| 1-1 | By: Duncan S.C.R. |
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| 1-2 | (In the Senate - Filed February 25, 2005; March 2, 2005, |
| 1-3 | read first time and referred to Committee on Jurisprudence; |
| 1-4 | March 29, 2005, reported adversely, with favorable Committee |
| 1-5 | Substitute by the following vote: Yeas 5, Nays 0; March 29, 2005, |
| 1-6 | sent to printer.) |
| 1-7 | COMMITTEE SUBSTITUTE FOR S.C.R. No. 7 By: Duncan |
| 1-8 | SENATE CONCURRENT RESOLUTION |
| 1- | WHEREAS, The Supreme Court of Texas has rulemaking authority |
| 1-10 | in matters of practice and procedure in civil actions; and |
| 1-11 | WHEREAS, The Court of Criminal Appeals of Texas has |
| 1-12 | rulemaking authority in matters of post-trial, appellate, |
| 1-1 | review procedure in criminal cases; and |
| 1-14 | WHEREAS, Certain counties in this state lie within the |
| 1-15 | jurisdiction of more than one court of appeals district and |
| 1-16 | appellate proceedings involving cases filed in courts within such |
| 1- | counties may be filed in or assigned to one of a number of courts of |
| 1-1 | appeals; and |
| 1-19 | WHEREAS, Cases pending in a court of appeals are on occasion |
| 1-20 | transferred to another court of appeals for docket equalization; |
| 1-21 | now, therefore, be it |
| 1 | RESOLVED, That the 79th Legislature of the State of Texas |
| 1-23 | hereby urge the Supreme Court of Texas and the Court of Criminal |
| 1-24 | Appeals of Texas to adopt rules providing for the random assignment |
| 1-25 | of cases pending in or appealed from counties lying within the |
| 1-26 | jurisdiction of more than one court of appeals district to a court |
| 1-27 | of appeals for appellate proceedings; and, be it further |
| 1-28 | RESOLVED, That the 79th Legislature of the State of Texas |
| 1-29 | hereby urge the Supreme Court of Texas to adopt rules for |
| 1-30 | determining how court of appeals' precedent will be applied in |
| 1-31 | cases that are transferred from one court of appeals to another |
| 1-32 | court of appeals if there is a conflict between the precedent of the |
| 1-33 | two courts of appeals; and, be it further |
| 1-34 | RESOLVED, That the secretary of state forward an official |
| 1-35 | copy of this resolution to the chief justice of the Supreme Court of |
| 1-36 | Texas and to the presiding judge of the Court of Criminal Appeals of |
| 1-37 | Texas. |
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