

**COURT OF APPEALS OF TEXAS, SIXTH APPELLATE DISTRICT AT
TEXARKANA**

Larry Lee Wright v. State

Wright v. State · No. No. 06-18-00033-CR · Decided August 23, 2018

SUMMARY

The Texas Court of Appeals for the Sixth District orders the electronically filed clerk's record and volumes eight and nine of the reporter's record sealed because they contain the name of a person who was a minor at the time of the offense. The order relies on Texas Rule of Appellate Procedure 9.10 concerning sensitive data and sealing records.

CASE DETAILS

COURT	Court of Appeals of Texas, Sixth Appellate District at Texarkana
WRITING FOR THE COURT	Chief Justice Morriss; Justice Moseley; Justice Burgess
JURISDICTION	Texas
DECIDED	August 23, 2018
DOCKET	No. 06-18-00033-CR
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from the 102nd District Court of Red River County concerning the handling and sealing of appellate records containing sensitive data.
PRECEDENTIAL VALUE	Published procedural order concerning the sealing of appellate records containing sensitive data.
PARTIES	Larry Lee Wright v. The State of Texas

TOPICS

appellate procedure

criminal procedure

PRACTICE AREAS

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the appellate court should seal the electronically filed clerk's record and volumes eight and nine of the electronically filed reporter's record because they contain sensitive data identifying a person who

was a minor at the time of the offense.

HOLDINGS

1. When the clerk's record or reporter's record contains sensitive data, including the name of a person who was a minor when the offense was committed, the appellate court may order the records sealed without redaction under Texas Rule of Appellate Procedure 9.10(g).

KEY QUOTATIONS

“Therefore, because the clerk’s record and volumes eight and nine of the reporter’s record contain sensitive data, we order the clerk of this Court or her appointee, in accordance with Rule 9.10(g), to seal the electronically filed clerk’s record and volumes eight and nine of the electronically filed reporter’s record in this case.” (at 2)

FACTUAL BACKGROUND

The appellate clerk's record and court reporter's record contained sensitive data as defined by Texas Rule of Appellate Procedure 9.10. Specifically, the clerk's record and volumes eight and nine of the reporter's record contained the name of a person who was a minor at the time of the offense.

PROCEDURAL HISTORY

The appeal came from the 102nd District Court of Red River County, Texas, trial court number CR02467. On review of the clerk's record and reporter's record, the Court of Appeals determined that the clerk's record and volumes eight and nine of the reporter's record contained the name of a person who was a minor when the offense was committed, and ordered those records sealed.

DISPOSITION

other

OPINION

Larry Lee Wright v. State

PER CURIAM.

In The Court of Appeals Sixth Appellate District of Texas at Texarkana No. 06-18-00033-CR LARRY LEE WRIGHT, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 102nd District Court Red River County, Texas Trial Court No. CR02467 Before Morriss, C.J., Moseley and Burgess, JJ.

ORDER

Our review of the clerk’s record and the court reporter’s record in this case indicates that they contain “sensitive data” as that phrase is defined in Rule 9.10 of the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 9.10(a). Sensitive data includes “a birth date, a home address, and the name of any person who was a minor at the time the offense was committed.” TEX. R. APP. P.

9.10(a)(3). The clerk's record and volumes eight and nine of the reporter's record contain the name of a person who was a minor at the time the offense was committed. Rule 9.10(b) states, "Unless a court orders otherwise, an electronic or paper filing with the court, including the contents of any appendices, must not contain sensitive data." TEX. R. APP. P. 9.10(b). Rule 9.10(g) provides, "A court may also order that a document be filed under seal in paper form or electronic form, without redaction." TEX. R. APP. P. 9.10(g). Therefore, because the clerk's record and volumes eight and nine of the reporter's record contain sensitive data, we order the clerk of this Court or her appointee, in accordance with Rule 9.10(g), to seal the electronically filed clerk's record and volumes eight and nine of the electronically filed reporter's record in this case. IT IS SO ORDERED.

BY THE COURT

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