

FINDINGS OF FACT: CRITICAL, UNDERUSED ADVOCACY TOOL

Catherine Greene Burnett

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Georgetown Law School Writing
Center
State Prosecuting Attorney's Office
Texas Court of Criminal Appeals
former writ staffers – Michael
Falkenberg and Michael Stauffacher

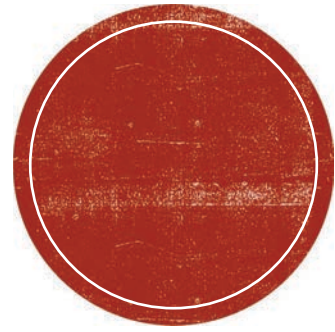
David Keltner
Robert Dubose
Andrea Jacobs
Baldwin Chin

IT TAKES A VILLAGE THANKS TO



2

STANDARDS OF REVIEW



3


STANDARDS OF REVIEW: POTENTIAL ROLE IN CRAFTING PROPOSED FINDINGS

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

Differing standards are
function of 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

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No	Moderate	Great
De Novo	Abuse of Discretion	Clearly Erroneous
Questions of Law	Credibility	Questions of Fact

DEFERENCE CONTINUUM



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Title search: Finding of Fact: Critical, Underused Advocacy Tool

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[Practical Guidance in Criminal Appeals Practice \(2024\): PDRs, Statutory Interpretation, Findings of Fact, and Judicial Perspectives](#)

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