**Basic Writ Procedure by Type**

**Article 11.07**: Final Felony Conviction, Non-Death
 filed in district court and forwarded to CCA
**Article 11.071**: Death Penalty
 filed in district court and forwarded to CCA
**Article 11.072**: Community Supervision; felony and misdemeanor order or judgment
 filed in court supervision was granted and appealed to COA
**Article 11.073**: Scientific Evidence
 apply procedures for 11.07, 11.071, and 11.072
**Article 11.08**: Charged with Felony and Confined
 filed in court charged, or district of residence of nearest judge
**Article 11.09**: Charged with Misdemeanor and Confined
 filed in county charged, or county of residence of nearest judge

**11.07 Due Date Checklist**

* Has it been filed in the convicting district court?
* Has the application been served on the prosecutor’s office?
	+ If not, the time deadlines have not been triggered.
* Has the State filed a response 15 days after being served?
* Did the trial court determine whether there are controverted, unresolved issues?
* Options for the 20 days during which the court can act?
	+ The Clerk can wait 20 days for the court to act.
	+ If the court has acted within the 20 days, forward the habeas record to the CCA.
	+ If the court has not acted, ask the judge whether he/she intends to do so.
* Did the court enter an order designating issues within 20 days after the State’s 15 days has expired (regardless of whether the State actually responded)?
	+ Did you forward a copy of the ODI to the CCA?
* If an evidentiary hearing is scheduled, did you give the State 7 days’ notice?
* Did the court meet its 180-day deadline to resolve the issues? This time period includes the State’s 15 days and the court’s 20.
	+ If the court cannot comply, did you request an extension of time from the CCA? You can seek an extension before the 180-day period expires.
* If no extension was requested and granted, have you forwarded the record to the CCA within 181 days?
* If the Court entered findings and conclusions after the 181-day time-period, have you forwarded them to the CCA?
* If you forwarded the record electronically, did you send paper copies within 3 days?
* Have you served the parties with the findings and conclusions? This includes the applicant.
	+ If a party files objections, are they timely---10 days after the party received the findings and conclusions.
* Forward timely and untimely objections to the CCA.

**11.07 Checklist for Remanded Applications**

* Did the court resolve the issues designated by the CCA within 90 days of the CCA’s order?
* If the trial court cannot act in that period of time, request an extension from the CCA.
* Have you supplemented the record with new filings within 120 days from the CCA’s order?

**Procedures After an 11.07 Application has Been Forwarded to the CCA**

* If a party wants to file additional evidence in the district court, has the party received permission from the CCA?
	+ If yes, then accept the documents and immediately provide copies to the district court and any other parties.
* If the CCA filed and set the case for submission, has the party received permission from the CCA to file additional evidence?
	+ If yes, you must immediately serve copies on other parties and the trial court judge.

**Required to be Sent to the CCA.**

* Clerk’s summary sheet, which includes:
* Convicting court, county, name of convicting Judge
* Applicant’s name, offense, plea, cause number, sentence, date of sentence
* Appellate cause number and citation to published decision
* Whether an evidentiary hearing was held, whether there are findings and conclusion and objections, and what the habeas court recommends
* The name of habeas counsel, if applicable
* Documents always included:
* Application and Memorandum
* Indictment or Information
* Plea Papers
* Court’s Docket Sheet (trial and habeas)
* Jury Charge
* Verdict Form
* Judgment
* Findings and Conclusions, if any
* Answer from State
* Objections
* Transcript of any Evidentiary Hearing (the county assumes the cost)
* Are there sealed records that need to be forwarded?
* If yes, make sure they are physically sealed and do not post them on your online docket.
* Have all documents that are part of the writ record included? This excludes the reporter’s and clerk’s records, unless requested by the CCA or the trial court used them in issuing findings and conclusions.
* If the applicant has notified you of a change of address, notify the CCA.

**Wrapping it Up**

* Bound and certified?
* Included certification with electronic copy?
* Table of Contents?
* Bookmark electronic copy?
	+ Forward paper copies within 3 days.