

**2023 Robert O. Dawson Conference on Criminal Appeals**  
**May 10-12, 2023 • Sheraton Austin Hotel at the Capitol • Austin, TX**  
**May 10-12, 2023 • Live Webcast**

**Wednesday Afternoon, May 10, 2023**

**Presiding Officer:**

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

12:30 pm In Austin Only	<p><b>Registration Opens</b></p> <p>Includes light refreshments.</p>
1:20 pm	<p><b>Welcoming Remarks</b></p>
1:30 pm 1.00 hr	<p><b>Significant Decisions of the Texas Court of Criminal Appeals</b></p> <p>Analyze significant decisions in the last year and what they mean for criminal law practitioners.</p> <p>Hon. David C. Newell, Texas Court of Criminal Appeals - Austin, TX</p>
2:30 pm 1.00 hr	<p><b>Supreme Court Update</b></p> <p>Hear an update on criminal law and criminal procedure cases relevant to Texas criminal appellate practice that were heard and decided by the United States Supreme Court in the 2022 term, and get a preview of hot cases in the pipeline for the 2023 term.</p> <p>Jennifer E. Laurin, The University of Texas School of Law - Austin, TX</p>
3:30 pm	<p><b>15-Minute Break</b></p>
3:45 pm 0.50 hr	<p><b>What's the Meaning of This? Making Sense of Statutory Interpretation</b></p> <p>Discover how courts find meaning through applications of well-known and obscure canons of construction, explore the convergence and divergence of judicial philosophies to interpretation, and probe recent developments in the law of interpretation.</p> <p>Emily Johnson-Liu, Office of the State Prosecuting Attorney - Austin, TX</p>
4:15 pm 1.00 hr	<p><b>Writs</b></p> <p>Discuss the law of 11.07 habeas corpus with tips for writ practice at the Court of Criminal Appeals.</p> <p>Michael Staats Falkenberg, Harris County Public Defender's Office - Houston, TX</p>
5:15 pm In Austin Only	<p><b>Adjourn to Reception (5:15 p.m. - 6:15 p.m.)</b></p> <p>Enjoy refreshments and a networking opportunity with colleagues and conference faculty.</p> <p><b>THANK YOU TO OUR RECEPTION SPONSORS</b>  <b>Criminal Justice Section of the State Bar of Texas</b>  <b>Appellate Section of the State Bar of Texas</b></p>

## Thursday Morning, May 11, 2023

### Presiding Officer:

**Hon. David C. Newell**, Texas Court of Criminal Appeals - Austin, TX

8:30 am In Austin Only	<b>Conference Room Opens</b>  Includes continental breakfast.
9:00 am 1.00 hr	<b>Appellate Practice 101</b>  "Get your fundamentals down and the level of everything you do will rise" – Michael Jordan. Practical tips and TRAP awareness for better brief writing and advocacy in every stage of the appellate process, whether it's your first appeal or hundred and first.  Britt Houston Lindsey, Taylor County District Attorney's Office - Abilene, TX Hon. Jeff Propst, 104th District Court - Abilene, TX
10:00 am 0.50 hr	<b>Plot Ye Course: Petitions for Discretionary Review and Motions for Rehearing</b>  Plot ye course for (1) filing a Petition for Discretionary in the Court of Criminal Appeals after you've been marooned on loser island by an intermediate court of appeals and (2) seeking rehearing after the Court of Criminal Appeals tells you to walk the plank.  Stacey M. Soule, Office of the State Prosecuting Attorney - Austin, TX
10:30 am	<b>15-Minute Break</b>
10:45 am 0.50 hr	<b>Mandamus</b>  Learn rules governing the form and content of petitions for writ of mandamus, as well as jurisdictional and substantive requirements to obtain mandamus relief, from both a defense and prosecution perspective.  Hon. Rosa Theofanis, Third Court of Appeals of Texas - Austin, TX
11:15 am 0.50 hr	<b>Chapter 64 Motions</b>  A brief overview on the legal and ethical considerations for Chapter 64 Motions.  Sarah Moore, Williamson County District Attorney's Office - Georgetown, TX
11:45 am 0.50 hr	<b>Forensic Evidence and Appeals</b>  Address forensic science issues on appeal.  Carson R. Guy, Texas Court of Criminal Appeals - Austin, TX
12:15 pm In Austin Only	<b>Pick Up Lunch (in Austin)</b>  Included in registration.

## Thursday Afternoon, May 11, 2023

### Presiding Officer:

12:35 pm 0.75 hr	<p><b>“More is Lesser” Defense Instructions</b></p> <p>A discussion on recent decisions from the Court of Criminal Appeals involving defensive instructions including self-defense, necessity, and a potpourri of other defenses.</p> <p>Hon. Jesse McClure, Texas Court of Criminal Appeals - Austin, TX</p>
1:20 pm	<p><b>15-Minute Break</b></p>
1:35 pm 0.50 hr	<p><b>Standards of Review: What Chance Does My Argument Have of Prevailing on Appeal?</b></p> <p>An overview of the most common standards for reviewing trial court rulings on appeal as well as suggestions for effectively synthesizing the applicable standard of review with the pertinent facts and controlling authority for issues presented in any case.</p> <p><i>This session was originally scheduled on Friday, May 12, from 10:00 a.m. to 10:30 a.m. CT.</i></p> <p>Michelle R. Townsend, Ector County District Attorney's Office - Odessa, TX</p>
2:05 pm 0.50 hr	<p><b>Preservation of Error for the Appellate Practitioner</b></p> <p>Highlighting the best practices and common mistakes related to preservation in the trial court and how to make the best of error on appeal to ensure a better appellate outcome.</p> <p><i>This session was originally scheduled on Thursday, May 11, from 2:20 p.m. to 2:50 p.m. CT.</i></p> <p>Carmen Roe, Carmen Roe Law Firm, PLLC - Houston, TX</p>
2:35 pm	<p><b>10-Minute Break</b></p>
2:45 pm 0.75 hr ethics	<p><b>Beyond “If you have to ask...”: Understanding <i>Brady</i> and the Michael Morton Act in 2023</b></p> <p>The Court of Criminal Appeals issued the landmark case of <i>Watkins v. State</i> in 2021, offering the Court’s interpretation of key language in the Michael Morton Act. The Court explained that the Act “removes procedural hurdles to obtaining discovery, broadens the categories of discoverable evidence, and expands the State’s obligation to disclose.” Since then, Texas courts have issued several more published cases interpreting <i>Watkins</i>, <i>Brady</i>, and the Act itself. This presentation will explore the path that this precedent has taken and where it may be headed next.</p> <p><i>This session was originally scheduled on Thursday, May 11, from 3:00 p.m. to 3:45 p.m. CT.</i></p> <p>Holly Taylor, Travis County District Attorney - Austin, TX</p>
3:30 pm 1.00 hr 0.25 hr ethics	<p><b>A Peek Behind the Curtain</b></p> <p>Court of Appeals justices discuss what goes into their decision-making, how to make them more receptive to your briefs (or not), and other factors to improve your appellate practice. Audience members will have the chance to ask questions. Please submit your questions in advance to <a href="mailto:ConferenceQA@utcle.org">ConferenceQA@utcle.org</a>.</p> <p><i>This session was originally scheduled on Thursday, May 11, from 3:45 p.m. to 4:45 p.m. CT.</i></p> <p>Moderator: Jay Brandon, Bexar County District Attorney's Office, Appeals Section - San Antonio, TX</p> <p>Panelists: Hon. Sarah Beth Landau, First Court of Appeals of Texas - Houston, TX Hon. Gisela D. Triana, Third Court of Appeals of Texas - Austin, TX</p>

4:30 pm

**Adjourn**

## Friday Morning, May 12, 2023

### Presiding Officer:

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

8:30 am  
In Austin Only

### Conference Room Opens

Includes continental breakfast.

9:00 am  
1.00 hr ethics

### Ethics of Criminal Appellate Practice

Ethical representation is required at the appellate level as well as the trial level. Explore rules of ethics and situations specifically centered on appellate representation.

Stephanie L. Stevens, St. Mary's University School of Law - San Antonio, TX

10:00 am  
0.75 hr

### Practical Suppression Issues on Appeal

A discussion on preserving at the trial level, for appellate purposes, 4th Amendment search and seizure issues and presenting these issues on appeal.

*This session was originally scheduled on Thursday, May 11, from 1:35 p.m. to 2:20 p.m. CT.*

Michael C. Gross, Gross & Esparza, P.L.L.C. - San Antonio, TX  
Nathan E. Morey, Bexar County District Attorney's Office - San Antonio, TX

10:45 am

### 15-Minute Break

11:00 am  
0.50 hr

### Drafting Findings of Fact and Conclusions of Law

Practical tips for post-conviction litigators: drafting proposed Findings of Fact; increasing the likelihood they will be adopted; and framing the issues for favorable review.

*This session was originally scheduled on Friday, May 12, from 10:45 a.m. to 11:15 a.m. CT.*

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

11:30 am  
1.00 hr  
0.25 hr ethics

### Court of Criminal Appeals Judicial Panel

Hear a panel of judges respond to your frequently—and sometimes infrequently—asked questions. Please submit your questions in advance to [ConferenceQA@utcle.org](mailto:ConferenceQA@utcle.org).

*This session was originally scheduled on Friday, May 12, from 11:15 a.m. to 12:15 p.m. CT.*

Moderator:

Alison Fox Dahlberg, Texas Court of Criminal Appeals - Austin, TX

Panelists:

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

Hon. Jesse McClure, Texas Court of Criminal Appeals - Austin, TX

Hon. David C. Newell, Texas Court of Criminal Appeals - Austin, TX

Hon. Bert Richardson, Texas Court of Criminal Appeals - Austin, TX

12:30 pm

**Adjourn**