

Habeas Corpus (Criminal) Research Guide

Overview

This research guide includes information and resources on habeas corpus in criminal cases. Habeas corpus refers to “a writ employed to bring a person before a court, most frequently to ensure that the person’s imprisonment or detention is not illegal.” It is also “may be used to obtain judicial review of (1) the regularity of the extradition process, (2) the right to or amount of bail, or (3) the jurisdiction of a court that has imposed a criminal sentence.” (*Black’s Law Dictionary, 11th ed.*) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas Code of Criminal Procedure

- Ch. 11 Habeas Corpus
<https://statutes.capitol.texas.gov/Docs/CR/htm/CR.11.htm>

Texas Rules of Appellate Procedure

<https://www.txcourts.gov/rules-forms/rules-standards/>

- Rule 31 Appeals in Habeas Corpus, Bail, and Extradition Proceedings in Criminal Cases
- Rule 72 Extraordinary Matters
- Rule 73 Postconviction Applications for Writs of Habeas Corpus

Secondary Resources in Print

Texas Criminal Codes & Rules Annotated KFT 1761 .A29 T4938

- Texas Code of Criminal Procedure Ch. 11 Habeas Corpus
- Texas Rules of Appellate Procedure
 - Rules 31, 72, 73

Texas’s Criminal Justice System KFT 1762 .F73

- Habeas Corpus, pp. 77, 88, 107, 190-191, 193, 210, 247

Texas Criminal Practice Guide KFT 1775 .T49

- Vol. 1, Ch. 12 Bail §12.51 Application §12.103 Application for Writ of Habeas Corpus-Noncapital Case; §12.104 Application for Writ of Habeas Corpus-Capital Case; §12.105 Application for Writ of Habeas Corpus-Reduction of Excessive Bail; §12.106 Writ of Habeas Corpus
- Vol. 1, Ch. 13 Extradition §13.52, §13.102 Application for Writ of Habeas Corpus
- Vol. 2, Ch. 43 Pretrial Writ of Habeas Corpus
- Vol. 2, Ch. 51 Double Jeopardy §51.103 Application for Writ of Habeas Corpus
- Vol. 4, Ch. 90 Appeal §90.09 Appeal in Habeas Corpus and Bail Proceedings
- Vol. 4, Ch. 90B Extraordinary Writs §90B.04 Writ of Habeas Corpus
- Vol. 4, Ch. 91 Postconviction Habeas Corpus
- Vol. 4, Ch. 92 Prisoners’ Rights §92.50 Determining Basis for Habeas Corpus Relief
- Vol. 5, Ch. 93 Federal Habeas Corpus
- Vol. 5, Ch. 111 Arrest and Preliminary Proceedings §111.101 Application for Writ of Habeas Corpus
- Vol. 5, Ch. 115 Postdisposition Proceedings §115.04, §115.103 Application for Writ of Habeas Corpus
- Vol. 6, Ch. 135 Criminal Contempt §135.06 Habeas Corpus; §135.52, §135.101 Petition for Writ of Habeas Corpus

CLE Materials

Advanced Criminal Law Course KFT 1761 .S7

- 2021 Ch. 13 Article 11.07 Writs of Habeas Corpus
- 2020 Pre-Trial Mandamus, Prohibition, Habeas Corpus & Speedy Trial Motions
- 2019 Ch. 45: A Guide to Article 11.07 Writs of Habeas Corpus and Other State Writs
- 2018 Ch. 13: A Guide to Article 11.07 Writs of Habeas Corpus and Other State Writs
- 2016 Ch. 33: Capital Writs of Habeas Corpus
- 2016 Ch. 34: A Guide to Article 11.07 Writs of Habeas Corpus and Other State Writs
- 2014 Ch. 41: A Guide to Article 11.07 Writs of Habeas Corpus and Other State Writs
- 2013 Ch. 34: A Guide to Article 11.07 State Writs of Habeas Corpus and Other State Writs

Advanced Criminal Law Short Course KFT 1761 .T4

- 2002 Ch. 19: Post Conviction Habeas Corpus

Online Resources

The Basics of Post-Conviction Habeas Corpus (State Bar of Texas)

<https://www.texasbar.com/AM/Template.cfm?Section=articles&Template=/CM/HTMLDisplay.cfm&ContentID=43961>

Appendix E: Court of Criminal Appeals of Texas Application for a Writ of Habeas Corpus Seeking Relief from Final Felony Conviction under Code of Criminal Procedure, Article 11.07 (Texas Judicial Branch)

<https://www.txcourts.gov/media/1442926/1107-form-rev-2018.pdf>

Articles Posted in writs of habeas corpus (Texas Criminal Appeals Blog)

<https://www.texascriminalappeals.law/category/writs-of-habeas-corpus/>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?page=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)