



Benjamin N. Cardozo School of Law, Yeshiva University

Tenth Dallas County Man in Just Five Years Is Proven Innocent Through DNA Evidence; Larry Fuller Set To Be Released Today

25 years after wrongful conviction for rape, DNA proves Fuller's innocence; unprecedented number of cases in Dallas County 'demands a closer look'

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(DALLAS, TX; October 31, 2006) – For the tenth time in five years, a Dallas County man who was wrongly convicted has been proven innocent through DNA testing, the Innocence Project said today. Based on eyewitness misidentification, Larry Fuller, 57, was convicted of aggravated rape in August 1981 and sentenced to 50 years in prison.

Tuesday afternoon, October 31, the Innocence Project will file legal papers to vacate Fuller's conviction and release him from prison. Fuller will appear in court with Innocence Project Co-Director Barry Scheck and Staff Attorney Vanessa Potkin at 1 p.m. Tuesday in front of Judge Lana McDaniel in 203rd Judicial District Court in Dallas (Frank Crowley Courts Building, 7th Floor). The Innocence Project anticipates that Fuller will be released at the conclusion of the hearing. Fuller, Scheck, and Potkin – joined by several of the other nine men who have been proven innocent through DNA testing in Dallas County – will speak to reporters outside the courthouse following the hearing, along with Jeff Blackburn of the Innocence Project of Texas and local co-counsel Frank Jackson.

Including Fuller, 10 Dallas County men have been proven innocent through DNA testing since 2001 – a pattern that the Innocence Project said is both unprecedented and troubling. “Nowhere else in the nation have so many individual wrongful convictions been proven in one county in such a short span of time. It is clear today that there's an alarming pattern of wrongful convictions in Dallas County, which demands a closer look through an independent investigation,” Scheck said.

The Innocence Project said today that the Dallas County District Attorney should order a full, independent review of the 10 recent cases where DNA has proven innocence, as well as other cases from the same timeframe. Of the 10 Dallas County convictions where DNA has recently proven innocence, nine are sexual assault-related cases; the convictions were between 1981 and 1994, with eight of the 10 in a five-year span in the mid-1980s. Several of the wrongful convictions involved eyewitness misidentification.

“Texas needs a statewide mechanism to identify and address the causes of wrongful convictions, but Dallas County can't wait for the state to act,” Scheck said. “When one plane crashes, the NTSB launches an immediate investigation to determine the cause and prevent it from happening again. These wrongful convictions in Dallas County are like a series of plane crashes at the same airport, in the same era, and they require immediate, serious action.” A review ordered by the District Attorney would help identify common patterns in the cases – such as eyewitness misidentification – and might identify additional cases where people may have been wrongly convicted, the Innocence Project said.



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In Fuller's case, eyewitness misidentification was the primary basis for wrongful conviction – as it is in 75 percent of wrongful convictions overturned by DNA evidence nationwide. In April 1981, a Dallas woman woke up at 6 a.m. to find a black man with a knife on top of her. It was 45 minutes before sunrise on a foggy day, and the only light in the room (other than any light from outside before dawn) came from a digital alarm clock. The intruder cut the woman several times and raped her. Motile sperm were collected in a rape kit at the hospital shortly after the attack, but DNA testing was not available in 1981. Police showed the victim several photos at her home two days after the rape; although Fuller's photo was among the six she was shown, the victim did not identify him. The investigating police officer issued a report recommending that the investigation be "suspended," noting that the victim "was unsure of the suspect at this time." The investigation continued, however – and police investigating the crime apparently remained focused on Fuller.

Several days later, police again showed the victim several photographs at her home to see whether she could identify her attacker. Fuller's photo was the only one in the second photo array that was also in the first one. The victim was alarmed that Fuller had a full beard, since she had said her attacker did not have facial hair. Placing her fingers over the bottom part of the photo, to block half of Fuller's face, she then positively identified him, and he was arrested. In August 1981, Fuller had a two-day trial – in which the prosecution said the victim had "never wavered" in identifying him. After deliberating for 35 minutes, the jury convicted him.

"Police focused on Larry Fuller almost immediately, and they continued to pursue him even though the victim was unable to identify him," Potkin said. "For decades, scientific research has proven that the procedures which led the victim to misidentify Larry Fuller decrease the accuracy of identifications. This case – and the nine before it – begs the question of how many other innocent people have been convicted in Dallas County based on eyewitness misidentification or other factors."

Fuller was 32 years old at the time of the rape, and he was raising two young children with his girlfriend. Years earlier, while attending Dallas Baptist College, he was drafted into the U.S. Army and served two tours of duty in Vietnam (while he was drafted for the first tour, he volunteered for the second). He was shot down several times in duty, and received the Air Medal. After being honorably discharged, he pursued an education in the arts while holding several jobs.

In the mid-1990s, Fuller wrote to the Innocence Project, which took his case. The Dallas County District Attorney's Office initially opposed efforts to seek DNA testing in the case, which a court ultimately ordered. In 1999, Fuller was released on parole after 18 years in prison. Fuller's parole was revoked in 2005 for a violation of his release conditions, and he was sent back to prison to serve the remainder of his sentence.

Not including Fuller (who will need to apply for a pardon from Texas's governor), 185 people in 32 states have been exonerated through DNA testing. The Innocence Project, affiliated with the Benjamin N. Cardozo School of Law, has provided direct representation or consultation in most of them. The Innocence Project of Texas has worked on several of the Dallas County cases.



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Additional Resources:

- [The Innocence Project's Motion On Behalf Of Larry Fuller](#)
- [Innocence Project Background: Dallas County Cases Where Innocence Was Proven By Postconviction DNA Testing](#)