

NOTE: Appeal may be prosecuted by city attorney or deputy city attorney with consent of county attorney

Perfection of Appeals (MNT)

Record (Reporter's Record)

COURTS OF RECORD

- Request of Record must be made
- Request by Judge or either party
- Courts of Record must have recording device in courtroom

COURTS OF NON-RECORD

- No Record
- If appealed, trial is a trial de novo

Perfection of Appeals

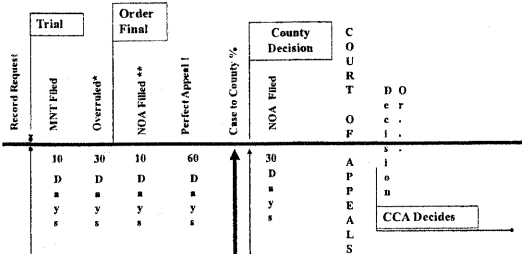
Record (Reporter's Record), cont'd

COURTS OF RECORD

- Court may elect to have a certified court reporter in courtroom
- No Reporter's Record = no meaningful review of evidence or merits of the case can be held (review possible only of errors appearing in Clerk's Record)

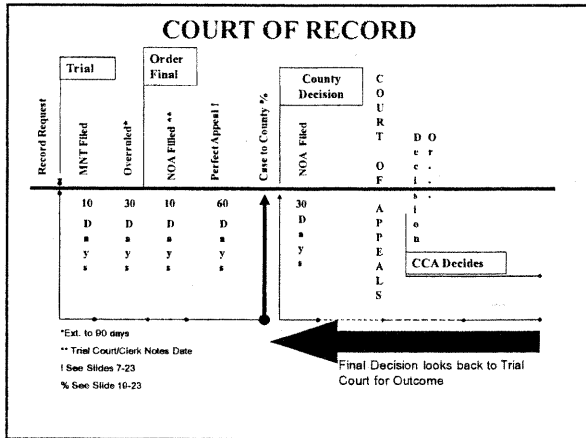
COURTS OF NON-RECORD

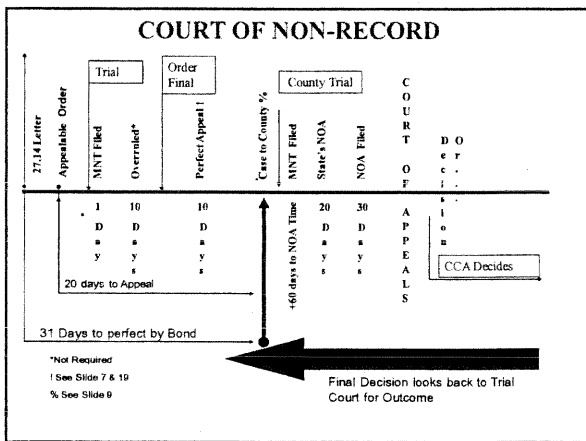
COURT OF RECORD



*Ext. to 90 days
 ** Trial Court/Clerk Notes Date
 † See Slides 7-23
 ‡ See Slide 19-23

Final Decision looks back to Trial Court for Outcome





Perfection of Appeals

Motion for New Trial, cont'd

COURTS OF RECORD	COURTS OF NON-RECORD
<ul style="list-style-type: none"> ▪ Points of Error on Appeal must be raised in MNT ▪ MNT overruled by operation of law on day 31 ▪ State not entitled to a New Trial 	<ul style="list-style-type: none"> ▪ MNT can be granted within 10 days ▪ MNT overruled by operation of law on day 11 ▪ State not entitled to a New Trial

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Record on Appeal

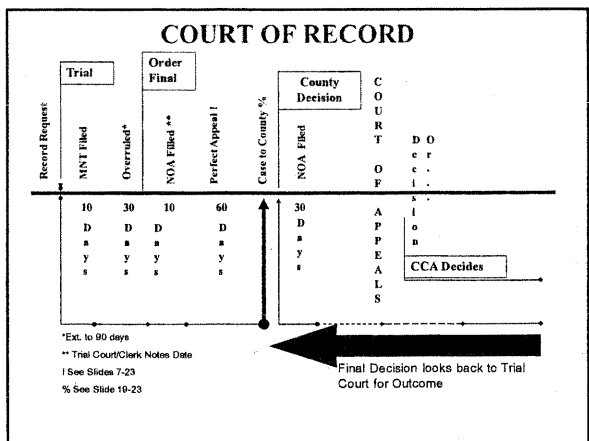
COURTS OF RECORD	COURTS OF NON-RECORD
<ul style="list-style-type: none"> ▪ Reporter's Record by certified court reporter paid by Appellant ▪ Appellant has 60 days from NOA to file Reporter's Record in municipal court 	<ul style="list-style-type: none"> ▪ Municipal Court Clerk sends copy of original papers in the case + appeal bond to appellate court

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Record on Appeal, cont'd

COURTS OF RECORD	COURTS OF NON-RECORD
<ul style="list-style-type: none"> ▪ 60 days within NOA <ul style="list-style-type: none"> ◦ Appellant must file written list of items to be included in record ◦ State must file written list of items to be included in record 	

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Appellate Court, cont'd

COURTS OF RECORD

COURTS OF NON-RECORD

- Check for specific statutes for your county in Chapter 25 of the Texas Government Code
- In Dallas County, for example, a special statute designates that all appeals (Court of Record written appeals AND Non Court of Record de novo appeals) are to the "County Criminal Court of Appeals of Dallas County."

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State's Appeals

State Can Appeal in Limited Circumstances

COURTS OF RECORD

COURTS OF NON-RECORD

If State appeals, the NOA MUST have signature of District or County Attorney or statement of DA or CA consent

- The State can appeal an order that:
 - dismisses a complaint or any part of a complaint
 - arrests or modifies a judgment
 - grants a new trial
 - sustains a claim of former jeopardy
 - grants a motion to suppress evidence, a confession, or an admission if jeopardy has not attached and the prosecuting attorney certifies that appeal is not for purposes of delay.

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Briefs (in COR) Trial de novo (in CoNR)

COURTS OF RECORD

COURTS OF NON-RECORD

- | | |
|---|---|
| <ul style="list-style-type: none"> ■ Appellant's brief due 15 days after record on appeal filed ■ Appellee's brief due 15 days after filing of appellant's brief ■ Each party provides copy of brief to municipal court judge <p>*No other briefs even if appealed later</p> | <ul style="list-style-type: none"> ■ No briefs in trial de novo, simply retry the case ■ If defect in complaint not raised at municipal court, cannot be raised at county court ■ Witnesses- attached in municipal court; attached in county court |
|---|---|

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Appeal to Court of Appeals

Appeal from county court to Court of Appeals

COURTS OF RECORD

- County Court decision appealed to Court of Appeals
- *Fine assessed must be \$100+ for appeal & is set by Municipal Court

COURTS OF NON-RECORD

- County Court decision appealed to Court of Appeals
- *Fine assessed must be \$100+ for appeal

Appeal to Court of Appeals

Appeal from county court to Court of Appeals, cont'd

COURTS OF RECORD

- Defendant's NOA filed within 30 days of appealable order
- State's NOA filed within 20 days of appealable order

COURTS OF NON-RECORD

- Defendant's NOA filed within 30 days of appealable order
- If Defendant files a MNT, NOA filed within 90 days of appealable order
- State's NOA filed within 20 days of appealable order

Appeal to Court of Appeals

Appeal from county court to Court of Appeals, cont'd

COURTS OF RECORD

- Briefs & Record on Appeal transferred to Court of Appeals from county court - no new filings

COURTS OF NON-RECORD

- Clerk's Record & Reporter's Record, if necessary, filed with Court of Appeals within 60 days

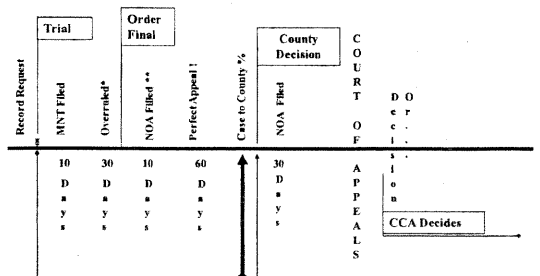
Habeas Corpus

COURTS OF RECORD | COURTS OF NON-RECORD

- A Collateral Attack that invokes appellate review
- For misdemeanors, see TRCP 11.09 & 11.14
- Applicant must be confined or restrained for writ to be granted
- Application may be dismissed or may be granted & defendant discharged

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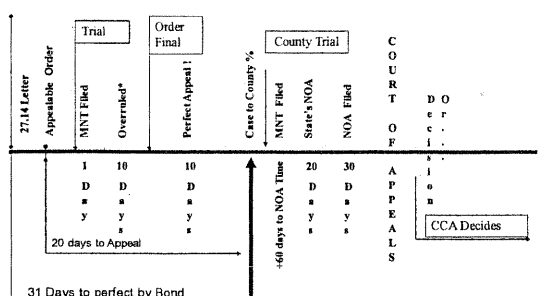
COURT OF RECORD



*Ext. to 90 days
 ** Trial Court/Clerk Notes Date
 † See Slides 7-23
 ‡ See Slide 16-23

Final Decision looks back to Trial Court for Outcome

COURT OF NON-RECORD



*Not Required
 † See Slide 7 & 19
 ‡ See Slide 9

Final Decision looks back to Trial Court for Outcome
