

**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) make a legible copy of the documents on opaque, white, 8½ 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 group 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: \_\_\_\_\_, 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 \_\_\_\_\_

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

(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 indentifying 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. \_\_\_\_\_

vs. )  
)  
)

(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 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 Reporters Certification Board.

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