

Pretrial Writs



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DISCUSSING:

- where to file the writ
- standards to meet
- defending against writs
- what to do if you lose

2

COGNIZABLE on Pretrial Habeas

- bail
- double jeopardy
- statute of limitations
- facial constitutional challenge



and to extremely limited degree...

an “as applied” challenge

3



Reasonable Bail

- review Const. Art. I, §11 – 11c
- motion vs. writ or both
- check CCP Ch. 17
- Tex.R.Evid not always applicable

BAIL

4

Reasonable bail required

(most of the time)

Exceptions:

- death penalty cases when proof evident
- State must prove dispassionate jury:
find guilty and give death

5

More exceptions in 11a, 11b, & 11c:

- habitual felony offenders – 11a
- another felony while on felony bail –11a
- deadly weapon felony after felony conviction –11a
- violent or sexual offense while under supervision for felony – 11a
- violation of condition related safety of victim or community on bail for felony or fam. viol.– 11b
- violation of protective order in fam. viol. case –11c

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