

# DEFENDER TIMES

*ALL THE NEWS THAT'S FIT TO PRINT...AND THEN SOME*



## CHIEF'S MESSAGE: LISTEN CLOSELY

BY: ALEX BUNIN, CHIEF

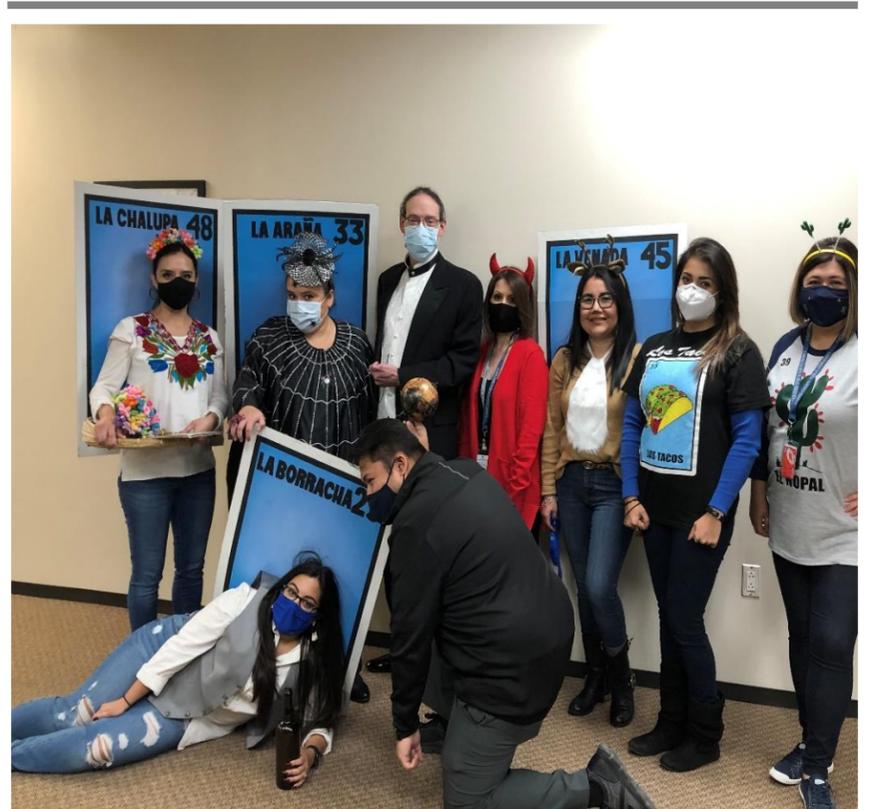
I come to my office everyday – or at least what is left of it. Until next year, I will be missing six feet of space separated by a temporary wall. When the space is returned – absent a window that was once there – there will be a set of elevators in that southeast corner of the floor. It is better than the 20-month exodus to the “old jail” at 1301 Franklin after Harvey. The main difference is that while the PDO now has 160 employees, I no longer get to see most of you. At least when we were crammed into the old Warrants Division there was the camaraderie of forced togetherness. Now there is medically required separation. Hopefully, time and science will bring relief. Because of that lack of connection, this column and email are the best ways I have to communicate with most of you. I do not think we can have meaningful virtual meetings. I had seven Zoom/Teams/Webex calls on Monday with groups outside of our office and I felt more frustrated and less intelligent after they were over.

I am using this column to go over some core principles. When I started the office, I wrote a lengthy mission statement because I thought that is what one was supposed to do. I later learned nobody reads those. Eric Davis shortened it to “Our mission is the zealous defense of persons accused of crimes in Harris County, Texas.” While there is, of course, more to it, that is what a mission statement is about – a place to start.

One of the core principles that does not easily fit into a short statement is “client-centered representation.” It means many things, but the most important to me is listening to what clients have to say. There are two good reasons. First, clients often have important things to say that you need to hear. Second, clients will more likely trust your judgement if you listen to them first. Regarding the first reason, clients often ask or tell you things that appear irrelevant to their situation. However, once you stop listening you are certain to miss that nugget of fact or insight that will help you help them. As to the second reason, clients have often been let down by others before. They may not easily trust. One of the signals they know that someone does not care about them is the person starts talking – usually without eye contact – and does not listen in return. That is what many lawyers and others do. Young lawyers may do it because they want to appear like they know what they are doing. They may want to avoid questions they cannot answer. However, there are magic words for that situation: “I don’t know, but I’ll find out.” As long as you actually keep your promise, this almost always satisfies the questioner.

More experienced lawyers often stop listening because they “have heard it all before.” See above for why this is bad strategy. However, even if the lawyer has properly assessed the case without client input, he or she has drastically increased the effort necessary to get the client to trust them and accept their advice. Egregious examples are lawyers who scream instructions to their clients in holding cells.

After 35 years of representing clients in criminal cases, I cannot overstate how helpful listening can be to gaining trust with clients. Spending one hour listening can save many hours of disagreement. This is true for investigators, social workers, administrators and advocates. It is an essential part of our work. ■



## Feeling Lucky ?

P.Q. DREADFUL, STAFF WRITER

Even the ongoing, never-ending pandemic can’t stop the Halloween spirit at the PDO! A collection of folks from the 13<sup>th</sup> floor gathered together to safely celebrate and get in on the costume fun. AA Amparo Armendariz came up with the Loteria idea and enlisted her husband to make the excellent cards. Investigator Ana “the Spyder” Guirola also volunteered her husband, Imaging Specialist Eric Ladd, that he would be cast to play “El Catrin” (the gentleman). IT lead Ray Miranda “was unable to find the appropriate shells” to play the Mermaid and lamely opted out, but fortunately new-hire and now-favorite IT guy Rei Umali jumped in to play “El Mundo” (the world). The Spyder told this reporter, “The interesting part was getting used to wearing our cards on our backs and not running into things, the wall or people.” Fortunately for AA Ashley Martinez, “La Borracha” (the drunk girl), running into people and walls was all part of her costume.

APD Allison Mathis, present in the office on Thursday and feeling the great weight of her seemingly eternal pregnancy, was heard to remark that she would have played “The Watermelon” had she been given the chance.

It is unclear why Chief Public Defender Alexander Bunin did not participate in this year’s festivities. Suggestions for his costume included: “The Sun,” “The Brave Man,” and “The Tree,” but his outfit on Thursday was instead a charcoal suit with a tasteful, but un-festive tie. Chief Bunin was not available for comment as of the time this publication went to press, but we are certain his costume next year will be on fleek.

*Editor’s note: for any joy-killers reading this, no alcohol was consumed and no gambling took place on county property or county time. It was just some cute costumes, jeez, lighten up. ■*

NEW IN THIS ISSUE:

**Cheri's Jury Charge Tips!**  
p. 2**Those Damn Cookies!!!**  
p. 6**Policing the Police by Naming Names!**  
p. 2

## JURY CHARGE TIP OF THE MONTH

CHERI DUNCAN, ASSISTANT PUBLIC DEFENDER, APPELLATE DIVISION

Hey, gang! Welcome to a new column: the Jury Charge Tip of the Month! I'll try to post one or two tips per edition, with three goals: 1) make it useful; 2) make it brief; and 3) keep it light. Occasionally, the column will include bonus content like [this](#). Let's begin at the beginning. What's the best way to start reviewing a jury charge?

1. Start before trial.
2. Grab a copy of the indictment and highlight the elements of the offense as alleged in the indictment.
3. Compare the indictment to the statutory language. Yes, even if you've tried dozens of aggravated robbery cases. Harris County indictments have gotten incredibly sloppy in the last couple of years, and there may be errors that look *sort of* correct but aren't really. It's worth the few minutes it takes pull up the statute and compare.
- 4a. If the indictment includes each of the elements required by the statute, consider whether there are any affirmative defenses that you might want to request instructions on.
- 4b. If the indictment is missing an element, think about strategy. You've got multiple options: a motion to quash, a motion in limine to keep out evidence on the missing element, or a motion for judgment of acquittal.
- 4c. If the indictment alleges more than one offense, you probably will want to move that the court require the state to elect which offense it will try and move to limine out evidence of the unelected offense.

**BIG FAT CAVEAT** – like practically everything in the world of jury trials, there are strategy considerations with almost every one of the steps listed in 4a-c. I'll talk about them in future posts. Questions? Suggestions? Let me know.

## POLICING THE POLICE



*Our office maintains a database of information on cops.*

*Each month, with the assistance of a Felony Trial APD, this newsletter highlights cops to watch out for. For the safety of the APD's involved, writers will not be named publicly.*

### **Pasadena Police Department Officer Jason Carter**

**Where It All Started:** A private attorney asked the HCCLA list-serv for information on Officer Carter because she learned that he was investigated by HCDAO Public Corruption Division but that the investigation was closed without charges.

**What Else We Learned:** Carter has several sustained disciplinary cases with Pasadena Police Department and has been suspended without pay before. The details are gruesome.

- 9/3/18
  - Carter lied about having an arrest warrant, which resulted in three officers pulling an uncharged person out of his own home at gunpoint. Carter later tried (unsuccessfully) to get the associated call slip and offense report deleted to cover his tracks.
  - Carter told the other officers to mark their BWC footage as "test recording" so that it would get deleted.
- 8/26/18
  - Carter put both hands around an uncharged suspect's neck after kicking down the door to the suspect's home.
  - Carter strapped a non-combative person to the restraint chair at the JPC and put his hands around the person's neck, impeding his breath.
- 7/16/18
  - Carter allowed an in-custody person to go untreated as he had a seizure in the back of Carter's patrol car, despite multiple witnesses confirming the person's ongoing medical condition that caused seizures.
  - Carter used "pain compliance" techniques and "abusive language" because he believed the suspect was faking the seizure.

\*This information was obtained by way of the Public Information Act and may be shared freely.

## TRIAL TIPS: MAKING HISTORY



### **DAMON PARRISH, II FELONY TRIAL TEAM LEAD**

"Well-behaved women seldom make history" a famous quote by Laurel Thatcher has always intrigued and inspired me; ironically though, the quote itself is used out of context by the world. When Thatcher created the quote she meant it in the opposite of how it is used today, she meant that well-behaved women *should* make history because history is made every day by the work of ordinary people.

Personally, I think both meanings are accurate, especially in the context of our work. The everyday grind of working up cases is orderly and ordinary, but it is this work that allows for us to make history.

**And the history we make may not impact societies but it definitely impacts our clients and their families. We make history for ordinary people dealing with extraordinary issues. Society will probably not recognize us for the history we are making but we are changing things.**

Keep up the hard work, keep up with the orderly and ordinary, and keep making history...

## SAIF'S AMAZING CASE LAW UPDATE!

SAIF KAZIM

APD, FELONY TRIAL DIVISION

As you all may be able to tell, I generally only include cases that come out in our favor.



*Roark v. State*, No. 01-19-00428 (Tex. App. - Houston [1st Dist.], Oct. 1, 2020) (not designated for publication)

- The First Court of Appeals reversed an evading arrest conviction, holding that the necessity defense applies to the evading statute and that a necessity defense instruction should have been given where evidence showed that the accused was running away from a police officer that had placed him in a chokehold for several seconds.

*Lynch v. State*, No. 01-17-00668-CR (Tex. App. - Houston [1st Dist.] Oct. 13, 2020)

- The First Court of Appeals reversed a possession with intent to deliver conviction where the State introduced extraneous possession with intent to deliver convictions via pen packets, without demonstrating any substantial similarity between those offenses and the present charge. The court held that the probative value of this evidence was substantially outweighed by the risk of undue prejudice under Rule 403, and strongly suggested but didn't hold that the packets constituted improper character evidence under Rule 404.

*In Re State Ex Rel. Kim Ogg*, Nos. 14-20-00451-CR, 14-20-00452-CR, 14-20-00453-CR, 14-20-00454-CR (Tex. App. - Houston [14th Dist.] Oct. 27, 2020)

- The Fourteenth Court of Appeals denied the State's applications for writs of mandamus and prohibition seeking to prevent a bench trial without the State's consent. The court held that the Texas Supreme Court's emergency order permits trial courts to modify or suspend the need for the State's consent to waive a jury trial, noting that the State does not have a constitutional right to trial by jury.

*Clark v. State*, No. 02-19-00131-CR (Tex. App. – Fort Worth, Oct. 8, 2020) (not designated for publication)

- The Second Court of Appeals reversed a conviction for continual sexual abuse of a child because the evidence was insufficient, where the child's testimony did not establish that the instances of abuse took place over a period of 30 days, and the factfinder would have had to improperly speculate to believe the State's timeline beyond a reasonable doubt.

*Mobler v. State*, No. 02-19-00398-CR (Tex. App. – Fort Worth, Oct. 15, 2020) (not designated for publication)

- The Second Court of Appeals reversed one conviction for indecency with a child by contact where the accused was convicted of two lesser included offenses stemming from the same count in the indictment. The court relied on Texas's longstanding common law rule prohibiting more than one conviction per count in the indictment.

*Johnson v. State*, No. 06-19-00222-CR (Tex. App. - Texarkana, Oct. 8, 2020) (not designated for publication)

- The Sixth Court of Appeals reversed convictions for aggravated sexual assault of a child because the trial court erred by admitted into evidence hundreds of pornographic images and web search results from the accused's cell phone. Even though the child claimed that the accused showed her some of these photos immediately prior to the assault, the court held that the images were improper character evidence barred by Rule 404 and also served to inflame and distract the jury with limited probative value.

*Martin v. State*, 07-19-00082-CR (Tex. App. - Amarillo, Sep. 28, 2020) (not designated for publication)

- The Seventh Court of Appeals reversed a conviction for unlawfully carrying a weapon while a member of a criminal street gang due on grounds of insufficient evidence. While there was evidence that the accused was the member of a motorcycle gang linked with various criminal activity, the State failed to present any evidence that the accused was personally involved in the commission of criminal activity with the gang, as required by the statute.

*Swansey v. State*, Nos. 09-18-00342-CR, 09-18-00343-CR, 09-18-00344-CR, 09-18-00345-CR, 09-18-00346-CR, 09-18-00347-CR, 09-18-00348-CR (Tex. App. - Beaumont, Oct. 14, 2020) (not designated for publication)

- The Ninth Court of Appeals reversed in part and granted a new punishment trial in an aggravated assault case where the trial court improperly admitted during punishment jail call recordings where the accused discussed with his family his reasons for rejecting the State's plea offer, his dissatisfaction with his lawyer, and his dislike for a fellow gay inmate. These recordings bore little to no relevance to the punishment trial and were unduly prejudicial.

*Farmer v. State*, No. 10-19-00347-CR (Tex. App. - Waco, Sep. 30, 2020) (not designated for publication)

- The Tenth Court of Appeals held that a trial court may not order a new sentence to run consecutive to a prior sentence for which the accused has already been granted parole, even if that parole may get revoked as a result of the newer case. ■



### POETRY CORNER

Poetry makes the hard parts of life easier to bear, and makes the joyful parts more beautiful. Each month, Appellate Division Chief Jani Maselli Wood will share a poem that is meaningful to her in some way. If you would like to submit a poem for consideration, please email Jani.

*I met Gwendolyn Brooks when she came and spoke to my little state college in Western Massachusetts in the early 1980's. As the "secretary" of the English Society, I had the good fortune to welcome her. She is one of my favorites.*  
-JMW

"Live not for Battles Won.  
Live not for The-End-of-the-Song.  
Live in the along."

— Gwendolyn Brooks, Report from Part One

The Bean Eaters  
BY GWENDOLYN BROOKS

They eat beans mostly, this old yellow pair.  
Dinner is a casual affair.  
Plain chipware on a plain and creaking wood,  
Tin flatware.

Two who are Mostly Good.  
Two who have lived their day,  
But keep on putting on their clothes  
And putting things away.

And remembering ...  
Remembering, with twinklings and twinges,  
As they lean over the beans in their rented back  
room that is full of beads and receipts and dolls  
and cloths, tobacco crumbs, vases and fringes.

### Quod Stultus Viverra Cartoons Fresh From the Gallows



#### How To Excite Your Base for Election 2020!

- Eliminate mail-in voting
- Eliminate drive-through voting
- Shorten early voting period
- More stringent ID laws!
- Revisit poll tax?
- Bring back literacy tests!
- Close polling locations - Acres Homes, Sunnyside, etc.
- More polling locations - Kingwood, Bellaire, Cypress
- Align with President
- Distance from President
- Proud Boys - is this ok now?

*Editor's note: the political opinions expressed in Quod Stultus Viverra are not officially adopted by the HCPDO itself. It's just a political cartoon. A good one.*

### PDO PET OF THE MONTH

## WFHWD (Work from Home With Dog)

NICHOLAS SMITH, APD MMH

Resting in the lair of Felony Trial APD Erik Locascio, we find Ivy, a rescue pup that prefers fall plaids and earth tones in time for Thanksgiving. Her favorite hobbies include sleeping comfortably on a cushion of her choice and feasting like a Queen. While Ivy enjoys her own personal interludes, with ears like this she can notice every neighbor's smallest peccadillo. She has been known to neurotically bark, alerting anyone who may be listening—including not only her human companion, but any WFH Zoom participant. 13/10 Makes you appreciate the “mute” button!



## LEGISLATIVE UPDATE

TED WOOD  
APD, APPELLATE DIVISION

### SB346 -NEW COURT COST SCHEME- THIS IS ALMOST CERTAINLY AFFECTING YOUR CASES!

Effective Date: 01-01-20 or maybe 01-01-21 (this is debatable, but it is probably 01-01-21)

Author: Sen. Judith Zaffirini (D), Laredo

Relevant Statutes: Too many to specify

This bill created an entirely new criminal court cost scheme. The bill changed the amount of the State consolidated court cost. A new “local consolidated court cost” was created. Also new are a series of “reimbursement fees” and specialized “fines” (in addition to regular fines). Many of these fees and fines are to be assessed upon conviction in a criminal case. Generally speaking, the total amount of costs and fees are higher for more serious crimes than for less serious crimes.

It is not my intention to detail all of the changes. That would take quite a number of pages and you would probably fall asleep reading it.

What I want to talk about is the date when these new costs and fees go into effect. The stated effective date of the bill is January 1, 2020. This seems straightforward until one considers the effect of Section 51.607(c) of the Government Code. That statute says:

“Notwithstanding the effective date of the law imposing or changing the amount of a court cost or fee included on the list [of new court costs prepared by the Office of Court Administration], the imposition or change in the amount of the court cost or fee does not take effect until the next January 1 after the law takes effect.”

This provision would seem to affect SB 346 by delaying the new court costs and fees by one year. Instead of an effective date of January 1, 2020, the actual effective date would be January 1, 2021. Because of Section 51.607(c), I do not believe the new costs and fees go into effect until January 1, 2021. But there are those who differ with my interpretation. This matter will likely be sorted out by the appellate courts in due time.

But let's suppose for now that the actual effective date is January 1, 2020 and that the new fees and costs became effective on that day. There is still a twist that we need know about.

The bill says the new costs and fees apply only “on conviction for an offense committed after the effective date of this Act.” The costs to be assessed on offenses committed before the Act's effective date should be those in effect when the offense was committed.

This makes things challenging for the court clerks who calculate criminal court costs. **The clerks are not supposed to assess the new costs and fees on all convictions occurring on or after January 1, 2020. They should only assess the new costs and fees on convictions in which the offense was committed on or after January 1, 2020. If the offense was committed prior to January 1, 2020, the old costs should be assessed.**

This means that clerks should be looking at every single conviction to see when it was committed. This is the only way the clerks can know what costs to assess. But this is not happening in Harris County. Instead, the district clerk's office appears to be assessing the new costs and fees in all convictions. This is an obvious error.

I am currently handling an appeal from a felony conviction in which the offense was committed in 2017. But the trial and conviction did not occur until January of this year. The district clerk calculated the costs and fees based on the new court-cost scheme outlined in SB 346. The defendant was ordered to pay \$290 in court costs and an additional \$370 in reimbursement fees. This is clearly an error because “reimbursement fees” did not exist prior to the effective date of SB 346. I have raised this problem as an issue in my appellate brief.

You will typically see a breakdown between “court costs” and “reimbursement fees” on the first page of the written judgment form. (The details of the judgment form are new to take into account the new court cost scheme.) If you see “reimbursement fees” on the written judgment and your client's offense was committed before January 1, 2020, there has been a miscalculation. I would suggest making an objection to the wrongful assessment of costs and fees. **In essence, the court has assessed court costs that do not exist. This is a problem in both felony cases and misdemeanor cases. And it is happening every day in Harris County.**

If you would like to know more about this, please feel free to contact me. I'll be happy to talk with you

## HOLISTIC DIVISION IN HIGH GEAR

*“Who knew they could even do that?” Muse Amazed Trial PD’s, Clients*

By: Dexter Midnight, Staff Writer



*A happy client shows off his newly-issued ID*

When you meet Holistic Division Chief Leslie Ginzel, you immediately feel like you’ve known her forever. She laughs easily, remembers everyone’s name, and tells funny, personal stories with a down-to-earth warmth that makes her easy to love. But once you get to know Leslie, you realize that the defining trait of her personality isn’t her friendliness, it’s her amazing ability to lead, inspire and Get. It. Done.

Even though Leslie was brought on in the middle of the pandemic, she has managed to build an entire division that is already quietly, efficiently doing major work to help clients.

For example, APD Tanya Kelley recently helped a client obtain identification- which he had never had before. “He was born in prison and didn’t even know his mother’s name, which we needed for an out-of-state birth certificate,” Leslie explains. Tanya managed to find all the information needed, made appointments at all the necessary state agencies, and even drove the client around and bought him breakfast at Denny’s while waiting for an early DPS appointment.

Holistic Division staff have also been handling asset forfeiture cases for PDO clients who have had their personal effects seized by the State, allowing clients to have their cars, cash, and other items returned. They are also humming through expunctions for past and current PDO clients who qualify- and Leslie has managed to push through a lot of understanding between agencies to frequently waive waiting periods and hefty filing fees.

In addition to all this, some of the Client Advocates are helping clients with negotiating payment plans for defaulted student loans and school enrollment, working out places for people to stay, and connecting our office with other major service providers in the community.

Trial attorneys are often not as equipped to handle non-criminal matters like this, and the goal of the Holistic Division is to increase the services provided to PDO clients as well as enable trial attorneys to do what they were hired to do- be trial attorneys.

With the increase in the number of cases trial attorneys are asked to take on, the difficulty in communication because of the pandemic, and the large number of newer lawyers coming into the office, now is really the time to be utilizing the many resources offered by the Holistic Division. Asking for help can be difficult, but attorneys should not let ego get in the way of their client’s best interest.

Leslie encourages attorneys to contact her with any ideas or client needs.

## KNIT CLUBBIN’

## NOT JUST FOR THE BIRDS



The PDO’s daring, darling Knit Club continues to meet each Tuesday at 12:30 via Zoom, and everyone is welcome!

Though knitting is not required, think how delighted your friends and family would be if you learned how to knit these tiny hats and tiny knitted birds to wear them! Or, the pattern could be modified to make whatever you want! Tiny snowmen, maybe, or disembodied thumbs? The holiday season is upon us, and Knit Club’s needles are already clacking away making gifts for our loved ones and not-so-loved ones (I’m giving my brother a pair of knitted thumbs).



## OCTOBER BIRTHDAYS

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## Chapter and Verse

### ALLISON MATHIS, APD POST-CONVICTIONS

Dear and Beloved Colleagues,

Well, here it is. We've made it through the first chapter in this behemoth of a cursed code. It's just the beginning, and I'm feeling like Lawrence Sterne's character, poor old Tristram Shandy, trying to write his wretched memoirs but each day he recalls takes him two days to write down, the insurmountable stack of memories piling up behind him as the stack of papers in front of him fails to keep up the pace. Sterne's novel in *nine* mind-numbing volumes was once the talk of the 1760's, with Shandy weighting in on everything from definitions of honor to how to best make button-holes. But now it is relegated largely to the halls of academia, where bored graduate students are forced to push through it at the behest of tenured faculty and their insistence on the importance of proper button-holing.

Today, though, today we make some real headway and we start an all new chapter. TCCP Art. 2.01 "Duties of District Attorneys." Please read along if you can, but the pertinent part is the part I will quote here, "It shall be the primary duty of all prosecuting attorneys, including any special prosecutors, not to convict, but to see that justice is done. They shall not suppress facts or secrete witnesses capable of establishing the innocence of the accused."

You see that, Kimbra Ogg? You see that Chief of Capital Misdemeanors? You see that, sleeping intake DA? PRIMARY. That means first. Your FIRST duty is to make sure justice is done. Tell me the last person at the DAO who was promoted because of their compassion, high dismissal and alternative diversion rate, and ability to see and solve problems that are creating continued interactions with the criminal courts. That's not the rubric for promotion, of course. It seems like convictions are.

I am sick of banging my head against this Article. Sick of listening to ADA's with little life or legal experience tell me what my client "deserves" with no awareness of what the State can *prove*. These yawning ADA's in their pajamas in Zoom court, casually pleading away people's lives, negotiating years like dollars, like a kid's poker game for candy.

Y'all, this is ridiculous. It's too easy to go blind to it when we do it every day, but this is literally absurd. As our office grows, we need to forge together into a more powerful force. The private bar has long let political infighting and competition for appointments prevent them from wielding the power that the defense bar should have in matters of how our clients are treated and how we are treated.

Now that we are taking more and more appointments and judges have less and less ability to do much about that, we are in dire need of actual, orchestrated leadership from line attorneys as well as from the heads of our divisions (Why isn't everyone invited to every CLE? Why are we restricting knowledge? Why are we separating into factions rather than leaning on each other's different skill sets? Don't we all have the same goal here?), and that make clear, firm demands from the DAO about what we expect and when we expect it.

No matter how many cases a public defender carries, an ADA will always carry more. We have the power to set things for trial, to give those bastards motion sickness, to challenge and claw and fight each step of the way if we don't get what we want. I'm not talking about inefficiency- I'm talking about **extreme efficiency**. Learning the law, learning the things we can do for our clients and how we can do them in a way that is heard, that is effective, and that is not just waiting until the next setting to try and ask the DA for discovery again and then getting a reset. We need training and unification. We all have something to offer this office and the other people in it. Part of the reason the DAO handles things the way they do is because we let them. We are a legion of skilled, educated professionals with a lot of unique experience among us, and we need to demand what Kim Ogg is obligated to give our community but refuses to: Justice. We can't let those frikkin buttonholes at the DAO get in our way.

Love Always,

Allison



**THOSE DAMN COOKIES**

Appellate APD Cheri Duncan sweetens her Jury Charge Tip of the Month Submission with this offering of her famous cookie recipe. I think she's probably sending it in with the hopes that she will finally be relieved of the obligation to be the one to bring these to every occasion. Cheri writes:

*"When this recipe started circulating in the 1970s, no one was sure of their name. They were variously called Hello Dollys or Magic Cookies or some variation of either. I started calling them Those Damn Cookies because if I ever try to make something else for our office potlucks, I get complaints. So it has become my fate to be known for this single recipe, dammit."*

1 stick of butter  
 1 teaspoon vanilla  
 1 package graham crackers  
 1 small package sweetened coconut  
 1 package butterscotch chips  
 1 package semi-sweet chocoate chips  
 1 cup chopped walnuts  
 1 can Eagle brand sweetened, condensed milk  
 Melt the butter in a 9x13 cake pan, then stir in the vanilla.

Crush the graham crackers fine, then sprinkle them evenly over the melted butter in the pan. Evenly layer each other dry item, in the order listed above, over the graham crackers. Drizzle the can of sweetened, condensed milk on top.

Bake at 375 degrees for about 15-20 minutes until edges are browned and chips are soft. Allow to cool a bit, then cut into squares and remove from pan. I usually wind up scoring the squares while the pan cools, then finishing the cutting process after they're near room temperature.



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