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December 15, 2016

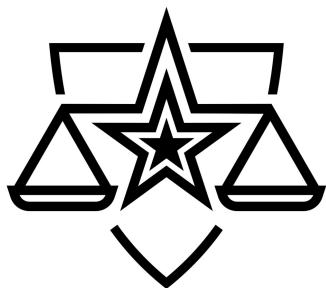
\*\*\*For Immediate Release\*\*\*

**Re: Texas Third Court of Appeals reverses conviction and orders acquittal  
in Williamson County murder case**

On December 15, 2016, the Third Court of Appeals reversed the conviction of murder and rendered a judgment of acquittal for Rex Allen Nisbett who, in June 2014, was convicted by a Williamson County jury of killing his wife, Vicki Nisbett in December 1991 and sentenced to 42 years in prison. The State is barred from re-trying Mr. Nisbett.

Mr. Nisbett's appellate attorney is Kristen Jernigan of Georgetown. Mr. Nisbett's trial team consisted of attorneys Keith Lauerman of Round Rock and Robert McCabe of Georgetown. The trial team used the services of private investigator Mark Gillespie of Cedar Park. The case was prosecuted by outgoing Williamson County District Attorney Jana Duty and her former First Assistant District Attorney, Mark Brunner.

Mr. Nisbett's appellate and trial team are pleased that the Court of Appeals agreed with what they believed all along: that this case should never have been prosecuted. Rex Nisbett is innocent and District Attorney Jana Duty should *never* have brought these charges against him with the thin circumstantial evidence she and the Williamson County Sheriff's Office had in their possession.



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In reversing Mr. Nisbett's conviction for a lack of sufficient evidence, the Court reiterated that the character of the accused, his motive or his suspicious behavior are indicative of guilt only when linked to wrongful conduct; in this case, the murder of Vicki Nisbett, which the State wholeheartedly failed to prove.

The Court wrote, "we hold that the cumulative force of all of the circumstantial evidence presented in this case and any reasonable inferences from that evidence merely raised suspicions of (Rex Nisbett's) guilt and are insufficient to support a finding beyond a reasonable doubt that (Rex Nisbett) committed the murder as alleged in the indictment."

The 40-page opinion can be found at this link:

<http://www.search.txcourts.gov/Case.aspx?cn=03-14-00402-CR&coa=coa03>

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