
title: Criminal Defense Checklist created: 2025-04-10

Main Checklist

- ☐ Prospective Client Meeting
- ☐ Open File
- ☐ Stabilize Case
- ☐ Is the case an unindicted felony?
- ☐ Discovery and Investigation
- ☐ Mitigation
- ☐ Review Discovery
- ☐ Scientific and Technical Issues
- ☐ Consider pretrial motions.
- ☐ Build a team
- ☐ Plea Offers?
- ☐ Guilty Plea
- ☐ Trial
- ☐ Appeal
- ☐ Specific problems:

☐ Close file

☐ Clear Client's record.

Main Checklist | Prospective Client Meeting

- ☐ Conflict Check
- ☐ Client Information
- ☐ Language (interpreter needed?)
- ☐ Education Level
- ☐ Special needs
- ☐ Client Information Form and Client Info in File (SSN, TDL, address at time of offense [for expunction])
- ☐ Questionnaire
- ☐ Spheres of Influence Sheet [interview]
- ☐ Skills Assessment (what they like to do, are good at, etc.) [interview]
- ☐ Medical Records (what hospitals, HIPPA) [subpoena]
- ☐ School Records (releases, transcripts, college and primary/secondary school records) [subpoena]
- ☐ Criminal History (DPS) [online database search]
- ☐ Family Background Questionnaire
- ☐ Social History (include questions on trauma)
- ☐ References

☐ Psychological Eval (include explanation about all doing it, not to be ashamed, etc.)

☐ •Drug Tests?

☐ •Classes?

☐ •Community Service Hours?

☐ Discuss consequences of Conviction:

☐ Identify mental-health problems

☐ Tell Client how to dress for court

☐ Tell Client what to expect

☐ Double check with client key information.

☐ Draft agreement.

☐ Get client's or payor's signature.

Main Checklist | Prospective Client Meeting | Client Information Form and Client Info in File (SSN, TDL, address at time of offense [for expunction])

☐ Phone_

☐ Address_

☐ Back up contact information_

☐ Other active cases

☐ Education status_

☐ Military status_

☐ Immigration status_

Main Checklist | Prospective Client Meeting | Client Information Form and Client Info in File (SSN, TDL, address at time of offense [for expunction]) | Other active cases

- ☐ Other cases in county?__
- ☐ Other cases elsewhere?__
- ☐ Other probation/parole/PPS matters?__

Main Checklist | Prospective Client Meeting | Questionnaire

☐ Please fill out this questionnaire as completely as possible (front and back). It is important that you answer each question fully. It is imperative that you be candid and truthful! You should answer all questions relevant to your case. If a question does not apply to your particular situation, please indicate by marking the question "N/A". Since your answers are being made to your attorney, you are assured of confidentiality and are protected by the attorney-client privilege.

☐ Referred by:___

☐ Why do you need an attorney?___

☐ About You (Client/Defendant)

☐ Full Legal Name (First – Middle – Last – Maiden)

☐ _

☐ Birth Date_

☐ City and State where born

☐ US Citizen? Yes or No

☐ Social Security #

☐ Driver's License #

☐ Address (Street – City – County – State – Zip)

☐ Home phone

☐ Work phone

☐ Cell phone

☐ Fax number

☐ Email

☐ ==*Check HERE _____ if you would like updates regarding your case sent to your email address.* ==

☐ Spouses Name

☐ Spouse Telephone number

☐ Emergency Contacts (Name, Phone)

☐ Emergency Contacts (Name, Phone)

☐ Employer

☐ Work address

☐ Education Level

☐ Have you ever been arrested before

☐ For what

☐ Have you ever been convicted of a criminal offense or placed on deferred adjudication or probation? If so, please list offenses, dates, and place of conviction (city and state).

☐ Are you currently on probation or parole?

☐ If so, where/when and for what?

☐ About Your Case

☐ Date of Arrest

☐ Arresting Agency

☐ Place of Arrest

☐ Charge(s)

☐ Court

☐ Next Court Date

☐ Complaining Witness or Victim (if known)

☐ Your relationship to Complaining Witness

☐ C/W's Phone number

☐ Address

☐ List Co-Defendants (charged and uncharged)

☐ List Any Witnesses to Offense (not character witnesses) along with their telephone numbers

☐ Have you consulted or retained another attorney on this matter prior to coming to this office?

☐ If so, please state who and when

☐ Bonding Company

- ☐ Amount of Bond
- ☐ Guarantor of Payment (Person Responsible for Payment)
- ☐ Full Legal Name (First – Middle – Last – Maiden)
- ☐ Birth Date
- ☐ Relationship to Defendant
- ☐ Social Security #
- ☐ Driver's License #
- ☐ Address (Street – City – County – State – Zip)
- ☐ Home phone
- ☐ Work phone
- ☐ Employer
- ☐ Work address

Main Checklist | Prospective Client Meeting | Discuss consequences of Conviction:

- ☐ Jail
- ☐ Court Costs
- ☐ Driver's License Suspension
- ☐ Immigration
- ☐ Sex-offender registration
- ☐ Reputation
- ☐ School
- ☐ Employment
- ☐ Licensing
- ☐ Driver's License

Main Checklist | Prospective Client Meeting | Discuss consequences of Conviction: | Driver's License Suspension

☐ Admin Date

☐ 90 Days

☐ 180 Restricted

Main Checklist | Prospective Client Meeting | Double check with client key information.

- ☐ Immigration
- ☐ Criminal history
- ☐ Mental health /Medical Health
- ☐ Have client sign HIPPA and FERPA
- ☐ Military history

Main Checklist | Open File

- ☐ If hourly: Timesheet in file.
- ☐ Include Criminal Pleadings
- ☐ Pull all applicable statutes
- ☐ Max sentences/fines?
- ☐ Diversion programs available?
- ☐ Codefendants?
- ☐ Charges the DA missed
- ☐ Determine all Court dates and list
- ☐ Place Court dates into calendar
- ☐ Pull sample jury charge
- ☐ Notice of Appearance / Appearance of counsel / Motion to Substitute
- ☐ Request discovery, notice, and disclosure.
- ☐ Is client noncitizen?
- ☐ Start file memo.

Main Checklist | Open File | Include Criminal Pleadings

- ☐ Criminal Information or Indictment
- ☐ Probable Cause – Affidavit / Hearing

Main Checklist | Open File | Place Court dates into calendar

☐ Next appearance

☐ Other deadlines

Main Checklist | Open File | Is client noncitizen?

- ☐ Consult with immigration lawyer
- ☐ Counsel client regarding immigration

Main Checklist | Stabilize Case

☐ Instruct client and allies on what to do if police call.

☐ Bond

Main Checklist | Stabilize Case | Bond

- ☐ If so, Amount
- ☐ If no bond, why not? Check Constitution and statute for bases.
- ☐ If necessary, habeas to reduce bond.
- ☐ Connect family with bonding company.

Main Checklist | Is the case an unindicted felony?

- ☐ Pre-indictment negotiation
- ☐ Contact Prosecutor about grand jury packet- get it in writing
- ☐ Get client to take polygraph exam
- ☐ Write a grand-jury letter
- ☐ Send grand-jury letter

Main Checklist | Discovery and Investigation

☐ Make witness list from Client, family/neighbors, and State's file / OR;
Consider meeting with Investigator / Investigation, See below

☐ Visit Scene

☐ Are there cell phones involved?

☐ Send cell phone company letter to preserve texts and GPS location.

☐ Subpoena cell phone records

☐ Get cops' cell numbers

☐ Is it a drug case?

☐ Is it a DWI case?

☐ Priors?

☐ Are there medical records involved?

☐ Identify healthcare providers.

☐ TCLEOSE Requested

☐ TCLEOSE Received

☐ MDTs Requested

☐ MDTs Received

☐ PIA Requests

☐ Do you have all police reports?

☐ Probable cause affidavits

☐ Lab Reports

☐ DNA Serology Reports

☐ Jail documents / pretrial reports

Main Checklist | Discovery and Investigation | Is it a drug case?

☐ Drug test client

Main Checklist | Discovery and Investigation | Is it a DWI case?

☐ ALR Checklist

☐ Video Requested

☐ Video Received

☐ 911 Requested

☐ 911 Received

Main Checklist | Discovery and Investigation | Priors?

- ☐ Investigate priors.
- ☐ Prior J&Ss Requested
- ☐ Prior J&Ss Received
- ☐ Compare Priors

Main Checklist | Discovery and Investigation | Identify healthcare providers.

- ☐ Get HIPAA release forms from providers.
- ☐ HIPPA release signed by client.
- ☐ HIPPA motion filed on CW.
- ☐ Medical Records Requested
- ☐ Medical records subpoenaed.
- ☐ Medical Records Received

Main Checklist | Discovery and Investigation | PIA Requests

☐ Jail records

☐ School records,

☐ Juvenile /TDCJ records

Main Checklist | Mitigation

- ☐ Make timelines of client's life
- ☐ Confront family with records
- ☐ Confront client with records
- ☐ Contact family members/neighbors

Main Checklist | Review Discovery

- ☐ List possible witnesses and their connections.
- ☐ Client info on witnesses
- ☐ Review Video
- ☐ Transcribe audio
- ☐ Location awareness
- ☐ Update file memo.

Main Checklist | Review Discovery | Location awareness

- ☐ Google Map
- ☐ Google Street View
- ☐ Weather Conditions
- ☐ Lighting

Main Checklist | Scientific and Technical Issues

☐ DNA mixture case? CPI evidence issues? Is it single source DNA evidence?

☐ Other evidence which needs to be tested?

☐ Drug / Alcohol Reports

☐ Blood Analysis Reports

☐ Fingerprint Analysis Reports

☐ Gunshot Residue Analysis Reports

Main Checklist | Scientific and Technical Issues | DNA mixture case?
CPI evidence issues? Is it single source DNA evidence?

☐ Call the lab analyst, ensure there are no other supplemental reports, that you have all reports, that there are no calculations or other reports pending

☐ Discuss lab report data – ask analyst to pin down their interpretation of results

Main Checklist | Consider pretrial motions.

- ☐ Motion for no solitary confinement (show particularized need)
- ☐ Motion to Suppress
- ☐ Motion to quash.
- ☐ Ake motions:
- ☐ Trial-specific motions
- ☐ 28.01 hearing set?

Main Checklist | Consider pretrial motions. | Ake motions:

☐ Investigators

☐ Experts

Main Checklist | Consider pretrial motions. | Trial-specific motions

- ☐ Subpoena applications
- ☐ Notices of business records
- ☐ Motion in Limine
- ☐ Trial brief.
- ☐ Juror questionnaire.
- ☐ Punishment election
- ☐ Application for probation

Main Checklist | Consider pretrial motions. | 28.01 hearing set?

☐ File timely motions.

Main Checklist | Build a team

- ☐ Cocounsel
- ☐ Law lawyer
- ☐ Investigators
- ☐ Experts

Main Checklist | Plea Offers?

- ☐ Convey offer to client.
- ☐ Answer client's concerns.
- ☐ Get client's response.
- ☐ Update file memo.

Main Checklist | Guilty Plea

☐ Plea Agreement

Main Checklist | Guilty Plea | Plea Agreement

☐ Translate

☐ Explain

Main Checklist | Trial

- ☐ Preservation of error, generally
- ☐ Judgment issued.
- ☐ Sentencing date.
- ☐ Special Problems:
- ☐ Notice of Appeal

Main Checklist | Trial | Preservation of error, generally

☐ Object

☐ Move to Strike

☐ Request that jury be instructed to disregard

☐ Move for Mistrial

Main Checklist | Trial | Special Problems:

☐ Cop cross-exam

Main Checklist | Trial | Special Problems: | Cop cross-exam

☐ Establish reliability of report

Main Checklist | Trial | Special Problems: | Cop cross-exam |

Establish reliability of report

☐ Trained to write

☐ Purpose

☐ Four principles:

Main Checklist | Trial | Special Problems: | Cop cross-exam |
Establish reliability of report | Four principles:

- ☐ Chronological (if the report says “A, then B,” A happened before B)
- ☐ Complete (if it’s not in the offense report, you didn’t think it important)
- ☐ True (if it’s in the offense report, it happened)
- ☐ Literal

Main Checklist | Appeal

- ☐ Notice of Appeal
- ☐ Jury-charge error
- ☐ Jury selection error

Main Checklist | Specific problems:

- ☐ Noncitizen client
- ☐ Unexpected extraneous at trial
- ☐ Missing witness
- ☐ Batson error

Main Checklist | Close file

- ☐ Withdraw
- ☐ Send closing letter.
- ☐ File to storage

Main Checklist | Clear Client's record.

☐ Expunge record

☐ Petition for Nondisclosure

☐ Juvenile Sealing of Records Check List==

Main Checklist | Clear Client's record. | Expunge record

- ☐ Identify agencies involved
- ☐ Look for other cases that can be expunged while you're doing one
- ☐ Get Client SSN, TDL, address at time of arrest, address now.
- ☐ Draft petition
- ☐ Petition to client for notarized signature
- ☐ File petition
- ☐ Draft order
- ☐ Order to respondents for signatures
- ☐ Signed order to court
- ☐ Final order to client
- ☐ Purge SSN, credit card numbers from file

Main Checklist | Clear Client's record. | Petition for Nondisclosure

☐ Eligibility Checklist

Main Checklist | Clear Client's record. | Petition for Nondisclosure | Eligibility Checklist

☐ Petitioner must have received successful discharge and dismissal of DADJ AND

☐ The court where petition filed is the court that granted the DADJ

☐ Petitioner complied with waiting period from date of discharge/dismissal (5 years for felonies; 2 years for misdemeanors under PC Ch. 20-22, 25, 42 or 46), and immediately for all other misdemeanors

☐ There are some offenses for which Petitioner is NEVER eligible if convicted or placed on deferred – check Penal Code, ie Indecency with a Child, Aggravated Sexual Assault, etc.)

☐ Even if eligible, Petitioner becomes Disqualified IF: during period of DADJ or waiting period thereafter, Petitioner gets convicted or placed on DADJ for any offense (other than traffic offense punishable by fine only).

Main Checklist | Clear Client's record. | Juvenile Sealing of Records
Check List==

- ☐ File Folder created
- ☐ Enter Client Sealing of Records in Contacts (SOS and Outlook)
- ☐ Draft Motion to Seal Records/Order
- ☐ Contact Client – Need to Review Motion and Sign/ Notarize verification
- ☐ Client notification for signature
- ☐ Client coming to office to sign
- ☐ Client wants Motion mailed
- ☐ Draft form letter and mail Motion to Seal Records to Client
- ☐ Received Motion and Executed verification
- ☐ Make 3 Copies of Motion and Verification. (One for office, Original and Copy for Court)
- ☐ Court Process and follow up for hearing date:
- ☐ File Motion with court and receive court date for hearing
- ☐ Received Motion and Notice of Hearing from Attorney
- ☐ Make copies of Motion and Notice of Hearing for each Agency
- ☐ Calendar date of Hearing for Motion of Sealing

- ☐ Draft Notice of Hearing to each agency and enclose copy of file stamped Motion and Notice of Hearing.
- ☐ ==Send regular mail==
- ☐ Hearing for Motion to Seal:
- ☐ Hearing date – Motion submitted to court
- ☐ Date to pick up Order
- ☐ Received final Motion and Order for Sealing – granted
- ☐ Attorney to bring back Original Certified Motion /orders (one for each agency, plus one for office and one for the client (Harris County))
- ☐ Make additional copies of Certified Motion and Order if needed for each Agency
- ☐ Draft form letter to each agency and to Client – Order granted
- ☐ Copy of Order with form letter mailed to Agency's, Certified Mail Return Receipt Requested
- ☐ Green Cards
- ☐ Initial OrderReceived
- ☐ Sent:Green Card:
- ☐ ==Hon. Devon Anderson/Harris County DA
- ☐ Tom Brooks/Harris County Juvenile Probation
- ☐ Chris Daniel/Harris County District Clerk

- ☐ Houston Police Department
- ☐ Harris County Sheriff's Department
- ☐ Harris County Constable Precinct _____
- ☐ Harris County Fire Marshall
- ☐ Other Law Enforcement Agency _____
- ☐ School _____
- ☐ School District, _____ ISD
- ☐ N.C.I.C./FBI
- ☐ T.C.I.C.
- ☐ Texas Department of Public Safety/Expungements
- ☐ Texas Education Agency==
- ☐ All green cards signed and received in office
- ☐ Attached Green card to each matching agency and scan in computer.
- ☐ Close File
- ☐ Attorney signed off