IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 16-003

ORDER MANDATING STATEWIDE ELECTRONIC FILING IN CRIMINAL CASES

ORDER

Effective January 1, 2014, to coincide with the Supreme Court of Texas's order that electronic filing in civil cases be mandatory, this Court ordered that electronic filings in this Court by attorneys would be mandatory. Having observed the transition to electronic filing in this Court and in civil cases in other appellate courts and district and county courts, reviewed and assisted in the work of the Judicial Commission on Information Technology, and passed statewide rules for electronic filing in criminal cases, the Court held a public hearing on April 5, 2016, regarding whether mandating electronic filing in criminal cases would be beneficial to parties, the public, and practicing attorneys. After hearing the testimony and weighing the issues and other concerns raised

at the hearing, this Court has concluded that mandating electronic filing in criminal cases will promote the efficient and uniform administration of justice in Texas courts.

Therefore, this order mandates electronic filing by attorneys in criminal cases in appellate courts, district courts, statutory county courts, and constitutional county courts.[1] It is further ordered that:

1. Electronic filing will be mandatory in criminal cases in the district courts, statutory county courts, and constitutional county courts according to the following detailed implementation schedule which is based upon the counties' 2010 Federal Census population:

    a. Courts in counties with a population of 500,000 or more – July 1, 2017
    b. Courts in counties with a population of 200,000 to 499,999 – January 1, 2018
    c. Courts in counties with a population of 100,000 to 199,999 – July 1, 2018
    d. Courts in counties with a population of 50,000 to 99,999 – January 1, 2019
    e. Courts in counties with a population of 20,000 to 49,999 – July 1, 2019
    f. Courts in counties with a population of less than 20,000 – January 1, 2020

2. Once a court is subject to mandatory electronic filing under this order, attorneys must electronically file through an electronic filing portal provided or approved by the Office of Court Administration all documents in criminal cases, except documents exempted by statute or rules adopted by this Court. Attorneys must not file documents through any alternative electronic document filing transmission system, except in the event of an emergency. Persons not represented by an attorney may electronically file documents, but electronic filing is not required.

3. Once a court is subject to mandatory electronic filing under this order, courts and clerks must not offer to attorneys in criminal cases any

[1] Electronic filing is not mandated in Municipal and Justice Courts. However, should a Municipal or Justice Court decide to permit electronic filing, that court is bound by the rules for electronic filing adopted by this Court.

alternative electronic document filing transmission system, except in the event of an emergency. And courts and clerks must not accept, file, or docket any document filed by an attorney in a criminal case that is not filed in compliance with this order, except in the event of an emergency.

4. The Court of Criminal Appeals will adopt rules governing electronic filing and electronic service in accordance with the mandate schedule set out above.

5. Courts or clerks who believe they cannot comply with this order by the implementation date specified may petition the Court of Criminal Appeals for an extension, which may be granted for good cause shown.

IT IS SO ORDERED THIS THE 30TH DAY OF JUNE, 2016

Sharon Keller, Presiding Judge

Elsa Alcala, Judge

Lawrence E. Meyers, Judge

Bert Richardson, Judge

Cheryl Johnson, Judge

Kevin P. Yeary, Judge

Michael Keasler, Judge

David Newell, Judge

Barbara Hervey, Judge