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Jay Janner  
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Standing with his court-appointed attorney Pam Lancaster, Billy pleads no contest in front of Travis County Court-at-Law Judge Jan Breland, right. Hours later, Billy is released from jail and takes a bus home.



Jay Janner  
2007 AMERICAN-STATESMAN  
[\(enlarge photo\)](#)

Silvestre Villarreal, who runs the Construction Gateway program, said he had hoped to help Billy learn a marketable trade.



Jay Janner  
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Billy Byers is escorted into Travis County Court-at-Law No. 6, where he pleads no contest to a theft charge in November.



Jay Janner  
2007 AMERICAN-STATESMAN  
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Billy had two options: He could have waited in jail two more weeks for a trial his lawyer

BILLY'S WORLD: PART 5

**A man with a record**

**Billy pleads no contest to a theft charge and is released after a month in prison.**

By [Eric Dexheimer](#)  
AMERICAN STATESMAN STAFF

Sunday, April 27, 2008

In a 6-by-4-foot cinder block room in the courthouse basement divided by a glass security window — jail on one side, free world on the other — Billy weighs his options.

As is the case with many of his decisions, a teen-age near-sightedness distorts his view of the horizon. He must select between an immediate reward and a future payoff that's hard to see — particularly for a young man who has spent the past month in jail and his entire 17th year in a juvenile lockup.

Which really makes it no choice at all.

On Nov. 6, Billy is bused from the Del Valle jail to the Blackwell-Thurman Criminal Justice Center in downtown Austin, where his theft case is set for trial. But the prosecutors decide to postpone his hearing for two more weeks because the police officer who took the theft report is unavailable to testify.

The judge, meanwhile, refuses to let Billy out on bail. That means two more weeks in jail — unless, that is, Billy wants to make a deal. Pam Lancaster, Billy's court-appointed lawyer, sits down in a plastic chair to explain it.

First, she tells Billy if he can just wait out the next two weeks in jail, she's confident he'll win in court. He said/she said cases such as Billy's — a former roommate says he stole her jewelry; he says she gave it to him to pawn — are difficult to prove.

Moreover, Lancaster says, the accuser has been hard to track down. Odds are she won't show up for a trial, in which case the theft charges would be dismissed. Billy's record would stay clean.

She lets that sink in. Then she says, "But let me give you this other choice. Because it's your case."

**Forever and ever**

**100**

There are more than 100 occupations in Texas for which an applicant can be denied a license to work if he has a criminal record.  
— 2007 Texas Public Police Foundation study

Lancaster lays out the prosecutor's offer: If Billy pleads no contest, he'll be sentenced to 45 days in jail. But because Travis County jails are overcrowded, inmates get two days of credit for every one served. Billy's month in jail gives him more than enough time served.

"You've already got the time," Lancaster says. "You'd get out today."

Billy jerks his head up and raises his eyebrows.

"You'd have to take the theft charge," Lancaster says slowly. "It's a Class A misdemeanor. It'll be on your record forever and ever. It's a crime of moral turpitude, and it can follow you around like a smudge. There are plenty of people who might not hire you."

Billy doesn't hesitate.

"I'll take the plea agreement," he says. "I can't stay in here any longer."

Two hours later, he stands in front of Travis County Court-at-Law Judge Jan Breland in a near-empty courtroom and pleads no contest. Before he leaves, Lancaster hugs him.

**Jobs**

Parolees employed within the first three months of leaving prison were more than seven times less likely to return to prison than those who didn't have work, according to a recent Massachusetts study.

"Good luck, Billy," she says. "Call me if you have any questions."

Lancaster tells her clients that because she knows what can happen. "People will call back and ask, 'Is there anything I can do about this (criminal record) now?'" she says. "But for those who've pled to a formal conviction, there really isn't anything."

For defendants like Billy, whose youth has provided numerous get-out-of-trouble cards and who lives day to day, it can be especially difficult to see the practical consequences of an easy plea. "They don't have any imagination about their life," says Lancaster, a former assistant district attorney.

"The world is a lot grayer to me now than when I was a prosecutor," she says.

Within hours, Billy is bused back to the jail to be processed out and given a bus ticket to Austin. About 9 that night, his mother, Ruth, gets a call — "the first noncollect call I've gotten from him in a month," she says.

Billy wants to know when she's returning to the apartment. He's waiting outside and is

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was confident he would win, or he could take the plea deal.

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ready to come home.

#### No. 1 is attitude

Released from his month-long stay in jail, Billy agrees to meet with his parole officer within 24 hours. His previous officer Virginia Martinez has been promoted to a supervisory position. He and Yvette Hendrix, his new officer, decide a job is key to keeping him out of trouble. "You do want to work, don't you?" Hendrix asks.

"Mmmm," he says.

Hendrix recommends a training program based at WorkSource, a publicly financed job training and finding organization only a couple miles from Billy's house.

He's in luck. A new class is starting in two weeks. It's competitive; Billy will be one of 17 applicants for 13 slots. Hendrix sets up an interview for 8 a.m. Monday.

"Please show up," Hendrix says.

#### Housing

"I get tons of mail from prisoners who say they can't find housing, and I have nothing for them. Nothing.

— John Henneberger, director, Texas Low Income Housing Information Service

The appointment is with Silvestre Villarreal, a former Army first sergeant who runs the well-regarded Construction Gateway program. Tree-straight and disapproving-looking, his gruff exterior evaporates during conversation. "I'm doing blessed," he says when people ask how his day is going.

The construction-training program is intensive. It accepts about 100 people a year who must attend daily classes for five weeks at Austin Community College. They study construction skills, but that's not all.

"No. 1 for me is attitude," Villarreal says. "They really have to want it. It's construction, but it's more than that. It's life changes."

Construction Gateway boasts high success rates. Ninety percent of students finish the coursework; 70 percent find work in the construction trades, Villarreal says. He credits the rigor of his pre-screening interviews, honed by years of detecting applicants' baloney.

"I tell my students they have to prove to society they've changed," he says. "I recommend they stay at their first job for two years. Anybody can handle one year. But two years proves something."

For most recently released cons — which includes many in the class — the biggest hurdle is simply showing up. So before the first class convenes, Villarreal meets with applicants every day for a week. On the day before the first class, he poses a final test.

"I tell them to come for a briefing at oh-seven forty-five," he says. "If they're late, I put them on a wait list. They always have excuses — transportation, traffic. I say, 'I did not ask you why. Teachers are going to expect you to show up on time. Employers are going to expect you to show up on time.'"

At 8 o'clock, Villarreal looks at his watch. "I'll give Mr. Byers a few more minutes," he says tersely.

At 8:45, he calls the Texas Youth Commission parole office to ask if they'd heard anything from Billy. They haven't. At the end of the day, Villarreal crosses Billy's name off the class list. "I was hoping to help this young man," he says. "But maybe something else came up or he lost interest."

"I got on the bus, but it got caught in traffic," Billy says later. When it appeared he was going to be late, he turned around and went back to bed.

edexheimer@statesman.com

#### Your Comments

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#### Add a comment



**Bill** wrote:

Ouch! Either plead to a crime he didn't commit or... or... plead guilty just to get out of jail! What a dilemma a person is put in when confronted by Texas law! It's not fair! It's not fair!

Unfortunately, however, it's not true, either. There is a provision in the Texas Code of Criminal Procedure (Article 17.151 - entitled "Release Because of Delay" which Billy's court appointed lawyer should have used to secure his release from jail if the state is not ready for trial within "30 days from the commencement of his detention..." Look it up! Billy should make a motion for a new trial before his time is up, if it isn't already, so that he can keep this conviction off his record.

Instead, his lawyer gave him an option that is completely incorrect and now he has a final conviction on his record. Hmm... what an unfair system... we all say. But really, unless good counsel zealously represents someone, this type of outcome occurs.

5/1/2008 3:52 PM CDT

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**Tracy** wrote:

His mother didn't even call when she knew there was a warrant out? Why would she kick him out on the street? She has enabled his behavior, and probably caused a lot of it by making Billy grow up in a violent household. Why would he change when it is easier for him to make money on the streets and not have to answer to the law?

4/28/2008 9:00 AM CDT

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**elvis16** wrote:

Because he would be "late" he went home and went to back to bed? Wow, now that's real motivation. Billy, quit wasting peoples time. These people do wonderful jobs, help truly motivated people, and all you are a drain on their resources. Move aside and accept the "loser" life you have chosen. Sorry but I speak from my heart, and if being a little late is enough for you to throw in the towel and go back to bed, then you are a complete waste of time.

4/27/2008 2:20 PM CDT

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**Roadgeek** wrote:

One thing I do not understand is why a perfectly healthy young man is still living at home with his mother and stepfather. Since he seems not to want to work, and seems to have only a proven talent for getting in trouble and impregnating careless young women, perhaps it is time for him to make his own way in the world. Perhaps a few nights sleeping in a culvert would re-shape his attitude.

4/27/2008 2:34 AM CDT

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