

# IN THE SUPREME COURT OF TEXAS

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Misc. Docket No. 17-9091

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# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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Misc. Docket No. 17-010

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## EMERGENCY ORDER AUTHORIZING MODIFICATION AND SUSPENSION OF COURT PROCEDURES IN PROCEEDINGS AFFECTED BY DISASTER

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**ORDERED** that:

1. Hurricane Harvey struck the Texas coast on August 25, 2017. On August 23, 2017, Governor Abbott preemptively declared a state of disaster in 30 counties.<sup>1</sup> On August 26, 2017, Governor Abbott declared a state of disaster in 20 additional counties.<sup>2</sup>

2. Court proceedings not only in those counties but throughout Texas may be affected by the disaster because of closures of courts and clerks' offices and difficulties with access, travel, and communication by lawyers, parties, and others.

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<sup>1</sup> Those counties are: Aransas, Austin, Bee, Calhoun, Chambers, Colorado, Brazoria, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Harris, Jackson, Jefferson, Jim Wells, Karnes, Kleberg, Lavaca, Liberty, Live Oak, Matagorda, Nueces, Refugio, San Patricio, Victoria, Waller, Wharton and Wilson.

<sup>2</sup> Those counties are: Atascosa, Bexar, Brazos, Caldwell, Cameron, Comal, Grimes, Guadalupe, Hardin, Jasper, Kerr, Lee, Leon, Madison, Montgomery, Newton, Tyler, Walker, Washington and Willacy.

3. Pursuant to Section 22.0035(b)<sup>3</sup> of the Texas Government Code, all courts in Texas should consider disaster-caused delays as good cause for modifying or suspending all deadlines and procedures—whether prescribed by statute, rule, or order—in any case, civil or criminal.

4. This Order expires September 27, 2017 unless extended by the Courts.

5. The Clerks of the Supreme Court and the Court of Criminal Appeals are directed to:

a. post a copy of this Order on [www.txcourts.gov](http://www.txcourts.gov);

b. file a copy of this Order with the Secretary of State; and

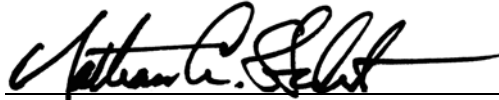
c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

6. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

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<sup>3</sup> “Notwithstanding any other statute, the supreme court may modify or suspend procedures for the conduct of any court proceeding affected by a disaster during the pendency of a disaster declared by the governor. An order under this section may not extend for more than 30 days from the date the order was signed unless renewed by the supreme court.”

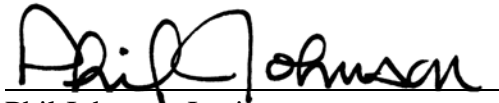
Dated: August 28, 2017



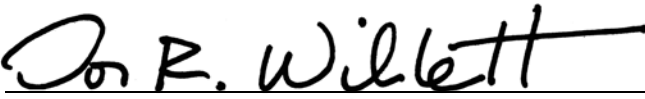
Nathan L. Hecht, Chief Justice



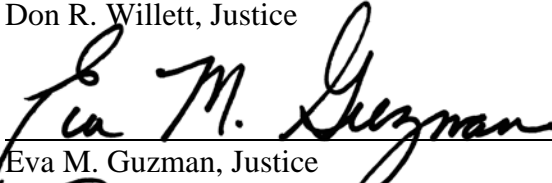
Paul W. Green, Justice



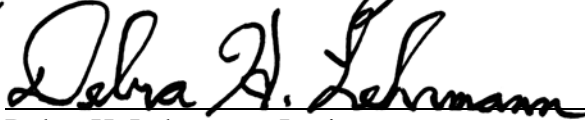
Phil Johnson, Justice



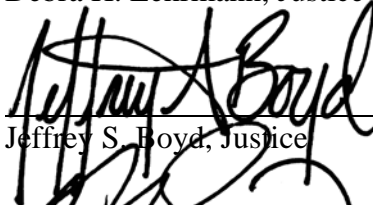
Don R. Willett, Justice



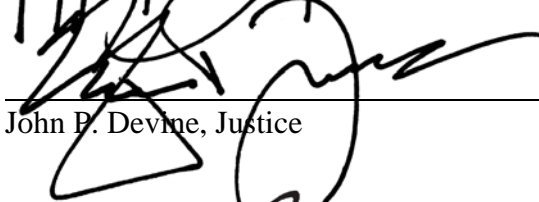
Eva M. Guzman, Justice



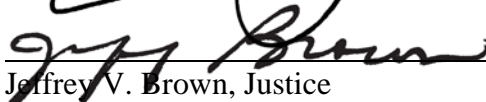
Debra H. Lehrmann, Justice




Jeffrey S. Boyd, Justice

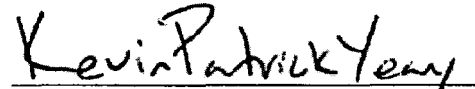


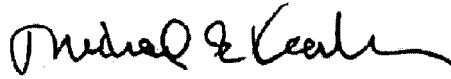
John P. Devine, Justice



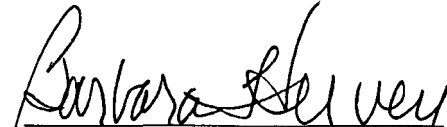
Jeffrey V. Brown, Justice

  
Sharon Keller, Presiding Judge

  
Kevin P. Yeary, Judge

  
Michael Keasler, Judge


  
David Newell, Judge

  
Barbara Hervey, Judge

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Mary Lou Keel, Judge

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Elsa Alcala, Judge

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Scott Walker, Judge

  
Bert Richardson, Judge