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NORTH TEXAS

GRACE E. SHIN APPELLATE & POST-CONVICTION ATTORNEY • ILLICH
& SHIN • 20+ YRS REPRESENTING THE STATE ON APPEAL • NORTH
TEXAS

SHE SPENT TWO DECADES WORKING TO PROTECT CONVICTIONS. NOW SHE CHALLENGES THEM.

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For most of her career, Grace E. Shin's job was to protect convictions.

For more than twenty years, she worked in the Appellate Division of the Dallas County District Attorney's Office — the side that argues the jury got it right. When a defendant appealed, claiming the judge admitted evidence that shouldn't have come in, or that the record showed a constitutional violation, Shin was often the attorney on the other side, arguing that there was no error or that any error was harmless. She did that work before the intermediate Texas courts of appeals and the Texas Court of Criminal Appeals, in cases that ranged from low-level misdemeanors to capital murder convictions where the death penalty was on the table.

That is an unusual foundation for an attorney who now wants to help families on the other side of the appeal. It is also, she would argue, exactly the point.

An appeal is not a second trial. It is one of the most misunderstood moments in the justice system, and the misunderstanding is where families lose time they cannot afford to lose. Now practicing on the defense side alongside appellate attorney Niles Illich, Shin's work is built around correcting that misunderstanding — and around a rarer foundation: two decades spent defending the convictions she now challenges.

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AN APPEAL IS NOT A RETRIAL

The first thing families get wrong is the most consequential.

“Appeals are not about relitigating facts or having a second look at the evidence. Appeals are about whether the trial court’s legal rulings were correct — and whether the erroneous rulings improperly led to the conviction.” — Grace E. Shin

When a loved one is convicted, the instinct is to re-argue what happened — the witness who lied, the alibi no one believed, the evidence the jury ignored. But an appeal does not put those facts back in front of a new jury. An appellate court does not hear testimony, does not weigh credibility, and does not decide guilt or innocence over again. It reviews the *record* — the written transcript and rulings from the trial that already happened — and asks a narrower question: did the trial court follow the law, and does the record support the rulings it made?

That distinction sounds academic until you understand what it costs a family to learn it late. A defendant who spends the appellate window insisting the appeal should relitigate the facts is spending the one asset an appeal cannot replace: time. In Texas, the deadline to file a notice of appeal can be as short as 30 days from sentencing, and missing it can foreclose the direct appeal entirely.

Two decades of responding to appeals for the State has refined Shin’s ability to review the record for potential errors, formulate arguments, and assess the likelihood of prevailing on appeal. Shin and her law partner, Niles Illich, now bring this deep understanding of the appellate process to clients.



THE PROSECUTOR'S PERSPECTIVE

Here is the part that makes a former prosecutor valuable to the defense.

For more than twenty years, Shin's job was to protect convictions from the kinds of challenges she would now raise. She briefed and argued for the State on appeal before the Texas courts of appeals and the Court of Criminal Appeals. When trial prosecutors were faced with issues to which the answers seemed unclear — whether prior to trial or during trial — Shin often provided guidance on how to navigate those issues. Shin also spent several years of her prosecutorial career assisting colleagues on trying death-penalty cases — from pretrial through trial — and then taking the lead on the post-conviction proceedings that followed. She spent years responding to arguments made by the defense in criminal proceedings.

That means she understands how the State generally builds its case and the challenges often lodged by the defense.

"The prosecutor's vantage point makes me a better appellate advocate for the defense because I can anticipate the likely response to many arguments. I can, because I've made them." — Grace E. Shin

Two concepts decide a startling number of appeals, and neither has anything to do with whether the defendant actually got a fair trial. The first is **waiver** — the rule

that if the trial lawyer did not object at the right moment in the right way, the issue can be lost for appeal, no matter how serious. The second is **harmless error** — the doctrine that lets a conviction stand even when the court agrees something went wrong, so long as the State can argue the mistake didn't change the outcome.

Prosecutors live inside those doctrines, and Shin spent her career arguing them from the State's side. On the defense side, this experience allows her to review a trial record for potential errors while recognizing the hurdles of waiver and harmless-error arguments. As her own summary of the work puts it, two decades of responding to appeals from defendants informs how Shin now challenges a conviction or sentence on appeal.

“ It is one of the most misunderstood moments in the justice system, and the misunderstanding is where families lose time they cannot afford to lose.



AN APPEAL IS NOT A RETRIAL.

It reviews the trial record and the court's legal rulings — not the facts again.

GRACE E. SHIN

Appellate & Post-Conviction Attorney
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THE SECOND LOOK: POST-CONVICTION APPLICATIONS FOR WRIT OF HABEAS CORPUS

Not every case ends when the direct appeal ends. Part of Shin's experience is post-conviction habeas writs — the collateral challenges that can come after a standard appeal.

During her time with the State, she responded to post-conviction applications for writ of **habeas corpus** in the trial courts. A writ of habeas corpus lets a convicted person challenge a conviction on grounds that never made it into the trial record — most commonly **ineffective assistance of counsel** (the argument that the defendant's own trial lawyer failed them badly enough to violate the Constitution) or **newly discovered evidence**.

This is a different animal from a direct appeal. A direct appeal is confined to the record. A habeas writ can reach outside it — to what the trial lawyer *should* have done, to evidence that surfaced too late, to constitutional violations the record alone would never reveal.

For families who have been told "the appeal is over," the existence of a second track is often news. It is also where a former prosecutor's judgment is so invaluable: having responded to these applications from the State's side, Shin understands which post-conviction claims a court will likely entertain, and which are dead on arrival — the difference between a meaningful second look and a wasted one.



WHY SHE LEFT THE STATE'S SIDE

The move from responding to defendants' appeals to raising them for the defense is not a small one, and readers will want to understand it. Shin's reasons are partly personal — the ordinary arc of a career — but three of them speak directly to the work.

The first is a matter of impact. After more than two decades inside a large institution, she no longer wanted to be a cog in the machine; she wanted her hard work and talents to make a difference in a tangible way, for individuals rather than for the State.

The second is the nature of the work itself. Criminal appeals are unusual in that it is the *State* that sits in the defensive posture, guarding a conviction already won. "I've defended convictions for over two decades," Shin says, "and I'm ready for the challenge of holding the State's feet to the fire from the other side."

The third is principle. She has always believed strongly in the right to a fair trial — which makes the move, at this point in her career, less a reversal than a natural transition.

“ Appeals are not about relitigating facts or having a second look at the evidence.



SHE PROTECTED CONVICTIONS FOR 20 YEARS.

Former Dallas County appellate prosecutor — now on the defense side of the record.

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THE PARTNERSHIP WITH NILES ILLICH

Shin's work now runs alongside Niles Illich's appellate practice at Illich & Shin, PLLC. It is a deliberate pairing.

Illich has spent his career on the defense side of appeals — the mirror image of Shin's prosecutorial background. Where he brings a defense-appellate lifetime and a scholar's approach to the written brief, she brings two decades of experience from the opposite side. Together the practice can look at a conviction from both sides of the same record at once: the arguments the defense will raise, and the procedural moves the State will likely use to try to defeat them. The partnership formally begins August 1, 2026, and the practice handles the appellate arc from direct appeal through post-conviction review. Shin also speaks conversational Korean and can guide Korean-speaking families through that arc in their own language.

THE CLOCK STARTS AT SENTENCING.

The window to preserve a direct appeal can be as short as 30 days.

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WHAT FAMILIES SHOULD KNOW NOW

If someone you love was just convicted, Shin's practical guidance comes down to a few things that do not depend on which attorney you ultimately hire.

The clock is already running. The window to preserve a direct appeal can be as short as 30 days from sentencing. The single most expensive mistake families make is treating the appeal as something to figure out later.

An appeal turns on the law and the record — not a retelling. Come in ready to talk about what the trial court *did*: the rulings, the objections, and whether the record actually supports them — not only about what you believe really happened.

“The appeal is over” may not be the end. Direct appeal and post-conviction habeas are two different roads. If the first is closed, the second may not be.

Ask whether your attorney has read the record. An honest appellate assessment starts with the actual trial transcript, not with a promise made before anyone has read a page of it.

“An appeal is usually an uphill battle for a defendant. But in close cases, a lawyer’s ability to identify issues and formulate arguments in a clear and persuasive manner can make all the difference in the outcome of an appeal.” — Grace E. Shin

“ Appeals are about whether the trial court’s legal rulings were correct — and whether the erroneous rulings improperly led to the conviction.” — Grace E.



ABOUT GRACE E. SHIN

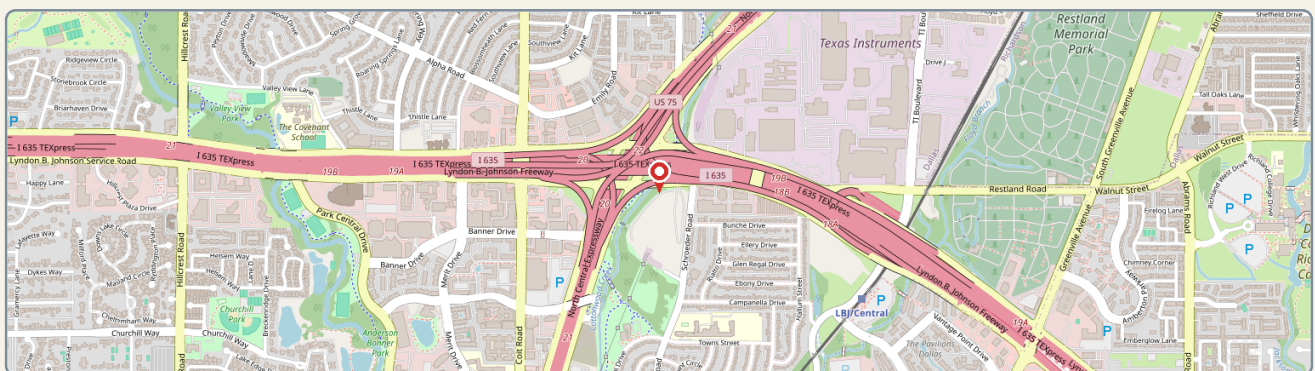
Grace E. Shin is an appellate and post-conviction attorney serving North Texas, in partnership with attorney Niles Illich at Illich & Shin. After more than twenty years representing the State in the Appellate

Division of the Dallas County District Attorney's Office – in cases ranging from misdemeanors to capital murder – she now brings that insider perspective to the defense side. She also speaks conversational Korean. A native of Queens, New York, she holds a B.A. in studio art from the University of Texas at Austin and a J.D. from SMU Dedman School of Law.

Learn how an appeal is evaluated at appealstx.com.

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