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Innocence Project seeks to exonerate two men serving life for murder of South Dallas pastor



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Two men serving life sentences eventually may join the parade of Dallas exonerees, if courts agree with evidence laid out in a brief filed Thursday by the Innocence Project.

Dennis Lee Allen, 52 and Stanley Orson Mozee, 55, were convicted in 2000 for the murder of the Rev. Jesse Boms Jr. the year before.

Now, attorneys with the Innocence Project of Texas and the Innocence Project Inc., based in New York, are asking courts to set the convictions aside on the basis of new DNA evidence and a trial they say was tainted by false evidence knowingly presented by prosecutors.

"There's a very good reason to believe that they're innocent," said Gary Udashen, the Dallas attorney representing Allen, "but there's just not a question they didn't receive a fair trial."

Russell Wilson of the Dallas County District Attorney office said his office was engaged "in a thorough review of this matter which we hope to be concluding very shortly."

The office has not "reached a final conclusion," he said adding, they have not yet talked to the prosecutor in the case, Rick Jackson.

Jackson, now retired from practicing law, said Wednesday any claim he committed misconduct is "absolutely false."

He is convinced the two men are "absolutely guilty."

Borns was stabbed to death in April 1999, outside a store where he sold leather goods, pagers and clocks and where he conducted occasional money management seminars.

When he did not return home one night, his wife and a neighbor went to the store where they found his body lying in a hallway in a pool of blood. He had been stabbed more than 47 times and punched repeatedly.

No physical evidence tied Allen and Mozee to the crime, and no witnesses placed them at the scene.

"There was none then, and there's none now," said Nina Morrison, who represents Mozee.

Instead, the two men were convicted on testimony from jailhouse informants and an unrecorded confession from Mozee, whom the filing describes as a drug addict with a prior history of mental illness.

Morrison said her client later recanted the confession and testified that it was false.

Though DNA testing was not a factor in the trial, techniques not available 15 years ago "revealed the presence of DNA from a foreign source — not either defendant and not the homicide victim," the filing says.

The evidence came from a blood stain on the floor, the handle of a blood-stained hammer found next to the body and in a fragment of hair found under Borns' fingernails.

Jackson said he's not surprised by the presence of third party DNA. Borns "was killed in a place where he had many, many visitors," he said.

Though Udashen said the DNA evidence is compelling, he said attorneys were startled by additional evidence they found in the prosecutor's original case file. Under an "open file" policy adopted by District Attorney Craig Watkins in 2008, attorneys filing a writ can view the file while preparing their case.

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In that file, attorneys found letters from the inmates who had testified that they'd heard the two men admitting to the murder.

During their court testimony, the informants said neither had been "promised, sought or expected any personal benefit for their testimony."

But letters from those inmates found in the file demanded benefits, such as reduced sentences for pending charges, that they "believed they had been promised from the State in direct exchange for testifying."

"The prosecution not only failed to turn over this material," the brief said, but concealed it while insisting to jurors "that no such discussions with these informants had ever occurred."

The two inmates have now told the defense attorneys their testimony was false, the filing says.

Jackson said he "never, ever made any type of deals up front. I told every single lawyer I ever dealt with that was the case and that was no different in that case.

"There were no deals in place, period, end of story."

Udashen said he has a "high degree of confidence that the convictions are going to be set aside."

"Whether or not it ultimately results in an actual innocence finding," he said. "I think a lot of that is going to depend upon what the DA's office determines in their own independent investigation."

Udashen said he doubts the two men would be convicted today because the case depended so heavily on testimony from jailhouse informants.

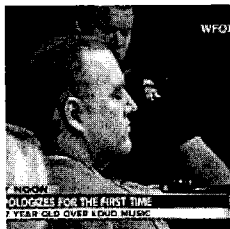
In 2000, "that's back before people everywhere and particularly in Dallas County were skeptical of things in the criminal justice system. Today I don't think hardly any jurors in Dallas County would put any weight on that. I think the day of the jailhouse snitch has passed."

The Innocence Project took Mozee and Allen's cases after each inmate wrote the organization separately, claiming innocence, Morrison said.

Mozee wrote first in 2001, shortly after his conviction. The Innocence Project has 10,000 requests for legal representation pending, and a complete review takes time. Now that the case has been filed, Morrison said she believes it will move quickly.

"We're hoping to be in court later this fall."

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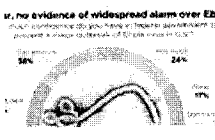
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