



**THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW**

Evidence Boot Camp

A Program For The Defense



Evidence Boot Camp

November 6-7, 2014

**The Center for American and International Law
Plano, Texas**

With the exception of invited faculty, attendance is limited to defense attorneys and those who directly assist them in Criminal Defense Litigation. Texas Judges may also attend.

**This course is funded by a grant from
The Texas Court of Criminal Appeals.**

Highlights

- Directed by Austin lawyer Jerry Howeth, a recognized expert in Texas evidentiary law.
- Learn how to apply the rules of evidence in practical situations with lectures and break-out sessions.

MCLE Credit

14.75 Hours of MCLE Credit, including 1 hour of ethics available.

Register Now! cailaw.org

Evidence Boot Camp: A PROGRAM FOR THE DEFENSE

AGENDA

REVISED 10/27/2014

November 6

Featured Speaker

Jerry Howeth
Attorney At Law
Austin, Texas

Course Co-Directors

Maxwell Peck
Regional Public Defender
for Capital Cases
Amarillo, Texas

Rick Wardroup
Texas Criminal Defense
Lawyers Association
Lubbock, Texas

Philip Wischkaemper
Lubbock Private
Defender Office
Lubbock, Texas

*Program Description: A program for the defense, this course is directed by **Jerry Howeth**, an Austin attorney, who is recognized as an expert in Texas evidentiary law.*

Participants will learn not only how to apply the rules of evidence in very practical situations, but will be exposed to Jerry's unique method of understanding the Texas Rules of Evidence. The program will consist of lectures and break-out sessions where attendees will apply the rules of evidence.

8:00	REGISTRATION
8:45	WELCOME, OVERVIEW AND INTRODUCTIONS
9:00	INTRODUCTION TO FOUR OBJECTIVES OF A DEFENSE LAWYER IN A CRIMINAL CASE – FROM AN EVIDENTIARY POINT OF VIEW: EXCLUDING, DISCREDITING, ADMITTING & PROTECTING, AND THE METHODOLOGY THEREFORE <ul style="list-style-type: none">Jerry Howeth, Austin, Texas
9:30	EXCLUDING THE GOVERNMENT'S PROPOSED EVIDENCE: MAKING OBJECTIONS & PRESERVING THE RECORD <ul style="list-style-type: none">Maxwell Peck, Amarillo, Texas
9:45	EXCLUDING THE GOVERNMENT'S PROPOSED EVIDENCE UNDER RULES 401 & 402 <ul style="list-style-type: none">Jerry Howeth, Austin, Texas
10:15	BREAK
10:30	BREAK-OUT GROUPS: EXCLUDING THE GOVERNMENT'S PROPOSED EVIDENCE UNDER RULES 401 & 402
11:15	EXCLUDING THE GOVERNMENT'S PROPOSED EVIDENCE UNDER RULE 404(B), EMPHASIS ON THE "REBUT-A-DEFENSIVE THEORY" EXCEPTION TO RULE 404(B) <ul style="list-style-type: none">Jerry Howeth, Austin, Texas
12:00	LUNCH (PROVIDED)
12:30	BREAK-OUT GROUPS: EXCLUDING THE GOVERNMENT'S PROPOSED EVIDENCE UNDER RULE 404(B)
1:15	DISCOVERING & EXCLUDING TESTIMONY FROM GOVERNMENT INFORMANTS <ul style="list-style-type: none">Rick Wardroup, Lubbock, Texas
1:45	EXCLUDING THE GOVERNMENT'S EXPERT TESTIMONY <ul style="list-style-type: none">Philip Wischkaemper, Lubbock, Texas
2:15	BREAK-OUT GROUPS: EXCLUDING INFORMANTS & EXPERTS
3:00	BREAK
3:15	DISCREDITING COURT EVIDENCE ADMITTED BY THE GOVERNMENT, GENERALLY <ul style="list-style-type: none">Jerry Howeth, Austin, Texas
3:45	DISCREDITING COURT EVIDENCE UNDER RULE 613(B) & THE CONFRONTATION CLAUSE OF THE U.S. CONSTITUTION <ul style="list-style-type: none">Jerry Howeth, Austin, Texas
4:15	REVIEW OF THOUGHT PROCESS ON OBJECTIONS
4:30	PRIOR CONSISTENT STATEMENTS, RULE 613(C) <ul style="list-style-type: none">Jerry Howeth, Austin, Texas
5:15	RECESS

Most materials will be provided in a binder and/or on our website.

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REVISED 10/27/2014

November 7

Program Faculty

Cody L. Cofer

Cofer Law, P.C.
Fort Worth, Texas

Carlos Garcia

Carlos Garcia Criminal
Defense & Trial Consulting
Austin, Texas

David Grassbaugh

Attorney At Law
Austin, Texas

Robert C. Hinton

Robert Hinton & Associates
Dallas, Texas

Jerry Smith

Attorney At Law
Manor, Texas

*"Really great system, Mr. Howeth
makes evidence a lot less scary"*

"Thorough approach to evidence"

— 2013 Participants

8:30 BREAK-OUT GROUPS: DISCREDITING COURT EVIDENCE
UNDER RULE 613(B) & THE CONFRONTATION CLAUSE OF THE
U.S. CONSTITUTION

9:15 ADMITTING: GAINING ADMISSION EVIDENCE, DOCUMENTARY &
COMPUTER GENERATED

- Jerry Howeth, Austin, Texas

10:00 BREAK

10:15 BREAK-OUT GROUPS: ADMITTING EVIDENCE, DOCUMENTARY
& COMPUTER GENERATED

11:00 ETHICS PRESENTATION

- Robert Hinton, Dallas, Texas

12:00 LUNCH PRESENTATION: ADMITTING: LAY WITNESS
OBSERVATIONS & OPINIONS, AND EXPERT OPINIONS
(TIME INCLUDES A 30 MINUTE LUNCH BREAK)

- Philip Wischkaemper, Lubbock, Texas

1:30 BREAK-OUT GROUPS: LAY WITNESS OBSERVATIONS &
OPINIONS, AND EXPERT OPINIONS

2:15 ADMISSION OF HEARSAY STATEMENTS

- Jerry Howeth, Austin, Texas

2:45 BREAK

3:00 ADMISSION OF OUT-OF-COURT STATEMENTS & OUT-OF-COURT
STATEMENTS WHICH ARE NOT HEARSAY STATEMENTS

- Jerry Howeth, Austin, Texas

3:30 BREAK-OUT GROUPS: GAINING ADMISSION OF OUT-OF-
COURT STATEMENTS

4:15 PROTECTING: ON PROTECTING DEFENSE WITNESSES FROM
ILLICIT CROSS-EXAMINATION BY THE PROSECUTION

- Jerry Howeth, Austin, Texas

4:30 BREAK-OUT GROUPS: PROTECTING

5:00 Adjourn

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REGISTRATION

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at The Center for American and International Law
Plano, Texas

Attendance is limited to criminal defense attorneys and those who directly assist them in criminal defense litigation. Texas Judges may also attend. Tuition provides for the seminar, lunch and materials. Most materials will be provided in a binder and/or on our website.

Mark ALL appropriate boxes:

- ☐ I am a licensed Texas criminal defense attorney who regularly represents indigent defendants in criminal matters in Texas State courts. (Provide your Texas Bar number.) **Choose Tuition below.**
- ☐ I am a paralegal, investigator or mitigation expert for an attorney meeting the above criteria. **Choose Tuition below.**
- ☐ I am a Texas Judge. (Travel reimbursement is not available.) **Choose Tuition below.**
- ☐ \$180.00 Tuition only *
- ☐ \$360.00 Tuition plus voluntary contribution to CAIL**
- ☐ I request a tuition waiver (Leave payment information blank)
- ☐ I am a criminal defense attorney or I directly assist criminal defense attorneys in criminal defense litigation, and I do NOT fall into any of the above categories. **Choose Tuition below.**
- ☐ \$480.00 Tuition only *
- ☐ \$660.00 Tuition plus voluntary contribution to CAIL**

Name _____

Professional Title (Required) _____

Firm/Organization (Required) _____

Business Address _____

City, State, Postal Code _____

Phone _____

Fax _____

Email _____

Texas Bar No. (Required for Texas attorneys) _____

Payment Information

☐ Check enclosed payable to: The Center for American and International Law

Credit Card: ☐ MasterCard ☐ VISA ☐ AMEX ☐ Discover

Card number _____ Expiration date _____

Name on card _____

Billing address (if different than above address) _____

Signature _____

3 WAYS TO REGISTER

ONLINE

credit card only
www.cailaw.org

FAX

credit card only
972.244.3401

MAIL

check or credit card
The Center for American
and International Law
5201 Democracy Drive
Plano, TX USA 75024

CONFIRMATIONS WILL BE SENT
TO ALL REGISTRANTS

IF DUE, PAYMENT MUST ACCOMPANY
REGISTRATION

GENERAL INFORMATION

CANCELLATION POLICY: Written notice must be received 5 business days prior to the program (Email: lgaspar@cailaw.org). After this date, no refunds, but substitution of attendees for this program will be permitted with prior approval. Call 972.244.3415. Registrants not entitled to a refund will receive the course materials.

NONDISCRIMINATION POLICY: The Center for American and International Law (CAIL) does not discriminate on the basis of race, sex, sexual orientation, color, religion, national origin or ancestry, age, disability, veteran status or any other protected status.

* Tuition will be used to cover future expenses of CAIL's Criminal Law grant programs or to provide for items the grant cannot sufficiently cover.

** Voluntary payments will go directly to CAIL's private fund account.

This course is funded by a grant
from The Texas Court of Criminal
Appeals.

WEB