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Judge Grants Joint DA/Defense Request to Free Convicted Inmate

(Houston, TX) – A judge on Friday (Dec. 12) granted a joint motion by the defense and Harris County District Attorney Kenneth Magidson for the release of prison inmate Ricardo Rachell, based on DNA tests which proved he did not commit the sexual assault of a child in 2002.

In 2003, Rachell, 51, was convicted of the crime and began serving a 40-year prison term.

Prior to trial, prosecutors and Rachell's attorney had been provided the Houston Police Department offense report that included references to the collection of DNA evidence. It was not tested until recently, after the DA's Office and another lawyer for Rachell obtained a judicial order for that analysis to be done.

In a brief hearing Friday, trial Judge Susan Brown of the 185th District Court ordered Rachell released from custody on a personal recognizance bond. He and appellate lawyer Deborah Summers will prepare a writ of habeas corpus seeking to have the conviction overturned.

"We have acted as swiftly as possible to see that justice is done in this case," said District Attorney Magidson. He said a mistake had been made in not having the DNA tested before the trial of Rachell.

Magidson and Roe Wilson, the DA's Legal Services Bureau chief who represented the office in the hearing, said the ultimate vindication of the Rachell shows that the justice system does work for those wrongly accused or convicted of crimes.

"Our goal is to see that justice is done," Wilson said. "That means both insuring that the guilty are convicted, and the innocent are freed."

(End)

[A summary of the chronology of events can be accessed on the DA's Web site, at this link: <http://app.dao.hctx.net/NewsRoom.aspx?id=49>]