

S4 | Episode Five | Butch Martin and Allison Clayton | Part 2

Taylor Peters, Host: PRECIOUSLY ON FEARLESS

(Suspenseful Music)

Peters: ...fortunately we have the expert on the case...

Allison Clayton: And I can tell you everything about this case. He has no motive. He had an alibi. Who else was going to be the one to take the blame for it? But the last person to see them alive, who had access to them. And that was Butch. He was in disbelief. He was angry.

Peters: He's just broken.

Clayton: You know, just could not believe that they would think that he would do that to his family.

(Music)

Clayton: So, you know, he goes to trial and, and he honest to God did not think he was going to be found guilty. He thought that the jury would see him, that his experts came in and showed it to them. They lined it out. And, you know, they thought he thought that they would see he had no motive. He loved his family. He would never do this to his family. But that didn't happen. So, after several days of trial, the jury looked at him and said, we think you're a killer. We think you murdered your family and you're going to spend the rest of your life in prison. Fast forward 20 years.

So, you have, you know, the path forks, right? You have what happens to the person and then what happens with the rest of the world? So, what happened with Butch is he went into prison, convicted of murdering his wife and two babies. Well, toddler and a baby. People like that in prison are not received well. So Butch had to undergo what's called prison court, which is a thing where the other inmates put you on trial and see whether you are, in fact, guilty. So, whenever I was initially going through Butch's file, I found the letter that his trial attorney wrote to the prison court to see what punishment the prisoners were going to dole out to Butch.

Peters: Oh my Gosh.

Clayton: So he went through prison court, and he was found guilty. And, Butch was beaten severely multiple times whenever he very first got to the unit that to his, like, more permanent unit, he had a hit put out on him, and they were coming to kill him, and he understood. I'm about to get killed. So, he gave it his all, and he fought back, and he somehow won. And that kind of stopped that. But he had to fight for his life, literally fight for his life while he was in there, just during the course of me working with him, Butch got in 3 or 4 fights, and I shouldn't say got in 3 or 4 fights. He was attacked. He's not he's not provoking these fights. Butch is getting jumped. I mean, yeah, he's getting dumped because, you know, they think that that he has done this to his children. So, so Butch goes to prison, and he is, is quite literally fighting for his life. He's had most of his teeth knocked out, multiple broken bones broken. He has had friends that he's made, and he's seen his friends murdered.

In the meantime, the rest of the world goes on. And in the decade after Butch is conviction, science really starts getting involved in understanding fires.

And there was a really big study done in this decade by a man named John Lentini. Lentini is one of the foremost experts in arson investigation. He has his undergrad in, I think it's biology. He's got masters stuff, master's classes in chemistry, like an actual scientist. Lentini came in, with a group of some other people, some other colleagues of his, and they started experimenting on the causes of fire.

One of the things that they found is that there are accelerants throughout normal, everyday household products, and their study was very seminal in the area. It's called the petroleum laced background. And what that study established is that there are accelerants in things like T-shirts or receipt paper, linoleum, carpet rugs, drywall. It's everywhere. It's the petroleum laced background.

So, whenever you're going through a fire, and you see these accelerants. Yes. Those are accelerants that are in that fire, they will speed up the fire, but they are not intentionally placed there. Just there would be in every fire, intentional or accidental. But of course, intentional fires will have other accelerants. And that, that you can identify by. The amounts are in there. Here's the other thing. The carbon strip method that they used for testing that method. It requires 1/500 of a drop to show positive for the presence of accelerants. So, if you had just one receipt that burned up at that spot in the fire, just if that was like right there were carpet was and we know that there was a carpet right there. Because they had a rug covering the extension cord. If there's just one little I mean, 1/500 of a drop in any of that, then it's going to show positive for the presence of accelerants. So that was huge. Lentini would go on to have other studies. And I think it's 2014. He had another study, that showed us a lot about poor patterns.

Now the whole idea about poor patterns has been completely debunked. Patterns happen with. Well, I guess they could happen with accelerants, but the presence of a pattern on the floor of concrete after a fire doesn't mean anything. It just means that during the course

of the fire pattern developed there, it's nothing. So, all of that was debunked essentially in very significant ways.

While Butch is in prison, still fighting for his life. So, so all of that happens. There was an attorney who had come in who'd actually been hired by the family to come in and to litigate the case. Any kind of coincidence that this is happening at the same time, did they know that some of those advancements were happening? The family and then they called, and they were like, we need to relook. This is just like.

No, actually. So, the way that that will happen, and it's with any area of science, forensic science, when it gets debunked, is the legal community, people like me, or people at the forensic Science Commission, people like that keep an eye on things like this. So whenever we see really big advances in forensic in, in an area of forensic science, especially one that is debunking something that we know has been used to obtain convictions, we start reviewing them.

I so, so and, in Butch's case, you already had an attorney who had been hired to try to get him out. This was before he had really any solid grounds for that. But they had still hired this attorney who's an amazing attorney. So, we knew that arson science was evolving quite rapidly. Anyway, the reason why we need it is because there's another very contentious case in Texas, very similar to butcher's. Except that man actually had the death penalty inflicted on him. That man was murdered, by the state of Texas in our name, because they said that he had murdered his family. And it's very, very, very similar to the presence of accelerants.

And he always said that he was innocent. But that man got killed. Butch, however, only had only had prison without the possibility of parole. Life without the possibility of parole, as opposed to the death penalty. And thank God Midland County didn't have the war chest to go after the death penalty. Or else Butch would have gotten the death penalty, too.
Peters: Oh my gosh.

Clayton: But, so yeah. So we know, like the lawyers who are in this field, we know we kind of keep up with what's going on. And so we knew that there were really significant advances in arts and science. And state actors knew that as well. So, the state fire marshal got Ahold of Butch's case and put together a group of professionals to look at it. And the group was comprised of arson scientists. Lentini was one of them. No, no, he couldn't serve on that panel because he was already kind of looking at butch stuff. But you have arson experts. Arson fire experts. You had, forensic pathologists, people who are actually trained in understanding how death happens. A panel of experts, and they all got together, looked at this case and said this fire was not intentional.

You cannot say that this fire was intentionally set. There's just there's no evidence of it. Everything that you had that proved that has been disproven, it's been debunked. So, they couldn't go so far as to say it was the extension cord that started this fire, because the

investigator had thrown the extension cord out. But they could definitely say this was not intentional.

So, the so here's how we came into the case. The state fire marshal was having a meeting on butcher's case. Well, butcher's case is going to be one of the cases discussed in the meeting. And it was going to happen up in Amarillo. And the attorney had long been working with my predecessors at the Innocence Project of Texas, but they hadn't really done anything with it.

And so, it got, you know, an email hit my inbox, it says, hey, there's this guy. There's going to be a saw panel meeting, a meeting with the state fire marshal on it. And can you go? I couldn't go, I had court. I had something else. I could not go to it. But I said, you know what he's done in Abilene?

Me and my students can just run down there and talk to him. We'll just take a look at his case. And so we go down there, and the very first time we met with Butch, you can imagine it's in that unit. It's like it is how you see on TV where, the guys on the inside. And then there's this big, thick glass pane, and then there's a phone that you can pick up was me, and it was for students.

And so, I had my phone, the student attorney had her phone, and we're right in front of Butch. But then we had other student attorneys too well, actually, three more student attorneys who were just kind of back there and they couldn't hear what was going on. So, I asked, but I said, hey, hey, can you, like, pick up the phone from the other side and like, talking to both of them?

And he said he did this with the phones. He says, you honestly want me to talk to you like this? And I said, yes, yes, sir, please. And he was like.

Peters: Okay, whatever.

Clayton: Whatever you want, lady. Yeah. And that was the beginning of it. We, we left there. And you I always say I'm not a human lie detector. I, I don't know, I've been lied to before. I've been fooled for a very short period of time, before. But I was absolutely convinced there's no way that man killed his family.

There's just no way after all this time. And this was in 2017. So, by then it had been, you know, a couple of decades. And he is still like it, you know, like he is still back there on February 25th of 1998 like he is. There's no way, there's no way. Plus, you know, I always tell my students, the very first thing you look at is the objective evidence.

What is the objective evidence telling you? Because people get it wrong every you can't trust people. And not for any kind of bad intent just because we're not that great of

witnesses. So, let's see. Objective evidence. Say, why would this man murder his family? There's zero, you know, monetary incentive for it. There's like, why would he do that? People don't just wake up. I mean, if he and his wife were having problems, then maybe there's something there. But his babies, he's not hurting his babies. Who's going to do that? That's not to say it can't happen. It's just to say that's really. That's a starting common. Yeah. And you know, I've been around people who have done that.

Peters: So, what did you what did you do? What was then what was the first thing that you did?

Clayton: Well, I already had. So, I knew that the arson was bad. I knew because I had stayed on top of that stuff. So I knew the arson was bad. So, the very first thing I did is I called up John Lentini and I was like, you... would you please come and work for us on this case?

And he was already very familiar with the case since he was like, I've been waiting for your call. And I'm like, well, here it is, buddy. Let's do this. Let's do this. I'm going to need you to write up a report I need. Here's everything we have from you. Do what you do. And so, we did that. Now then, remember earlier I said they had gone and exhumed the bodies because they had initially said these people just died in a house fire, and then they exhumed them.

They tried to establish some kind of, you know, they had been, incapacitated, by Butch before he set the fire. And so, we still had that we had to deal with. So, the so there were two people who testified at butcher's trial. The first one was the pathologist, and the second one was the forensic anthropologist. So, he started digging in on those witnesses. The pathologist, it turns out, ended up not long after Butch's trial, getting into trouble himself. He, he was doing some really shady things. He ended up going to the federal penitentiary. Yeah, he's he he's not supposed to be practicing anymore. I think he still is, but, but he's, you know, he lost his medical license, as one does when they're in the pen for a couple of years.

So that was him. And then we had the.... And the other thing is, is he was before earlier I said he's a pathologist, not a forensic pathologist. There's a very important distinction between the two because forensic pathologists or actually, sorry, forensic pathologists are actually experts in understanding how people die. So there's that. And then you have the forensic anthropologist who testified against him.

So, one of the things we did is we called up the forensic anthropologist and we said, hey, what's up with this? And he looked at his testimony and he said, yeah, I don't think the jury understood what I was saying because from my testimony, it looks like I was saying he was guilty, and I didn't really mean to say that was.

Peters: That is so frustrating.

Clayton: Yeah. And so, we talked to this forensic anthropologist, and we kind of went through everything. And to his credit, he was like. I didn't mean to say he was guilty. I didn't mean to say that these people had suffered blunt force trauma before they were dead. You can't say that. And I was like.

You're right, you can't say that. So, he ended up giving us an affidavit where he walked back his testimony very significantly. In the meantime. So, I have the pathologist and the forensic anthropologist kind of neutralized, but I still needed to prove that, you know, these people weren't hurt before the fire, that they just, you know, they just died in the fire.

So what I did is I have a wonderful forensic pathologist, Doctor Sean Drew, down around in South Texas. And I reached out to Doctor Sean Drew, and I said, hey, can you look at this? And he looked at it and he was like, yeah, these are accidental deaths. There's zero indicia of any kind of foul play.

But then what I did, which was a fun trick that I've learned over the years, is I knew what court this was going to be in. It's down in Midland and I asked around and I said, hey, whenever they're prosecuting cases, who's their forensic pathologist? And I got her name, and I took the case to her and I said, hey, can you have a look at this?

And she did. To her credit, she looked at it and she said, yeah, these are accidental deaths. There's there's no indicia of foul play. So, then I had their expert as our expert. Wow. And then I found a forensic pathologist like the one of the top forensic, sorry, forensic anthropologists in the state of Texas. He's the guy, and I found him, and I said, hey, can you tell me what?

What? All you can testify about, what all you know about and what you don't know about. And he came in and he said, yeah, we can't say we can't do cause of death determinations. I mean, we can't do that. We don't know anything about that. We can't testify to that. So lined up then with Doctor Lentini, the two forensic pathologists, the forensic anthropologist, and then the affidavit of the original forensic anthropologist, we took we went to court.

Peters: Yeah. You get all these people you have, like the all-star lineup, and you're ready to go play the biggest game of your life right now. So, the ball is rolling. And the momentum I can imagine for you is just like a moment where you're like, we're going to get to do this for him. Yeah.

Clayton: Yeah, absolutely.

I know what the result of that hearing should be. If we're going to have an honest prosecutor and an honest judge. So yeah, we went into the hearing with me and my students and, we just laid it out there, it was a two-day long hearing. We laid everything out at the end of that hearing. So, during the hearing, I was looking over at the prosecutor, and he was just kind of taking everything in.

Right? He hadn't really been. A lot of times I try to establish relationships with the prosecutor ahead of time. This prosecutor was not open to that. So, he was kind of hearing everything for the first time, too. And so, I'm watching him and he's just kind of taking it in. So, during the trial, I'm having to show during the hearing, I'm having to show all of these difficult pictures and kind of relive this. And Butch is sitting right here, and Butch is going through it. I mean, he is some kind of way. He's been placed on suicide watch. He is just he's just a wreck as any of us would be.

You know, he's just a wreck. And the judge, such a good judge in that case, is looking over. And he brought me, brought me back in at the end of day one of the hearing he said, is your client, okay? And I was like, he's absolutely not okay. No. He's like, I see he's been placed on suicide watch.

So, everything on day two was me asking the experts the questions, establishing everything. And then the prosecutor who had caught on this is a bad conviction, trying to think of different angles that would help improve the case.

Peters: Oh, gosh.

Clayton: It was, it wasn't like teamwork, but it wasn't not teamwork. And the judge, you know, is like handing having his bailiff, like, hand butch Kleenex and trying to show him, like, kindness because they understood. Oh, my God, this man has not murdered his family. This man is a victim.

Peters: Oh my gosh.

Clayton: And, yeah, it really picked up steam, wasn't there?

Peters: I can just imagine, like a moment of, like, almost pride in the justice system for you then because you're like, we are all on the same team rallying together. Yeah. To do the right thing.

Clayton: The moment that it clicks is just.

It's awesome because it's like you, you feel so often that you're just, like, screaming in the wind. But when someone finally understands, like, I'm serious about this, you guys need to pay attention to this. It's just like a weight because they see, like they get it too. And it is. Oh man, it's downhill from there. It's great. Once they are... once it finally clicks, then it's just oh man.

Peters: And we now know in this room here today talking we now know that obviously you guys got the result. You got the justice that Butch deserved.

Clayton: That's right.

Peters: I want to go into that specific moment. And I want you to tell me what it felt like for you and what you experienced standing next to him as he, you know, basically has the people understand and the truth.

Clayton: In the courtroom?

Peters: Yeah.

Clayton: So, I don't think Butch felt it like I felt it. I mean, that's, you know, the only time Butch has been in a bond hearing, and I've done oodles. And so, I am very in tune with, you know, how questions are being asked, what kind of vibes you're giving off. Like, I'm more in tune with it, and I know I can tell you the, you know, the question that flipped the judge. I can tell you the question that flip the prosecutor. I can tell you the moment it happens. But Butch was not clicking like that. You know, Butch is just trying to survive over here while he's just thinking about, you know, that fire that day. So. Which I don't think felt it. And of course, I'm never going to as an attorney, be like, we got this.

So, it wasn't as obvious for Butch. So, whenever we left, you know, we parted ways, and it was. I mean, you could tell we were able to go back and talk to him. The bailiff was so cool. I mean, he was still shackled. Don't get me wrong. He still had three capital convictions against him.

So, he was shackled completely, and he was just having to do kind of like a shuffle. But the bailiff was cool. You know, we got to talk to Butch. I said, that went really, really well. And. But just like you think so, and.

Peters: I'm like, yes, I think so.

Clayton: But he went to prison. He went back to prison. You know, we came back home, and he went back to prison. And when he went back to prison, because there was a little bit of news coverage on it, and, and it was crazy because I sat down with that news, with the news, and I explained, like, I laid everything out and, and they still ran kind of an unfavorable story.

Just one, not all of it, but just one agency did. And, and that story got out. And so Butch gets back to prison. He's still a baby killer. And he jumped and that one cost him another tooth. I have it somewhere here. He gave me a tooth.

Peters: That a memento.

Clayton: A memento. He said, this is you can give this to your judges.

Peters: Oh my gosh.

Clayton: So, I mean, I should probably figure out where I put the human tooth. But, yeah, Butch went back to prison, and he was fighting for his life again, and he would remain in there for over a year. In the meantime, we put everything together, got the judge on board. They would only agree to say it was a wrongful conviction.

They would not agree to actual innocence. And I think that was more political than anything else. I mean, after all, you're still in Midland. It's an election year. You've got a guy who's been convicted of killing his family. He's got three capitals, three mini capital convictions on him. And so they would stop short just short of actual innocence.

But they said, yeah, everything that supports this conviction is not valid. And there is no indicator that there is actual guilt. But we're not going to give you actual innocence.

Peters: And what is that like? What does that mean? Is it just a technicality or does that change what his past will look like moving forward.

Clayton: So yeah, it does. So that was the trial court's determination. That was the prosecutor. What would they agree to with us. And the trial court was just going to go off of what we had agreed on. But that's just what's called the findings and recommendations of the trial court.

So those recommendations go up to the Court of Criminal Appeals, and they will do whatever they want to do with them. They can, you know, accept them, reject them. They have to take fact findings. They can't really challenge those. So, if the trial court says this is a good expert, a credible expert, then the Court of Criminal Appeals has to say, okay, well, this credible expert said right.

So, they have to like there's certain parameters that the trial court can establish. But beyond that, the Court of Criminal Appeals will do whatever it once. It's just a recommendation that the trial court gets okay. So, we put that together. That goes down to the Court of Criminal Appeals and it and it sits I mean; things just take a while.

And in the meantime, Butch is still in prison. There is a statute in Texas that says that if the prosecution if the state and the court both say that this was a wrongful conviction, then the person can get out on bond while the key is figuring out what to do. So, I asked the prosecutor, hey, will you get on?

But the thing is, it's entirely discretionary with the court. So, if the court says, no, I'm not going to do that, you have no recourse. You just act like that. That's what it is. So, I asked the state, hey, will you get on board with release on Bond? And he said, no, no, we're not going to we're not going to do that.

And so, I... and the judge said, well, I'm not going to do something like letting a convicted capital murderer out on bond. If the state's not backing me, which is kind of understandable. So.

So, he sat and he sat and after about a year of that, a little bit more than a year, I reached out back out to the prosecutor and to the judge, and I was like, listen, guys, this could be several years from now. And he is getting jumped like, for this, he is not safe. Can we please just agree to release on bond?

And the court said instead of saying no, the court said we can have a hearing on it. I'll listen to I'll listen to what your plan for his release on bond is, which was something. So, then we started getting ready for the bond hearing. This was in spring of 2023 last year. And y'all were here for that.

So the thing, whenever someone's going to get out on bond, it doesn't really matter whether they are innocent or guilty. That's not the point of a bond hearing. The point of the bond hearing is to say, okay, if he's out, where is he going to live? How's he going to get money? Is he going to support himself?

He's not going to be homeless on the street. He's not going to be out here committing more crimes. You know, just broadly speaking, in all of the bond hearings as what you're trying to establish, it's not about the underlying case. It's about, you know, can this person be okay, if they're released. So we had to establish that he had a family that would be there for him, that he had a way that he could make money, that he wasn't going to be homeless, that he, you know, that it was going to be okay, that he had the support system for a successful, bond.

I thought that maybe the judge would just say, okay, you're out. But more realistically, I figured that he was going to sit on it and think about it. And that's what he did. So, I got the call on Monday morning of spring break. Okay. The judge is going to let him know, which was wonderful news. But also, I was literally at the Grand Canyon entrance when I got that call.

Was just going to let him out. And she said just as soon as he can get his family up there to get him. And I said, Okay. That's the best news, that's the best news, the most inopportune timing.

Peters: Oh my gosh.

Clayton: Literally going into the Grand Canyon. Yeah. So that was fun. That's the only time I've had a client get released that I'm not there with them. And it killed me. It killed me. So, I'm in the Grand Canyon. I have released body signal, like, every couple of hours I get five minutes the whole time. I'm just, like, looking at my phone, waiting for them.

Waiting for the thing to pop up for me to get some kind of signal so I can text my student, or, you know, his sister's somebody, like, what's going on? Is he out? And, you know, I'm getting bursts of text messages. That was real fun. And because I was so happy, of course I'm happy crying in the Grand Canyon.

So, I have a bunch of pictures from the Grand Canyon with me... Just like crying just through crying in the beautiful Grand Canyon in the background. I'm just like, oh, this is the greatest day. So, So yeah. So Butch got out later that day. A couple of my students, one of my former students and one of the current students who had just so happened to stay here for spring break, was able to fly down to Midland and be with him when he got out. And I have, like, those pictures. I need to get them up in the room. But, so, Butch gets out. He's reunited with his family. It's beautiful and wonderful. I finally get to a point in the Grand Canyon once he's out where I have signal and we FaceTime and, And it's like, it's at a point, the Grand Canyon where there's, like, a whole bunch of people around. That's why their signal is because it's at one of the, you know, like, areas you can go shopping or whatever.

And I'm out there with the Grand Canyon in the background, ugly, crying, just and he's ugly crying. And there's these tourists just walking all around. And I'm like, just keep moving. You have no idea what's going on. Just give me this moment.

Peters: You're part of the experience.

Clayton: Yeah, right. So, so, we get back and, we go and we meet with Butch, the whole class. We all go down to Midland, and we have our own little meeting with Butch, and it was wonderful. It was so much fun. And Butch is out and living and he's doing great. He's with his family. His family is so thrilled that he's home.

I get text messages from Butch as he's trying to understand, like, okay, this is an iPhone. I have this really funny video and I'll have to show it to you where, it's Butch on the it's like a selfie video and got to saying hi and his like nieces, his nine year old niece and his nephew who's a little bit younger, are bouncing on the trampoline in the background.

(Laughing)

Butch Martin: How do I turn it off?

Clayton: And he's like, hi, I wanted to show you. And I got him here, and, and I'm Uncle Butch is babysitting, and then he's he's he doesn't know how to turn it off. And so he's like, how do I turn this off? And the nine year old is like, you push the same button again and he's like, oh, okay.

So I have like these wonderful, videos and pictures. Butch understands how to use every emoji that that's available in, in the, in the iPhone. And so like I, we get these just these huge blocks of emojis.

A great, but at the end of the day, you know, he's still having to to report, you know, he's still having to not leave Midland County. I remember whenever we were down there and we were having our lunch, it's me and Butch and his family and my my kids, my students. We're all just sitting around the table at this restaurant, having a great time, and his phone rings.

And it's like the parole people when he has to check in, and he has to, you know. But he's fine. He's cool. He's glad that he's out, but he's still on conditions of parole or or sorry, on bond. So, so we went about that. We went on like that for a few months. My students graduated and they graduated on a Saturday.

And then the following Wednesday is when the Court of Criminal Appeals issued its ruling, in which case and I remember that morning. So the Court of Criminal Appeals releases does its hand down list every Wednesday morning at 9:00. I thank God this is a Wednesday morning. But I don't have any cases pending with the court right now.

Or else I would be sweating bullets need, like, check my phone to make sure they haven't ruled on any of my cases. But whenever you have a case pending with them, 9:00 every morning, you're pulling that up. And I, you know, like I had been doing for over a year in Butch's case. So, that morning, I pull it up, and I see we got a ruling in Butch's.

And, it's wild as the attorney, to experience that moment because it happens. It's like time slows down within your mind, but it speeds up outside. I know it's kind of weird. But it's like it slows down and you remember everything. Like you remember. Like I remember, like you lose your breath and you go numb and and I remember clicking it and it's like short.

Butch's opinion is really, really short, which is fine by me, but, but it said the last paragraph. It says that he is actually innocent for his parents. And first sentence of the next paragraph, we agree. I don't remember a whole lot after that, but there was a lot of screaming, a lot of crying. I'm just like, oh my.

Peters: Gosh.

Clayton: I'm just like running around the house carrying my partner is like, what's going on? And I'm like.

It's Butch, it's Butch. And he's like, is it good or bad? And I'm like, it's great. I have to go tell him. So this is Wednesday morning at 9:00. I am not dressed up. I'm not fancy. This is my May 22nd and I'm just like, you know, hair and uneven space buns. I'm wearing, like, mom jeans or mom jean shorts and like, a big oversize t shirt. I run out the

door. I'm like, I gotta go to Midland. I'll see you later tonight. So I run out the door. I'm on the phone. I'm on the road and I'm talk to. No, I'm not texting while I'm driving, but I am talking and sending him text, and I'm like, hey, Butch... Something came up in Midland, in one of my other cases and, was wondering if you wanted to meet for lunch. And he responds like, yeah, sure, I'll meet you for lunch. And I'm like, let's go. I thought I was so slick. I'm like, let's go. So we end up meeting, and I'm just, like, shaking, right? Just the adrenaline that the high of everything. And I'm shaking and he comes up to me and he's like, hey, he's had. He'd been having a terrible day. He'd try to go to the bank to get a bank account going. They wouldn't let him start a bank account. He's having a rough day. So so he comes up and I hugged him and it was Butch and his sister Heather, and hugged him, and I was like, Butch, I lied to you.

And he was like, why did you lie to me? And I said, well, I don't I don't have anything else going on today. You're what I have going on today. And he's like, what do you mean? And I said, we got a ruling. And the judge, we got a ruling in your case. And, I'll never forget his face, who went totally like, just what is it?

You know, like, really serious, really fast. And I said, we got it completely exonerated. You are actually innocent in a court of law. And I showed him the paper and he's like, are you serious? And then he breaks down, I break down, Heather breaks down. We're outside this random restaurant just, ugly crying again. Apparently, it's the thing the theme in this case is you just ugly cry in public. But yeah.

Peters: And so goosebumps. Yeah, it was awesome.

Peters: Those are like the moments that you live for. If you're Alice Clayton. Yeah. And you spend your whole life advocating for stuff like this. Yeah. To get to deliver that news in person. Oh, that's so powerful.

Clayton: It's incredible. It's like. It's what I chase. It's a high like there is. I don't I don't do recreational drugs, but like, I guarantee you, there is nothing on the earth that is a high like that. There's nothing like that.

Peters: And I love it.

Clayton: It was awesome. It was great.

Peters: What makes you feel emotional about it as we sit and like relive?

Clayton: Well, it is like the just like emotion of it, you know, like, I've been working on this case since 2017 and here we are in 2024. And it's just like you work and you work and you work and, you know, I say every case is like a mount Everest because it's. It's so difficult. And, you know, you don't know if you're even going to make it to the top. You know, you don't know if you're going to ever be successful. And it's just fraught with

uncertainty. And everything is just so delicate. You have to get so many people who are against you to be on your side, and you have to get the prosecutor, which also means you have to get the D.A., you have to get the judge at the trial court level.

You have to get at least five judges at the Court of Criminal Appeals. You have to get all these people who do not want to agree with you to agree with you. You have to convince experts to take your case. You have to convince witnesses to talk to you. You have to do so much work and you don't even know if it's going to be successful.

And so there's there's that. Right. Like the whole there's a lot of emotion that comes into that because, I mean, you've poured years of your life into this and you don't even know if it's going to come to fruition. So there's that. But then there's also just the humanity of it, you know, like, you can recognize this person has had everything taken away from him, and you get to be like a witness to when it starts coming back. And it's just it's beautiful. You know, as a human, how could you not be moved by that?

Peters: And you knew from the very beginning that he was worthy and he was deserving of your effort and your time.

Clayton: He was worth every bit of it.

(Music)

ALLISON AND BUTCH'S FAMILIES HAVE GROWN REALLY CLOSE OVER THE YEARS SHE HAS WORKED ON HIS CASE.

(Clapping and celebrating)

OVER THE SUMMER, THEY ALL GOT TOGETHER AT HIS SISTER'S HOME IN MIDLAND... A BIG BLOWOUT PARTY TO FORMALLY CELEBRATE HIS FREEDOM...

BUTCH'S TATTOOS COVER NEARLY EVERY INCH OF EXPOSED SKIN, HE'S A WALKING INSTITUTE OF HIS OWN ART. HIS RED TEXAS TECH POLO SHIRT AND BLACK SHORTS MAKE ALLISON SMILE, A WELCOME SIGHT AFTER YEARS OF VISITS, HIM WEARING HIS ORANGE AND TAN STRIPED JUMPSUIT- THE UNIFORM RESIDES IN ALLISON'S OFFICE TODAY. A MOMENTO OF VICTORY. FEW PEOPLE ARE BIGGER FANS OF TEXAS TECH AND ALLISON THAN BUTCH. ALLISON AND HER STUDENTS HAVE HELPED RESTORE HOPE IN A SYSTEM THAT FAILED BUTCH ALL THOSE YEARS AGO. THEY HAD ALWAYS BELIEVED THAT THERE WAS MORE, THAT HE WAS MORE. AND NOW WE KNOW THEY WERE RIGHT. AND THANKS TO THE WORK PUT FORTH BY HER TEAM THERE ARE MORE CHAPTERS FOR BUTCH TO WRITE, MORE LIFE FOR HIM TO LIVE OUT AS A FREE MAN. BUTCH IS A TESTAMENT OF WHAT VICTORY LOOKS LIKE FOR ALLISON AND HER STUDENTS... ONE THAT THEY APPLY TO THE OTHERS WAITING FOR THEIR STORY TO BE HEARD.

(Music)

IF YOU WANT TO SEE PICTURES OF BUTCH OR WATCH MORE BEHIND THE SCENES AND BONUS CONTENT, CLICK ON THE LINKS IN OUR BIO.

Peters: FEARLESS IS PRODUCED BY TEXAS TECH MARKETING AND COMMUNICATIONS. IT'S HOSTED AND WRITTEN BY ME, EDITED BY THOMAS. SPECIAL THANKS TO ALLISON AND BUTCH FOR LETTING US SHARE THIS STORY. TO SEE PHOTOS OF BUTCH TODAY, COLICK ON THE LINK IN OUR SHOW NOTES. AND TUNE IN NEXT WEEK FOR PART TWO OF BUTCH'S STORY.

Peters: FEARLESS IS A TEXAS TECH PRODUCTION. FROM HERE, IT'S POSSIBLE.