

CODE OF CRIMINAL PROCEDURE
TITLE 1. CODE OF CRIMINAL PROCEDURE
CHAPTER 40. NEW TRIALS

Art. 40.001. NEW TRIAL ON MATERIAL EVIDENCE. A new trial shall be granted an accused where material evidence favorable to the accused has been discovered since trial.

Added by Acts 1993, 73rd Leg., ch. 900, Sec. 11.01, eff. Sept. 1, 1993.

Art. 40.01. DEFINITION OF "NEW TRIAL".

By order of the Texas Court of Criminal Appeals dated December 18, 1985, effective September 1, 1986, adopting the Texas Rules of Appellate Procedure, pursuant to Section 4, Chapter 685 (H.B. 13), Acts of the 69th Legislature, Regular Session, 1985, this article was repealed.

Added by Acts 1965, 59th Leg., Ch. 722 (S.B. 107), eff. January 1, 1966.

Art. 40.02. GRANTED ONLY TO ACCUSED.

By order of the Texas Court of Criminal Appeals dated December 18, 1985, effective September 1, 1986, adopting the Texas Rules of Appellate Procedure, pursuant to Section 4, Chapter 685 (H.B. 13), Acts of the 69th Legislature, Regular Session, 1985, this article was repealed.

Added by Acts 1965, 59th Leg., Ch. 722 (S.B. 107), eff. January 1, 1966.

Art. 40.03. GROUNDS FOR NEW TRIAL IN FELONY.

By order of the Texas Court of Criminal Appeals dated December 18, 1985, effective September 1, 1986, adopting the Texas Rules of Appellate Procedure, pursuant to Section 4, Chapter 685 (H.B. 13), Acts of the 69th Legislature, Regular Session, 1985, this article was repealed.

Added by Acts 1965, 59th Leg., Ch. 722 (S.B. 107), Sec. 1, eff. January 1, 1966. Amended by Acts 1973, 63rd Leg., Ch. 399, Sec. 2(A), eff. January 1, 1974; Acts 1973, 63rd Leg., Ch. 426, Art. 3,

Sec. 5, eff. June 14, 1973.

Art. 40.04. IN MISDEMEANORS.

By order of the Texas Court of Criminal Appeals dated December 18, 1985, effective September 1, 1986, adopting the Texas Rules of Appellate Procedure, pursuant to Section 4, Chapter 685 (H.B. 13), Acts of the 69th Legislature, Regular Session, 1985, this article was repealed.

Added by Acts 1965, 59th Leg., Ch. 722 (S.B. 107), Sec. 1, eff. January 1, 1966.

Art. 40.05. TIME TO APPLY FOR NEW TRIAL; AMENDMENT.

By order of the Texas Court of Criminal Appeals dated December 18, 1985, effective September 1, 1986, adopting the Texas Rules of Appellate Procedure, pursuant to Section 4, Chapter 685 (H.B. 13), Acts of the 69th Legislature, Regular Session, 1985, this article was repealed.

Added by Acts 1965, 59th Leg., Ch. 722 (S.B. 107), Sec. 1, eff. January 1, 1966. Amended by Acts 1981, 67th Leg., Ch. 291 (S.B. 265), Sec. 107, eff. September 1, 1981.

Art. 40.06. STATE MAY CONTROVERT MOTION.

By order of the Texas Court of Criminal Appeals dated December 18, 1985, effective September 1, 1986, adopting the Texas Rules of Appellate Procedure, pursuant to Section 4, Chapter 685 (H.B. 13), Acts of the 69th Legislature, Regular Session, 1985, this article was repealed.

Added by Acts 1965, 59th Leg., Ch. 722 (S.B. 107), Sec. 1, eff. January 1, 1966.

Art. 40.07. JUDGE NOT TO DISCUSS EVIDENCE.

By order of the Texas Court of Criminal Appeals dated December 18, 1985, effective September 1, 1986, adopting the Texas Rules of Appellate Procedure, pursuant to Section 4, Chapter 685 (H.B. 13), Acts of the 69th Legislature, Regular Session, 1985, this article was repealed.

Added by Acts 1965, 59th Leg., Ch. 722 (S.B. 107), Sec. 1, eff.

January 1, 1966.

Art. 40.08. EFFECT OF A NEW TRIAL.

By order of the Texas Court of Criminal Appeals dated December 18, 1985, effective September 1, 1986, adopting the Texas Rules of Appellate Procedure, pursuant to Section 4, Chapter 685 (H.B. 13), Acts of the 69th Legislature, Regular Session, 1985, this article was repealed.

Added by Acts 1965, 59th Leg., Ch. 722 (S.B. 107), Sec. 1, eff. January 1, 1966.

Art. 40.09. THE RECORD ON APPEAL.

By order of the Texas Court of Criminal Appeals dated December 18, 1985, effective September 1, 1986, adopting the Texas Rules of Appellate Procedure, pursuant to Section 4, Chapter 685 (H.B. 13), Acts of the 69th Legislature, Regular Session, 1985, this article was repealed.

Added by Acts 1965, 59th Leg., Ch. 722 (S.B. 107), Sec. 1, eff. January 1, 1966. Amended by Acts 1967, 60th Leg., Ch. 659 (S.B. 145), Sec. 27, eff. August 28, 1967; Acts 1973, 63rd Leg., Ch. 460 (S.B. 780), Sec. 2, eff. August 27, 1973; Acts 1977, 65th Leg., Ch. 236 (S.B. 155), Secs. 1-3, eff. May 25, 1977; Acts 1979, 66th Leg., Ch. 204 (S.B. 442), Sec. 1, eff. August 27, 1979; Acts 1979, 66th Leg., Ch. 324 (S.B. 439), Sec. 1, eff. August 27, 1979; Acts 1979, 66th Leg., Ch. 390 (H.B. 1565), Sec. 1, eff. September 1, 1979; Acts 1981, 67th Leg., Ch. 144 (S.B. 556), Sec. 1, eff. May 14, 1981; Acts 1981, 67th Leg., Ch. 291 (S.B. 265), Sec. 108, eff. September 1, 1981; Acts 1983, 68th Leg., Ch. 329 (H.B. 559), Sec. 1, eff. August 29, 1983.

Art. 40.10. APPLICATION OF CIVIL STATUTES.

By order of the Texas Court of Criminal Appeals dated December 18, 1985, effective September 1, 1986, adopting the Texas Rules of Appellate Procedure, pursuant to Section 4, Chapter 685 (H.B. 13), Acts of the 69th Legislature, Regular Session, 1985, this article was repealed.

Added by Acts 1965, 59th Leg., Ch. 722 (S.B. 107), Sec. 1, eff.

January 1, 1966. Amended by Acts 1981, 67th Leg., Ch. 291 (S.B. 265), Sec. 109, eff. September 1, 1981.

Art. 40.11. REQUIREMENT FOR FILING COURT REPORTER'S NOTES.

By order of the Texas Court of Criminal Appeals dated December 18, 1985, effective September 1, 1986, adopting the Texas Rules of Appellate Procedure, pursuant to Section 4, Chapter 685 (H.B. 13), Acts of the 69th Legislature, Regular Session, 1985, this article was repealed.

Added by Acts 1983, 68th Leg., Ch. 1018 (H.B. 2225), Sec. 1, eff. September 1, 1983.