

BEST PRACTICES IN POST-CONVICTION HABEAS: DEFENSE PERSPECTIVE

Robert O. Dawson Conference On Criminal Appeals

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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

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