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

Texas Criminal Court of Appeals found DNA analyzed by the former APD DNA Lab was unreliable

Austin – January 19, 2021: Last week, Travis County District Judge Cliff Brown dismissed the charge of possession of a controlled substance with intent to deliver against Lamarcus Turner at the recommendation of Travis County District Attorney Jose Garza. This dismissal comes after the Texas Court of Criminal Appeals found that the DNA analyzed by the former Austin Police Department DNA Laboratory in Mr. Turner’s case was unreliable.

Mr. Turner’s case is the first that The 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 now-shuttered lab and to litigate cases on behalf of affected defendants. The Forensic Project is a unit of the Capital Area Private Defender Service. It is funded through an interlocal agreement between Travis County and the City of Austin and a grant from the United States Department of Justice.

The Forensic Project filed an agreed upon application for post-conviction relief on behalf of Mr. Turner earlier this year. The application was supported by a report from internationally renowned DNA expert Dr. Bruce Budowle and an interview of a former APD lab analyst that was initially withheld from The Forensic Project for more than a year, among other things. The Garza administration, through its new Conviction Integrity Unit, agreed that Mr. Turner was entitled to relief. Travis County District Judge Brown reviewed the application and supporting materials and recommended to the Texas Court of Criminal Appeals that Mr. Turner’s case warranted relief. On December 15, 2021, the Court of Criminal Appeals agreed that the DNA used in Mr. Turner’s case was unreliable under the Texas junk science statute and that his plea was involuntary, and vacated his conviction.

“I am thankful for the work of The Forensic Project, and I am very pleased with the outcome. I am glad the Project will continue to carefully review cases that were affected by the former lab,” said Lamarcus Turner. Mr. Turner has no further comment.

“We are incredibly happy that the Court of Criminal Appeals ruled in Mr. Turner’s favor, granting him much-deserved post-conviction relief. The Court’s 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 judges to correct injustices that arose from the problems in the former lab,” said Stacie Lieberman, Director of The Forensic Project.

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