

Article 11.07 Habeas Corpus Applications

Michael S. Falkenberg
Supervising Attorney
Post Conviction Writ Section
Court of Criminal Appeals of Texas

1

What we're doing

1. What's happening at the CCA?
2. What is Habeas Corpus?
3. 11.07 habeas corpus procedure
4. Focus on the facts!
5. "Defensive Issues"

2

Disclaimer

I speak for myself, and not for Judges, Clerk, General Counsel, or other lawyers at the Court of Criminal Appeals.

3

Don't be a stranger!

michael.falkenberg@txcourts.gov

Contact information is also in the paper and on the last slide, in case we don't get that far.

4

What's up at the CCA?

- More transitions
 - Presiding Judge Keller, elected in 1994. Judge Hervey, elected in 2000. The three next longest-serving judges have served since 2014, at the latest. Three of those are beginning their second terms. Judge McClure is the newest, with his service beginning in January 2021.
- How will the pandemic change the Court?
 - After a year of remote operations, how will the Court be different when everyone returns to downtown Austin?
- The rise of mandamus?
 - Probably not, but more published mandamus cases this year than habeas cases!

5

What is habeas corpus?

Touchstone principle: legal tool for challenging jailer's authority to restrain someone.

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Article 11.07: Habeas Corpus Applications

Also available as part of the eCourse

[2021 Robert O. Dawson eConference on Criminal Appeals](#)

First appeared as part of the conference materials for the
2021 Robert O. Dawson Conference on Criminal Appeals session
"Writs"