



UNIVERSITY OF HOUSTON INNOCENCE PROJECT OCA BIENNIAL REPORT (06/01/23 – 12/31/23): PROJECT NARRATIVE

The University of Houston Innocence Project (UHIP), founded by Professor David R. Dow, works to exonerate innocent inmates who did not commit the crimes for which they were wrongfully-convicted.

In order to fulfill its mission, UHIP evaluates, investigates, and litigates claims of actual innocence. Letters from inmates and their agents are initially reviewed to ascertain whether there is an actual innocence claim that falls within project parameters.¹ If so, UHIP requests additional information to provide a better understanding of the inmate's case and the basis of his² innocence claim. Upon receipt of this information, UHIP reviews the case file to determine whether there is any viable evidence not previously examined by the trial fact-finder³ that would indicate that the inmate was wrongfully convicted. If there is, UHIP attempts to locate the exonerating evidence. Once evidence of actual innocence has been established, located, and verified, UHIP provides post-conviction legal assistance to wrongfully-convicted inmates by filing petitions for a writ of habeas corpus at the state and/or federal level and/or a clemency petition.

University of Houston Law Center (UHLC) students are integral to the success of UHIP. Students enroll in a semester-long Innocence Investigations class taught by Professor David R. Dow, Cullen Professor of Law, and Legal Clinic Supervisor/Adjunct Professor Cassandra Jeu. UHLC offers Innocence Investigations during the Fall, Spring, and Summer semesters. Like all clinics at UHLC, the Innocence Investigations class contains a substantive and practical component. UHLC and other students⁴ are also eligible to participate in UHIP's internship program during the fall, spring, and summer semesters.

During the substantive portion of the course/internship, students are trained on how to assess the viability of actual innocence claims; perform fact-based investigations; and seek post-conviction relief based on actual innocence. To further these objectives, students study Texas law (encapsulating both criminal statutes and case law), post-conviction relief at the

¹ See *infra* pages 2–3 for additional information with respect to UHIP parameters.

² For purposes of this report, UHIP uses the pronoun “him,” because the vast majority of requests come from male inmates. UHIP reviews, investigates, and litigates innocence claims made by all inmates. UHIP uses an inmate's legal name on the envelopes of all of its outgoing correspondence, in order to conform with Texas Department of Criminal Justice (TDCJ) guidelines and requirements.

³ *i.e.* – the trial court judge in a bench trial or the jury in a jury trial. In the event the defendant was convicted pursuant to a plea bargain, all evidence is considered “new” for UHIP purposes, since the evidence has yet to be considered in court.

⁴ Although internships are available to undergraduate students and graduate students from any discipline, the vast majority of students participating in UHIP internships are UHLC students. Regardless, to account for the fact that UHIP accepts non-UHLC student interns, this report will refer to all students and interns collectively as “students.”



judiciary and executive levels, and criminal procedure at both the state and federal levels. Students utilize specific investigation skills, including: locating witnesses, conducting witness/inmate interviews, obtaining and reviewing records and physical evidence, and understanding and interpreting evidence (*e.g.*, autopsy/police/DNA reports). In addition, students are taught how to draft legal documents related to criminal appellate work, such as: Chapter 64 motions, state habeas petitions, federal habeas petitions, and clemency applications. Finally, students identify the causes of wrongful convictions (*e.g.*, eyewitness misidentification, junk science, false confessions, etc.) and potential policy reforms that could assist in minimizing them. The substantive portion of the course/internship provides students with the necessary foundation to evaluate, investigate, and litigate inmates' actual innocence claims.

By studying the causes of wrongful convictions and the ways to avoid them, students who plan on practicing criminal law learn best-practices to avoid wrongful convictions throughout their careers. Students who plan to practice other types of law (and even those who choose not to practice law) gain important knowledge about the legal system, which may advance and eventually result in future criminal justice reforms. All students participating at UHIP come from their experiences with increased empathy for all actors in the criminal justice system, increased practical knowledge with respect criminal investigation and law, and increased motivation to both avoid wrongful convictions and correct them when they occur.

During the practical component of the course/internship, students utilize their skills and knowledge by evaluating, investigating, and assisting in the litigation of actual innocence claims.

Prior to student involvement, UHIP staff initially assesses correspondence received by inmates and their agents in order to determine whether there is an actual innocence claim that fits within project parameters. UHIP does not accept cases where:

1. the inmate's conviction (by trial or plea bargain) and/or direct appeal has not been completed;⁵ or
2. the inmate has been sentenced to death;⁶ or
3. the inmate's claim is based solely on constitutional/procedural violations;⁷ or

⁵ UHIP's funding mandate specifies that "[f]unding shall be used to provide direct assistance to investigate actual innocence cases *post-conviction* and to pursue relief for defendants with credible claims of actual innocence...." *Office of Court Administration, Rider 5d (Texas Indigent Defense Commission, Innocence Projects), Texas S.B. 1, General Appropriations Act, 87th Legislature, Regular Session (2023)*. UHIP defines "post-conviction" to include an inmate's direct appeal, since indigent criminal defendants can request appointed appellate counsel on direct appeal.

⁶ UHIP's funding mandate prohibits work on death-penalty cases. *Id.* This prohibition is assumedly due to the fact that death-row inmates have appointed appellate counsel through the state and habeas process, while non-death-penalty inmates do not.



4. the inmate has fully discharged his sentence, even if the wrongful conviction is later used to enhance sentencing in an unrelated crime;⁸ or
5. the inmate is seeking civil damages for wrongful prosecution, conviction, and/or imprisonment, including but not limited to, cases brought under Chapter 103, Civil Practices and Remedies Code, and 42 USCS Section 1983;⁹ or
6. the inmate is seeking general legal assistance unrelated to an innocence claim;¹⁰ or
7. the innocence claim is related to an incident that did not lead to a criminal conviction, but rather led to the revocation of an inmate's probation/parole;¹¹ or
8. the innocence claim is related to a correctional department's disciplinary actions; or
9. another innocence project is currently investigating the inmate's case.¹²

⁷ While successful litigation of a stand-alone constitutional claim may invalidate an inmate's arrest/conviction, it would result in legal innocence (*i.e.* – the inmate should not have been arrested/convicted), rather than actual innocence (*i.e.* – the inmate factually did not commit the acts constituting the crime for which he was wrongfully convicted.). As discussed *infra* on page 10, TIN will litigate constitutional/procedural violations only if they are conjunction with a persuasive actual innocence claim.

⁸ An exception exists where a defendant would not be in prison, but for the previous offense. For example, a defendant convicted of various sexually-based offenses is required to register as a sex offender, following the completion of the sentence. UHIP will look into the underlying sexually-based offense, even if the sentence has been completed. This is because sex offender registration has wide-reaching implications in terms of a person's personal relationships, housing, and work. More important, if an inmate were innocent of the underlying crime, the registration requirement would not exist.

Similarly, if an inmate is currently in prison for a "Possession of a Firearm by a Felon" conviction and is claiming actual innocence for his prior felony conviction(s), UHIP will look into the case. The underlying logic is that if the defendant did not prior felony convictions, then he would not have been barred from possessing a firearm, thereby negating the "Possession of a Firearm by a Felon" conviction as well.

A final exception exists if an inmate's sentence is discharged while UHIP is in the process of working on the case. UHIP will not automatically terminate a case once an inmate discharges his sentence. That having been said, the inmate must provide UHIP with contact information once he leaves state/federal custody. If an inmate leaves TDCJ custody without providing updated contact information, UHIP will terminate the case. However, if UHIP is subsequently provided with updated contact information, it will reopen the case at that time.

⁹ UHIP's funding mandate forbids any type of work on civil cases related to wrongful convictions. *OCA Rider 5d, supra* note 5. In the event that UHIP works on a case where an inmate is exonerated, it refers the inmate to an experienced criminal attorney who will provide *pro bono* assistance in seeking state-funded compensation or compensated assistance in seeking general civil remedies. General civil suits and section 1983 actions usually involve damages that exceed state statutory maximums.

¹⁰ *e.g.* – Family law, probate, torts, legal research, criminal issues unrelated to an actual innocence claim (*e.g.* – Fourth Amendment search and seizure), etc.

¹¹ Parole/probation revocation involves a specific area of administrative law that falls outside of UHIP's scope and expertise. As indicated above in Note 5, *supra*, UHIP's work is limited to post-conviction proceedings. Parole/probation revocation does not require a criminal conviction. If an inmate has been convicted of a crime that has led to a revocation of parole/probation, UHIP would investigate and litigate the actual innocence claim, as it would any other case. However, UHIP would seek an outside attorney specializing in parole/probation to litigate the revocation aspect.

¹² If the Texas A&M Public Policy and Research Institute (PPRI) database shared by all Texas innocence projects indicates that another project has sent the inmate a questionnaire but has not yet moved the case to investigation, UHIP will also send the inmate a questionnaire. This is because each project has different intake/screening times, depending on capacity. Once UHIP receives the completed questionnaire, it again



UHIP investigates cases involving DNA evidence, as well as cases where there is no DNA evidence. UHIP also accepts cases where an inmate has pled guilty/nolo contendere. However in these cases, an inmate's innocence claim generally must contain physical evidence, a victim recantation, or evidence of widespread problems¹³ in order to proceed to litigation. When it passed legislation that permitted post-conviction DNA testing of physical evidence in cases where the defendant had previously pled guilty,¹⁴ the Texas Legislature apparently considered the fact that approximately five percent of DNA exoneration cases contained a guilty plea.¹⁵ Texas law implicitly acknowledges that someone who has pled guilty may, in fact, be innocent of the crime for which he was convicted.¹⁶ Nonetheless, in cases that do not contain DNA evidence, District Attorney's offices and courts generally argue that a guilty plea contains a defendant's acknowledgment of having committed the crime, and that this "confession" is sufficient to sustain a conviction. This completely ignores the fact that 95% of all felony convictions occur pursuant to a guilty plea; and that eighteen percent of all exonerees pled guilty to crimes they did not commit.¹⁷

Innocence projects generally receive requests for assistance in three ways. In the great majority of cases, inmates and their agents (*e.g.* – friends or family) call or write UHIP and state that they were wrongfully convicted and are actually innocent. The second method is a case referral from defense attorneys. These referred cases are often ones where a defense attorney lost the case at trial, but believe in their client's actual innocence. The trial attorney wants someone to continue working towards their client's exoneration, but does not have the time/financial resources/appellate experience/etc. to work on the case themselves. With referred cases, an attorney asks UHIP either to take over a case in its entirety or to consult/assist with the attorney's ongoing effort to further the client's actual innocence claim. In the third method, projects are made aware of forensic issues and work on cases being spearheaded by other organizations.

The acceptance of DNA as evidentiary proof has led to a dwindling number of exonerations based on DNA testing. Texas law already provides a mechanism by which inmates can request post-conviction DNA testing under certain circumstances.¹⁸ Consequently, the

consults the PPRI database and proceeds accordingly. See page 8 of this report, *infra*, for additional information pertaining to UHIP's methods to avoid duplication.

¹³ For example, if a police officer is found to have planted evidence in a Possession of a Controlled Substance case, all of the officer's similar cases would come under scrutiny.

¹⁴ Tex. Code Crim Proc. Ch. 64.03(b).

¹⁵ <https://innocenceproject.org/exonerations-data/> (last visited Jan. 29, 2024.)

¹⁶ "A convicted person who has pleaded guilty or nolo contendere or, whether before or after conviction, made a confession or similar admission in the case may submit a motion [for post-conviction DNA testing] under this chapter, and the convicting court is prohibited from finding that identity was not an issue in the case solely on the basis of that plea, confession, or admission, as applicable." Tex. Code Crim Art. 64.03(b).

¹⁷ <https://guiltypleaproblem.org>. (Last visited Jan. 29, 2024.)

¹⁸ Specifically, physical evidence subject to DNA testing (*e.g.*, blood, semen, etc.) must: (1) have been collected at the scene and been available at the time of trial; and (2) not have been previously tested, be subject to newer,



number of older cases that still have physical evidence subject to post-conviction DNA testing continues to diminish, as more and more of the older cases containing testable DNA are litigated and resolved. Quite simply, there will eventually be a time where older cases containing DNA evidence that might lead to exoneration will run out. Moreover, the need for UHIP involvement in DNA cases has diminished, given the increase of Conviction Integrity Units at local district attorney's offices throughout Texas. An innocence project's involvement is unnecessary when a district attorney's office is in the process of actively investigating a defendant's innocence claim. Also, as inmates become increasingly aware of the nuances surrounding Chapter 64 of the Texas Code of Criminal Procedure, inmates can file *sua sponte* Chapter 64 Motions and request an appointed attorney,¹⁹ thereby bypassing innocence project involvement.

Over time, the number of cases involving DNA retesting will diminish, as well. As Professor David R. Dow noted to *The Atlantic*:

I think we've kind of reached maximum velocity on how much better the technology can get.... And so what that means in terms of innocence work is that you're not going to have cases where you can do testing five or ten years from now that you can't do today.²⁰ And so if the biological material is collected, it's obviously going to be tested before the trial occurs.²¹

Although there have been advances in DNA technology, the advances do not improve the results of past testing methods. Rather, recent technological advances result in the ability to perform DNA testing on previously untestable samples.²² This is most helpful in cold cases where law enforcement previously did not have a suspect and/or in cold cases where there had been insufficient evidence to arrest a suspect. It is not as helpful in cases where DNA

more accurate testing, or have been previously tested at a lab that was subsequently shown to have engaged in faulty testing techniques. Tex. Code Crim. Proc. Art. 64.01(a)–(b).

¹⁹ *Id.* at 64.01(c).

²⁰ Professor Dow refers to one of the avenues under which defendants can request post-conviction DNA testing, pursuant to Texas Code of Criminal Procedure section 64.01(b)(2)(A). Specifically, a criminal defendant may request post-conviction DNA testing of evidence that was previously subjected to DNA testing, but can be retested subject to newer techniques “that provide a reasonable likelihood of results and probative than the results of the previous test....” *Id.* at 64.01(b).

Please note that Professor Dow's stated thesis pertains only to cases that might require *re*-testing of physical evidence in order to obtain more exact results. Since current test results are highly exclusionary when there is a sufficient sample available, current DNA test results will stand and further testing would not be necessary. Moreover, the number of cases based on older DNA testing will continue to diminish, given that there are an increasingly finite number of cases involving older testing methods where physical evidence still exists.

²¹ <https://www.theatlantic.com/ideas/archive/2021/06/innocence-project-death-row/619132/> (last visited Jan. 29, 2024.)

²² May, Mary, *Next Generation Forensics: Changing the role DNA plays in the justice system*, Harvard University Science Policy Blog (November 9, 2018), available at: <https://sitn.hms.harvard.edu/flash/2018/next-generation-forensics-changing-role-dna-plays-justice-system/> (Last visited Jan. 29, 2024).



testing had been previously performed and results had not excluded the defendant to a significant degree. District Attorney's offices and Courts could easily conclude that DNA testing on previously untested pieces of evidence might lead to alternative suspects but would not conclusively show that no juror would have voted to convict.²³

Finally, physical evidence in current criminal cases is often subjected to testing before trial, rendering post-conviction testing unnecessary. Law enforcement agencies and/or district attorney's offices test evidence, knowing that modern jurors expect scientific testimony.²⁴ In the event law enforcement and/or a District Attorney's Office does not test physical evidence, defense attorneys are more consistent about requesting and courts are more consistent about granting DNA testing prior to trial, in the event that test results might be exclusionary. Thus, there are fewer and fewer recent cases where post-conviction DNA testing is even necessary. While wrongful convictions will continue to occur, it is likely that they will not involve as many cases where there is physical evidence subject to post-conviction testing.

UHIP volunteers to work on non-DNA forensic cases (*e.g.* – hair microscopy, bite mark analysis, etc.) but is rarely needed to look into them, given the number of conviction integrity units, organizations, and law firms already reviewing them. UHIP occasionally receives requests pertaining to non-DNA forensic evidence from inmates who have been contacted by the Texas Forensic Science Commission (TFSC) about the possibility of an issue pertaining to forensic evidence presented in their cases. In its correspondence, TFSC suggested that the inmate contact an attorney or innocence project. When this type of request occurs, UHIP follows its normal protocols with respect to screening, investigation, and litigation. When reviewing non-DNA forensic cases, UHIP must examine both the veracity of the testing and testimony, and the weight the forensic evidence presented at trial. Even if UHIP identifies an issue with the forensic testing and/or testimony, a conviction

²³ For example, take a case where a woman was sexually assaulted, then strangled to death with a piece of rope. There were no witnesses to the crime. DNA testing on pieces of evidence taken from the sexual assault kit indicated that the probability that semen taken from vaginal swabs is consistent with anyone but the defendant was 1 in 1,327,000,000,000. The rope was not tested at the time of trial, because there was an insufficient physical sample from the rope available for testing. Even though recent advances in DNA technology would permit testing on skin samples taken from the rope, identifying a different suspect might only indicate that someone else handled the rope at an unknown point in time. At most, it could be theorized that both parties were present during the time of the crime. Subsequent testing would not conclusively exonerate the inmate, since previous DNA testing did not exclude him.

²⁴ This expectation is commonly called “the CSI Effect,” in accordance with the popularity of the television series “CSI” and its progeny. Christoloukas, Nikolaos and Mitsea, Anastasia, *The CSI Effect in Forensic Odontology. A Systematic Review*, 40(2) *J. Forensic Odontostomatol* 38–43 (Aug. 2022), available at [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9942796/#:~:text=The%20%22CSI%20effect%22involves%20the.supported%20in%20court%20\(12\).](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9942796/#:~:text=The%20%22CSI%20effect%22involves%20the.supported%20in%20court%20(12).) (last visited Jan. 29, 2024).



would stand if there was other evidence presented at trial that still could have resulted in a conviction.²⁵

Although UHIP acknowledges and appreciates that taking over cases referred by defense/trial attorneys are more likely to lead to litigation and possible exonerations, it determined that all indigent defendants should have equal and shared access to UHIP services. This provides parity between all indigent defendants. The Texas Indigent Defense Commission (TIDC) “safeguards liberty by ensuring that Texas and its 254 counties provide the right to counsel guaranteed by the United States and Texas Constitutions.”²⁶ In line with this goal, rather than choosing specific types of cases in order to maximize potential litigation, UHIP equalizes referred cases with cases brought by the public at large. By doing so, UHIP provides unbiased assistance to as many people as possible throughout all of Texas’ 254 counties, rather than to a few pre-selected individuals and cases.

If a claim falls within UHIP parameters, the inmate is sent a questionnaire requesting additional information regarding the innocence claim. An inmate may bypass the initial intake process by completing a Texas Prisoners’ Innocence Questionnaire (TPIQ) and sending it directly to UHIP. Inmates may find copies of the TPIQ, a form questionnaire approved by all the Texas innocence projects, in their prison library or on the TIDC website.²⁷ Likewise, an inmate’s agent may obtain a copy of UHIP’s questionnaire by contacting UHIP and requesting a copy or by accessing an older copy of its questionnaire on its website.²⁸

²⁵ For example, take a case where someone was robbed at gunpoint outside his home. The perpetrator shot at the victim and took his wallet. Bullet mark analysis was performed on the spent bullet/casing and an analyst testified at trial that testing proved that a gun found in the defendant’s car “absolutely and positively fired the bullet. The testing performed was essentially a gun DNA test.” This is a complete overstatement of the forensic evidence, given that ballistics testing is a comparative analysis. At most, an analyst should state that markings found from the evidence collected at the crime scene is *consistent* with markings made when firing the gun found in the defendant’s car.

If this forensic evidence was the only evidence presented at trial, then it is clear that the faulty testimony must have been given great weight by the fact-finder. However, if an examination of the trial transcript indicates that the victim’s neighbor had a home-security video system that clearly showed the defendant’s face and that the victim identified the defendant as someone from his high school, then it is clear that there would have been sufficient evidence to convict the defendant even without the forensic testimony.

²⁶ <http://www.tidc.texas.gov/about-us/what-we-do/> (last visited Jan. 29, 2024.)

²⁷ <http://www.tidc.texas.gov/media/8d87a24363c687e/innocence-project-standard-questionnaire.pdf>. (last visited Jan. 29, 2024.)

²⁸ http://texasinnocencenetwork.com/wp-content/uploads/2014/02/TIN_Questionnaire.pdf. (last visited Jan. 29, 2024.)

Please note that the Texas Innocence Network website is admittedly outdated, as it references Adam Ward and Jack Smith as two of its current death penalty cases. http://texasinnocencenetwork.com/?page_id=37 (last visited Jan. 29, 2024.) Mr. Ward was executed in March 2016 and Mr. Smith died of natural causes in April 2016. https://www.tdcj.texas.gov/death_row/dr_executed_offenders.html (last visited Jan. 29, 2024) and



Once a questionnaire is returned, UHIP staff first ensures that another innocence project is not currently investigating an inmate's case. UHIP shares the Texas A&M Public Policy Research Institute (PPRI) database with all Texas innocence projects. As a general rule, innocence projects will not duplicate investigative efforts and make every effort to avoid this from potentially occurring, in order to maximize projects' time and resources.

If the PPRI database indicates that another project has sent an inmate a questionnaire but has not yet started screening the case, UHIP will continue working on the case. This is because project backlog and student enrollment differs project-to-project and semester-by-semester. Thus, it is possible that even if a different project received an inmate's questionnaire before UHIP, that project is working on other cases and would not be able to screen the inmate's case before UHIP would be able to screen the case. Once UHIP screens the inmate's case, UHIP updates the PPRI database to indicate if a case has been sent to investigation or has been terminated. This provides all projects with current information, so that projects may manage their cases accordingly.

If the PPRI database indicates that another project is currently investigating a case, UHIP immediately contacts the other project and offers to assist the other project with the investigation in any way possible. UHIP is always willing to collaborate with other projects in whatever support capacity is needed and requested. If the other project does not require assistance at the time, UHIP sends the inmate's paperwork to the other project. UHIP then informs the inmate that we have terminated his file in our records due to the fact that another project is actively investigating the case, and that he should contact the other project for future updates.

If the PPRI database indicates that another project has already investigated (and subsequently terminated) an inmate's case, UHIP contacts the other project to discuss the case.²⁹ If the inmate is presenting the same new/exculpatory evidence to UHIP that the other project already looked into, UHIP will not investigate the case. UHIP will begin an

<https://www.seattletimes.com/nation-world/oldest-inmate-on-texas-death-row-dies-of-natural-causes/> (last visited Jan. 29, 2024).

While the questionnaire found on the Texas Innocence Network website has been updated, it still requests the fundamental information necessary to look into an inmate's innocence claim. Therefore, UHIP can and will screen cases based on this older questionnaire, asking for additional information from the inmate at a later time, as needed.

²⁹ Of course, if another project is looking into a case that UHIP previously investigated and terminated, UHIP gladly shares information with the project in order to avoid duplicative, needless effort. Communication between innocence projects is permitted, since inmates sign a waiver when they initially request assistance from innocence projects. The waiver allows case information to be shared between projects. Since all innocence projects provide legal aid, these communications are considered attorney work product for purposes of the Texas Disciplinary Rules of Professional Conduct and are therefore privileged conversations not subject to open record requests.



investigation only if there is new, exculpatory evidence that was not looked into by the other project (*e.g.* – there have been changes in scientific testing; a witness who previously could not be located/had been unwilling to testify recently came forward; etc.). In the event that a new investigation is warranted, UHIP will request the case file from the project that previously looked into the case and offer to collaborate with that project.

Once UHIP determines that an investigation would not be duplicative, students review an inmate's case file in order to assess and evaluate the viability of the actual innocence claim. This process requires students to understand the statutory basis of the crime for which the inmate was convicted, the evidence found during the law enforcement investigation, the evidence presented at trial by both the State and the defense, the inmate's narrative of events, and the new/exculpatory evidence that the inmate says would exonerate him.

In assessing the viability of an inmate's innocence claim, students first ensure that an inmate is claiming actual innocence. If an inmate claims only legal innocence (*e.g.* – improper search and seizure, lack of probable cause, indictment issues, double jeopardy, prosecutorial misconduct, etc.) but not actual innocence (*i.e.* – he did not commit the crime for which he was wrongfully convicted), UHIP terminates the case. Likewise, UHIP will not investigate a case if the inmate's actual innocence claim would still result in conviction based on the law of the parties. For example, if an inmate was convicted based on the State's theory that he was the gunman in an aggravated robbery of a convenience store clerk, but his innocence claim is based on his assertion that was the getaway driver and did not have a gun, the inmate would still be guilty of aggravated robbery under Texas law. Consequently, UHIP would terminate the case.

Once UHIP staff and students determine that the inmate is claiming actual innocence and does not have a law of the parties issue, they review readily available case documents—including, but not limited to: the inmate's correspondence and questionnaire, available appellate briefs/opinions, and online research—to determine whether there is any potential new evidence would tend to show that the inmate did not commit the crime for which he was convicted.³⁰ If there is no potential new evidence or the potential new evidence would not overcome the evidence presented at trial or the guilty/nolo contendere plea, the innocence claim is not viable and the case is terminated.³¹ However, if proposed new

³⁰ The inmate usually informs UHIP of potential new, exculpatory evidence. However, UHIP students and staff can independently identify potential new, exculpatory evidence while reviewing the inmate's file.

³¹ It must be emphasized that the decision to terminate a case focuses on the availability and strength of the potential new, exonerating evidence compared to the evidence presented at trial or the guilty/nolo contendere plea. By terminating a case, UHIP is not providing an opinion with respect to an inmate's guilt or innocence. UHIP is only saying at this stage that there is insufficient new, exculpatory evidence to indicate the inmate was wrongfully convicted.

For obvious reasons, UHIP must terminate a case if there is no potential new, exculpatory evidence. Inmates and their agents may question the strength of the evidence presented at trial, pointing out things like



evidence would indicate that the inmate was wrongfully convicted or if there is insufficient information to make a determination, the case is passed to investigation. UHIP's staff attorney oversees all aspects of student screening to ensure that all viable innocence claims are being investigated. When needed, she also screens cases to avoid potential backlogs at the screening stage.³²

Once a case has been passed to investigation, students look into inmates' actual innocence claims in order to obtain the evidence that would indicate that an inmate was wrongfully convicted. UHIP's staff attorney directs and oversees this student work, which may include: record collection, evaluating police/lab/medical/autopsy/arson/etc. reports, researching medical/scientific claims (*e.g.* – shaken baby syndrome), locating witnesses, interviewing witnesses, obtaining testing of physical evidence, etc. As with screeners, UHIP's staff attorney takes part in investigating cases when needed.³³

After exonerating evidence is identified, located, secured, and verified, UHIP staff and students assist wrongfully inmates in obtaining post-conviction relief through state/federal habeas proceedings, the clemency process, or both. As mentioned earlier, UHIP seeks to exonerate individuals who did not commit the crime for which they were wrongfully convicted. Consequently, it will not seek post-conviction relief if an inmate claims only legal innocence.³⁴ However, if an inmate has both a viable actual (*i.e.* – factual) innocence claim and one or more viable legal innocence claim(s) (*e.g.* – ineffective assistance of counsel), UHIP will present both the factual and legal claims during legal proceedings, with the innocence claim at their foundation.³⁵

inconsistencies between a witness' original statement to police and subsequent trial testimony. However, it is up to the defendant's trial attorney to point out potential inconsistencies to the fact-finder. It is then up to the fact-finder to weigh the strength/weakness/importance of the evidence.

³² This most often occurs between semesters, during periods of lowered student enrollment, and/or in the event of a large, sudden influx of inmate questionnaires.

³³ As with screeners, this typically occurs between semesters until students are sufficiently trained to investigate cases and during periods of lowered student enrollment. In addition, UHIP staff takes a large role in investigating more complex cases requiring specialized knowledge and cases nearing litigation. Students assist on these cases but are not assigned to be the primary investigator.

³⁴ (*e.g.* – improper search and seizure, lack of probable cause, indictment issues, double jeopardy, prosecutorial misconduct, etc.)

³⁵ That having been said, UHIP reserves the right to file clemency proceedings other than for a Pardon Based on Actual Innocence. This is because the Texas Board of Pardons and Paroles requires *either* evidence of actual innocence from at least two trial officials (*i.e.* – the District Attorney, head of the arresting/investigating Law Enforcement Agency, and/or trial judge) *or* Findings of Facts and Conclusions of Law from the district judge in state habeas proceedings indicating actual innocence in order for an inmate to even apply for a Pardon Based on Actual Innocence. (https://www.tdcj.texas.gov/bpp/exec_clem/Pardon_for_Innocence.html. Last visited Jan. 29, 2024.) If UHIP conducts a full investigation and locates exonerating evidence but cannot garner sufficient trial official support to proceed with a Full Pardon Based on Actual Innocence, it might instead assist an inmate request clemency on other grounds (*e.g.* – a Conditional Pardon).



Moreover, UHIP seeks post-conviction relief only when its attorneys determine that the case contains persuasive evidence of actual innocence that can meet the exacting standards set by the judiciary and/or the Texas Board of Pardons and Paroles. It is important to note that UHIP bases its own standard with respect to investigation and litigation on the Texas rules of professional responsibility as pertains to attorneys³⁶ and Texas Court of Criminal Appeals' case law.

Texas Rule 3.01 specifies that a “lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that is not frivolous.”³⁷ Attorneys have a duty not to abuse legal procedure. In addition, all courts prohibit the filing of frivolous documents, whereby the attorney is unable to make a good faith argument that the filing is consistent with existing law.

The current legal standard with respect to claims of actual innocence was set by the Court of Criminal Appeals (“CCA”) in *Ex Parte Elizondo*.³⁸ The CCA determined that a defendant must show that newly discovered evidence unquestionably establishes innocence. Courts examine new evidence in light of the trial evidence. If no rational juror would have convicted the defendant in light of the clear and convincing newly discovered evidence, the court grants relief. The CCA mandated that defendants cannot collaterally attack a conviction without an exceedingly persuasive case. Moreover, defendants “should not be permitted to wage, and [the CCA does] not permit him to wage, a collateral attack on that conviction without making an exceedingly persuasive case that he is actually innocent.”³⁹ The CCA later specified in *Ex Parte Brown* that “establishing a defendant’s actual innocence is a Herculean task.”⁴⁰

Consolidating the Texas Rules with the existing legal standard, UHIP must believe in good faith that any litigation it decides to file contains a factual and legal basis that might satisfy the exacting, exceedingly high standard for actual innocence set by the CCA. UHIP takes this mandate seriously. It exhaustively investigates cases before moving towards litigation to ensure that only newly discovered or newly available evidence is put forth. The CCA has specified that actual innocence claims must rest on previously unavailable evidence. Previously unavailable evidence has been defined as evidence that the defendant did not know about and could not have known about at the time of trial.⁴¹ Consequently, the

³⁶ formally the “Texas Disciplinary Rules of Professional Conduct” and hereinafter the “Texas Rule(s)”

³⁷<https://www.texasbar.com/AM/Template.cfm?Section=Home&ContentID=27271&Template=/CM/ContentDisplay.cfm> (last visited Jan. 29, 2024).

³⁸ *Ex Parte Elizondo*, 947 S.W.2d 202 (Tex. Crim. App. 1996).

³⁹ *Id.* at 205.

⁴⁰ *Ex Parte Brown*, 205 S.W.3d 538 (Tex. Crim. App. 2006).

⁴¹ For example, a victim in a Sexual Assault of a Child case who is willing to recant years after the trial, stating that the actual perpetrator had threatened to harm her and her family, unless she said that someone else committed the crime. Since the recantation was not available at the time of trial, it would be considered new evidence. Compare this to a victim who had signed a non-prosecution affidavit prior to trial. Regardless of



investigative process can be lengthy and may result in dead-ends or in evidence that indicates actual innocence but is not viable in a court of law.

OCA funding is vital to the existence of UHIP. UHIP began in March 2000, with four student volunteers and a shoestring budget. Prior to receiving OCA funding, UHIP was staffed by a full-time investigator—one of the original four UHIP law student volunteers who had graduated from UHLC but had not yet passed the Texas bar exam—and a part-time administrative assistant. Professor David R. Dow provided funding for both staff salaries and investigative costs through his own limited stipends, foregoing conferences and other academic-related items in order to assist the wrongfully convicted. UHIP's case backlog also prevented it from reviewing inmate mail immediately upon its receipt. There was an approximate two-month lag between the time a letter was received and the time it was read/processed by UHIP staff. Once inmate questionnaires were received, there was an approximate six-month waiting period before UHLC law students could review case files and discuss their recommendations with Professor David R. Dow, the only licensed attorney associated with UHIP.

Prior to obtaining OCA funding, UHIP could not provide wrongfully convicted inmates with post-conviction legal assistance. Due to insufficient resources, UHIP could not afford to hire a staff attorney. UHLC students successfully evaluated actual innocence claims; investigated numerous cases; and located exonerating evidence. However, given Professor Dow's class schedule and death penalty caseload, UHIP could not litigate the inmate's case and assist him get out of prison. Instead, UHIP would often have to either locate an experienced criminal appellate attorney who would be willing to accept the inmate's case *pro bono*, or turn the evidence over to the inmate with general information regarding potential avenues of post-conviction relief.

OCA contract funds are being used by UHIP to enhance the services provided to indigent defendants, as well as the speed with which assistance is provided. Since its inception, UHIP has received approximately 19,350 requests for assistance. Since FY 2005, OCA funding has allowed UHIP to quickly respond to approximately 13,300 of those requests—more than half of which contained claims of actual innocence. OCA funds were used to fund a full-time staff attorney to operate UHIP on a daily basis; oversee and perform non-capital investigations; and provide direct legal assistance.

whether the victim ended up testifying at trial or whether the defendant eventually pled guilty, the recantation would not be considered new evidence. This is because the recantation was available prior to the guilty verdict/plea.

Physical evidence that was previously available at the time of trial and even previously tested may become “new” evidence if it “can be subjected to testing with newer testing techniques that provide a reasonable likelihood of results that are more accurate and probative than the results of the previous test....” Texas Code of Crim. Proc. Art 64.01(2)(A).



Specifically, OCA funding permitted UHIP to hire a full-time attorney. Cassandra Jeu has been employed as a staff attorney⁴² for UHIP since OCA funding began in 2005 and has co-taught Innocence Investigations as a UHLC Adjunct Professor since 2007. She performs TIN's administrative work; supervises non-capital cases and student investigations; and provides direct legal assistance to wrongfully convicted inmates. Ms. Jeu reviews all incoming correspondence and determines which requests contain a claim of actual innocence that fit into UHIP parameters. She evaluates inmate case files during the screening process⁴³ and determines which cases contain viable claims of actual innocence that should be moved to investigation. During the investigative process, she instructs and supervises law students as they examine and/or substantiate inmates' claims of actual innocence. Finally, Ms. Jeu drafts and files legal documents—such as Chapter 64 motions, habeas writs and clemency petitions—under Professor David R. Dow's direction and supervision in order to exonerate the wrongfully convicted.

OCA funding has led to increased investigative and legal instruction, training, assistance, and supervision. UHIP students can schedule meetings with Ms. Jeu at any time to discuss cases, rather than having to wait for Professor Dow's office hours or a weekly class. In addition, UHIP did not have the resources to accept interns prior to OCA funding. Student involvement was possible only if a student was enrolled in the UHLC Innocence Investigations class taught by Professor Dow.

OCA funding has allowed for attorney supervision and work during investigations. If a student feels more comfortable having supervised meetings with witnesses, law enforcement personnel, attorneys, etc., Ms. Jeu attends the meetings upon student request and assists as needed, instead of students attending such meetings alone. In addition investigating and litigating wrongfully convicted inmates' claims of actual innocence, UHIP has long-lasting effects on a future generation of attorneys. OCA funding has exponentially increased law students' education with respect to the criminal justice system, causes of wrongful conviction, and the ways to avoid them.

OCA funding has allowed UHIP to completely clear its backlog at the intake and screening phases. UHLC's staff attorney cleared UHIP's two-month mail backlog; incoming mail is now read and processed mail immediately upon receipt. UHIP has cleared its backlog at the screening phase, as well. Inmate questionnaires are assigned for screening the day they are received. Under attorney supervision and review, students screen a majority of all screeners as part of their coursework. Student screening increases the number of cases reviewed and

⁴² To clarify, Ms. Jeu's official UHLC titles are Legal Clinic Supervisor and Adjunct Professor. On a practical basis, she serves as UHIP's Director, given the fact that she handles UHIP's daily operations, case management/supervision, and administration. In 2005, Ms. Jeu was originally hired as a staff attorney. "Director" and "staff attorney" provide a more descriptive understanding of Ms. Jeu's daily functions than her official titles.

⁴³ Ms. Jeu reviews student work and independently screens cases.



provides safeguards against single-viewer bias. Attorney review of student cases provides vital quality control of student work and ensures that all viable innocence claims are investigated. UHIP's staff attorney screens and investigates cases deemed to be particularly complex,⁴⁴ and works on backlogged cases as needed, thereby providing heightened service to wrongfully convicted inmates. This process has the added benefit of permitting students to spend a greater amount of time investigating and furthering inmates' claims of actual innocence.

OCA funds reimburse expenses directly related to the investigation of non-capital inmates' claims of actual innocence. Most criminal cases do not contain physical evidence stored at local law enforcement agencies that can be easily accessed and tested. Rather, a wrongfully convicted inmate's innocence claim will more often rely on witnesses who must be located and interviewed. This is a lengthy and potentially costly process that is difficult to maintain without OCA support.

Prior to OCA funding, UHIP's ability to investigate claims of actual innocence was highly limited. UHIP was often unable to afford to procure case-related records, such as police reports, news articles, and trial transcripts, thereby severely limiting the efficacy of its investigations. UHIP also could not afford to pay for travel expenses, in the event that witnesses needed to be interviewed off-campus. Cases outside the Houston area would be placed on hold until UHIP had a student whose family lived nearby. Students would schedule witness interviews whenever they happened to be out of town during vacations. This resulted in many cases being placed on indefinite hold for months, or even years. OCA funding alleviated these issues, as UHIP can now afford case records and related investigative expenses.⁴⁵ OCA funds reimburse expenses directly related to the investigation of non-capital inmates' claims of actual innocence, thereby allowing UHIP to provide inmates with faster, more thorough investigations.

That having been said, UHIP continues to make every attempt to conserve OCA resources by working collaboratively with other criminal justice shareholders. Whenever possible, UHIP works with district attorneys' offices to see if records such as police reports and trial transcripts can be obtained/shared without cost. UHIP also works with law enforcement agencies to ensure that public information requests are streamlined to minimize cost, while still providing the information needed to thoroughly investigate claims of actual innocence.⁴⁶

⁴⁴ For example, a case requiring specialized medical knowledge or scientific claims. Students assist in this type of case but are not assigned as the primary investigator.

⁴⁵ It must be noted that UHIP makes every attempt to defray expenses by requesting trial transcripts on an as-needed basis and paring down police report requests to the necessary pieces. For example, in an "Aggravated Assault on a Public Servant" case, if a defendant is charged with trying to run over Officer Smith with his vehicle, UHIP will request Officer Smith's body cam footage and that of any officers who witnessed the event, but would not request the body cam footage of any officers who responded to the scene after the fact.

⁴⁶ With that in mind, significant roadblocks still exist when it comes to information gathering, thereby causing significant delays in UHIP investigations. For example, UHIP receives a large number of requests regarding



Because of OCA funding, UHIP has been able to expand the parameter of cases that can be passed to investigation. UHIP previously denied assistance in cases where the inmate had been granted probation or parole, but the probation/parole had subsequently been revoked. UHIP is now able to assist inmates whose probation/parole has been revoked, as long as they are claiming actual innocence for the underlying crime.⁴⁷ In conjunction with the OCA, UHIP better serves the wrongfully convicted and all shareholders in the criminal justice system.

During the reporting period, OCA funding ensured the continued daily operations of UHIP during the reporting period by providing the equipment and supplies which allowed Ms. Jeu to effectively prepare and review case assignments, perform legal research, process casework, correspond with criminal justice stakeholders (*e.g.* – inmates, their agents, law enforcement agencies, defense attorneys, and court personnel), digitalize case files, and conduct zoom

sexual assaults and/or crimes against children. Since both types of cases are exceptions to Texas' Public Information Act, law enforcement agencies are prohibited from providing UHIP with offense reports related to these cases. As most criminal cases result in plea bargains and many inmates no longer have access to their legal files, this means that UHIP often has no way to obtain documents in these cases and must investigate without knowing the specifics of the underlying law enforcement investigation. Although conviction integrity units will often assist UHIP in obtaining information pertaining to these cases, most counties do not have conviction integrity units.

In addition, many criminal defendants no longer have access to their trial transcripts, and the transcripts are no longer available at the county clerk's office. At that point, the trial transcript belongs to the court reporter. To get a copy of the trial transcript, UHIP would have to pay the court reporter for the transcript at a rate of approximately \$1/page. Given that a trial transcript can be hundreds-to-thousands of pages, it is impracticable for UHIP to buy a transcript whenever one is not readily available. Without a trial transcript, it is immensely difficult to ascertain what evidence was presented by the State at trial.

Finally, UHIP has encountered significant difficulty when dealing with law enforcement agencies. Public information requests are often ignored or only minimally acknowledged. Instead of providing a full offense report, some law enforcement agencies will only provide the cover page of an arrest report. There have been instances where law enforcement agencies have insisted that they have no responsive records pertaining to a request, despite the fact that UHIP has provided the specific offense report number found in the inmate's indictment. In addition, law enforcement agencies often claim exemptions to public information requests, thereby preventing UHIP from ascertaining background facts regarding an inmate's case. UHIP has countered such exemptions with varying degrees of success, but the process of arguing whether an exemption exists is time- and resource-consuming.

⁴⁷ As a policy matter, UHIP does not assist on innocence claims relating to circumstances surrounding the revocation of a defendant's probation/parole revocation for several reasons. First and foremost, UHIP's mandate and resources focus on wrongful convictions. Second, probation/parole revocation issues are administrative in nature, rather than judicial. UHIP would need to either train or hire staff to effectively resolve these types of claims. Third, UHIP does not have the resources to handle the potential volume of claims relating to revocation issues. In January 2023, approximately 400,000 people in Texas were on probation, parole, or in prison.

https://www.lbb.texas.gov/Documents/Publications/Policy_Report/7688_Population_Projections_February_2023.pdf (last visited Jan. 29, 2024). Of these, approximately 285,000 were on probation or parole. *Id* at 2.



meetings. With file digitization complete, UHIP is performing a cost-analysis on various file-sharing solutions to streamline the investigation process.

During the reporting period, Professor David R. Dow, UHIP's Litigation Director, began a project to examine the effect of polygraph examinations in wrongful convictions. While looking into UHIP's investigations, Professor Dow noted that although polygraph examinations are not permissible evidence in Texas courts, law enforcement agencies throughout Texas utilize them during the investigative process. That having been said, the polygraph results are often used against unsophisticated criminal defendants as proof of deception. Faced with such "evidence," defendants can be pressured into giving false confessions and/or into pleading guilty, even though they are actually innocent. With this in mind, Professor Dow and UHIP staff are contemplating a litigation strategy to address such cases.

A major change that took place during the reporting period continues to affect UHIP's daily operations. On September 6, 2023, the Texas Department of Criminal Justice (TDCJ) began transitioning to a digital mail platform.⁴⁸ This change occurred in response to dangerous contraband being sent to TDCJ units.⁴⁹ The vast majority of mail should be sent to a central digital processing center, where it will be scanned and loaded onto an inmate's tablet.⁵⁰ Inmates who do not have a tablet will receive a black-and-white paper copy of the incoming mail.⁵¹ Legal mail may be sent directly to the inmate's unit.⁵² Once received, TDCJ mailroom staff calls the attorney to verify that the attorney actually sent the piece of mail.

As an initial matter, UHIP had to determine which pieces of its outgoing correspondence should be considered legal mail. Given the large number of letters that UHIP sends out on a daily basis, it is impractical for its staff to make verification calls for every piece of outgoing correspondence. After careful consideration, UHIP decided that it would not label its questionnaires or correspondence telling inmates that their initial requests did not fall into UHIP parameters as legal mail. UHIP decided that questionnaires would not fall into the category of legal mail, as they are blank forms. Moreover, a similar form questionnaire is already available in the inmate's law library.⁵³ When informing inmates that their initial request did not fall into UHIP parameters, UHIP provides a FAQ that provides additional information regarding UHIP's services and asks the inmate to contact UHIP again, in the event that the inmate does, in fact, have a claim of actual innocence. Thus, UHIP does not discuss the inmate's specific case at all and acknowledges the fact that the inmate may have an actual innocence claim.

⁴⁸ https://www.tdcj.texas.gov/news/digital_mail_rollout.html. (Last visited Jan. 29, 2024).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ The Texas Prisoner's Innocence Questionnaire (TPIQ), discussed previously on page 7.



UHIP does send all correspondence discussing case-specific details as legal mail. During the reporting period, UHIP staff has begun making a log of all outgoing correspondence so it may verify. Although time-consuming, the mail log is unfortunately necessary, as UHIP has already been informed of fraudulent “legal mail” having been sent to an inmate under UHIP’s name.

Inmates’ agents have informed UHIP that the centralized mailroom and digital process is difficult for inmates. A backlog in the central processing unit means that incoming mail sometimes takes months for inmates to receive. UHIP has informed inmates’ agents that inmates might want to get a copy of the TPIQ directly from the law library, rather than wait for UHIP’s questionnaire. UHIP is currently trying to find a way to inform inmates of the TPIQ availability in law libraries, in order to expedite matters for inmates. UHIP may end up sending future questionnaires as legal mail if necessary, but will first determine whether TDCJ’s digitized mail system’s processing time improves over the next few months. In the meantime, if the new mail system has a detrimental effect on the number of questionnaires received for screening, UHIP will turn its main focus to investigations.

While some may measure project success in terms of the number of litigated cases and/or exonerations, UHIP argues that this viewpoint ignores a larger picture and a greater constituency. UHIP instead considers its effects on Texas citizens as a whole. Texas has the highest prison population in the nation.⁵⁴ In January 2023, there were 125,070 individuals incarcerated in Texas prisons, 77,397 individuals on parole, and 141,671 individuals under felony direct community supervision.⁵⁵ The Texas Legislative Budget Board predicts that the Texas prison population, as well as the number of individuals on parole and felony probation, will only continue to increase.⁵⁶ Many of these inmates, their families, and their friends bring actual innocence claims to UHIP, asking for the opportunity to be heard. Through OCA funding, UHIP directly furthers TIDC’s mission by focusing on the many, rather than the few. UHIP provides inmates with meaningful reviews and investigations of their actual innocence claims, even if it is later determined that such claims cannot obtain post-conviction relief. Through OCA funding, UHIP has assisted thousands. Regardless of the result, UHIP continually strives to provide all Texas citizens fair, equal, impartial, and thoughtful defense.

⁵⁴ <https://wisevoter.com/state-rankings/prison-population-by-state/#:~:text=The%20prison%20population%20varies%20significantly,by%20California%20with%20101%2C441%20individuals>. (last visited Jan. 29, 2024).

⁵⁵ https://www.lbb.texas.gov/Documents/Publications/Policy_Report/7688_Population_Projections_February_2023.pdf (last visited Jan. 29, 2024).

⁵⁶ *Id.*



UNIVERSITY OF HOUSTON INNOCENCE PROJECT
OCA BIENNIAL REPORT (06/01/23 – 12/31/23): RELEVANT STATISTICS

PHASE I: INTAKE

<i>Description</i>	<i>Total</i>
Incoming requests containing an claim of actual innocence	151
Incoming requests that did not contain a claim of actual innocence (<i>e.g.</i> , law of the parties) or did not fit into project parameters (<i>e.g.</i> , discharged sentence)	43
Letters from inmates already in the UHIP database	320

PHASE II: SCREENING

<i>Description</i>	<i>Total</i>
Number of cases (innocence claims) screened, following receipt of inmate questionnaire	108
Number of cases (innocence claims) placed on hold following screening: Inmate still in the process of his direct appeal or additional information required	11
Number of cases (innocence claims) passed to investigation after screening	45
Number of cases (innocence claims) closed: inmate claims actual innocence for the reason(s) parole/probation was revoked, but not for the underlying crime	0
Number of cases (innocence claims) closed: inmate would not receive relief, due to other convictions ⁵⁷	0
Number of cases (innocence claims) closed after screening: no new evidence; proposed new evidence is insufficient to result in relief; or claims legal innocence only	52

PHASE III: INVESTIGATION

<i>Description</i>	<i>Total</i>
Open investigations as of 06/01/23	513
Total cases investigated by UHIP from 06/01/23 – 12/31/23	83
New investigations started 06/01/23 – 12/31/23	45
Investigations completed 06/01/23 – 12/31/23	20
Open investigations as of 12/31/23	438
Number of innocence claims awaiting investigation at end of period *	0

PHASE IV: LITIGATION

<i>Description</i>	<i>Total</i>
Number of innocence claims with legal remedy pursued	0
Number of innocence claims with clemency pursued	0
Number of innocence claims with relief denied	0
Number of innocence claims with relief granted	0

⁵⁷ In these cases, the inmate is in prison for multiple, unrelated crimes. TIN will close a case: (1) if an inmate presented multiple innocence claims in multiple cases and has a viable innocence claim in one case, but not in the other OR (2) if an inmate presented an innocence claim for one crime, but not the other. In either event, even if the inmate were exonerated on one charge, he would still be in TDCJ for the other charge.



**UNIVERSITY OF HOUSTON INNOCENCE PROJECT
OCA ANNUAL REPORT (06/01/23 – 12/31/23): RELEVANT STATISTICS – CTD.**

STUDENT & STAFF STATISTICS

<i>Description</i>	<i>Total</i>
Law students enrolled in UHIP 06/01/23 – 12/31/23 **	12
Law students volunteering for UHIP 06/01/23 – 12/31/23	2
Hours worked by enrolled UHIP law students 06/01/23 – 12/31/23	1,338.25
Hours worked by volunteer UHIP law students 06/01/23 – 12/31/23	562.50
Students from Other Fields of Study Participating in UHIP 06/01/23 – 12/31/23	0
Number of Hours Worked by Students in Other Fields of Study 06/01/23 – 12/31/23	0
Staff Hours (Investigative/Administrative/Paralegal) 06/01/23 – 12/31/23	0
Staff Hours (Legal) 06/01/23 – 12/31/23 ***	1,216.00
External Contract Staff Hours (Investigative/Administrative/Paralegal) 06/01/23 – 12/31/23	0
External Contract Attorney Hours 06/01/23 – 12/31/23	0
Donated Hours (Investigative/Administrative/Paralegal)	0
Donated Hours (Legal) ****	85.75

- * - At UHIP, once a case is passed to investigation, the law student or staff member who passed it to investigation immediately begins work on it. Consequently, at UHIP, there are never cases awaiting investigation. That having been said, only a finite number of investigations are assigned out to students during any given semester. While all investigations are considered open, some may be on hold during a specific semester. In order to give a better picture of UHIP’s operations, one needs to instead consider the number of assigned cases (by type) each semester.

- ** - The reporting period encompasses the Summer 2023 and Fall 2023 semesters.

- *** - Cassandra Jeu is an exempt employee at the University of Houston Law Center. Her hours are calculated based on a forty-hour work week/fifty-two week year. In accordance with UH policy, timesheets for exempt employees are not submitted. Consequently, any hours over the forty-hour work week are not calculated or included in this report.

- **** - OCA grant funds do not pay for any portion of Professor David R. Dow’s salary. As a result, the work he does for UHIP as its Litigation Director must be performed at home, following the completion of his teaching duties at UHLC. The time he spends corresponding/meeting with Cassandra Jeu regarding UHIP, reviewing cases, etc. is donated and must be performed in his spare time.