

BEST PRACTICES IN POST-CONVICTION HABEAS: A STATE PERSPECTIVE

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MATTHEW B. HOWARD
ASSISTANT DISTRICT ATTORNEY
DIRECTOR OF THE CONVICTION INTEGRITY UNIT
BEXAR COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE

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TOP FIVE BEST PRACTICES FOR PROSECUTORS IN POST-CONVICTION

1. First Contact
2. 39.14(k) and the on-going duty of discovery
3. The continuum of care for complaining witnesses and their families
4. The myths we tell ourselves about subsequent writs
5. The optics of a “general denial”

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FIRST CONTACT:

STARTING A DIALOGUE WITH HABEAS
COUNSEL RIGHT AWAY

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THINGS TO AVOID

- Alienating opposing counsel
- Close minded approach to claims or the case
- Ex parte communications with the court

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DEVELOP A UNIFORM POLICY FOR POST-CONVICTION HABEAS CONTACT

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CONSIDERATIONS

- Does the defense community know what to expect, and do they have expectations, when dealing with your office post-conviction?
- What kind of leg work have they already done?
- How much assistance (if any) does your office want to offer?

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