



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, 2022

Summary

This report details the relevant activities of the Innocence Project of Texas (IPTX) from June 1, 2022 through December 31, 2022 to comply with Texas Indigent Defense Commission (TIDC) twice yearly reporting requirements. During the reporting period, IPTX screened 532 new requests for assistance with 111 cases under active investigation. Sixteen clinic students provided 2,086 hours of assistance in case law research, case investigation and document creation.

Client Larry Driskell was released in September of 2022. Mr. Driskell was released on parole after serving seven years for a murder he did not commit. IPTX is working in partnership with the Parker County DA's office to have evidence from the scene undergo advanced DNA testing. Mr. Driskell will remain on parole while IPTX continues to work toward his exoneration. Two clients, Melvin Quinney and Garland "Butch" Martin, received favorable rulings on their innocence from the presiding district judges. Both cases have been sent to the Texas Court of Criminal Appeals (CCA) for a final ruling. The district judge for client Willie Thomas ruled that Mr. Thomas should be granted a new trial and the recommendation has been submitted to the CCA. Decisions from the CCA can often take up to two years.

In October of 2022, IPTX was able to hire an additional full-time staff attorney. In addition to increasing our capacity to investigate and litigate cases, the new staff attorney has invaluable expertise. Prior to attending law school, the staff attorney was a DNA analyst for the Texas Department of Public Safety.

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 2022, 12 TAMU law students enrolled in the “Actual Innocence” clinic. The students completed 1,057.5 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 2024, 4 TTU law students enrolled in the “Actual Innocence” clinic. The students completed 1,028.5 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, 2022, 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.

One hundred eleven cases are in the document review or investigation stages. Seventeen cases are in active litigation. To reduce the amount of time that cases take to go from investigation to litigation, IPTX hired an additional staff attorney in October of 2022.

Work Performed

Screening & Investigation

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

Litigation

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

Student Activity

- 16 law students participating in the project;
- 2,086 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.

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.

Melvin Quinney

Mr. Quinney is a victim of the Satanic Panic that took place in the 1980s and early 1990s. He was convicted of sexual assault of a child in 1991. Mr. Quinney was convicted based on the testimony of his son who claimed his father was the leader of a satanic cult after being sent to a therapist that specialized in ritual abuse. An evidentiary hearing was held on the case in June of 2022. During the hearing, the judge heard testimony of Mr. Quinney’s innocence from his children and experts in psychology, child abuse, and moral panics. The district judge made a recommendation that Mr. Martin’s conviction be overturned and submitted the recommendation to the Texas Court of Criminal Appeals.

Gustavo Mireles

Mr. Mireles is serving life in prison for a 2001 murder in 2002. A hearing was held in September of 2021 to determine whether physical evidence from the crime scene could be submitted for DNA testing. The motion was granted and the physical evidence was submitted to DPS for reanalysis. The State appealed the judge’s ruling to allow DNA testing to go forward. A hearing on that appeal was held in November of 2022. A decision on that appeal is pending with the 13th Court of 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.

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