

# BEST PRACTICES IN POST-CONVICTION HABEAS: DEFENSE PERSPECTIVE

Robert O. Dawson Conference On Criminal Appeals

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1

## THE TOP 5 BEST PRACTICES: DEFENSE PERSPECTIVE

1. THE WRIT INVESTIGATION: THE STARTING POINT
2. FORMS DEADLINES  
DISMISSALS: KNOWING THE RULES
3. EVIDENTIARY HEARING:  
GETTING ONE AND BEING  
READY
4. FF/CL: WRITING YOUR OWN
5. ORDERS APPEALS AND OTHER  
ACTIONS: THE END GAME

2



# 1. THE WRIT INVESTIGATION

3

PLEAD AND PROVE FACTS BY  
A PREPONDERANCE OF THE  
EVIDENCE THAT IF TRUE  
ENTITLE APPLICANT TO RELIEF.

# THE BURDEN OF PROOF

4

District Attorney's File

Clerk's Record

Reporter's Record

Trial Lawyer's File

COLLECTING  
RECORDS

5

Public Information Request

Follow local rules

10 business day deadline

DISTRICT  
ATTORNEY'S  
FILE

6

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## Title search: Best Practices in Post-Conviction Habeas: Defense Perspective

Also available as part of the eCourse

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