes (e.g., JimHogg-D-1-GN-08-003658-CR-Vol001.pdf, JimHogg-D-1-GN-08-003658-CR-Vol002.pdf, etc.),
 - 5) if filing a supplement to the clerk's record or a supplemental clerk's record, include the term "Supp" and a hyphen before the phrase "CR-Vol" (e.g., JimHogg-D-1-GN-08-003658-Supp-CR-Vol001.pdf),
 - 6) if using a separator page to show the beginning of each document, as preferred, include on each separator page the title of the document immediately following the separator page, as well as the content that would be on a protruding tab if the record had been filed in paper, and
 - 7) file each volume in Portable Document Format (PDF), as defined by the International Organization for Standardization, ISO 32000-1:2008. It is preferred that the PDF be full-text-searchable.
2. The front cover of the first volume of the clerk's record, whether filed in paper or electronically, must include the following information and be in substantially the following form:

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Deleted: <#>The clerk's record should be in the following form:¶
 <#>It is preferred that the clerk's record lie flat when opened.¶
 <#>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.¶
 <#>Each individual document must start on a new page.¶
 <#>The first volume should be numbered "1" and each succeeding volume numbered sequentially.¶
 <#>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.¶
 <#>It is preferred that the clerk's record be tabbed to show the beginning of each document.¶
 <#>Each document must show the date of filing.¶
 <#>As far as practicable, each order and judgment must show the date of signing by the judge.¶
 <#>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. _____

E-mail address _____

SBOT no. _____

Attorney for: _____, Appellant(s)

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 _____

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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 _____, _____.

_____, Clerk

By _____, Deputy

(a) 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.

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(b) 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 documents appear in the clerk's record, rather than in alphabetical order. The clerk should hyperlink each document description in the index to the page on which the document first appears.

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(c) 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. _____

vs.

)
)
)

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

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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 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 or court recorder 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 court reporter or court recorder 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 or court recorder 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 or recorder's expense. A court reporter or court recorder who fails to comply with the requirements of the Uniform Format Manual for Texas Court Reporters is also subject to discipline by the Court Reporters Certification Board.

Deleted: Failure of a reporter

Amended April 12, 1999, effective May 1, 1999.