

THE EXONERATED



THE 37 MEN IN THESE PAGES SPENT 525 YEARS IN PRISON FOR CRIMES THEY



DIDN'T COMMIT. THEN CAME THE HARD PART: FREEDOM. *by* MICHAEL HALL

PHOTOGRAPHS BY RANDAL FORD

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HE FIRST THING YOU NOTICE IS

the eyes—they all have the same look in them, the look of men accustomed to waking up every morning in a prison cell. These 37 men spent years, and in some cases decades, staring through bars at a world that believed they were guilty of terrible crimes.

But they weren't. Each was convicted of doing something he did not do. It's hard to characterize the look in their eyes. There's anger, obviously, and pride at having survived hell, but there's also hurt, and a question: "Why me?" ¶ The short answer is simple: People make mistakes. Most of these cases share a common story line: A woman, usually a traumatized rape victim, wrongly identifies her attacker. Sometimes her testimony is backed by rudimentary serology tests. Sometimes the cases are pushed too hard by aggressive police officers or prosecutors. Sometimes the accused already has a criminal record and becomes a suspect in an unsolved case in which he resembles (or is the same race as) the perpetrator. Almost every man here had a solid alibi, but cops, prosecutors, and juries chose not to believe it. ¶ So why do we believe it now? How can we be so certain these men are innocent? DNA testing, which over the past two decades has changed the way we convict the guilty—and free the innocent. This is especially true in Texas, which has had more DNA exonerations—37 in all—than any other state (there have been 222 nationwide according to the Innocence Project, a nonprofit advocacy group for the wrongly convicted). Dallas County alone is responsible for 20 exonerations, more than every state except Illinois and New York. Unlike most jurisdictions, which discarded evidence after the appeals in a case were exhausted, Dallas County had a policy of saving it in storage lockers at the Southwestern Institute of Forensic Sciences, in the belief that it might someday be used to reaffirm a criminal's guilt. As for the other 17 Texas exonerations, it was mostly dumb luck that prevented the old swabs from being thrown away. (In 13 of these cases, the guilty man was eventually fingered.) ¶ We say these men are "exonerated," even though the word is not a term of law. Legally, a person is either guilty or not guilty, but when the governor grants a convict a pardon or the Court of Criminal Appeals (CCA) grants his writ of habeas corpus, he is considered officially exonerated. At that point he can file for compensation from the state for his years of wrongful imprisonment. As of 2006, he can receive up to \$50,000 for every year spent locked up, though compensation is limited to \$500,000 (and subject to federal taxation), and to receive it an exoneratee must forfeit his right to sue. ¶ A few of these 37 have found success on the outside—jobs, families, stability—but most are still trying to figure out what to do with themselves. They lack skills they might have developed living in civilized society. Brutalized by prison, they are now bewildered by the modern age. And unlike parolees, for whom a variety of support services are available, exoneratees have no state programs to help them ease back into society. They often struggle to find work. They are terrified of getting stopped by the police. They may have been exonerated, but they are not free. ¶ The lesson from these stories is clear: We must learn to be more skeptical of eyewitness testimony, especially, it should be stressed, when the victim and the suspect are different races (almost half the black men in this group were misidentified by a white or Hispanic victim). Our eyes are imperfect instruments for documenting violent and traumatic events. As these portraits prove, they are better at looking inward.



GILBERT ALEJANDRO, 53
YEAR CONVICTED: 1990
SENTENCE: 12 YEARS
YEARS IN PRISON: 4

A Hispanic man raped a woman in her Uvalde apartment. She identified Alejandro from a book of mug shots. The state's case was buttressed by the testimony of forensics expert Fred Zain, who said that a 1990 DNA test showed that semen on the victim's clothing "could only have originated" from Alejandro. But after Zain was found to have botched forensics reports in several cases in West Virginia, the results of two other tests were reexamined; both excluded Alejandro and ultimately made him the first Texan to be exonerated by DNA. He sued Bexar County and won \$250,000 (Zain was indicted for perjury, though the charges were dropped, and he died of cancer, in 2002). Today Alejandro lives in Uvalde, where he works as a janitor.

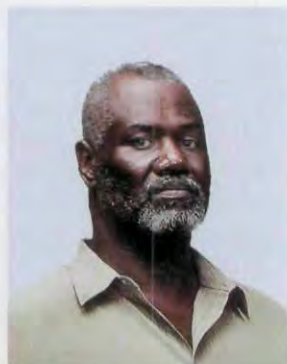
"I could never figure out why Zain said what he did. He had nothing against me. We'd never met or anything. The only thing I could come up with was money—if you testified against somebody, you'd get paid a lot of money. Not only me—he had others in West Virginia he did the same thing to."



MICHAEL BLAIR, 38
YEAR CONVICTED: 1994
SENTENCE: DEATH
YEARS IN PRISON: 14

A girl was raped and killed in Plano. Blair, a known child molester, was convicted, based on hair evidence and testimony from eyewitnesses who said they saw him near the crime scene. He was sent to death row. DNA tests in 1998, 2000, 2001, 2002, 2006, and 2007 excluded him, and—after the CCA set aside his conviction this summer—the DA dismissed the case. Blair was taken off death row, but he wasn't released from prison because in 2004 he had pleaded guilty to four charges of child sexual assault and been given four life sentences. He is incarcerated at the Beto Unit, in Tennessee Colony, and is eligible for parole in 2034.

Blair turned down a request from *TEXAS MONTHLY* for an interview.



A. B. BUTLER, 54
YEAR CONVICTED: 1983
SENTENCE: 99 YEARS
YEARS IN PRISON: 16.5

A black man abducted a white woman from a Tyler hotel parking lot and raped her. She picked Butler out of a book of mug shots. Butler first filed for a DNA test in 1987 but didn't get one until 1999. He was pardoned in 2000. Today he lives in Tyler, where he drives a dirt truck.

"There are a lot of people my age already set for life, friends who I grew up with. They are pretty much settled in, and I'm out here working.

When I went to prison, I was twenty-eight years old, and you know, you make up your mind on what you're going to do with your life in your thirties, and you're still able to get out there and do it, whereas I'm in my fifties now. I can't really work as hard as I could back when I was in my twenties and thirties. I just try to do the best I can."



KEVIN BYRD, 47
YEAR CONVICTED: 1985
SENTENCE: LIFE
YEARS IN PRISON: 12

A black female victim told Houston police she had been raped by a white man with "honey-brown" skin. Four months later she saw Byrd, a black man, in a grocery store and told her husband he was the rapist. Byrd got a DNA test in 1997 and was pardoned later that year. Today he runs *Remodeling by KB*, in Houston.

"I'm at peace, man, I'm at peace. I don't have any family. I mean, I have brothers and sisters, but they weren't there for me the twelve years and they're not here for me now. It's like I'm a stranger in the world. I try to limit myself with friends and women. It's hard being lonely. But the great part about it is, I'm independent, man. I don't ask anybody for anything. I get out and work every day. Try and make ends meet even though it is hard. That's just life after exoneration."

CHARLES CHATMAN, 48

YEAR CONVICTED: 1981
SENTENCE: 99 YEARS
YEARS IN PRISON: 26.5

AFTER A WHITE DALLAS WOMAN WAS raped in her house by a black man, she picked Chatman, who lived down the street from her, out of a lineup. Three times over the course of Chatman's years in prison he came up for parole, and three times he was denied, because he refused to admit guilt. He got a DNA test in 2007, and the CCA granted his writ of habeas corpus in 2008. Chatman now works for a delivery service in Dallas.

"I try to keep it in perspective, which is that after the police investigators latched onto my name, they didn't look elsewhere. It was like tunnel vision once they zoom in on one person. They were trying to get a quick conviction, satisfy society by just prosecuting somebody. That doesn't do society no good to prosecute the wrong person. Because then the right person, the person that needs prosecuting, is still out there.

"Being accused and convicted for a sexual crime, especially one you know you did not commit, wears and tears on the family. I lost touch with everyone in my family except my nephew. The relationships that I have with them now are all in a building state. We are just trying to get to know each other. Before, we had our problems, but we were a pretty close family. So this situation has destroyed that.

"I tell everybody that being exonerated, in some ways it's worse than being on parole, because people on parole have institutions designed to help them reintegrate into society, things like job placement, insurance, medical. But being exonerated and getting out like I did, we are virtually let out on the streets with nowhere to go. We're just lost."





ROY CRINER, 43
YEAR CONVICTED: 1990
SENTENCE: 99 YEARS
YEARS IN PRISON: 10

"Since I got out, life has been real crazy, man. My mom says, 'At least I knew you was okay in prison.' She don't know if I'm going to be okay from one day to the next. I've tried to kill myself three times since I've been out. A lot of anger. You ever been taken hostage from your own country, man? I haven't been able to really hold a job in four and a half years. I can't even have a normal life. I have to actually isolate myself. There are a lot of people out here that don't like my name, that still think I did it. They got me down as something bad, man. I'm not bad. There's also a lot of people in this community who have bent over backward for me. To know me is to love me, man, or hate me, one."

A SIXTEEN-YEAR-OLD GIRL WAS RAPED AND MURDERED in Porter. Criner was arrested after three men said he had bragged about picking up a drunk hitchhiker and having "rough" sex with her; only one testified at trial, but Criner was convicted. Two DNA tests excluded him in 1997. The trial judge ordered a new trial, but the CCA overturned the ruling. A third DNA test—on a cigarette butt—also excluded Criner, and he was finally pardoned in 2000. He moved to New Caney and did odd jobs. Then, this past June, he was arrested for making terroristic threats to a New Caney police officer and sentenced to six months in county jail.



RICHARD DANZIGER, 38
YEAR CONVICTED: 1990
SENTENCE: LIFE
YEARS IN PRISON: 11

A woman who worked at a Pizza Hut in Austin was raped and murdered. Danziger and his roommate, Christopher Ochoa (see page 157), employees of a

different local Pizza Hut, were later seen raising a glass of beer to the dead woman at the restaurant where she had worked. They were reported to the police. Ochoa was questioned for two days, physically threatened, and told he would get the death penalty if he didn't confess. He did, implicating Danziger too. While in prison, Danziger was savagely beaten by another inmate. After brain surgery, he suffered from depression, hallucinations, seizures, and memory lapses. He tried to kill himself and spent time at the state mental hospital in Rusk. In 1996 Texas inmate Achim Marino confessed to the crime, and DNA testing in 2000 excluded Danziger. He sued the City of Austin, Travis County, and Ochoa and received \$10.5 million. He now lives in Jacksonville, Florida. According to his sister, he likes to garden and play with his dog, Blackjack. He has partial paralysis on his left side and still suffers seizures and memory lapses. When he and Ochoa met soon after their 2001 release, Danziger refused to talk to his former roommate.

Danziger turned down a request from TEXAS MONTHLY for an interview.



WILEY FOUNTAIN, 52
YEAR CONVICTED: 1986
SENTENCE: 40 YEARS
YEARS IN PRISON: 16

A black man wearing warm-ups and a hat over a stocking cap or plastic bag raped a pregnant black woman in Dallas. A few hours later, Fountain, a recent parolee wearing warm-ups and

a baseball cap over a shower cap, was arrested a block away from the victim's apartment. He was picked out of a lineup by the victim and convicted. Fountain got a DNA test in 2002 and was released that year; a pardon followed. He netted \$190,000 in compensation, most of which he spent on crack, cigarettes, and women. He became homeless, selling aluminum cans to survive. In March he was arrested on theft charges and released. "Poor Wiley," says his attorney, Michelle Moore. "If his mother were alive, he wouldn't be in this pickle."

Attempts by TEXAS MONTHLY to reach Fountain were unsuccessful.



LARRY FULLER, 60
YEAR CONVICTED: 1981
SENTENCE: 50 YEARS
YEARS IN PRISON: 19.5

A black man armed with a butcher knife raped a white woman in her Dallas apartment. She picked Fuller out of a photo lineup, despite the fact that he had a beard and her attacker had been clean-shaven. He was paroled in 1999. DNA testing excluded him in 2006, and he was pardoned in 2007. He lives in Dallas, where he's using his compensation to help fix up his father's house.

"You got a lot of bitter people in the world. I'm pretty sure they ain't going to need

my help. I've got more important things to do in life. Like live and live good."



JAMES CURTIS GILES SR., 54
YEAR CONVICTED: 1983
SENTENCE: 30 YEARS
YEARS IN PRISON: 10

A white Dallas woman was raped by three black men, one of whom she recognized as an acquaintance named Stanley Bryant. A few weeks later Crime Stoppers got a tip that a James Giles, along with two others—"Michael Brown" and "Stan"—were the rapists. Police tracked Giles down in Duncanville, twenty miles from the crime scene, and put his photo in a lineup. The victim ID'd him, saying she was "absolutely positive that it was him." But two weeks before Giles's trial, police finally questioned Bryant, and he said that his accomplices were two teens named James and Michael, who were neighbors of the victim. Indeed, there was a teen named James Earl Giles who lived across the street from her. James Curtis Giles's attorneys, however, weren't given this information, and he was convicted. Early DNA testing in 1992 was inconclusive. Giles was paroled a year later, but he continued to seek further testing. Finally, tests in 2003, 2005, and 2006 excluded him. He lives in Lufkin, where he helps his second wife run All Brothers

Bail Bonding.

"The number one thing to change: If a law officer or an investigator intentionally was withholding evidence, they should be the first one to be put in jail once it comes to light. Because the detective knew. He knew that the guy who did this was probably eighteen or nineteen years old. They should have never left the area that these folks lived in. They did a shoddy job with the investigation, and they should be held accountable, because they withheld the evidence from us. Money is not going to bring back one day. Let's take him away from his family. The officer should be in jail right now. The DA shouldn't be practicing law nowhere in this country. They should be held accountable for what they done."



DONALD GOOD, 48
YEAR CONVICTED: 1984
SENTENCE: LIFE
YEARS IN PRISON: 13.5

A white man raped a white Irving woman while her eight-year-old daughter was in the next room. An Irving detective thought Good, a convicted burglar in police custody for forfeiting a bond on a DWI charge, resembled the victim's description. So he took a Polaroid, put it in a lineup, and the victim identified Good. After

getting paroled in 1993, he was arrested in 2001 for stealing tools out of a garage and returned to prison. He requested DNA testing, and in 2004 results proved he wasn't the rapist. Today Good lives in Emory, where he's been mowing yards, painting houses, and doing other odd jobs. He is suing the City of Irving, the Irving Police Department, and the detective who worked his case.

"When I got out in '93, there was this guy going around the neighborhood telling people I was a sex offender living there. He posted a picture of me on trees and businesses around my house. He put arrows pointing to my house. I wasn't able to see any of my nieces or nephews, even though they lived close to me. I even had to put up a chain-link fence to make sure that no kids came in my yard, because people from a sex offender registration program would drive around to all the addresses of those registered. Now I'm afraid that if I get pulled over, any officer can still see everything that I've been exonerated for. I can't apply for a job, because nobody is going to hire me because of my record. I can't do the things I used to do. Sometimes I get really stressed out and I can't sleep. I've lost so much time."



ANDREW GOSSETT, 48
YEAR CONVICTED: 2000
SENTENCE: 50 YEARS
YEARS IN PRISON: 7

A white Dallas victim gave a description of the man who had

raped her—he was white, about six two, 230 pounds, had a scar on the right side of his face, and did not wear glasses. A few hours after the crime, not far from the scene, a policeman saw Gossett. He was short, small, and bespectacled—but he was white and had a facial scar. The next day Gossett was taken in for questioning. The victim ID'd him. A DNA test excluded him in 2006. He lives in Lubbock with his wife and works as a day laborer.

"The world still treats me like a criminal—doesn't want to give me a job where I can make decent money, even after my lawyers wrote up letters explaining my situation. People still shoo me away. I'm supposed to get my compensation soon, and I want to buy a travel trailer and move back to Garland. I don't need nothing fancy. I lived eight-by-ten for seven years. I figure I can live in a twenty-three-foot travel trailer. Get there, work with a construction company I know of in Grapevine that pays well. I'm ready to get up every morning, go to a job I look forward to going to."



EUGENE IVORY HENTON, 42
YEAR CONVICTED: 1984
SENTENCE: 4 YEARS
YEARS IN PRISON: 1.5

Henton was a seventeen-year-

old Dallas kid with a juvenile record—he had received 4 years probation for helping a friend sell stolen tires—when he wound up in police custody for rape. Prosecutors told him he would get a life sentence if he went to trial, or he could plead guilty and get 4 years. He pleaded guilty and was paroled after eighteen months. He couldn't get a job, so he started selling cocaine. He got in trouble three times in the nineties for drugs and assault; the third time, he was convicted and sentenced to 42 years in prison. The harshness of the sentence was due to the rape conviction. Henton got a DNA test in 2004. The results excluded him a year later. He lives in Dallas, where he drives a truck that supplies water to oil fields. He is thinking about going to law school.

"I pled guilty to the rape because my lawyer told me that if I did not accept the four-year sentence, they would give me a life sentence. At that time I was illiterate to law. I had no idea what was going on because I'd never gone through that process. I was frightened. I was seventeen—a kid. So I took the four years. I had never been in prison before. I had to adjust to the treatment and the environment, just being around all the chaos and violence. And that created a snowball effect, because after I was released, I couldn't get a job, I couldn't provide. So I turned to the streets, and that led to other crimes. That's what got me back the second time. Then they used the sexual assault case to compound the sentence."



ENTRE NAX KARAGE, 37
YEAR CONVICTED: 1997
SENTENCE: LIFE
YEARS IN PRISON: 7

Karage's Cambodian girlfriend was raped, beaten to death, and thrown into a ravine behind a Dallas shopping center. Though evidence taken from the victim didn't provide a DNA match with Karage, a refugee from Cambodia, the prosecutor's theory was that he had killed her after catching her with another man. A DNA test in 2003 pointed to a convicted rapist as the killer, and Karage was pardoned in 2005. He lives in Dallas, where he is married with two children.

"After I was convicted, I was in a holding cell, and I was just crying, saying, 'Why would you want to lock up an innocent man?' I was just bursting into tears. Two weeks later, they put me on a bus. When I got down there, some guy was saying stuff like 'When you get out to the big house, are you gonna fight or are you gonna be someone's punk?' People trying to scare you. You fight. I went down there and I fight. I fight almost every day. Sometimes I still have dreams and get nightmares out of it. Basically I went to hell and back. It's a blessing from God that I make it out alive."

CARLOS LAVERNIA, 58

YEAR CONVICTED: 1985
 SENTENCE: 99 YEARS
 YEARS IN PRISON: 15

A HISPANIC MALE AT-tacked a white woman who was jogging on the Barton Creek Greenbelt, in Austin (a serial rapist had been terrorizing the area). Police developed a sketch and put together two photo lineups, neither of which led to a suspect. Lavernia

was a Cuban immigrant who had come to the U.S. in the 1980 Mariel boatlift; his photo was put in a third lineup, which the victim viewed fourteen months after the crime. She was "absolutely positive" he was the perpetrator. A DNA test in 2000 excluded Lavernia. He lives in Austin, where he works two full-time security jobs.

"I worked in the field at the prison, four years, picking cotton, tomato, onion, corn. I got these scars on the top of my head. It came from the horses. Real hot in the field, ninety-five degrees. I fell on the ground because it was so hot. The guard thought I was playing with him. He pulled the horse over me, and the horseshoes hit me on the head. They finally took me to the hospital. There was a person at the prison whose sister lived in Austin and had been raped in the same place, in Barton Creek. He thought I was the Barton Creek rapist. I got in the shower, and he stabbed me—twice, behind the ear and on the wrist. Guards saw me over there. They were saying, 'Kill that motherfucker! Let him die!' People who go in there for raping, child molesting, sex offenders—you got your life on the line. You can die anytime.

"I dream too much about it all. Too much. Almost every day. All the pain. I don't want to go nowhere. I still got it on my mind. All the time I stay in the apartment complex. Because they got a gate. I open the gate with a code."





JOHNNIE LINDSEY, 56
YEAR CONVICTED: 1983
SENTENCE: LIFE
YEARS IN PRISON: 25.5

A shirtless black man raped a white woman on the White Rock Lake bike trail, in Dallas. Fifteen months later, police mailed her a photo lineup, and she picked out Lindsey, who was a suspect in an attempted rape that had occurred in the same area. He was one of two men in the lineup without a shirt. After filing several motions for a DNA test, he finally got one this year; it excluded him in September, and he was released. He lives in Dallas and is looking for a job as a tailor, which was his occupation in prison.

"I never realized how devastating it was to my family until after I got out. I was talking to each one. They were giving me their side, their story, their hardships behind what happened to me. I feel like not only did they send me to prison, they sent them to prison too."



THOMAS MCGOWAN, 50
YEAR CONVICTED: 1985
SENTENCE: LIFE
YEARS IN PRISON: 22.5

A black man armed with a knife raped a white woman in her Rich-

ardson apartment. McGowan was arrested two days later after a traffic stop. The victim picked him out of a lineup. He got a DNA test in 2007 and was released in April 2008 after the results pointed to another man, a convicted rapist whose picture had also been in that 1985 lineup. McGowan lives in Dallas, where he takes computer classes.

"I had a suspended license. I was young, and I guess I just didn't want to pay the ticket. So I was riding down the street and pulled into a parking lot, and the police stopped me and said I turned and didn't put the proper signal on. They ran my ID and saw I had a suspended license, and I went to jail. That was the only reason why I was in custody. Then a whole lot of crazy things happened. The crime had been committed over here, in Richardson, and the guy, they said, had a big brown car like mine. The police officer that arrested me, he came down there, and he said, 'Well, if it ain't you, don't worry about it.' And I said, 'It ain't me.' Next thing I know, I'm at the penitentiary."



BILLY WAYNE MILLER, 55
YEAR CONVICTED: 1984
SENTENCE: LIFE
YEARS IN PRISON: 22

Miller was at his father's house, in Dallas, on parole for robbery and assault, when he was arrested for raping a woman who said her as-

sailant had attacked her at that address. Miller got a DNA test in 2005 and a pardon in 2006. He lives in Dallas and is battling cancer.

"When you get that compensation check—well, first of all, you're going to have to pay thirty-three percent tax to the Internal Revenue. And then the lawyers, they want their end. After everyone else gets their little bits, you really don't have anything. It's not all a bed of roses like they'd lead you to believe. The Social Security examiner told me, 'You haven't paid any Social Security.' I said, 'You're telling me that I wouldn't qualify for some type of aid?' She said, 'Naw.' Even when you go for the food stamps they're more snide than helpful. So I've just been trying to make a little here, make a little there with my lawn mowing. Keep my electric bill paid. Regardless of everything, nothing beats being free."



BRANDON MOON, 47
YEAR CONVICTED: 1988
SENTENCE: 75 YEARS
YEARS IN PRISON: 17

An El Paso rape victim picked Moon, an Army veteran and a college student, out of a photo lineup and then a live lineup (he was the only person in both lineups). A rudimentary DNA test in 1990 was inconclusive; a more sophisticated test, done in 1997, revealed the perpetrator's genetic profile, but inex-

plicably it was never compared with Moon's. Finally, in 2002, his profile was compared with one taken from the evidence—Moon wasn't the guy. He was released in 2004. He lives in Olathe, Kansas, and works as a technician for Garmin.

"I run a Web site, texasexonerates.org, and have become something of an advocate for exonerees. It's not what I want to do, but it's something that I promised to do for the guys that are still in prison. At the unit that I was on, the Hughes Unit, there have been three guys that have been exonerated—myself, Greg Wallis, and Eugene Henton. So that's three guys out of, say, three thousand. That's one tenth of one percent. There's, what, one hundred fifty thousand people in Texas prisons? If that goes across the board, you got one hundred fifty more people in prison that are innocent, just in Texas. And for a lot of these guys, unfortunately, the evidence is probably not there anymore."



ARTHUR MUMPHREY, 45
YEAR CONVICTED: 1986
SENTENCE: 35 YEARS
YEARS IN PRISON: 17

Two black teenagers raped a thirteen-year-old white girl in Conroe. An initial investigation led to a man named Steve Thomas, who implicated Mumphrey as the second rapist. Mum-

phrey's younger brother Charles confessed to police, but they accused him of trying to protect his older brother. At the trial, Thomas pleaded guilty and got a reduced sentence for testifying against Mumphrey, whom the victim couldn't identify in court. Mumphrey was paroled in 1999 but went back to prison three years later for violating parole. In 2005 he got a DNA test, which revealed the second rapist to be his brother Charles. Mumphrey lives in Houston, where he is using his compensation money to invest in real estate.

"When my brother went and gave the confession to this case, they scared him, talking about, 'You'll get a bunch of penitentiary time.' He wasn't but fifteen years old, so he recanted his statement and came to trial as a state witness and testified against me. And they told him what to say. They wanted a grown man to be convicted of having sex with a thirteen-year-old girl. She never did say it was me. They said, 'Can you identify the defendant?' She said, 'No, I can't say it is him and I can't say it ain't.' They were ruthless to get that conviction, even though they knew they had the wrong person."

CHRISTOPHER OCHOA, 42

YEAR CONVICTED: 1990

SENTENCE: LIFE / YEARS IN PRISON: 11



OCHOA AND HIS ROOMMATE, RICHARD DANZIGER (SEE PAGE 153), BECAME SUSPECTS IN THE RAPE and murder of a woman who worked at a Pizza Hut in Austin. Under extreme pressure from police, Ochoa confessed and implicated Danziger. In 1996 Texas inmate Achim Marino confessed to the crime, and though initially Ochoa kept to his story, DNA testing in 2000 excluded both him and Danziger. The Wisconsin Innocence Project, which works on cases nationwide, had aided Ochoa in his case, and after he was freed, he went to the University of Wisconsin Law School. In 2003 he won a \$5.3 million civil suit against the City of Austin. He now practices criminal and real estate law in Madison.

"Why would a person confess to something he didn't do? I get this question from a lot of people. This is an analogy I have used: Everybody's taught to drive. And when you're taught to drive, they teach you that if you hit ice or your car starts skidding, ease off the brake and turn into the skid. This has been taught to you and taught to you. Well, what is the first thing people do when they hit an ice patch? They slam on the brake. So now, why do people confess to something they didn't do? You're taught to stay quiet and all this stuff, right? But you don't know. You're in a tiny room, and they're telling you if you don't cooperate, you'll get the death penalty. What do people expect people to do? They can't sit there and keep saying, 'I didn't do it.' I was a twenty-two-year-old kid. I had never been in trouble. When I was in there, I didn't know which way was right and which way was left."



STEVEN PHILLIPS, 50
YEAR CONVICTED: 1982
SENTENCE: 30 YEARS
YEARS IN PRISON: 24

Over a 24-hour span, a white man terrorized five dozen women at apartment complexes and spas in North Dallas, forcing them to disrobe. He also raped a white woman. Two weeks later, he struck again, in Kansas City. Shortly after that, Phillips was arrested for exposing himself to two women; his photo was put in a lineup. The Dallas rape victim picked him (as did, eventually, five other women from the sprees); at trial the victim testified about her attacker's "piercing blue" eyes. Phillips, who has green eyes, was found guilty. He was paroled in 1996, only to be arrested for peeping and sent back to prison. He got a DNA test in 2007, and the results pointed to a convicted sex offender as the rapist. A judge threw out Phillips' sentence. He lives in Dallas and works for a Christian book publisher. He is writing a book about his experience.

"I didn't just go to prison and die. I lived my life, went to college and church, wrote letters, stayed in tune. I had faith that this day would come, and it did, so what do I have to be bitter about? I've got it going on! I've met my family, I'm writing a book about how everything changed, and I'm on top of the world!

"When we were leaving my hearing, we got on the elevators—Barry Scheck [the co-director of the Innocence Project], my lawyer, and my girlfriend, Connie Jean. It was

completely full, and some guy says, 'Well, if it's not the infamous P. E. Jones.' I looked up, and it was him, in the corner of the elevator, the head investigator of my case. I asked him, 'Dude, do you know who I am?' He said, 'I don't think I do.' I said, 'I'm Steve Phillips.' He was speechless, though he did say something like he's glad I'm in a better place. But sweat was popping out of his head. I've seen that kind of fear in prison dayrooms before. He was outnumbered. Back in 1982, when they put me in that detective's room, I was outnumbered. I told him then, 'Dude, I'm not going to be some average convict you're sending down to prison. You're going to see me again.' And I did, on the elevator. That made my day right there."



DAVID SHAWN POPE, 47
YEAR CONVICTED: 1986
SENTENCE: 45 YEARS
YEARS IN PRISON: 15

A blond man armed with a steak knife raped a white woman in Garland. Afterward he left messages on her answering machine. Pope was a homeless blond housepainter who was sleeping in his car on the grounds of her apartment complex. Police arrested him one month after the rape, and the victim picked him out of a live lineup in which he was the only blonde. At trial his voice was "matched" to the one on the answering machine by a voiceprint expert (the "science" of voiceprint matching was then viewed with skepticism and has since been thoroughly discredited). An anonymous

phone call in 1999 tipped off investigators that another man was responsible and led the DA's office to grant Pope a DNA test. He was pardoned in 2001. He lives with his mother in Cotati, California, and recently completed truck-driving school.

"I haven't been back to Texas. I was in prison for a really long time, and what happened to me still affects me. Plus, I don't feel comfortable that, right after I was exonerated, the Garland police released a press statement saying that they still think I'm guilty. They still stand by their conviction. Even after the DNA pointed to somebody else. Garland is not willing just to be honest and say, 'Look, we made a mistake; we wish you the best and all that.' I might someday come back, but I'm not very empowered right now, which means I don't have any control, any financial control over my life. What if I came to Texas right now and I was living from one dollar to the next? And then I get pulled over for something, right? And I end up in jail, and I don't even have money for a lawyer? That's the same scenario as before."



ANTHONY ROBINSON, 47
YEAR CONVICTED: 1987
SENTENCE: 27 YEARS
YEARS IN PRISON: 10

A white female student at the University of Houston had been raped by a black man with a mustache who wore a plaid shirt. Robinson, an Army veteran and a college graduate from Southern California, was driving on the campus

the day of the crime when police arrested him. He was clean-shaven, but he was wearing a plaid shirt. The victim ID'd him. After getting paroled, in 1996, he raised the money for a DNA test. It excluded him, and he was pardoned in 2000. Robinson graduated from the Thurgood Marshall School of Law, at Texas Southern University, and today runs a legal consultancy firm in Beijing.

"My first thought when I was arrested was, 'Okay, it's a mistake, but mistakes are easy enough to clear up.' If there's any kind of crime, you just check the fingerprints against the ID, you check the person's alibi, you check out whether this person has a history. You just don't drive up and arrest people. I just could not believe that it went to a trial. I was standing in the courtroom, and I was thinking, 'There is something really seriously wrong with this. This is some kind of sick, twisted joke.' I mean, you just don't take people to court and say, 'Oh, this person raped me'—you gotta have some kind of corroborating evidence. If there's a rape, there's gotta be some physical excretion, fingerprints, hairs. I told them, 'Look, I'll give you whatever you need. You want semen, you want saliva, you want hair, you want fingerprints? Whatever you want, I'll give it to you.' The real problem was, there was no reliance on the facts. I think what the prosecution basically decided was that we don't need facts; we got a living victim here, and that'll be persuasive for the jury. We got a cross-racial crime, a white victim and a black defendant.

"A lot of people say, 'You had to have done something to get convicted. They don't just convict innocent people.' No

matter what I have in the way of proof, somebody's always going to say that I got away with it. My thinking is that you can't change that person. All you can do is hope that your life is something they can look at."

GEORGE RODRIGUEZ, 47 YEAR CONVICTED: 1987 SENTENCE: 60 YEARS YEARS IN PRISON: 17



A FOURTEEN-YEAR-old Hispanic girl was raped by two Hispanic men in Houston. She led police to the house of a man named Manuel Beltran. She also told them that one of her assailants called the other one "George." Based on this, Rodriguez, a friend of Beltran's, became a suspect. Then the victim picked him out of a photo lineup. Even after Beltran confessed, saying he and another man, named Isidro Yanez, had raped the girl, police continued to focus on Rodriguez. He was convicted, in part because the director of the serology department of the Houston Police Department crime lab testified that through blood-typing Yanez could be excluded as a source of the semen found at the scene and, therefore, the rapist had to have been Rodriguez. But in 2004 a DNA test excluded Rodriguez and pointed to Yanez, who, it turned out, has the same blood type as Rodriguez and thus should not have been excluded as the semen source. Rodriguez's conviction was vacated. He lives in Houston, where he works as a handyman and an air-conditioning repairman. He has filed suit against the City of Houston, Harris County, former DA Chuck Rosenthal, and various policemen and employees of the Houston crime lab.

"It can happen to anyone, no matter who you are. I lost everything. I lost my wife, lost my kids. I lost a lot of things. My daughters, they were little when I left. When I was locked up, they were abused by two different men. But there was nothing I could do. They would write me and tell me, 'Daddy, this happened.' But I couldn't do nothing because I was locked up. When I got out, the hardest thing was that my dad passed away just a month before I got out. I never got to see him get buried or anything. When you're innocent, you're kinda wondering what he's going through, whether he knows or not that you're innocent, which is kinda hard."



BEN SALAZAR, 43
YEAR CONVICTED: 1992
SENTENCE: 30 YEARS
YEARS IN PRISON: 5.5

A rape victim, who saw her assailant for several minutes in her well-lit Austin living room, identified Salazar from his photo in a book of mug shots. His family paid for a DNA test in 1997, but the state insisted on running two more before he was pardoned later that year. He works for the same Austin commercial remodeling company that he worked for in 1992.

"As far as the judicial system, I think they should take a little bit more time on looking over all the evidence and make the best judgment, you know? I just think they should look at everything a little better. Don't be in such a rush and take time to look at all the evidence, 'cause there's people's lives—not just my life, but my kids' lives—that they're going to ruin."



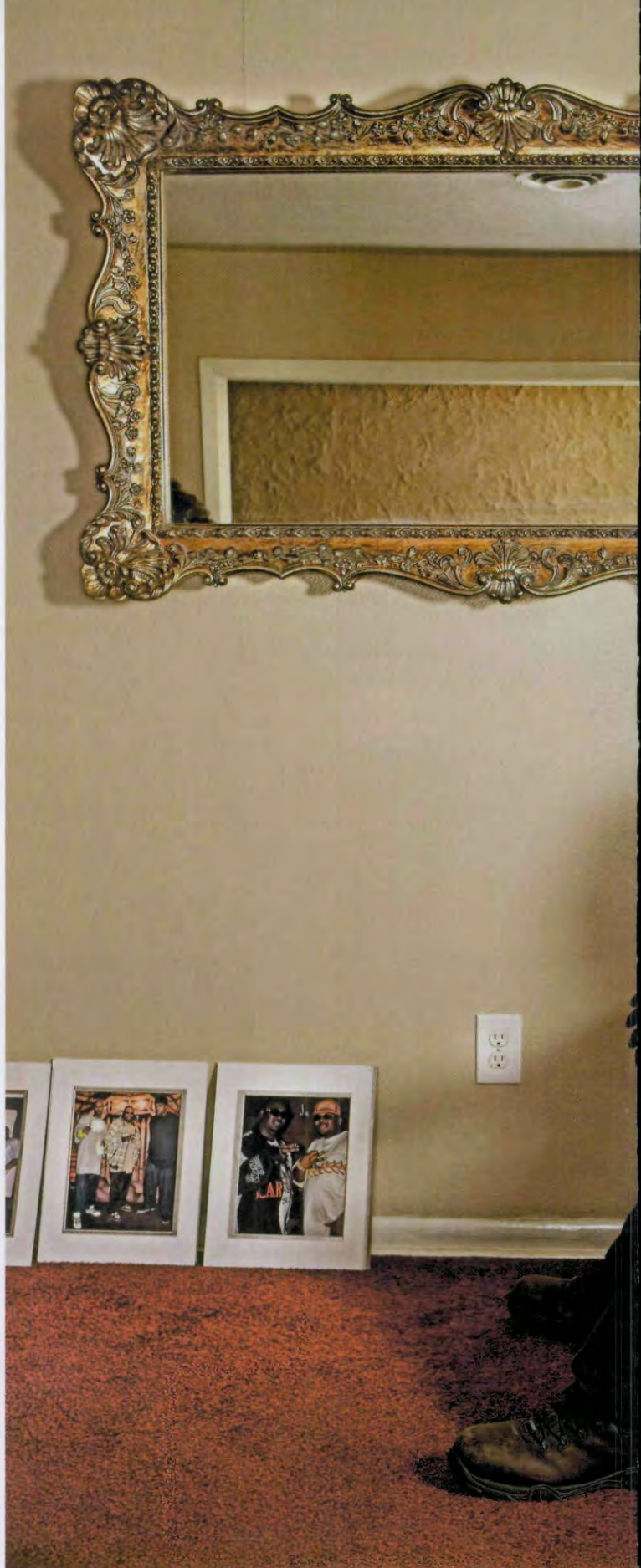
BILLY JAMES SMITH, 56
YEAR CONVICTED: 1987

SENTENCE: LIFE
YEARS IN PRISON: 19.5

A black man raped a black woman in a field near the Dallas apartment complex managed by her boyfriend. She described her attacker to her boyfriend, and he thought it sounded like Smith, who was staying at his sister's apartment in the same complex. The boyfriend knocked on Smith's door and asked him to step out onto the balcony of the apartment at two-thirty a.m.; the victim, standing below, identified Smith as her attacker and called the police, who arrested him later that morning. He got a DNA test in 2005 and was granted a writ of habeas corpus in 2006. Smith lives in Lancaster, is planning on getting married next spring, and has filed suit against the Dallas Police Department.

"Prison was horrible.

There was a time I was scared to close my eyes, scared to open my eyes, scared to wake up. There was a time I didn't know if I was in this world or out of this world. I converted to Islam in 1989, and I know I would not have made it if I hadn't been a Muslim or if I hadn't been involved in some type of religious faith. Islam helped me discipline myself and help me get through it. Without religion, I would have got caught up in all the different things that are wrong about prison—drugs, alcohol, women, homosexuality, gangs. I could have had the 'don't give a damn' attitude. I knew I was wrongly convicted, but I never would have survived if I kept on with the hate and rage inside me. The first thing I had to do was let that go. I had faith in God, and God pulled me through."





JOSIAH SUTTON, 26

YEAR CONVICTED: 1999
SENTENCE: 25 YEARS
YEARS IN PRISON: 4.5

TWO BLACK MEN RAPED A BLACK WOMAN IN A car. Five days later, driving through her southwest Houston neighborhood, she saw Sutton and a friend, both sixteen, walking down the street and contacted police. At Sutton's trial, a lab analyst said DNA from semen found at the scene was a match with his. This, along with the victim's ID, led to a guilty verdict. After the Houston crime lab's flaws became a national scandal, in 2002, the samples were retested and Sutton was excluded. He was released in 2003. He lives with his mother in the same southwest Houston neighborhood where he was arrested and works in maintenance at the city's Solid Waste Management Department.

"It's hard to put that behind you, to forget about it. But every day I try to do at least a little bit to find myself, to find out some of the things I would like to do. Basically, just adjust without thinking about that. I can honestly say it's kind of hard, because it's something I'll probably never forget. The thing I know to do to overcome it is to keep myself busy, try my best to overcome it."



RONALD GENE TAYLOR, 48
YEAR CONVICTED: 1995
SENTENCE: 60 YEARS
YEARS IN PRISON: 12

A black woman was raped by a black man wearing a white T-shirt in Houston. Taylor was put in a lineup because a witness said he had seen Taylor near the crime scene that night. Taylor was the only man in the lineup wearing a white T-shirt, and when the victim watched a videotape of the lineup nearly six weeks after

the rape, she picked Taylor. He got a DNA test in 2007, was released that same year, and moved to Atlanta, where he runs a handyman business and is planning to marry his long-time girlfriend.

"I think people should look at all these exonerations as a wake-up call. I mean, everybody wants to be really, really tough on crime—and probably rightfully so. But a lot of things just get lost in the heat of the moment, or a lot of things get overlooked. Mistakes get made that affect people's lives. People should be more careful, and eyewitness testimony should be scrutinized pretty tough. People make mistakes. The biggest thing that I've taken away from it was, I learned the value of life. I learned to appreciate things. Never take nothing for granted. Anything could happen at any time."



VICTOR THOMAS, 49
YEAR CONVICTED: 1986
SENTENCE: LIFE PLUS
 20 YEARS
YEARS IN PRISON: 15

A black man armed with a gun abducted a woman from a Waxahachie convenience store and raped her; he also robbed the store. A month later, Thomas, an ex-con living with his mother in Waxahachie, was taken in for questioning about his relationship with an underage girl. He was put in a lineup for the convenience store rape and robbery, and the victim picked him out. Thomas spent much of his time in prison writing letters proclaiming his innocence and asking for DNA testing. He got a test in 2001; the results excluded him, and he was freed.

Attempts by TEXAS MONTHLY to reach Thomas were unsuccessful.



KEITH TURNER, 47
YEAR CONVICTED: 1983
SENTENCE: 20 YEARS
YEARS IN PRISON: 6

A black man raped a Hispanic woman in the laundry room of her apartment complex in Dallas. Four months later she identified Turner, a truck driver at the furniture company she worked for.

He was paroled in 1989 and registered as a sex offender. He saw a TV show on DNA in 2001 and began writing letters to the DA and judges asking for a test; until he was granted one and pardoned, in 2005. He lives in Dallas and works part-time delivering cars.

"I keep a copy of my pardon on me. Every job, you have to explain yourself. You have to put it on there—'rape con-

viction'—because they check it. I always write, 'I'll explain at the interview.' Same story I've told for nineteen years. 'Rape'—that's a bad word. I hate to even say it. I'd rather spell it out. That's a serious thing. That bothers me. That's close to murder. My mother died six months after I was convicted. It destroyed her. It took everything out of her."

JAMES WALLER, 52

YEAR CONVICTED: 1983
SENTENCE: 30 YEARS
YEARS IN PRISON: 11

A BLACK MAN RAPED A TWELVE-YEAR-old white boy in the boy's Dallas apartment. The next day, the victim saw Waller walking near the complex and identified him. The manager also identified Waller as having been on the grounds the morning of the attack. In the late eighties, Waller began asking for a DNA test. He was paroled in 1993. His first test finally came in 2001; it was inconclusive, so he filed for further testing. Two days before the testing hearing, his eight-months-pregnant wife, Doris, and their unborn child were killed in a car wreck. The results from that test were ruled favorable to Waller, but the prosecution appealed. More-sophisticated testing in 2006 led to a pardon the following year. He lives in Dallas, for the moment.

"I don't want nobody to have to go through what I went through for twenty-five years. Most people would say, 'After you got out, you lived a normal life.' It's true. I got me a job, I bought me a home, I bought me a car, I got married, the baby was on the way. We were going to name her Gracee. But nobody knew all the other stuff that was going on in the inside. They didn't know I was a registered sex offender, seeing a parole officer, and going through this shit. Can't go to football games, can't go to basketball games. Can't go to parks with kids there. Can't be around nieces and nephews. Can't date a woman with kids.

"God didn't forget about me. That's the main thing. There were times where I forgot about him, but he never forgot about me. And that's why I'm still here. But I'm not gonna live in Texas no more. I already have my house up for sale. I'm going to move back to Louisiana, work in the field that I have my degree in, counseling. The kind of people I want to counsel: anybody that done gave up on life and feel like they got no reason to live. Anybody that's going through hell and feel like there's no way out. Even if they're having a bad divorce and feel like they got to go out and kill the whole family. Send me the worst people they got, and I can give them a story where they will want to live again."





PATRICK WALLER, 38
YEAR CONVICTED: 1992
SENTENCE: LIFE
YEARS IN PRISON: 16

Two black men kidnapped a white couple in the West End of Dallas and took them to a vacant house, where the woman was raped. They also forced another white couple into the house but then fled. All four victims identified Waller, who was on probation for cocaine possession. Waller applied for DNA testing in 2001 but was turned down. He was granted a test in 2007; it excluded him and led to the actual rapist, who, along with his co-kidnapper, confessed. Waller was released in July of this year. He lives in Dallas and plans on going to the University of Texas at Arlington in the spring.

"I'm leaning toward suing, because the compensation the state offers is capped at \$500,000. I don't think that's worthy of me being gone for sixteen years for something I didn't do. I don't think \$500,000 can compensate a man for being gone for sixteen years. I don't think \$500,000 can compensate a man for being gone for two years, or a year. You can't pay a man for being in prison who's innocent. I've lost relatives and close friends. My marriage went downhill. I watched my kids grow up from inside prison. You can't put a price on that."



GREGORY WAYNE WALLIS, 49
YEAR CONVICTED: 1989
SENTENCE: 50 YEARS
YEARS IN PRISON: 17

Five months after a white woman was raped in Irving, police circulated a flyer around the local jail that included a description of the rapist—he was white, with a scar on his cheek and a tattoo on his back of a woman with long hair. An inmate in the jail who knew Wallis informed police that Wallis had a similar tattoo. Wallis's tattoo was on his arm and his scar was on his forehead, but his picture was put in a lineup anyway. The victim identified him. He got a DNA test in 2005, which was inconclusive. He was offered a deal: freedom if he would register as a sex offender for the rest of his life. He refused, and in 2006 a more sophisticated test excluded him. The CCA granted his writ of habeas corpus last year. Wallis lives in Lubbock and is suing the City of Irving and various police officers, prosecutors, and investigators.

"When it happens to a person, it scars them for life, man. All the trust goes away. To this day, I don't trust nobody. I can't stand crowds. I isolate myself all the time. I've had three girlfriends tell me, 'Quit isolating yourself.' You don't understand. You don't know—after you've been done like that, justice ain't shit. What happened to me, you can't replace it. My life is ruined, man. I lost my wife, my kid. My son, his head is all messed up

now because he didn't have a dad. We've tried to patch it up, but we never got a chance to bond. And he's so much like me, in terms of character and understanding stuff. He's twenty-three. He was two and a half when I left."



CALVIN WASHINGTON, 53
YEAR CONVICTED: 1987
SENTENCE: LIFE
YEARS IN PRISON: 14

A 54-year-old Waco woman was beaten, raped, and murdered. Washington and a man named Joe Sidney Williams were convicted. There were only two types of evidence against the men: testimony from fellow inmates at the county jail and the report of a later-discredited forensic odontologist, or bite-mark expert. In 2000 DNA tests on the crime-scene semen excluded both men; testing in 2001 pointed to another man as the rapist. Williams had been freed in 1993; Washington was released in 2001. According to his former attorney, Walter Reaves, Washington squandered most of the \$374,999 he received as compensation. "He didn't have any idea what to do when he got that money," Reaves says. "All of a sudden he had all these new friends helping him spend it. Last I saw, maybe nine months ago, he was cutting yards, doing general labor. He hasn't had a real, steady job since he got out." In June the house Washington had bought was put up for sale by the City of Waco for delinquent taxes.

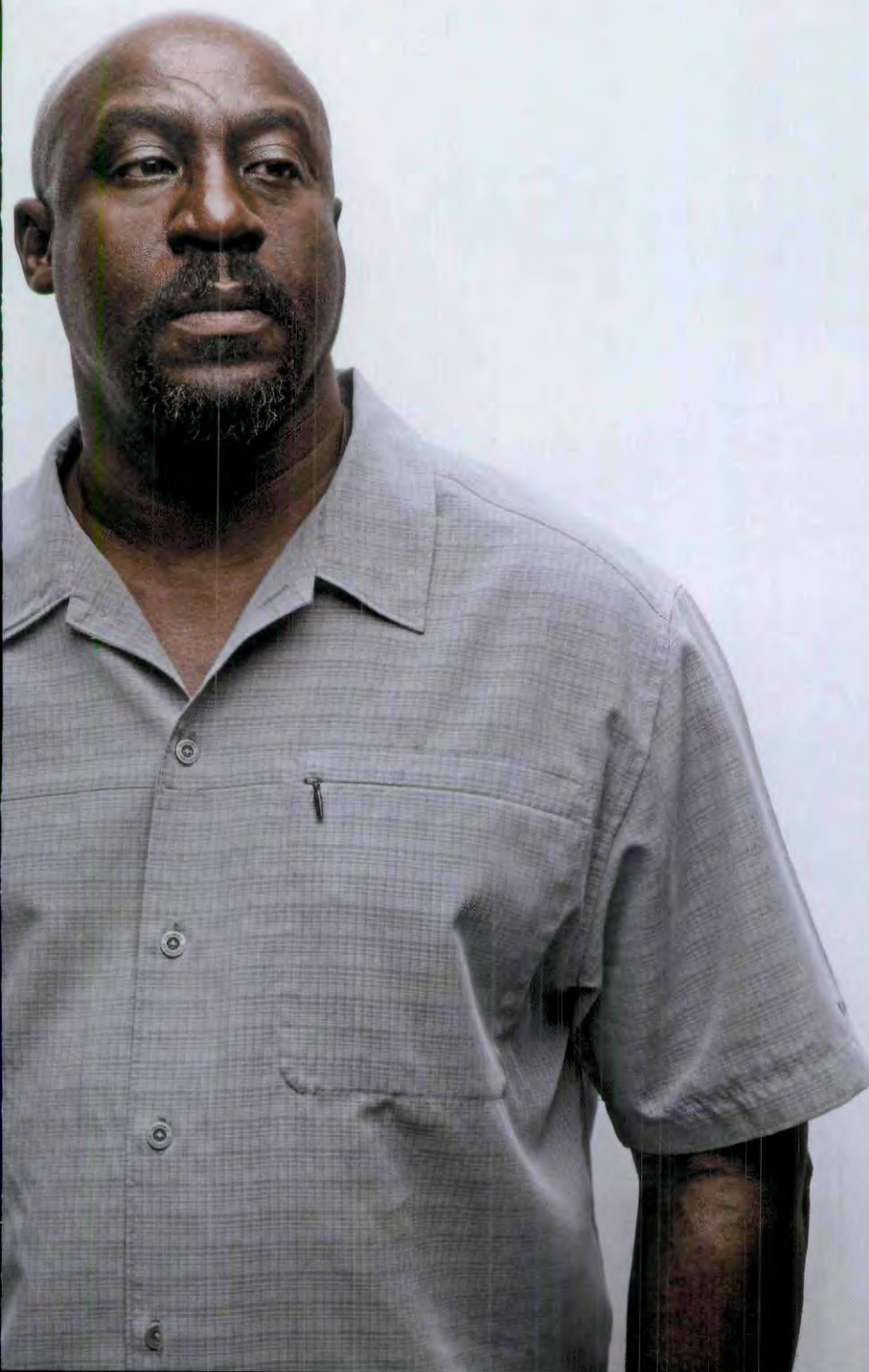
Attempts by TEXAS MONTHLY to reach Washington were unsuccessful.



MARK WEBB, DECEASED
YEAR CONVICTED: 1987
SENTENCE: 30 YEARS
YEARS IN PRISON: 13

A white man raped a white aerobics teacher in her truck in broad daylight as she was leaving a Fort Worth health club. Webb was convicted after the victim ID'd him in court. He was paroled in 1997 but returned to prison in 1999 because he was caught drinking. He got a DNA test in 2001 and was released. He had started a truck-repair business in Fort Worth and was planning on getting married when he died of liver failure, in 2005. He was 42 years old.

JAMES WOODARD, 56
YEAR CONVICTED: 1981
SENTENCE: LIFE
YEARS IN PRISON: 27



A DALLAS WOMAN WAS RAPED and murdered and her body left along a rural area of the Trinity River. Woodard, an ex-boyfriend of the victim's, became a suspect after the woman's stepfather said that Woodard had visited her on the night before her murder at three a.m. This was untrue, but another witness offered what seemed like a corroborating account, saying that at roughly the same time, she had seen—from several hundred feet away—the victim arguing with Woodard. Later, however, police learned that the victim had been seen getting into a car with several men not long before her death. The authorities didn't look into this story or tell Woodard's attorneys about it. Woodard came up for parole numerous times but consistently refused to admit guilt, which could have won him early release. He got a DNA test in 2007 and was released in April of this year, becoming the longest-serving wrongly convicted person in Texas. He lives in Euless.

"Since I got out, I've been mostly just trying to get myself acclimated back into society. So many things have changed. E-mailing and cell phones and debit cards. I mean, you can imagine twenty-seven years ago. The hardest thing probably was getting my driver's license, because of my record. They had to go to the archives and retrieve my school records. The only identification I had was my prison identification. The apartment wasn't as bad as it could have been, mostly because the manager recognized me from *60 Minutes*. I haven't found work yet. As far as skills, I'm just a general laborer. I have a basic education; I can read and write.

"I figured out a long time ago that my being sent to prison wasn't anything personal. It was just two guys—the prosecutors—looking at their career, trying to do a job. And the jury—they only went along with what the prosecutor said. So I had to get those kinds of thoughts, or any kinds of malevolent thoughts, out of my mind. That's what destroys a man in prison. You know, just constantly being frustrated and angry by things he can't change. It's easier now that I'm out. I mean, at some point you have to be able to let go. Those years—I can never get those back. I can only be thankful that I survived under the conditions that I was forced to live under. I've seen many a case where a man just couldn't take it. And there's no way to win." ♦

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Videos of the wrongfully imprisoned.

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