



910 Lavaca Street
Austin, TX 78701
dnareview@capds.org
(512) 774-4567

FOR IMMEDIATE RELEASE

Charge Dismissed Against Second Man to Receive Post-Conviction Relief After Closure of APD DNA Lab

Texas Criminal Court of Appeals Granted Relief Based on Faulty DNA Evidence

Austin – Updated March 30, 2023: Yesterday the Texas Court of Court of Criminal Appeals overturned the conviction of Billy Faircloth, the second person to petition for relief based on faulty DNA evidence from the now-shuttered Austin Police Department DNA Laboratory. Today, the Travis County District Attorneys Office moved to dismiss the charge against Mr. Faircloth, and Travis County District Judge Selena Alvarenga granted the request.

Mr. Faircloth was convicted of aggravated assault with a deadly weapon, and he was sentenced to 60 years in prison on February 15, 2012. The DNA evidence, analyzed by the former APD DNA Lab, was critical to securing his conviction. On July 20, 2022, the Capital Area Private Defender Service Forensic Project filed a writ application and other post-conviction pleadings asserting, among other things, that Mr. Faircloth’s conviction should be reversed under Texas’s “junk science statute” because it was based on unreliable DNA evidence. The writ was supported by a report from internationally renowned DNA expert Dr. Bruce Budowle and other evidence.

In October 2022, Travis County District Court Judge Selena Alvarenga recommended, with Travis County District Attorney Jose Garza’s agreement, that Mr. Faircloth be granted relief based on the junk science statute. Today, the Texas Court of Criminal Appeals adopted Judge Alvarenga’s recommendation. Mr. Faircloth has been out on bond since October.

Now that the Court of Criminal Appeals has granted Mr. Faircloth relief and the charge has been dismissed, Mr. Faircloth will not be retried for the aggravated assault and has regained his freedom.

Stacie Lieberman, Director of Post-Conviction Programs for the Capital Area Private Defender Service, said that “the Court of Criminal Appeals’ ruling underscores the importance of the review and litigation of these cases. We are thankful for the Court’s decision and for the commitment by the District Attorney’s Office to work with us to correct unjust convictions that were the result of the use of unreliable DNA evidence. We are also grateful for the commitment of Travis County, the City of Austin, the Travis County judges to correct injustices that arose from the problems in the former lab.”

“We are very pleased that the Court of Criminal Appeals ruled in Mr. Faircloth’s favor, granting him much-deserved post-conviction relief,” said Jane Eggers, lead counsel for Mr. Faircloth.

“I am very thankful for the Court of Criminal Appeals’ decision and appreciate the great work of The Forensic Project,” said Mr. Faircloth. Mr. Faircloth declines to provide any further comment

at this time.

Mr. Faircloth's case is the second that The Capital Area Private Defender Service Forensic Project brought before the Texas Criminal Court of Appeals requesting that a conviction be vacated because of scientifically erroneous DNA evidence. The Forensic Project was created to review Travis County convictions based on DNA evidence analyzed by the former lab and to litigate cases on behalf of affected defendants. The Forensic Project is funded through an interlocal agreement between Travis County and the City of Austin and a grant from the United States Department of Justice.

Contact: Stacie Lieberman

Director of Post-Conviction Programs, Capital Area Private Defender Service
512-774-4567

dnareview@capds.org

www.forensicproject.org

Twitter: @forensicproj