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DA's Investigation of Innocence Claims Leads to Inmate's Release

Houston, Tx -- Prison inmate Allen Wayne Porter is scheduled to be freed after an extensive investigation by the Harris County District Attorney's Office concluded that he was wrongfully convicted of a 1990 sexual assault, District Attorney Patricia Lykos announced.

State District Judge Joan Campbell granted a writ for Porter, 39, to be released on bond. He is seeking to have the ultimate authority, the Texas Court of Criminal Appeals, formally overturn his conviction and life prison term.

During his 19 years in prison, Porter had been unsuccessful in numerous attempts at challenging his conviction. His current quest for freedom began last year when he wrote District Attorney Lykos personally and appealed to her for a review of the case. She directed the Post Conviction Review Section, which Lykos created after taking office at the start of 2009, to investigate Porter's claims of innocence.

"Our sworn mission is to serve justice. The integrity of the criminal justice system means everything," Lykos explained. "Wrongful convictions are a triple tragedy—for the accused, the victim and for society. The true criminal is free to continue to commit offenses."

The District Attorney commended the professionalism and intensive, months-long investigation by the Post Conviction Review Section in developing evidence from the initial claims of Porter. The primary investigative team members were Section Chief Baldwin Chin, Assistant District Attorney Alicia O'Neill and Investigator J.J. Freeze.

Porter's case stemmed from a crime that occurred at a southwest Houston apartment on June 18, 1990. Three masked robbers burst into a southwest Houston apartment occupied by four victims, including two women who were sexually assaulted.

Porter's nephew, Jimmy D. Hatton, now 40, was charged and convicted as one of the assailants. Porter attended that trial with other relatives, and was arrested there when a witness said Porter resembled one of the other gunmen. Porter was found guilty of aggravated sexual assault and sent to prison.

DNA evidence testing six years ago did not link Porter to the crime, although that finding was not enough to establish his innocence. His fingerprints also were not among those found at the scene. However, the unidentified prints in the case would prove crucial to his claims.

The convicted nephew and an inmate convicted of another crime acknowledged to the DA's investigators that the two had participated in robbery. They said that Porter had no involvement, but they did identify the third suspect who participated in the crime. Investigators compared this third suspect's fingerprints with previously unidentified prints taken at the scene and found a match. The woman who had driven the robbers to and from the scene also swore that Porter was not involved.

After hearing testimony and related evidence presented on Thursday, Judge Campbell made her ruling. (The statute of limitation bars new prosecutions of the other conspirators in the crime.)

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