

Dallas County Cases Where DNA Has Proven Innocence

In just the last five years, 12 men who were wrongly convicted have been proven innocent through DNA testing. Following are short descriptions of their cases.

1. David Shawn Pope

David Shawn Pope was convicted in 1986 of a 1985 aggravated sexual assault and sentenced to 45 years. He was pardoned in 2001 after spending 15 years in prison.

Background:

In the evening of July 24, 1985, in Garland, Texas, an unknown man knocked on a woman's door, asked for someone who did not live there, and left. At 6 a.m. the next morning, she woke up to a man standing over her bed with a knife, and she was raped. After her assault, the victim followed her attacker to the patio door and stood next to him. She described her rapist to the police as a young white male, around 5' 8" tall, 140 pounds, blond, slim, very tan, and wearing beige pants and no shirt. The victim was unable to identify Pope in a photographic lineup, but over a month later, she identified Pope in a live lineup. The victim also identified Pope in court as the man who raped her. The prosecution's evidence also included a knife found in his car that resembled one stolen from the victim's kitchen and used during the attack, and a "voice print analysis," which was said to match Pope's voice to messages left on the victim's answering machine in the weeks after the crime. (Scientists have questioned the accuracy of voice print analysis, and it is no longer used in courts.) Pope maintained his innocence and testified on his own behalf in the punishment phase of his trial. He testified that he had lived in the same apartment complex as the victim until the month prior to the rape when he was evicted, and that during the month of the attack, he at times lived out of his car on the apartment complex's grounds. In January 1999, the Dallas County District Attorney's Office received an anonymous call that supported Pope's claim of innocence. The case was reopened and the rape kit was submitted to DNA testing, which excluded Pope as the perpetrator and matched a convicted rapist. Governor Rick Perry pardoned Pope on February 2, 2001.

2. Wiley Fountain

Wiley Fountain was convicted in 1986 of aggravated sexual assault and sentenced to 40 years in prison. Fountain was released on parole in February 2001, but his parole was revoked months later when he failed to find a job and pay fees as a registered sex offender. He was finally released from prison in 2002 after DNA excluded him from rape kit evidence, and he was fully pardoned by Governor Rick Perry in 2003.

Background:

A pregnant woman was grabbed from behind while walking to a bus stop in Dallas and raped at knifepoint. The perpetrator dragged the victim to a nearby driveway, raped her, and stole money from her. The victim told police that moments before she was accosted,

she saw her attacker, whom she believed to be Fountain because she had recently seen him in her apartment complex. According to the victim, she and her attacker were face to face, just inches apart, at different points during the attack. She later gave police a description of her attacker, and an officer stopped Fountain (who was on parole at the time for a 1983 burglary conviction) a block from the victim's apartment because he was wearing clothing that matched the description of the suspect. The victim later identified him in a photo lineup. Fountain asserted that he had been at home when the rape happened, and he had an alibi witness at trial. Testing of the biological evidence was inconclusive at that time. He was convicted in 1986 and sentenced to 40 years in prison. In 2002, with the urging of the Dallas County Public Defender's Office, DNA testing was conducted on a vaginal swab and excluded Fountain as the perpetrator. After the DNA was submitted for testing twice more with the same results, Governor Rick Perry pardoned Fountain on March 18, 2003.

3. Donald Wayne Good

Donald Wayne Good was convicted in 1984 of committing a 1983 rape and burglary. He was sentenced to life in prison. He was paroled in 1993, but his parole was revoked in 2002 (for a minor property crime); he is still serving a five-year sentence for the property crime. In 2004, DNA testing proved that Good could not have been the man who committed the 1983 crimes.

Background:

A perpetrator broke into a Dallas County woman's home, restrained her daughter in one room, then put a pillowcase over the victim's head and raped her in a separate room. Both the daughter and mother identified Good. He was in police custody on unrelated charges when a police officer saw a resemblance with the composite sketch and included his photo in a photo array. Good's first trial ended in a hung jury. At the second trial, in 1984, Good was convicted and sentenced to life in prison. Good represented himself in an appeal and lost. Besides the identification, the prosecution also relied on serological testing of the victim's clothing and a blanket, which matched Good as well as a significant percentage of the white male population. In 1993, Good was paroled and registered as a sex offender. In 2002, he was arrested for a minor property crime and had his parole revoked and his life sentence reinstated. He received a five-year sentence for the property crime. In 2003, Good's motion requesting DNA testing was granted and the court ordered testing of the rape kit. In April 2004, DNA test results excluded Good as the perpetrator. In November, Good's conviction was overturned. He remains in prison for the minor property crime charge and is expected to be released in May 2007.

4. Keith E. Turner

In 1983, Keith E. Turner was convicted of a 1982 aggravated sexual assault and sentenced to 20 years in prison, of which he served four years. Turner was exonerated and pardoned in 2005.

Background:

A rape victim in Dallas identified Turner as her assailant. She and Turner worked for different branches of the same company and came into contact when Turner was transferred. She identified him both visually and by his voice. Turner provided an alibi, but he was convicted in 1983 and spent four years in prison. He was out on parole when Governor Rick Perry pardoned him on December 22, 2005, based on exculpatory DNA test results.

5. Entre Nax Karage

In 1997, Entre Nax Karage was convicted of committing a 1994 murder and sentenced to life in prison, of which he served seven years. He was exonerated and pardoned in December 2005.

Background:

In 1994, Karage's 14-year-old girlfriend was murdered. Three years later, Karage was convicted of the crime by Judge Karen Greene in a non-jury trial. DNA testing at the time of the trial did not match Karage, but this was consistent with the prosecutors' belief that Karage had found his girlfriend with another man and killed her in a jealous rage. Karage provided a written statement asserting his innocence, but he didn't have a solid alibi. Also, some of his girlfriend's blood was found in the trunk of Karage's car. None of the prosecution's evidence linked him to the scene of the crime. He was convicted and sentenced to life in prison. Seven years later, authorities finally ran the DNA test through the federal database of convicted offenders and found a match to another man who was previously convicted of a similar crime. Karage was pardoned by Governor Rick Perry in 2005.

6. Eugene Ivory Henton

Eugene Ivory Henton was convicted of sexual assault in 1984 and sentenced to four years. He served 18 months in prison on that charge. DNA testing exculpated Henton in 2005.

Background:

Henton pleaded guilty to the sexual assault charge in exchange for a four-year sentence. He was paroled after 18 months and is now serving time for two unrelated convictions: a 42-year sentence for drug possession and a 20-year sentence for aggravated assault.

7. Gregory Wallis

Gregory Wallis was convicted in 1989 of burglary of a habitation with intent to commit sexual assault in 1988. He was sentenced to 50 years in prison and served 18 years. He was released in March 2006.

Background:

In January 1988, a man talked his way into an Irving, Texas, condo and for two hours repeatedly raped and assaulted the woman living there. The victim gave a description to

police, but without any leads, the investigation went cold. Four months later, after police circulated a flier about the attack in a local jail, an inmate made a deal with Irving detectives and became a confidential informant. The informant told police that Greg Wallis had a tattoo similar to the description given by the victim. After Wallis became a suspect, the victim picked him out of a photo array. The police had no physical evidence tying Wallis to the crime, and his wife testified that he had been with her at the time of the attack. Weeks before his trial, he was offered – and rejected – a plea bargain offer of 10 years. At trial, the victim testified that she knew for a fact Wallis was the man who raped her. He was convicted and sentenced to 50 years. In December 2005, results of a first round of DNA testing could not entirely exclude Wallis. He was offered his freedom if he would agree to be a life-time registered sex offender. He declined. In 2006, another (more advanced) DNA test was conducted and the results proved that Wallis was not the perpetrator. He was released from prison in March 2006.

8. Billy Wayne Miller

Billy Wayne Miller was convicted of abducting and sexually assaulting a woman and sentenced to life in 1984. He was released from prison in May 2006 after serving 22 years.

Background:

In 1983, a Dallas County woman was given a ride by a man she didn't know. As the man approached the victim's house, he pulled out a gun and kept driving. The man raped the victim in the car and then drove to a local house, where he raped her again. Eventually he drove the victim to her friend's house and released her. She later led police to the house where she believed the crime had occurred. Miller was inside and was arrested immediately. He would be convicted of aggravated sexual assault with a deadly weapon.

Miller began to seek DNA testing in 2001 but it wasn't granted until 2005. Testing showed that biological evidence collected from the victim in a rape examination could not have come from Miller. The victim was located and she told state investigators that the only possible source of the evidence was the attacker. Miller was released in May of 2006 and was officially pardoned by Gov. Rick Perry in December 2006.

9. Billy James Smith

Billy James Smith was convicted of aggravated sexual assault while using and exhibiting a deadly weapon in 1986. He was sentenced to life in prison. Smith was released in July 2006.

Background:

Smith was convicted of raping a woman while using a knife as a weapon. His conviction was based in part on an incorrect identification made by the victim's boyfriend – who did not witness the attack (the Court of Criminal Appeals called this identification “questionable”). The police who searched Smith's belongings did not find clothing that the victim said the perpetrator wore. The clothes that police confiscated from Smith

contained no DNA evidence whatsoever. Also, Smith's sister testified at trial, corroborating his alibi. There was no evidence in the record that the victim had engaged in sex with anyone besides her attacker in the 24 hours prior to her rape. The prosecution used the presence of semen to prove that a rape had occurred, and Smith was convicted. After Smith requested DNA testing in 2001, the state argued that because the victim had a live-in boyfriend, it may have been possible that the semen belonged to him and therefore, according to the state, results excluding Smith would not prove his innocence. Both the trial court and an appeals court denied his requests for DNA testing. Finally, in June 2005, the Texas Court of Criminal Appeals overruled the two lower courts and granted Smith's request for testing, which would set him free in July 2006.

10. Larry Fuller

Larry Fuller was convicted in 1981 of aggravated rape and sentenced to 50 years. (In 1999, he was released on parole, but in YEAR, he returned to prison because of a minor parole violation.) DNA testing in 2006 proved that he could not have been the man that committed the crime, and he was released.

Background:

In the pre-dawn hours of April 26, 1981, a woman woke up to find a man sitting on top of her with a knife in his hand. When she resisted, he cut her hand, both sides of her neck, and her buttocks. He then raped her and left. The victim claimed that she could see her attacker from a crack of light from her window and the light of her digital alarm clock. She identified Fuller from a photo array and also at trial. The victim was shown two photo arrays. She was unable to make a positive identification from the first array. In the second array, a more recent picture of Fuller was included showing him with a full beard. She identified Fuller from this photo – even though she didn't remember her attacker having any facial hair and the photo had been taken only one week after the attack. Fuller was the only man to appear in both arrays. According to a state serology expert at Fuller's trial, testing of the blood and semen sample showed it to be consistent with Fuller and exclusionary to 80 percent of the population. However, upon cross-examination the expert conceded that the results were not definitive. Fuller's alibi was corroborated and he had no record of sex crimes. Nevertheless, he was convicted and sentenced to 50 years in prison. He first contacted the Innocence Project in the mid-1990s. After his release in 1999, he continued to seek post-conviction DNA testing to prove his innocence. In 2003, an initial round of DNA testing was inconclusive. Finally, in 2006, more advanced DNA testing showed that Fuller was not the perpetrator, and he was released.

11. Andrew Gossett

In February 2000, Andrew Gossett was convicted of aggravated sexual assault and sentenced to 50 years. Gossett was finally released on January 4, 2007, after DNA test results proved his innocence. He has not yet been pardoned.

The victim in this case was abducted at gunpoint while stopped at a traffic light, taken to a secluded area, and orally and vaginally raped. After the attack, she drove to a hospital, reported the incident, and a rape examination was conducted. Police apprehended Gossett near the intersection where the victim had been abducted because they believed he matched the general description. The victim then identified Gossett from a photo array. The detective administering the lineup later expressed surprise at how quickly the victim made an identification. No physical evidence linked Gossett to the crime. Initial DNA testing in his case was inconclusive. Hair samples retrieved from the victim's vehicle did not match Gossett. The victim testified that her assailant had a state of Texas map ring on his finger, but detectives who searched Gossett's residence did not find a ring. Also, a videotape recovered from a convenience store showed Gossett shortly after the attack, wearing clothing that was inconsistent with the victim's description. Gossett claimed that he had been at his girlfriend's house all night except for this trip to the store. However, Gossett was found guilty. He spent seven years in prison before DNA testing led to his release.

12. James Douglas Waller

James Douglas Waller was convicted in 1983 of aggravated sexual abuse and sentenced to 30 years in connection with the rape of a 12-year-old boy. He was released on parole in 1993. In 1989, he began seeking DNA testing at his own expense, and in 2006, testing supported his claim of innocence.

Background:

The 12-year-old victim, alone in his apartment except for his younger brother, was awakened when an African-American man entered at around 6 a.m. His mother and other family members had already left for work. The man wore a bandana tied around the lower half of his face, and the victim testified later that he did not have any opportunity to see him face to face. The man ordered the boy to put his face down on a pillow and then orally and anally sodomized him. The next day, the victim believed that he heard the voice of the assailant while in a 7-Eleven store near his apartment. When he saw the man, James Waller, he further believed that this was the man who assaulted him. Waller and his family also lived in the victim's apartment complex and were the only African-American residents. Waller was substantially taller and heavier than the victim's initial description of the assailant. At trial, the apartment manager also identified Waller. She said she saw an unknown man walk by her door toward the victim's apartment the morning of the attack. Her testimony was inconsistent with the fact that as a resident of the same apartment complex, Waller would have been known to her. In addition to these eyewitness identifications, a trace evidence analyst testified that a collection of hairs from the crime scene did not match Waller's. The defense also presented an alibi; yet after just a few hours of testimony and 46 minutes of deliberations, the jury convicted him. Waller initially sought DNA testing in 1989, and redoubled his efforts in 2001, eight years after his release, when the State Legislature passed a law granting post-conviction access to DNA testing. The state denied Waller's request for the testing to be conducted at a private laboratory and instead had the evidence tested at the Department of Public Safety. The Department was unable to obtain a result and the evidence was entirely consumed in

its analysis. In 2004, with the help of the Innocence Project, Waller was granted permission to have previously unavailable Y-STR DNA testing conducted on liquid extracts of the evidence. The results proved that Waller could not have been the man who committed the crime.