

# Justice corrected in DNA exonerations

By Gordon Jackson  
Special to Sentinel-Voice

DALLAS (NNPA) - Larry Fuller looked calm and serene as he opened up the several boxes of presents he received from the organization that helped free him. They ranged from appliances, cookware and other household items that will help him settle down at home. He reflected no extreme visible signs or emotions that would be expected from someone who spent almost two decades in prison for a crime he did not commit.

"This is nothing new to me," Fuller said, inside an old house in a neighborhood close to Love Field Airport that belongs to his father. He will live there once he cleans it up. "It's a new challenge," he said.

His composure is totally opposite of the emotions he displayed on Oct. 31, when the judge ruled that he had been wrongly convicted of aggravated rape in August 1981 and sentenced to 50 years in prison. After suffering years under the weight of a crime he didn't commit, Fuller chose to express no anger or bitterness.

"There's enough bitter people out there without my help, don't you think?" Fuller said.

Just months later, James Waller sits in disbelief between his two attorneys at a Frank Crowley courthouse on Jan. 17, taking in every word as Judge John Creuzot declares him innocent from a 1983 rape of a child, with DNA testing being the key form of evidence.

"I'm sorry that happened to you, man," new District Attorney Craig Watkins said

## Steele

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the U.S. According to the Census Bureau, 55 percent of all African-Americans were born after the March on Washington. At its 50th anniversary convention in Atlanta this summer, SCLC plans to celebrate its progress. Steele is ever mindful that the civil rights group's rich history was almost lost.

An undertaker by trade, Steele said, "When I got the call, I was at the funeral home. I got the call from intensive care to come pick up SCLC. I got in the ambulance. That's not how we say it — 'am-bah-lance' — and I cranked it up and I went to intensive care and looked over the body."

With a revival-like fervor, Steele continued, "I was ready to pick up the body, but I thought about what my daddy had told me. He said, 'Boy, doctors are like Negroes, they think they know everything, but don't. Doctors make mistakes, too.' He said, 'Before you pick the body up, go behind the doctors to check for a pulse, you got to check the pulse.'"

He continued his pace, "I put the body back on the cot and I checked for the pulse. It wasn't a big pulse, but it was a pulse. It was a little pulse. I came to Phoenix, Arizona, to check your pulse. Have you forgotten from whence you come?"

Evidently, Steele hasn't.

to Waller as he reached out to shake his hand. That motion now goes to the Texas Court of Criminal Appeals for formal approval.

"A lot of times we are tested in life, and you certainly had a terrible test," Judge Creuzot said. "On behalf of any and all public officials at that time, I want to apologize."

The fact that the right things are being done today clearly indicates that some very wrong things took place in the past, namely the false conviction of innocent men. DNA testing has resulted in 12 exonerations of falsely convicted men in Dallas County within the past five years, the highest for any county in the country, according to The Innocence Project.

"Unfortunately, it's part of a pattern in Dallas County," said Eric Ferrero, director of communication for organization. "We work in all 50 states and this is very unlike what we have seen in the country."

The Innocence Project used a private company to conduct Fuller's prison-freeing test, after the one conducted by the Department of Public Safety came up inconclusive.

"They couldn't say whether I did or didn't," Fuller said. "That left me out in limbo."

No criminal justice system is perfect, and there is bound to be someone falsely accused of a crime. But what is to be said for a court system when it's at the epidemic proportions of Dallas County? Mistaken eyewitness identification makes up 75 percent of all such cases,

Ferrero said.

The Innocence Project, concluded that many of the cases have involved Anglos identifying — or mis-identifying — Black suspects.

"We see race play a role in every stage of the process," he said. "We also see class play a role." Both Fuller and Waller's jury took less than one hour to deliberate before finding them guilty. Both of their trials took less than a day. A closer look reveals that 10 of the 12 men were convicted between 1980 and 1988.

Also convicted in that time period were Lenell Geter, who was convicted of robbing a Balch Springs restaurant and Joyce Ann Brown, who spent nine years in prison for the robbery and murder of a fur store owner. Both made headline news and both were later released when evidence proved them innocent of the crime for which they were incarcerated.

The string of exonerations

has sparked State Senator Rodney Ellis to action. He's expected to introduce for the second time, a bill to the Texas legislature that will:

—Increase compensation for the wrongfully convicted from \$25,000 a year with a cap of \$500,000 a year to \$50,000 a year of incarceration and \$100,000 a year served on death row, with no cap

—Form a state innocence commission to examine cases of innocent Texans who have been wrongfully convicted, identify the causes of those convictions and recommend changes in the criminal justice system.

—Search for reforms in eyewitness identification procedures being successfully implemented.

"If our state continues to spend hundreds of millions of dollars to build more prisons, then I believe we should, at the very least, create some improved criminal justice policies that lock up the right people and not let the real bad

guys run free on the street," Ellis said.

"We need a system in place that sets in motion an in-depth investigation when an innocent person is wrongfully convicted to ensure that this injustice is not repeated and the guilty are sent to jail," Ellis concluded.

Ferrero agrees, especially with the state innocence commission. "Certainly, these Dallas cases point to the need for one in Texas," he said.

An Innocence Commission is being used in North Carolina, Pennsylvania and California. With how DNA testing has contributed to so many exonerations, it would be expected that all district prosecutors would be eager to implement it into their system. Not always the case.

"Unfortunately, many prosecutors still resist granting DNA testing," said Ferrero who added that otherwise, a defendant would have to file to get a judge to grant testing, but the red tape

could take several months to a few years.

Compensation is not automatic either. While Texas is one state that has such a program, for the victims to receive their money, they need either a pardon from the governor or a decision from the Criminal Court of Appeals. Neither Waller nor Fuller has either as of now, which means they're virtually on their own.

"They need an awful lot of help," said Ferrero. "There's not a support system in place."

"There are other guys who behind me who have been out and exonerated and they haven't received their pardon," Fuller said. "They've been out a lot longer than I have. After 18 years, I still had unfinished business because I was convicted for a crime I did not commit."

"You have to understand: what happened to me could happen to anybody."

Gordon Jackson writes from the Dallas Examiner.

## Your Horoscope Says... Feb. 1- Feb. 7

### ARIES

Before you spend your money, check the quality of the goods. This rule applies to intangible goods as well. Make the first move with your honey this week. Be sweetly aggressive.

Soul Affirmation: The enjoyment of good food is high on my agenda this week.

Lucky Numbers: 21, 34, 45

### TAURUS

Let your creative juices flow. Advice from a child has a reward in it. On the job, coworkers will help you expand your sense of accomplishment. Only you can stand in your way. Never underestimate the power of silence.

Soul Affirmation: I enjoy learning new things about myself this week.

Lucky Numbers: 16, 35, 40

### GEMINI

Opportunity knocks this week, be ready and waiting. An old love resurfaces. This week is good for you financially. Look for a special opportunity at work. Families matter; spend time with yours.

Soul Affirmation: I let myself experience my true ambitions this week.

Lucky Numbers: 19, 30, 40

### CANCER

Quit rushing around. You frequently help others, so why are you troubling over asking for the help you need this week? Ask, and when you receive, say thank you. You are blessed with many supportive friends.

Soul Affirmation: I smile and trust in the powers beyond myself.

Lucky Numbers: 17, 23, 53

### LEO

Dive into it! Don't be intimidated by the unknown. Your adventurous spirit can take you to a new place of celebration this week. If you can, bring someone along who can celebrate in the same manner with you. Harmony and peace is the motto that you should chant when you accomplish what you want to do!

Soul Affirmation: Communication is a skeleton key that fits many doors.

Lucky Numbers: 30, 31, 32

### VIRGO

This week would be good for getting your house in order so you can spend the extra time outdoors and enjoying the company of others. With an orderly habitat waiting for you, you'll have a head start for the task you have to accomplish.

Soul Affirmation: I open up to the universe. The universe opens up to me.

Lucky Numbers: 39, 49, 52

### LIBRA

The influence of someone close can make all the difference in the world. Don't go it alone. Your achievements are closely tied to someone who might not have agreed with you in the past.

Soul Affirmation: The grandeur of my presence reflects the sunshine of my soul.

Lucky Numbers: 18, 23, 37

### SCORPIO

You and your honey have so much to talk about. Listen! He or she is trying to come out of a whole new bag. Accept! Change is a good thing this week. Expect to travel soon. Savor the thought.

Soul Affirmation: What I've been waiting for has been here all along.

Lucky Numbers: 6, 45, 47

### SAGITTARIUS

If nothing much is happening on the job, remember that chilling is good sometimes. Use this week to return phone calls and answer letters. Be low key. Wonderful things flow from what you don't do.

Soul Affirmation: All things work together for good.

Lucky Numbers: 4, 51, 52

### CAPRICORN

You can turn that obstacle into an opportunity at work. Check out the players carefully. Watch your back and hold your tongue around workplace rivals. Aggressively seek agreement.

Soul Affirmation: The slowness of my week gives me time to refresh my energy.

Lucky Numbers: 8, 40, 42

### AQUARIUS

Don't let your outer space infringe on your inner peace. Control situations that might affect your ability to get that important job done. Remember people are only human. As seldom before confidence is the key to accomplishment this week.

Soul Affirmation: I find many things about myself that I really love.

Lucky Numbers: 8, 16, 23

### PISCES

Mail, e-mail, or telephone brings news of a matter that demands more attention than you might think. Opportunity knocks at work this week. This week spend some quality time with your family.

Soul Affirmation: I keep in mind the practical side of life this week.

Lucky Numbers: 1, 30, 34