



## **Activity Report**

Texas A&M University Law School | Texas Tech University School of Law

Office of Court Administration | Texas Indigent Defense Commission

June 1 – December 31, 2023

### **Summary**

This report details the relevant activities of the Innocence Project of Texas (IPTX) from June 1, 2023 through December 31, 2023 to comply with Texas Indigent Defense Commission (TIDC) twice yearly reporting requirements. During the reporting period, IPTX screened 199 new requests for assistance with 104 cases under active investigation. 14 clinic students provided 1,768 hours of assistance in case law research, case investigation and document creation.

Client James Reyos was exonerated during the reporting period. Mr. Reyos spent 24 years incarcerated for murder. Client Joe David Padron received a favorable ruling on his innocence from the presiding district judge and was released on bond in October. His case has been sent to the Texas Court of Criminal Appeals (CCA) for a final ruling. Decisions from the CCA can often take up to two years. Evidentiary hearings were held on the Andre Causey case. Decisions are expected during the upcoming grant period.

### **Use of Contract Funds**

Contract funds were used for direct assistance to investigate potential post-conviction innocence cases and pursue relief for defendants with credible claims. Per the Interagency Cooperation Contract, funds supported the intake and evaluation process, case investigation and litigation costs. As part of the contract, IPTX conducts the "Actual Innocence" clinics at Texas A&M University Law School (TAMU) and Texas Tech School of Law (TTU).

IPTX reviews both DNA and non-DNA cases of post-conviction and appeal claims of innocence with a focus on those at greatest risk for error including, but not limited to, cases based on mistaken witness identification, inaccurate or "junk" forensic science and false confessions. Funded staff engage in intake; case review; evaluate evidence; obtain expert assistance; prepare appropriate cases for litigation, including legal research and drafting motions and legal memoranda. Staff prepare cases for post-conviction litigation including locating evidence through city, county and state agencies, subpoenaing witnesses, and conducting depositions or other interviews necessary prior to litigation.

Initial applications/questionnaires are reviewed by an IPTX staff member. Those that meet the required criteria (claim of actual innocence, post-conviction, felony, completed direct appeals) are referred to the law school clinics for further review. Clinic students assist in document review to determine if there is claim of actual innocence and if there are options for relief. Each student prepares a case memo that is reviewed by a staff attorney. Based on the totality of the document review, if actual innocence remains possible, the case proceeds to field investigation that can include locating biological evidence for testing, interviewing witnesses, etc. If sufficient new evidence has been

discovered demonstrating a compelling case for actual innocence, IPTX will proceed with litigation. Funds are also used to support case related expenses including public records fees, postage, case related travel and document storage costs.

TAMU Clinic: During the fall semester of 2023, 10 TAMU law students enrolled in the “Actual Innocence” clinic. The students completed 878 hours of work including, but not limited to, review of trial transcripts, police reports, witness statements and forensic reports; client and witness interviews; preparation of cases memos; and case conferences with IPTX legal staff.

TTU Clinic: During the fall semester of 2023, 4 TTU law students enrolled in the “Actual Innocence” clinic. The students completed 890 hours of work including, but not limited to, review of trial transcripts, police reports, witness statements and forensic reports; client and witness interviews; preparation of cases memos; and case conferences with IPTX legal staff.

### **Cases Awaiting Screening and Backlog**

As of December 31, 2023, no requests for assistance were awaiting screening. This includes those applicants who have returned a completed questionnaire that is waiting for review by a staff member to determine if the applicant meets the required criteria (claim of actual innocence, post-conviction, felony, completed direct appeals) in order to move forward to the document review stage. 357 cases are in the document review or investigation stages. Twelve cases are in active litigation.

### **Work Performed**

#### Screening & Investigation

- 199 total requests for assistance received;
- 199 total requests for assistance based on new claim of actual innocence;
- 199 innocence claims screened;
- 394 innocence claims closed after screening
- 20 claims closed after investigation;
- 104 innocence claims under active investigation at end of period;
- 0 innocence claims awaiting investigation at end of period.

#### Litigation

- 2 number of new innocence claims with legal remedy pursued;
- 1 number of innocence claims with relief granted;
- 0 number of innocence claims with relief denied;

#### Student Activity

- 14 law students participating in the project;
- 1,768 hours performed by law students;
- 0 students from other fields of study participating in the project

### **Case Highlights**

Below is a summary of selected case developments for the reporting period. No clients had relief granted during that time.

#### James Reyos

On December 21, 1981, Father Patrick Ryan was found brutally murdered in a motel room in Odessa. During the initial investigation, the police interviewed James Reyos, who was the last known person to see Father Ryan alive. Mr. Reyos established through multiple

witnesses, store receipts, and a speeding ticket, that he was in the area of Roswell, New Mexico at the time of the murder. Texas Rangers verified the information and ruled him out as a suspect. A year after the murder, while heavily intoxicated on drugs and alcohol, James called 911 and confessed to the murder. He was tried and sentenced to 38 years in prison. In 2022, members of the Odessa Police Department found fingerprints in their archived files that had been taken from the crime scene. OPD ran the prints through AFIS. The analysis revealed the identities of the actual perpetrators, all individuals with criminal histories who were known to be staying at the same motel at the time of the murder. With the support of the Ector County District Attorney's Office, IPTX filed a writ to overturn his conviction in February of 2023. A hearing was held on the new evidence on March 24th in the 70th Judicial Court of Ector County. On September 4<sup>th</sup>, the district judge recommended relief. On October 4<sup>th</sup>, the Texas Court of Criminal Appeals granted relief.

#### Joe David Padron

In 2004, Mr. Padron was sentenced to life in prison for the shooting deaths of two gang members in Corpus Christi in 2002. Since the trial, a witness has come forward with credible evidence about the confession of the actual perpetrator. IPTX also uncovered evidence that a State's witness committed perjury at the original trial and a second witness has now recanted their testimony. IPTX also presented evidence of prosecutorial misconduct indicating that the prosecutor promoted false statements from the perjuring witness in order to bolster his credibility. A hearing took place in Nueces County with closing arguments on June 16, 2023. In September, the district judge recommended relief based and the recommendation was sent to the Texas Court of Criminal Appeals for a final ruling. On October 6, Mr. Padron was released on bond with the support of the Nueces County District Attorney's Office.

#### Garland "Butch" Martin

Mr. Martin was convicted of three capital murder charges in 1999 related to the death of his wife and two children in a house fire and is currently serving a life sentence without the possibility of parole. The techniques used to investigate the fire in Mr. Martin's case have since been discredited. An evidentiary hearing was held on the case in May of 2022. During the hearing, the judge heard evidence from the independent medical examiner, a forensic anthropologist and arson investigators regarding Butch's innocence. The district judge made a recommendation that Mr. Martin's conviction be overturned and submitted the recommendation to the Texas Court of Criminal Appeals.

#### Willie Thomas

Mr. Thomas was convicted of capital murder in a 2009 robbery and murder at a night club in Fort Worth and sentenced to life in prison. In December of 2021, a Tarrant County judge set bond allowing Mr. Thomas to be released after the DNA evidence in his case was reinterpreted using more advanced and accurate methods. The new results excluded Mr. Thomas as a contributor to the DNA found on the murder weapon. The Tarrant County District Attorney's office supports a new trial for Mr. Thomas. The district judge made a recommendation that Mr. Thomas be granted a new trial and submitted the recommendation to the Texas Court of Criminal Appeals. The Criminal Court of Appeals agreed with the district court. IPTX is now working with the Tarrant County District Attorney's Office to determine next steps.

#### Larry Driskell

In September of 2022, the Texas Board of Pardons and Paroles agreed to release Mr. Driskell. Mr. Driskell pleaded no contest in 2017 to a murder that took place in 2005. The only evidence in Mr. Driskell's case is a confession. There is significant evidence that Mr.

Driskell's confession was coerced. The Parker County District Attorney's office agreed to release physical evidence for DNA testing. Items were submitted to a private lab in 2021. Initial results did not provide adequate information to prove innocence or guilt. Some items from the scene have been submitted for more sensitive DNA testing. Results are pending.

#### Terry Wayne Lee

In November of 2022, the Fifth Court of Appeals' released an opinion affirming denial of a Chapter 64 Motion. Mr. Lee was convicted of murder in Grayson County in 1994 based on the testimony of a single witness. That witness stated Mr. Lee and his brother committed the crime. Mr. Lee's brother was acquitted in a separate trial. IPTX was seeking DNA testing of physical evidence from the crime scene. IPTX will file a petition for discretionary review of Fifth Court of Appeals' decision