

2011

ROBERT O. DAWSON

CONFERENCE ON CRIMINAL APPEALS



May 18–20, 2011  
Radisson Hotel and Suites ▪ Austin, Texas

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Earn up to 13.00 Hours of Credit including 1.50 Hours of Ethics Credit  
Specialization Credit Approved for Criminal Appellate Law and Criminal Law

**IN COOPERATION WITH THE COURT OF CRIMINAL APPEALS,  
THE TEXAS CRIMINAL DEFENSE LAWYERS ASSOCIATION (TCDLA),  
and THE TEXAS DISTRICT AND COUNTY ATTORNEYS ASSOCIATION (TDCAA)\***

*\*TDCAA does not reimburse for this program*

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**WEDNESDAY AFTERNOON, MAY 18, 2011**

**Presiding Officer:**

**Hon. Cheryl Johnson, Texas Court of  
Criminal Appeals, Austin, TX**

**12:30 p.m. Registration Opens**

Includes complimentary refreshments.

**1:20 p.m. Welcoming Remarks**

**1:30 p.m. 1.00 hr**

**Court of Criminal Appeals Update**

An update on the latest Texas Court of Criminal Appeals decisions in criminal cases and other issues that are relevant to a criminal practice.

Janet Burnett, El Paso County Public Defender,  
El Paso, TX

M. Clara Hernandez, El Paso County Public Defender,  
El Paso, TX

**2:30 p.m. 1.00 hr**

**New and Pending Legislation**

An overview of legislation pending and under consideration by the Texas Legislature relating to criminal appeals and post-continuation matters.

Gary Alan Udashen, Sorrels, Udashen & Anton,  
Dallas, TX

**3:30 p.m. Break**

**3:45 p.m. 1.00 hr including .25 hr ethics**

**A Guide to Article 1107 Writs of Habeas  
Corpus and Other State Writs**

Michael F. Stauffacher, Texas Court of Criminal  
Appeals, Austin, TX

**4:45 p.m. .50 hr**

**New Appellate Rules**

A look at new Rules of Appellate Procedure that have been adopted, and a look ahead to newer issues that are arising.

Hon. Paul Womack, Texas Court of Criminal Appeals,  
Austin, TX

**5:15 p.m. Adjourn**

**THURSDAY MORNING, MAY 19, 2011**

**Presiding Officer:**

**Hon. Cheryl Johnson, Texas Court of  
Criminal Appeals, Austin, TX**

**8:30 a.m. Conference Room Opens**

Includes continental breakfast.

**9:00 a.m. 1.00 hr**

**Motions for a New Trial**

When should counsel request a “do-over” via motion for new trial? When must counsel do so? When and how is this best accomplished, and what traps exist for the unwary?

Catherine G. Burnett, South Texas College of Law,  
Houston, TX

**10:00 a.m. .50 hr including .25 hr ethics**

**PDRs: Procedures and Pitfalls**

A focus on filing petitions for discretionary review in compliance with the Texas Rules of Appellate Procedure as applied by the Court of Criminal Appeals.

Kathleen Mary Schneider, Texas Court of Criminal  
Appeals, Austin, TX

**10:30 a.m. Break**

**10:45 a.m. 1.00 hr**

**Oral Arguments**

A focus on the responsibilities of the appellate court and counsel, the appellate rules of engagement, and the eight-step legal analysis common to all appellate cases.

Hon. Kerry P. Fitzgerald, Fifth Court of Appeals,  
Dallas, TX

**11:45 a.m. Networking Lunch**

Included in conference registration fee.

**THURSDAY AFTERNOON**

**1:00 p.m. .75 hr**

**Fourth Amendment: The Basics**

A look at how the Fourth Amendment might be changed in light of proposals before Congress.

Tim Evans, Evans, Daniel, Moore, Evans & Lazarus,  
Fort Worth, TX

**1:45 p.m. 1.25 hrs**

**Fourth Amendment: Digital**

An overview of Fourth Amendment application to digital evidence and computer forensics. Session to include 15 minutes of Q&A.

Thomas A. Sadaka, NeJame, LaFay, Jancha,  
Ahmend, Barker & Joshi, P.A., Orlando, FL

**3:00 p.m. Break**

**3:15 p.m. 1.25 hrs**

**Writing Persuasiveness**

Learn what makes a brief persuasive or not, according to judges. And how not to get a PDR granted.

Jay Brandon, Bexar County District Attorney's Office,  
San Antonio, TX

**4:30 p.m. .50 hr**

**Preservation of Error**

A brief review of preservation requirements, exceptions and alternatives.

John Robertson Messinger, Office of the State  
Prosecuting Attorney, Austin, TX

**5:00 p.m. Adjourn**

**FRIDAY MORNING, MAY 20, 2011**

**Presiding Officer:**

**Hon. Barbara P. Hervey, Texas Court of  
Criminal Appeals, Austin, TX**

**8:00 a.m. Conference Room Opens**

Includes continental breakfast.

**8:30 a.m. 1.25 hrs**

**The Nightmares of Sex Cases:  
Point/Counterpoint**

Sex crimes against children are tough cases, with a number of evidentiary, procedural and constitutional issues all their own. This session highlights some of the specialized laws particular to these kinds of cases and how strategic choices of both parties can sometimes open the door to other evidence and new issues.

Leon J. Grizzard, Travis County Criminal District  
Courts, Austin, TX  
Curtis T. Howard, Collin County District Attorney's  
Office, McKinney, TX

**Co-Authors:**

Jeffrey Garon, Brazos County District Attorney's  
Office, Bryan, TX  
Emily Johnson-Liu, Collin County Criminal District  
Attorney's Office, McKinney, TX

9:45 a.m. 1.00 hr ethics

### Ethics for Appellate Practitioners

Most professional ethical principles are based on common sense. This session explores some of the ethical obligations of appellate advocates and discusses some of the obvious—and not so obvious—attendant pitfalls.

Hon. Michael Keasler, Texas Court of Criminal Appeals,  
Austin, TX

10:45 a.m. 1.00 hr

### Supreme Court Update

A review of recent and forthcoming Supreme Court decisions concerning criminal law and procedure.

Erwin Chemerinsky, University of California, Irvine  
School of Law, Irvine, CA

11:45 a.m. Adjourn

### ROBERT O. DAWSON



The Conference on Criminal Appeals is named in honor of Robert O. Dawson, a beloved UT Law professor for 37 years, who passed away in 2005.

From 1974 through 1998, he served as the director of the Criminal Defense Clinic, where he and his co-supervisors worked with students on over 7,200 criminal defendants' cases. He also served as co-director of UT Law's Actual Innocence Clinic, a clinic teaching students how to screen and investigate claims from prison inmates that they are actually innocent of their convicted offense.

As a reformer and scholar, Professor Dawson wrote extensively on criminal and juvenile law and drafted much of the juvenile legislation enacted by the Texas legislature during the past 30 years. He authored and co-authored many books, including *Texas Criminal Practice and Procedure*, *Texas Juvenile Law*, *Criminal Justice Administration*, and *The Juvenile Justice Process*.

## REGISTRATION FOR CR11

Mail this registration form to:

**The University of Texas School of Law, Attn. CLE—CR11**

**P.O. Box 7759, Austin, TX 78713-7759** or fax a copy to: **(512) 475-6876**

or register online: **www.utcle.org**

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Assistant's Email (optional) \_\_\_\_\_

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### REGISTRATION

Includes Course Binder and Thursday Networking Luncheon

#### STANDARD REGISTRATION

☐ Early Registration Fee due by Wednesday, May 11, 2011 .....\$425

☐ Registration Fee after Wednesday, May 11, 2011 .....\$475

#### STATE EMPLOYEE REGISTRATION

☐ Early Registration Fee due by Wednesday, May 11, 2011 .....\$350

☐ Registration Fee after Wednesday, May 11, 2011 .....\$400

### CONFERENCE PUBLICATIONS AND MEDIA

*Allow 3–5 weeks from the conference date for delivery.*

☐ Course Binder WITHOUT Conference Registration .....\$225

Note: Conference Registration includes Course Binder.

☐ Audio MP3 Speeches on CD .....\$130

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☐ eBinder on CD (PDF format) .....\$225/\$50

(\$225 purchased alone, \$50 with Registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)

### IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.

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*This program is not printed or mailed at state expense.*

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## AUSTIN

May 18–20, 2011

### CONFERENCE LOCATION



**Radisson Hotel and Suites**  
111 E. Cesar Chavez Street  
Austin, TX 78701  
512-478-9611

**Special Room Rate: \$115**  
good through April 17, 2011  
(subject to availability)

**Parking:** Self-parking \$6 per day on day of  
event, \$8 overnight; Valet parking \$22 overnight  
(subject to change)

### KEY DATES

**May 11, 2011, 5 p.m.**  
*last day for early registration*  
add \$50 for registrations  
received after this time

**May 13, 2011, 5 p.m.**  
*last day for full refund*

**May 16, 2011, 5 p.m.**  
*last day for partial refund*  
\$50 processing fee applied

**May 18, 2011, 1:30 p.m.**  
*Conference begins*

### CONFERENCE FACULTY

JAY BRANDON  
Bexar County District Attorney's  
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Barker & Joshi, P.A.  
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Texas Court of Criminal Appeals  
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### ABOUT THE COVER



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For more information, visit  
**randallreid.com**. Image ac-  
quisition by Sandra Gregor,  
art consultant, 512-477-2827.

M  
C  
L  
E

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.00 hours, of which 1.50 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).