

FINDINGS OF FACT

Critical, Underused Advocacy Tool

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It takes a village thanks to

Georgetown Law School
Writing Center

State Prosecuting Attorney's
Office

Texas Court of Criminal
Appeals Writ Staff past and
present – Michael
Falkenberg and Michael
Stauffer

Baldwin Chin

David Keltner

Andrea Jacobs

2

STANDARDS OF REVIEW

3

Can Play Significant Role When Crafting Proposed Findings

Can be a game changer – when advocate uses strategically, depending on specific case

Differing standards are function of the discrete institutional roles between trial and appellate courts

4

Strategy

Reframe

Recast

Move left or right on the sliding scale to a more favorable standard for your case theory



5

DEFERENCE CONTINUUM

NO

DE NOVO

QUESTIONS OF
LAW

SOME

ABUSE OF
DISCRETION

CREDIBILITY;
EVIDENTIARY
RULINGS

GREAT

CLEARLY
ERRONEOUS

QUESTIONS OF
FACT

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[2022 Robert O. Dawson eConference on Criminal Appeals](#)

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