

## GUIDE TO RESEARCHING YOUTHFUL OFFENDER'S CASE

### Objectives

- We want to:
  - Collect in-depth information about the youthful offender:
    - to ensure that you have some familiarity with the youthful offender's case factually and procedurally
    - add this information into an excel spreadsheet that we have created to track each case
    - to include a profile of the youthful offender in a case memo for prospective pro bono lawyers and LSJA
  - Know the answers to the following questions:
    - Where do the LWOP and LWP inmates stand in their cases procedurally?
    - What is the current status of their case?
    - Have they raised Miller-style arguments already in habeas corpus or appellate briefs?

### Getting Case Information

Pull the juvenile lifer's basic information from TDCJ's Offender Search:

<https://offender.tdcj.texas.gov/OffenderSearch/search.action>

#### What you need to find/confirm

Prosecutor (trial):  
Prosecutor (appellate):  
Defense attorney (trial):  
Defense attorney (appellate):  
Law of the Parties:  
Co-defendants:  
Most recent development:  
Trial court case no.:

#### Where to look

call Trial Court  
txcourts.gov  
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txcourts.gov  
txcourts.gov/TC records/call  
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### **Navigating Online Appellate (COA/CCA) Court Records (txcourts.gov)**

- 1) Go to txcourts.gov. Mouse over "Courts." Click on "1<sup>st</sup> Court of Appeals." Click on "Case Search" in the "Case Information box on the left.
- 2) The case search form should come up. Click to check the "All Courts" box on the left. Check the "Criminal" box on the right to search only criminal cases.
- 3) Type in the name of the defendant in the first box of "Style." Note that you may need to run multiple searches with different combinations of the defendant's first and last names in order to get all the results. Each defendant may have more than one folder, so you must run all variations of their names to get to every folder.

- a. E.g., if the defendant’s name is “Martinez, Ramiro,” you will need to run searches for both “Ramiro Martinez” and “Martinez, Ramiro.”
- b. E.g., if the defendant has a middle name, like “Juarez, Joshua Ray,” you will need to run searches for “Juarez, Joshua Ray,” “Joshua Ray Juarez,” “Juarez, Joshua,” “Joshua Ray,” “Joshua Juarez,” etc.
- 4) Select the Trial Court County. This is listed under the Court/Court of Conviction column in the spreadsheet.
- 5) Click search. You will need click on all the case numbers that pertain to this defendant. Make sure the name of the person matches the defendant and verify that the Case Type column either says “Capital Murder” or “PDR Case Type” (petition for discretionary review).
- 6) In the case folder that you’ve just opened, scroll through the list of documents and download all documents that are available to download as PDFs. Open the document to see what it is. Save the document into a folder labeled with the name of the defendant. Give the document a name that describes what it is and the date it was issued.
  - a. E.g. a memorandum opinion issued by the Second Court of Appeals that was issued on 10/9/2008 would be labeled “2008.10.09 Last Name, First Name - 2CA Memorandum Opinion.”
  - a. The goal is to obtain every document that could possibly contain any facts relevant to the case. These documents may include writs of habeas corpus, court opinions, defense and prosecutor’s briefs, court orders entered, etc. If the documents aren’t available online to download, call the appellate or trial courts to locate them.
- 7) Write up a narrative for the inmate’s procedural history.
  - a. This narrative will be part of the inmate’s larger memo containing information gleaned from the interview questionnaires.
  - b. Include a statement of the most recent development in the case.
- 8) Read the appellate briefs and/or appellate opinions to determine if the defendant was convicted under the law of the parties and write Y if he was convicted under the law of the parties, or N.
- 9) Read the appellate briefs or appellate opinions to determine the names of other co-defendants.
  - a. Add ages of co-defendants in parenthesis after name. This may require additional research in txcourts.gov, google, etc.
- 10) Add the name(s) of appellate defense attorneys. Add names of habeas attorneys (may require calling trial court – see below).
- 11) Print out the Case Events page. Click on “Print-Friendly” (in blue) at the top of each case folder. Then print.

**Navigating Online Trial Court Records (for counties with online databases, e.g. Harris and Dallas)**

E.g. For Harris County:

- 1) Go to <http://www.hcdistrictclerk.com/edocs/public/search.aspx>
- 2) Click on the Criminal tab.
- 3) Type in the Case (Cause) Number box the trial court case no from the spreadsheet. Run a separate search for each trial court case no if you have more than one listed in the spreadsheet. Click search.
- 4) Open all of the files that relate to this defendant. Make sure the names match and the “Type of Action/Offense” is Capital Murder (or similar).
- 5) In the open window, click on the Appeals and Activities tabs to see recent action in this case. Update the Most Recent Developments column in the spreadsheet accordingly.

- 6) Click on the Parties tab and add to the spreadsheet the names of trial court defense attorneys (these will be listed as “Appointed Defense Attorney” or “Previous Appointed Attorney” in the database).
- 7) Add to the spreadsheet the names of trial/appellate prosecutors, if listed.
- 8) Check to see if writs of habeas corpus have been filed in the trial courts. If so, call the courts to try to obtain them. If none are listed on the database, call anyway to confirm.
- 9) If online trial court database shows no recent activity, call trial court to confirm that is the case. (Sometimes the trial court may have recent documents that it has not yet uploaded into the database).

### **Calling Trial Courts**

- 1) If the trial court case information / clerk’s files are not accessible on line, you will need to call the clerk
  - a. Best to start with the criminal clerk rather than the judge’s clerk although often will likely get referred to the latter)
  - b. Start with easy questions / request and move into more difficult asks
  - c. Always express gratitude (old adage about honey is especially true when dealing with government employees)
- 2) Keep a record of who you called, get the name of the person you spoke to, and what you talked about.