

Article 11.07 Habeas Corpus

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What we're doing
(mostly in this order)

1. Habeas Corpus basics & 11.07 basics
2. 11.07 procedure at county level & CCA
3. Best practices and worst pitfalls
4. "Defensive Issues"

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Prefatory take . . .

- 11.07 work requires a tremendous investment of time and energy.
 - Writ counsel must do everything expected by 6th Amendment Counsel, and more.
 - Re-investigate facts, investigate trial lawyer's investigation, discover school, family, medical, mental health history, prior criminal history, police files, prosecutor files, master trial record . . .

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Practitioner's viewpoint

- Best analogy may be to civil plaintiff work—think of writ as a lawsuit against conviction, it's a collateral attack!
 - And just like in trial work and a preliminary jury charge, best practice may be to draft proposed findings early on to make sure evidence proves what's necessary.
- All the work boils down to a simple legal test.

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What is habeas corpus?

Touchstone principle: legal tool for challenging jailer's authority to restrain someone.

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All kinds of writs . . .

- Test the legality of confinement
 - Bail
 - Authority to hold
- Pretrial uses
 - Stop a prosecution
- Contempt of court

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Title search: Article 11.07 Habeas Corpus

Also available as part of the eCourse

[Writ Practice in Criminal Appeals: Requirements and Best Practices \(2023\)](#)

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"Writs"