

BEST PRACTICES IN POST-CONVICTION HABEAS: A STATE PERSPECTIVE

ROBERT O. DAWSON CONFERENCE ON CRIMINAL APPEALS

MAY 2021

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

1

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”

2

#1

FIRST CONTACT:

STARTING A DIALOGUE WITH HABEAS
COUNSEL RIGHT AWAY

3

#1

THINGS TO AVOID

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

4

|

DEVELOP A UNIFORM POLICY FOR POST-CONVICTION HABEAS CONTACT

5

|

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?

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: Best Practices in Post-Conviction Habeas: A State Perspective

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

"Writ Requirements and Best Practices: Defense and Prosecution Perspective"