

Said & Done

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Wednesday, September 16th, 2015

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Kudos

Congratulations to Jeff Blackburn of Amarillo for receiving the Champion of Justice award from TCDLA at the TCDLA Innocence 101: Criminal Practice seminar in Austin in August. The award was given for his work in the posthumous exoneration of Tim Cole and the resulting legislation. As Chris Hesse noted in suggesting Jeff for inclusion here: "While most of us consider ourselves pretty good attorneys who work hard and make a difference in the lives of our individual clients, there are a few attorneys out there who affect systematic change. Jeff Blackburn is one them." Kudos, Jeff, for your continued excellence.

Zeke Tyson of Dallas got some good news after three days of trial of a D on two counts of aggravated assault with a deadly weapon: not guilty on one count, guilty on the other count. Based on D's lengthy criminal history, the legal range of punishment was 25 to life. Zeke argued that this was overkill and the jury agreed, sentencing him to the minimum sentence, two years. As Zeke noted, "He literally got back 23 years of his life today." Kudos for your spirited defense, Zeke.

Bobby Mims sends along word of a couple notable successes of TCDLA members. In the first, Jason Cassel defended an Arson Capital Murder case in Harrison County. The state brought three state fire marshals for witnesses against his client. Jason was able to cross-examine based on the new science of Arson Investigations. With two witnesses left before the state rested, the plea offer changed from Capital Life to five years on a plea of *nolo contendere*. With time credit, his client is immediately parole eligible. "In the second, Thad Davidson was representing a drug defendant in Cherokee County on an enhanced 1st Degree with 25-year minimum. After extensive investigation, Thad was able to prove the officer lied on his search warrant affidavit—a setup. Rather than file an adversarial Motion to Suppress, Thad took his information and evidence to the DA. After an independent investigation confirmed Thad's findings, the DA immediately dismissed that case. The offending officer's name has been shared by the crim-i-nal bar and his credibility is now impeachable. The DA will likely never take another case from this officer. Kudos to Jason and Thad—and also to the Cherokee County DA for ethically following her oath of office.

Kudos also to the Lubbock County Defense Lawyers Association for its \$8,500 gift to the Brendan Murray Criminal Defense Endowed Scholarship, bring its total to over \$100,000. The scholarship is the association's primary fundraising focus since the endowment was established in 2007. Murray, a 2L student at Texas Tech Law when he passed away in 2006, began working at the Texas Criminal Defense Lawyers Association while an undergraduate at the University of Texas at Austin and is fondly remembered in the home office.

The Smith County Bar Foundation received a Star of Texas Bars Award from the State Bar at the June Annual Meeting for hosting the Supreme Court of Texas oral arguments in Tyler. The Foundation worked with UT-Tyler, as 300 high school and college students watched the arguments and another 100 had lunch with the justices. The Foundation was represented by TCDLA members Jim Huggler (President), Buck

Files, and Kelly Pace. Kudos to the East Texas contingent.

And a special "way to go" to Robb Fickman of Houston from President Sam Bassett and the entire association for his tireless efforts in organizing a record number of readings in some 139 counties in Texas alone! This is Robb's fourth year of organizing the readings statewide for TCDLA, after putting together the first reading in Texas in Harris County five years ago. We thank him for his dedication and commitment.

Kudos to TCDLA board member Don Flanary of San Antonio, recently named SACDLA's Defender of the Year. The oft-lauded young gun is a frequent presenter at TCDLA seminars. And kudos also to former TCDLA president Stan Schneider of Houston, selected Houston Lawyer of the Year in his practice area by *The Best Lawyers in America*. Separately, he also earned a Lifetime Achievement Award from *Texas Lawyer* newspaper. Congratulations to both for these honors.

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