

THE UNIVERSITY OF TEXAS AT AUSTIN
SCHOOL OF LAW

Actual Innocence Clinic

Biannual Report
Fiscal Year 2024-2025
(July 1, 2025 - December 31, 2025)

1 INTRODUCTION

The Actual Innocence Clinic (AIC) consists of a director, part-time staff attorney, administrator and law students working together to screen, investigate and litigate Texas prisoners' claims that they are actually innocent of the felony offense for which they were convicted and sentenced to prison. The director is an attorney licensed to practice law in Texas and the clinical professor for the classroom component of the course. The staff attorney works remotely but assists in both intake and screening of cases. The administrator works with the AIC and another law school clinic. Law students enroll in the AIC course and receive credit towards their law school degree for their work in the clinic. The AIC operates on an academic calendar. The AIC accepts eight new students during each fall semester (early September through mid-December) and spring semester (late January through mid-May). The AIC does not accept new students for enrollment during the summer term (mid-May through late August). Some students continue to work with the AIC for law school credit after their first semester of enrollment. Law students are supervised by a licensed attorney during all phases of screening and investigation of actual innocence cases. Students assist attorneys with litigation or clemency proceedings related to actual innocence claims.

2 SERVICES PROVIDED

2.1 Client Services

2.1.1 Case Review

Receipt of Letter

The AIC conducts all its case intake through the mail. The AIC does not accept requests for assistance via electronic mail, telephone, or fax. The AIC does not accept requests for assistance from third parties, including friends and family members. When the AIC receives a prisoner's letter it is opened and reviewed by the director or staff attorney. We then create an electronic file and scan the letter into the file.

Initial Review

The director and/or staff attorney perform an initial review prior to cases being distributed to law students. The director's review is designed to get rid of requests that are not handled by the AIC. The director responds to third parties who are requesting assistance for prisoners, prisoners whose claims are unclear and prisoners or whose requests fall outside the scope of the services provided by the AIC. The director makes every effort to respond to new requests for assistance the day they are received.

Not Actual Innocence Claim

The AIC only accepts cases in which the prisoner did not commit the offense and was not involved in any way or cases in which no crime occurred. The AIC does not accept cases in which the prisoner is claiming the offense was an accident, is claiming the offense was committed in self-defense, is admitting they participated in the crime or is otherwise not claiming actual innocence. These claims are closed during the director's review.

Outside Scope Claim

To preserve its limited resources the AIC further limits the type of cases it accepts. The AIC does not accept cases in which the prisoner's conviction is not final. For a prisoner's conviction to be final they must have been convicted at trial or after entering a plea agreement, and they must have completed all of their direct appeals, including any Petition for Discretionary Review (PDR) or the time for filing their direct appeal has expired.

The AIC does not accept cases in which the prisoner is not incarcerated at the time they contact the AIC for assistance. If a prisoner contacts the AIC for assistance while they are incarcerated but they are later released on parole or because they have completed their sentence the AIC will continue to review their case even after they are released. The prisoner is required to provide the AIC with an address where they may be contacted after they are released. The AIC does not accept cases in which the prisoner was convicted of a misdemeanor or a federal offense. These cases are closed during the director's review.

The AIC does not accept cases in which the prisoner was convicted of Capital Murder and sentenced to death. These cases are closed during the director's initial review. The director refers these cases to the Capital Punishment Clinic.

The AIC does not accept cases in which a prisoner was convicted outside of Texas. These cases are closed during the director's review. The director refers the prisoner to the appropriate out-of-state innocence organization.

Actual Innocence Claims

If the prisoner is making a claim of actual innocence within the scope of the AIC's services, the director will send the prisoner an introduction letter and questionnaire:

- Introduction Letter
The introduction letter acknowledges receipt of the prisoner's letter and briefly explains the review process.
- Questionnaire
The questionnaire requests detailed information about the prisoner's case.

Screening

When the Introduction Letter and Questionnaire are received back the director or staff attorney confirms that the prisoner is making a claim of actual innocence that falls within the scope of the AIC's services. If the prisoner is still making a claim that falls within the scope of the AIC's services, the prisoner's case is put on a waiting list of cases to be investigated. A letter is sent to the prisoner explaining that their case is on a waiting list of cases to be investigated. The letter explains that the AIC will not communicate with third parties regarding the prisoner's case. Finally, the letter explains that the AIC has not agreed to represent the prisoner and may close the case at any time. If the prisoner is not making such a claim of actual innocence the case is closed within the AIC and a letter is sent to the prisoner explaining that the case is closed.

Preliminary Investigation

When the case is assigned to a law student for preliminary investigation, they gather the prisoner's Texas Department of Criminal Justice (TDCJ) Offender Information Detail sheet, appellate history, appellate documents, writ history, writ documents, and media coverage, if any. The student may also do any additional research deemed valuable to the screening. All prior filings on behalf of a prisoner are critically important in our assessing whether the prisoner has a viable actual innocence claim.

2.2 Teaching and Student Development

In the AIC students learn the law by working on real cases with a licensed attorney. The clinical experience trains students to be better lawyers, investigators and advocates while providing legal services to prisoners. By participating in the AIC, the student assumes the responsibilities and challenges of working in a law office.

The AIC aspires to help law students understand their role and their obligations as an attorney. The classroom component of the AIC is designed to teach students about: the criminal justice system; the causes of wrongful conviction; the law related to DNA testing, actual innocence claims, postconviction writs of habeas corpus, clemency, compensation of the wrongfully convicted and expunction of wrongful convictions; reentry barriers for exonerees; and ethical issues that arise in actual innocence cases. The casework component of the AIC is designed to teach students: to communicate efficiently and effectively in a legal environment; legal research, analysis and writing skills; case management; time management; and professionalism.

Students will be given opportunities to engage with these goals and receive feedback during class meetings and meetings with the director. Students are evaluated on total performance, including attendance, class preparation, class participation, case preparation, case discussions, and meeting deadlines.

Students are assigned cases that are in various stages of investigation and litigation. Cases are assigned at the beginning of each fall semester (early September) and at the beginning of each spring semester (late January). Cases are not assigned to students for review during the summer term (mid-May through late August). During the summer term, the director reviews and investigates cases. Cases may be transferred from previous semesters in order for students to continue and finish investigative steps, such as gathering documents and interviewing witnesses.

3 USE OF CONTRACT FUNDS

3.1 Staff Attorney and Director

3.1.1 Client Services

The AIC used some portion of contract funds to maintain a part-time staff attorney. The Director has been paid out of UT's budget for this reporting period. The staff attorney manages the AIC's caseload, including and conducting initial screening of all incoming requests for assistance. The staff attorney assists the Director in assigning cases to students. The Staff Attorney also assists the Director in monitoring communication between prisoners and students, including reviewing all incoming and outgoing mail. The Director is primarily responsible for working with students to identify cases where there may be viable claims of actual innocence, helping students to gather documents and investigate cases. The Director also acts as a liaison to the public and media by responding to inquiries about actual innocence claims.

The clinic shares an administrator with another law school clinic. No contract funds are used to compensate the AIC administrator. He is compensated by using other funds.

3.1.2 Teaching and Student Development

The Director develops the syllabus for the classroom component of the AIC and prepares and conducts class lectures and discussions on topics related to actual innocence law, investigation, and litigation. The clinic meets once each week for a classroom component and case discussion. The Director maintains the schedule and syllabus for this weekly meeting. He also meets individually with each student at least once per week to discuss cases and

strategy for investigating and litigating cases. He maintains course materials used by the clinic to teach the AIC course. Prior to the beginning of each semester the Director edits and updates all class materials. Finally, he collaborates with other clinical professors to develop teaching strategies to improve the clinical education of students.

3.1.3 Other Duties

The Director prepares required reports regarding the number of cases reviewed by the AIC and workload measures, addresses media questions regarding actual innocence law and claims, works with other law school departments regarding the AIC's function and supervises the Administrator.

3.2 Administrator

3.2.1 Client Services

The Administrator assists the Director in responding to requests for assistance that come into the AIC office via telephone, email, and walk-in. He also helps to maintain prisoner files and translates documents and letters from and to Spanish.

3.2.2 Teaching and Student Development

The Administrator manages the day-to-day operations within the AIC office. He assists students in the use of the AIC's electronic case management database and telephone system. He also assists students in

handling correspondence to and from Spanish-speakers who contact the AIC.

3.2.3 Other

The Administrator also manages the day-to-day office environment by monitoring the supplies needed for the office and working with the accounting department to pay for needed office expenses.

3.3 Case Work

In addition to providing a salary and benefits for the Director, contract funds were used to conduct actual innocence investigations and litigation. Finally, contract funds were used to purchase office supplies to maintain communication with clients and potential clients.

3.4 Use of Contract Funds*

Personnel (Staff attorney salary and benefits)	\$18225
Attorney Fees	\$0
Investigation Expenses (including Records & Case Documents)	\$4396.24
Expert Witness Services (including DNA testing)	
Litigation Expenses	\$0
Travel	\$59.65
Supplies	\$0
Equipment (Computer Hardware & Software)	\$0
Equipment Maintenance & Support	\$0
Rent/Office Space Costs	\$0
TOTAL	\$ 22680.89

*All values are approximate and based on receipts of funds spent.

3.5 Available Non-Contract Funds*

Personnel (Director, Administrator Salary & Benefits (provided by UT))	\$135845.80
Clinic Office Supply Fund (provided by UT)	\$3,000
Clinical Instructor Faculty Development Account (provided by UT)	\$4500
Student Office Space (provided by UT)	NA
Director Office Space (provided by UT)	NA
TOTAL	\$153345.80

*All values are approximate.

4 PROGRAM ACCOMPLISHMENTS

4.1 Accomplishments Related to Indigent Defense

4.1.1 DNA Cases

We are still continuing to assist attorney Gerry Morris of Austin in the current representation of Mr. Kussmaul and are pursuing options regarding additional DNA testing.

Accomplishments Related to Student Development

During the Fall semester of 2024, which began on August 26, 2024, the AIC included 8 new students.

4.3 Work Performed

Total requests for assistance received	90
Requests for assistance based on new claim of actual innocence	81
# of innocence claims screened	87*
# of innocence claims closed after screening	222

# of innocence claims closed after investigation	7
# of innocence claims with legal remedy pursued	1
# of innocence claims with relief granted	1
# of innocence claims with relief denied	1
# of innocence claims under active investigation at end of period	100
# of innocence claims awaiting investigation at end of period (INCLUDES CASES WHERE WE ARE STILL AWAITING QUESTIONNAIRE AFTER INITIAL LETTER)	403
# of law student participating in project	8
# of hours worked by law students	720
# of students from other fields of study participating in project	0
# of hours worked by students from other fields of study	0

4.4 Backlog

The clinic has 403 cases awaiting screening and investigation and 100 cases under investigation. Of the cases awaiting investigation, 276 are “pending”, meaning that the AIC has received an initial inquiry but no response. Although there is still a backlog, we continued to reduce our backlog cases in our last report by over 70 cases. We continue to close cases if we do not receive a response within one year of sending a questionnaire to the prisoner, so we expect a number of these cases will be closed. Cases without a viable legal claim of actual innocence claim are closed after the preliminary investigation. Cases with a viable legal claim of actual innocence are placed on the waiting list of cases to be investigated.

Our backlog still persists because we continue to get more requests for assistance than we have had in the past. We received roughly the same number of requests as we did last period, but this is still higher than in prior years. We also continue to take a small number of cases from the Forensic Project in Austin as well as two cases originally referred to the Travis County Conviction Integrity Unit.

4.5 Summary of Innocence Claims with Legal Remedy Pursued

We filed a habeas petition in cases involving child sexual assault in Harris County. For privacy reasons, we are not mentioning case names because the testifying complainants were children at the time of trial and are afforded some protection under the Texas Family Code. In October of 2025, the Court of Criminal Appeals granted our motion to dismiss the petition without prejudice due to the complainant's inability to be present for the evidentiary hearing, after the District Attorney's office refused our request to reschedule the hearing. We intend to refile it when the witness is available to testify.

4.6 Summary of Innocence Claims with Relief Granted

On December 18, 2025, Marshall Moreno was granted actual innocence relief by the Court of Criminal Appeals. Mr. Moreno was convicted in Travis County of sexual assault of a child in 2002. The complainant, his daughter, was 10 years old when she testified about an alleged incident which occurred when she was 8. The complainant recanted her testimony during an evidentiary hearing in July of 2025. The District Court recommended that actual innocence relief be granted, which was upheld by the Court of Criminal Appeals. Mr. Moreno was released on December 23, 2025.

4.7 Summary of Innocence Claims with Relief Denied

The AIC represents Charles Morehouse, who was convicted of aggravated sexual assault as a juvenile and served 15 years in prison. Mr. Morehouse was released in 2015 but is still required to register as a sex offender. Although the petition had been denied, in October of 2024, the Dallas County Juvenile Court granted our Bill of Review and reinstated the habeas petition, which is currently pending. Ultimately the Juvenile Court denied Mr. Morehouse's petition as both successive and on the merits. An appeal was taken to the Fifth Court of Appeals, and oral argument was held on December 4, 2025, and we are awaiting a decision.

In February of 2020, the AIC, in conjunction with the Innocence Project of Texas, filed a request for pardon based on innocence with the Texas Board of Pardons and Paroles for Douglas Perry, who died in 2015. This was completed after securing both a letter from the Travis County District Attorney and the 147th Judicial Court of Travis County signed letters attesting to Mr. Perry's Innocence. Without addressing the merits of his application, the Board denied the pardon application.

The Board agreed to reconsider Mr. Perry's application but denied it again on June

14, 2020. We still consider the case open and are pursuing other remedies including returning it to the Board. We are continuing to work with the Travis County DA's Conviction Integrity Unit who agree that the injustice perpetuated upon Douglas Perry and his family must be remedied.