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Shout Outs

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A big shout out to ALLISON CLAYTON of Lubbock, whose sleuthing on an appointed case resulted in the reversal of a conviction just before Christmas. It seems that D was charged with failure to register as a sex offender based off a 2002 conviction in Oklahoma for assault with intent to commit a felony (based on an allegation D, then 19 years old, had slept with a 14-year-old). Lady with Lubbock PD said that DPS had found that the OK conviction was "substantially similar" to sexual assault in Texas, which meant D had to register for life. D thought he was long done with the OK stuff and didn't register but then was found guilty and sentenced to 10 years TDCJ. Allison went through open records and discovered OK's "assault with intent" was substantially similar to an attempt offense in Texas but not sexual assault. (Attempt would get 10-year registration, not lifelong.) She then dug into open records again to find out why DPS determined it "substantially similar" and they said they never heard of the guy. Allison emailed the prosecution about this misrepresentation of material fact leading to the conviction, and they checked into it, discovering the PD lady had essentially done it on her own. A Motion to Reverse motion filed on Monday led to a reversal on Thursday. Fine detective work, Allison. Congratulations.

Kudos to MIKE WARE for his latest win in the case of Lydell Grant, who spent eight years in prison after being wrongfully convicted of murder. In June, IPTX hired a firm to analyze the HPD's data, finding another's DNA under the victim's fingernails. A search of the FBI's CODIS database discovered a match, a man tracked down in Georgia where he'd fled after the murder. The suspect confessed to the murder to HPD detectives, and the Harris County DA's office has charged him with murder. A landmark case, this is the first time an independent party outside of law enforcement in this case, the Innocence Project of Texas initiated the use of the FBI's database to identify the actual perpetrator of a crime. Six eyewitnesses

had fingered Grant in a photo lineup, a classic example of mistaken eyewitness identification. The National Registry of Exonerations has said that mistaken eyewitness identification is the most common cause of wrongful convictions. In his tenure with IPTX, Mike has overseen at least 30 exonerations. Congratulations, team, on another blow for justice.

A hat tip to PATTY TRESS and NICOLE STEPHENSON of Denton, who recently received a just and right NOT GUILTY verdict on an Aggravated Assault with a Deadly Weapon. D, who is 69 years old, was enhanced to 5⁹⁹ years or life in prison. The police officers did not get permission from D to search his garage?instead got it from CW (who did not live there). Patty says in a strategic move they did not move to suppress, as everything there helped in showing D's version of events. ?He cried when the jury read the verdict and is now free after 6 months in jail waiting for trial.? Patty was effusive in expressing her thanks for the team helping her on this: ?Thank you Alyssa Jade Piland of Joplin Investigations for all of your hard work. I really could not do it without you. Thank you to Emma Guzman Ramon for helping with my other cases while I was in trial. Thank you to Heather Fisher, Michael Kiesel, Jason Niehaus, Chris Abel, Chris Raesz, Clay Steadman, Sarah Roland for letting me bounce ideas off y'all and helping with the more complex legal issues! It takes a large team to make it work, and I couldn't do it without y'all!? And thank you Patty and Nicole for your continued good work.

A shout out to MICHAEL YOUNG and the Bexar County PD office for their righteous decision in a habeas case out of the CCA. Parole requires that a final revocation hearing is held within 41 days of an arrest on a blue warrant, but this time is tolled if there are ?charges pending.? Michael says their client was arrested in another county and posted bond, but hadn't been indicted. The issue before the CCA: Were ?charges pending? based only on the arrest or is an indictment or filed complaint needed to toll the 41 days. As Michael note: ?As of the date of the decision, our client had languished in Bexar County jail for 260 days with no indictment filed on the new case or no final revocation hearing.? The CCA, in a 5²⁴ decision, ruled this was a denial of due process and ordered the blue warrant be dismissed and D released. Michael also said: ?Our office was given the road map on how to file this writ from Dale Heish, a TCDLA attorney in Fort Worth, and we couldn't have done it without his guidance. Dale was great about sharing his resources and we'd be glad to do the same with anyone who wants a copy of the pleadings we filed.?

Hats off once again to the Waco Wildcat, MARK GRIFFITH, for his recent win for a client charged with two counts of Aggravated Sexual Assault of a Child. Mark says the prosecutor never produced a Brady notice, but his team retrieved all counseling records and school records and found out the girls accusing the client had a habit of lying?and about big things. There were eight large binders of discovery they found that the DA never took the time to find. Dr. Aaron Pierce was lined up to talk about Reactive Attachment Disorder and Borderline Personality Disorder, which both children showed signs of. Says Mark: ?Makenzie Keene and Sarah Jacobs organized the perfect trial folder, and we showed up for trial and announced ourselves ready?and the DA presented a Motion to Dismiss on both charges. I had, three days earlier, e-mailed the DA and told him I was going to ask for a mistrial if he did not provide an official notice of the more than 200 inconsistent statements made by the complainants. It was a good day for justice and a great day for my client. Keep the trial fires burning.? Way to take it to them, Mark.

Kudos to Senior Lobbyist ALLEN PLACE of Gatesville and Austin, who was successful in obtaining parole for two female clients recently. The first case involved a Harris County case originally resulting in a death sentence but later commuted to life. The second case involved parole being granted after 6 years of incarceration on a 99-year sentence for DWI. Both cases were decided by the Gatesville panel of the Texas Board of Pardons & Paroles. Congratulations, Counselor, on your good work.

Send your kudos, katcalls, and/or letters to Editor Sarah Roland at [\[4\]sarah@sarahroland.com](mailto:[4]sarah@sarahroland.com) or Billy Huntsman at [\[5\]bhuntsman@tcdla.com](mailto:[5]bhuntsman@tcdla.com).

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