



**THE FIFTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS**

**APPLICATION FOR APPROVAL AS QUALIFIED COUNSEL  
IN DEATH PENALTY CASES**

<p><i>To be filled in by Region only:</i> Application No. _____ - _____ Received on: _____ By: _____</p>
--

I, \_\_\_\_\_, State Bar Card Number \_\_\_\_\_, request that the Death Penalty Qualified Attorneys Selection Committee of the Fifth Administrative Judicial Region of Texas place my name on the list of attorneys qualified for appointment in death penalty cases as:

- lead trial counsel       second chair       lead appellate counsel.

Therefore, in compliance with the provisions of Article 26.052, Texas Code of Criminal Procedure, I swear or affirm that I meet the following standards promulgated by the Region Selection Committee:

1.  I am a member in good standing of the State Bar of Texas. A letter of good standing from the State Bar of Texas dated within the 30 days prior to my application is attached.
2.  I have exhibited proficiency and I am committed to providing quality representation to defendants in death penalty cases.
3.  I have not been found by a federal or state court to have rendered ineffective assistance of counsel during the trial or appeal of any criminal case nor have I filed documents admitting that I have rendered ineffective assistance of counsel in any criminal case.
- 3.1.  I have been or I have admitted to having rendered ineffective assistance of counsel in a criminal case. I request that Selection Committee make a determination regarding my ability to provide effective representation, and the requirement of no finding of ineffective assistance of counsel be waived. I have made a sworn written statement supporting my request in the attached form.

APPLICATION FOR DEATH PENALTY QUALIFIED ATTORNEYS– FIFTH ADMINISTRATIVE JUDICIAL REGION

4. I have \_\_\_\_\_ years experience in criminal trial and/or appellate litigation and/or  I have been continuously board certified in criminal law since \_\_\_\_\_.

***For placement on list of lead trial or lead appellate counsel:***

5. I have tried to submission to the jury as **lead defense counsel** the following number of felony cases:

- 5.1. \_\_\_\_\_ capital murder trials in which the State **sought** the death penalty;
- 5.2. \_\_\_\_\_ capital murder trials in which the State **waived** the death penalty;
- 5.3. \_\_\_\_\_ other homicide trials;
- 5.4. \_\_\_\_\_ trials for violent offenses punishable as second or first degree felonies;
- 5.5. \_\_\_\_\_ trials for other offenses punishable as second or first degree felonies;
- 5.5. \_\_\_\_\_ trials for offenses punishable as third degree or state jail felonies.

6. I have experience in at least one death penalty case:

- 6.1.  as **second chair counsel** that was submitted to a jury in which I played an active role in the case, including but not limited to questioning panel members during voir dire; examining witnesses (direct or cross); making or responding to objections; presenting or objecting to jury charge issues; arguing the case to the jury.

- 6.2.  as **third chair counsel** that was submitted to a jury in which I served as an observer only in the case.

7.  I have trial experience in:

- 7.1.  the use of and challenges to mental health or forensic expert witnesses;

- 7.2.  the investigation and presentation of mitigating evidence at the penalty phase of a death penalty trial.

- 7.3.  I have attached a list of the cases summarized in parts 5.1, 5.2, 5.3, 6.1, 6.2, 7.1. and 7.2.above that were done within the last 10 years.

***For placement on list of lead appellate counsel:***

- 8.1.  I have participated in the preparation of appellate briefs for the prosecution or defense, or in the drafting of appellate opinions as a staff attorney for an appellate court, in felony

APPLICATION FOR DEATH PENALTY QUALIFIED ATTORNEYS– FIFTH ADMINISTRATIVE JUDICIAL REGION

cases, including homicide cases and other cases involving an offense punishable as a capital felony or a felony of the first or second degree.

- 8.2.  I have attached a list of the cases summarized in part 8.1 above. I have noted the cases in which the death penalty was assessed.

***For all counsel:***

9.  I have attended and participated in continuing legal education courses or other training relating to criminal defense in death penalty cases as shown in the attached list.

***For placement on the list of Second Chair Counsel:***

- 10.1.  I have tried to submission to the jury as lead counsel \_\_\_\_\_ felony cases, including: \_\_\_\_\_ homicide trials and \_\_\_\_\_ other trials for offenses punishable as second or first degree felonies or capital felonies.

- 10.2.  I have tried to submission to the jury as second chair counsel \_\_\_\_\_ felony cases, including: \_\_\_\_\_ homicide trials and \_\_\_\_\_ other trials for offenses punishable as second or first degree felonies or capital felonies.

- 10.3.  I have experience as counsel in 1 or more death penalty cases that were submitted to the jury.

- 10.4.  I have been appellate counsel in 5 or more felony direct appeals as lead counsel.

- 10.5.  I have attached a list of the cases summarized in parts 10.1-10.04 above. I have noted the cases in which the death penalty was assessed.

- 10.6.  I have been counsel in 2 or more cases of post-conviction writ of habeas corpus in death penalty cases.

- 10.7.  I have 5 years experience during which 50% or more of my practice is devoted to practice of criminal law.

- 10.8.  I have attended and participated in continuing legal education courses or other training relating to criminal defense in death penalty cases as shown in the attached list.

***For all Applicants:***

17.  A copy of my most recent Annual Verification Report from the State Bar of Texas- Minimum Continuing Legal Education Department is attached.

**APPLICATION FOR DEATH PENALTY QUALIFIED ATTORNEYS– FIFTH ADMINISTRATIVE JUDICIAL REGION**

I have read the Standards for Qualification of Attorneys for Appointment to Death Penalty Cases adopted by the Death Penalty Qualified Attorneys Selection Committee of the Fifth Administrative Judicial Region of Texas.

**ATTORNEY’S CERTIFICATE**

I certify that the above representations are true and correct and I make these representations in order to gain approval by the Death Penalty Qualified Attorneys Selection Committee of the Fifth Administrative Judicial Region of Texas to be qualified for appointment as counsel in death penalty cases within said Region. I understand that any false statement contained herein may result in the immediate revocation of my certification as a qualified attorney in death penalty cases and may further result in such other penalties as provided by law.

\_\_\_\_\_  
Signature of Applicant

Bar No. \_\_\_\_\_

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Office Phone

\_\_\_\_\_  
Fax No.

E-mail: \_\_\_\_\_

**SWORN TO** and subscribed to before me on \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My commission expires: \_\_\_\_\_

**REQUEST FOR SELECT COMMITTEE TO MAKE DETERMINATION AND WAIVE REQUIREMENT  
OF  
NO FINDING OF INEFFECTIVE ASSISTANCE OF COUNSEL  
*[Submit only if box to #3.1. was checked.]***

I, \_\_\_\_\_, State Bar Card Number \_\_\_\_\_,  
request that the Selection Committee waive the requirement of No Finding of Ineffective  
Assistance of Counsel for the following reasons *[type your explanation and reasons here or in  
attached statement]*:

I have attached documentation in support of my waiver request.









**THE FIFTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS**

**COMMITTEE ACTION  
ON APPLICATION FOR APPROVAL AS QUALIFIED COUNSEL IN DEATH PENALTY CASES**

On \_\_\_\_\_ the Death Penalty Qualified Attorneys Selection Committee of the Fifth Administrative Judicial Region of Texas met to consider the application of \_\_\_\_\_, State Bar Number \_\_\_\_\_, for qualification for appointment as defense in death penalty cases.

- The Committee finds that Applicant is qualified as:
  - lead trial counsel
  - second chair
  - lead appellate counsel.
- The Committee finds that Applicant is not qualified for appointment in death penalty cases at this time.

Signed on \_\_\_\_\_.

---

**MISSY MEDARY  
PRESIDING JUDGE  
FIFTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS**



**THE FIFTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS**

**CERTIFICATE OF QUALIFICATION**

*Be It Known That*

THE DEATH PENALTY QUALIFIED ATTORNEYS SELECTION COMMITTEE  
OF THE FIFTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS

hereby certifies that

\_\_\_\_\_,  
State Bar No. \_\_\_\_\_

is qualified for appointment as counsel in death penalty cases in the capacity indicated below in the Fifth Administrative Judicial Region of Texas.

The District Clerk of each County of said Region is hereby **ORDERED** to add the name of said counsel to the list of approved counsel for appointment in death penalty cases pursuant to Article 26.052 of the Texas Code of Criminal Procedure:

Counsel is approved for appointment as:

- Lead Trial Counsel       Second Chair Counsel       Appellate counsel

Signed on \_\_\_\_\_.

\_\_\_\_\_  
**MISSY MEDARY**  
PRESIDING JUDGE  
FIFTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS

Attest: \_\_\_\_\_  
ADMINISTRATIVE ASSISTANT