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DA Test Results of DNA Begin Process to Free Inmate Imprisoned 27 Years

Houston, Tx – DNA tests and an intensive investigation by the Harris County District Attorney’s Office have revealed that inmate Michael Anthony Green did not commit the 1983 aggravated sexual assault for which he has been imprisoned for the past 27 years, the District Attorney’s Office announced.

As a result of these efforts, Green is expected to be freed on bond Thursday by the 185th District Court. The Texas Court of Criminal Appeals will soon consider overturning the original conviction and 75-year prison term for Green, now 44 years old.

It is the second time within a week that the work of the Post Conviction Review Section – created by District Attorney Patricia Lykos to review credible claims of innocence – has led to the release of an inmate after developing evidence of a wrongful conviction. Green, who was 18 at the time of his conviction, is believed to have served the longest time behind bars of any Texas inmate before potential exoneration.

Green was convicted of being one of three men who sexually assaulted the 31-year-old-victim. However, evidence developed by the DA’s Review team has excluded Green as one of the three rapists and identified the true suspects.

Lykos formed the Post Conviction Review Section as part of her pledge to modernize the District Attorney’s Office to make use of the latest available forensic science in investigations. First Assistant Jim Leitner said the Green case demonstrates the commitment of the Harris County District Attorney’s Office to see that justice is done. “The evidence in this case had been sitting in the District Clerk’s Office for 27 years, and no one had taken the initiative to do anything with it in the past,” Leitner said. “The difference now is that you’ve got the Post Conviction Review Section looking into it -- and that made all the difference in the case of Mr. Green.” Leitner credited the professionalism and motivation of Review Section Chief Baldwin Chin, Assistant District Attorney Alicia O’Neill, and Investigators J.J. Freeze and Donald Cohn in the case.

The Green case stretches back to April 18, 1983, when four men abducted a woman at a pay telephone in the Greenspoint area. They drove her to a remote location where three of the men sexually assaulted her, threw her out of the car and drove away. A fourth man in the car refused to participate in the sexual assault. Later, Houston Police chased a stolen car matching the description of the vehicle. The four occupants abandoned the car and scattered, triggering a law enforcement manhunt in north Houston. Officers detained Green that night as he was walking in the area. Although the victim could not identify Green in person when he was initially detained, she later identified him in a photo array as one of the three men who sexually assaulted her. Green was the only person convicted of the crime.

Green exhausted his appeals but continued to maintain his innocence. Shortly after the Post Conviction Review Section was formed, Chin and O'Neill evaluated Green's claims and determined that his case warranted review. The DA's Review team, after an exhaustive search, located the only remaining evidence -- clothing worn by the victim during the offense -- and had it subjected to DNA testing. The results excluded Green.

The DA's Review team then conducted numerous interviews with witnesses and new suspects. As a result of this new evidence and the utilization of further research using now-available state and FBI DNA databases, the DA's Review team has identified all four men suspected of committing this offense. That includes the three men believed to have sexually assaulted the victim. Regrettably, because the statute of limitations has lapsed, none of these men can be prosecuted.

The DA's Review team members emphasized that their investigation showed no misconduct or negligence on the part of the initial investigators or attorneys involved in either side of the case. It is important to note that DNA testing was still years away from common use when jurors heard the evidence and returned their verdict in this case.

The DA's Review team communicated their findings to Green's writ attorney, Bob Wicoff. State District Judge Susan Brown has set the case for a bond hearing at 10 a.m. Thursday.

The final ruling on Green's innocence will be made by the Texas Court of Criminal Appeals. That court is also scheduled to review the 1990 sexual assault conviction of Allen Wayne Porter. He was freed July 23, 2010 after the District Attorney's Office, in a similar investigation, uncovered evidence of his innocence. Porter, 39, had spent 19 years in prison.

Regarding forensic science, District Attorney Lykos commented:

"DNA analysis was developed by an English geneticist in 1984, and the first forensic use was in 1986. It was not available when Mr. Green was charged. However, today the science and technology relating to DNA forensic analysis are quite advanced. It is unconscionable that the third largest county in the nation and its largest city do not have the capacity to timely test all rape kits, and that it is unavailable to solve other crimes such as burglary and auto theft. There should be immediate action on the regional crime lab -- justice and public safety demand this."

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