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# Dallas man held for 30 years on rape conviction to be released

By JENNIFER EMILY

Staff Writer

jemily@dallasnews.com

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A 56-year-old Dallas man is expected to be released Wednesday after serving more than 30 years in prison for rape after prosecutors withheld evidence in his case, according to the Innocence Project in New York.

Rickey Wyatt was convicted in a 1980 sexual assault in which a woman was grabbed off a South Dallas street and attacked in a vacant lot, said Wyatt's attorney Jason Kreag of the Innocence Project. But Kreag said the evidence does not support his conviction and Dallas County prosecutors at the time did not turn over evidence that would have helped clear Wyatt.

Kreag said that he expects that after state District Judge John Creuzot releases Wyatt, the Texas Court of Criminal Appeals will vacate the conviction based on the withheld evidence. There is no timeline, however, for the appellate court to rule. It could take weeks, months or years.

Kreag said that DNA evidence tested is "favorable" to clearing Wyatt but Dallas County prosecutors are still investigating whether the genetic evidence would allow the courts to declare him actually innocent. If Wyatt were declared innocent, he would be eligible for compensation from the state for wrongful imprisonment.

Dallas County District Attorney Craig Watkins' spokeswoman, Jamine Bradfield, said that Wyatt's release is not considered an exoneration. She said in a news release that the DA's office agrees that Creuzot should vacate Wyatt's conviction.

Wyatt was arrested in January 1981 in connection with three sexual assaults but was tried and convicted in only one case. He was sentenced to 99 years in prison.

Police believed the same man was responsible for all three attacks, the Innocence Project said. Kreag and another one of Wyatt's attorneys, Gary Udashen, said that Dallas police never documented or told prosecutors or attorneys about a live lineup viewed by another victim. In that lineup, the woman said Wyatt was not the attacker and was too small to have been the rapist.

Kreag also said that at trial, Wyatt's family and friends testified that he had always been about 140 pounds and had a mustache and a beard. The three victims said the rapist was clean-shaven and weighed much more than Wyatt. One said the rapist weighed 200 pounds and another said 170 to 180 pounds.

Prosecutors maintained that witnesses for Wyatt were lying. But Kreag said that prosecutors had — but never turned over to the defense — a photo taken around the time of the rape that shows an abundance of facial hair and a fingerprint card that showed he was 135 pounds at the time of his arrest.

"Rickey would have been able provide, with the state's own evidence, information that would have been favorable to him," Kreag said.

Kreag and Udashen said that much of the information that was not originally turned over to the defense was found now because the current DA's office opened its files to them.

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