

**AMENDMENTS TO TEXAS RULES of APPELLATE PROCEDURE  
 RULES 31.1 AND 31.2  
 TAKES EFFECT DECEMBER 1, 2018**

<p style="text-align: center;"><b>Texas Rules of Appellate Procedure            OLD VERSION</b></p>	<p style="text-align: center;"><b>Texas Rules of Appellate Procedure            NEW VERSION</b></p>
<p><b>31.1. Filing the Record;<del>Submission</del></b></p> <p>When written notice of appeal from a judgment or order in a habeas corpus or bail proceeding is filed, the trial court clerk must prepare and certify the clerk’s record and, if the appellant requests, the court reporter must prepare and certify a reporter’s record. The clerk must send the clerk’s record and the court reporter must send the reporter’s record to the appellate court within 15 days after the notice of appeal is filed. On reasonable explanation, the appellate court may shorten or extend the time to file the record. <del>When the appellate court receives the record, the court will — if it desires briefs — set the time for filing briefs, and will set the appeal for submission</del></p> <p><b>31.2. Hearing</b></p> <p><del>An appeal in a habeas corpus or bail proceeding will be heard at the earliest practicable time.</del> The applicant need not personally appear, <del>and the appeal will be heard and determined upon the law and the facts shown by the record.</del> The appellate court will not review any incidental question that might have arisen on the hearing of the application before the trial court. The sole purpose of the</p>	<p><b>31.1. Filing the Record and Briefs</b></p> <p>When written notice of appeal from a judgment or order in a habeas corpus or bail proceeding is filed, the trial court clerk must prepare and certify the clerk’s record and, if the appellant requests, the court reporter must prepare and certify a reporter’s record. The clerk must send the clerk’s record and the court reporter must send the reporter’s record to the appellate court within 15 days after the notice of appeal is filed. On reasonable explanation, the appellate court may shorten or extend the time to file the records.</p> <p>(a) For an appeal from a habeas corpus proceeding challenging a conviction or an order placing the defendant on community supervision—but not challenging any particular condition of community supervision—the appellate court should use the same briefing rules, deadlines, and schedule that apply to direct appeals from criminal cases. On motion of any party, or on its own initiative, the appellate court may impose a more expedited timeline or submit the case without briefing, if necessary to do substantial justice to the parties.</p> <p>(b) For an appeal from a bail proceeding or any other habeas corpus proceeding, including one that challenges a particular condition of community supervision, the court will—if it desires briefs—set the time for filing briefs.</p> <p><b>31.2. Submission; Hearing</b></p> <p>The applicant need not personally appear. The appellate court will not review any incidental question that might have arisen on the hearing of the application before the trial court. The sole purpose of the appeal is to do substantial justice to the parties.</p> <p>(a) In an appeal from a habeas corpus</p>

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proceeding challenging a conviction or an order placing the defendant on community supervision—but not challenging a particular condition of community supervision—the appellate court should use the same submission and hearing schedules that apply to direct appeals from criminal cases. On motion of any party, or on its own initiative, the appellate court may impose a more expedited timeline or submit the case without briefing, if necessary to do substantial justice to the parties.

(b) An appeal in any other habeas corpus or bail proceeding, including a challenge to a particular condition of community supervision, shall be submitted and heard at the earliest practicable time.