

Darius D Elam is Innocent

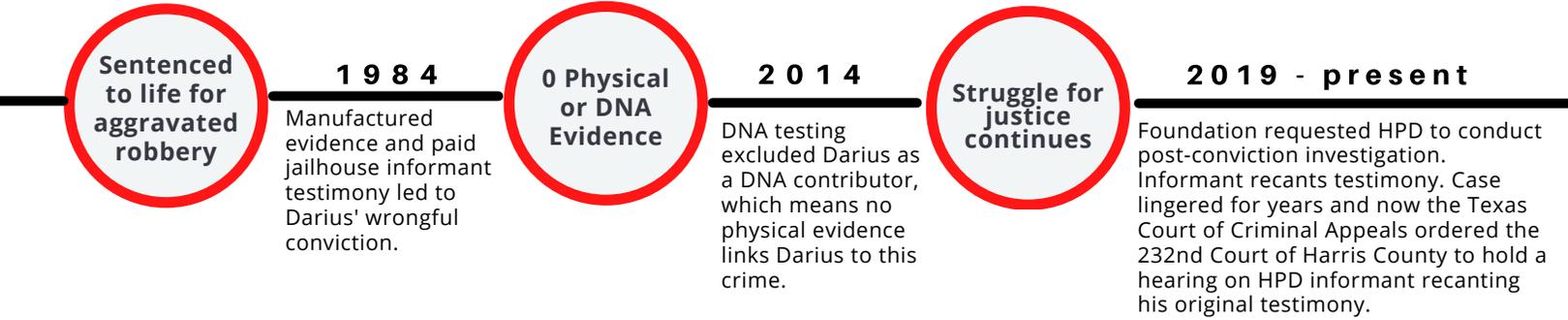
Case Overview By

Honey Brown Hope Foundation

honeybrownhope.org/dariuselam



About Darius: In the early 1980s, Darius Elam came to Houston from Chicago on a track scholarship to Texas Southern University and pledged Alpha Phi Alpha Fraternity. He was a hard-working family man with four young children and a wife, and no prior convictions. In 1983, he became a casualty of America's flawed justice system that is quick to convict and slow to exonerate when evidence proves innocence.



Background



Darius agreed to give a co-worker, Clarence Richardson, a ride home from the Galleria. Richardson stop by a shoe store to buy some shoes and told Darius that he would buy him a pair too. Darius agreed to pay Clarence back. Without Darius' knowledge, Richardson used an altered credit card and ID of Richard Bowen, who was found dead in **May 1983** on Rice University's campus with a fatal gunshot to his head. Clarence, who was in possession of the stolen credit and ID, was only charged with credit card fraud, while Darius was convicted of aggravated robbery. Clarence only served **3 years** and Darius has been serving a life sentence since 1984.

“ No DNA was found that in any way connected Darius Elam to this offense. Moreover, a jailhouse informant who testified against Mr. Elam has admitted that his testimony was false. Based on this, we expect the courts to set aside Mr. Elam's conviction.

~Attorney Gary Udashen, former Innocence Project of Texas President

Conviction Based on Flawed Investigation and Paid Testimony



With no DNA, no eyewitnesses, and no confession, Harris County convicted Darius with a deeply flawed investigation, a manufactured yellow sheet of paper from Houston Police Department (HPD) and a paid testimony from a HPD informant.

- The conviction was based on a reported yellow sheet of paper with alleged blood spatter. **Ninety days after** the initial investigation, HPD Officer Leonard Cooper, claimed that he discovered this blood spatter yellow sheet of paper in victim's car on the floor near the passenger's side. This whole yellow sheet of paper was never logged or mentioned by three other investigators 90-days earlier on **May 9, 1983**.
- HPD informant testified that he heard Darius confess to crime in jail. This informant had 2 prior convictions, and not only **received payment to testify**, but also a deal to avoid a "3 strikes" life sentence conviction.



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Post-Conviction: Recanted Testimony, DNA Exclusion & Destruction of Evidence

- In 2014, post-conviction DNA testing on all the items that were maintained **excluded Darius as a DNA contributor** and determined that another person's DNA was found under the victim's fingernail.
- Tammie Lang Campbell of the Honey Brown Hope Foundation requested HPD to conduct a post-conviction investigation that led to an HPD **jailhouse informant recanting his original testimony** to both HPD and Campbell in 2021.
- On January 12, 2022, HPD confirmed the Harris County District Clerk's Office only **destroyed the questionable yellow sheet of paper with the blood spatter** on March 13, 1995, but maintained all the other items documented at the crime scene in the victim's car.



Status of Case

Darius continues to maintain his innocence. Below is the latest status of the case.

- **Two-year Delay on Writ Ruling** | On July 12, 2019, a writ hearing based on DNA exclusion was heard in Harris County 232nd District Court, with Presiding Judge Josh Hill. Judge Hill was scheduled to issue a recommendation to the Court of Criminal Appeals by December 2, 2019, but he delayed his decision for two years.
- **Recanted Jailhouse Informant Testimony** | During the two-year delay from Judge Hill, the jailhouse informant recanted his testimony as a result of the Honey Brown Hope Foundation's and HPD's post-conviction investigation efforts. Darius and his attorney filed a Supplemental Application of Writ of Habeas Corpus on June 3, 2021 in the Court of Criminal Appeals of Texas. The Writ seeks relief from final felony conviction based on the jailhouse informant recanting his testimony in March 2021.
- **Judge Recommends Denial of Writ** | After a 2-year delay, on January 10, 2022, Judge Josh Hill, 232nd Judicial District Court of Harris County, finally issued his recommendation to the Court of Criminal Appeals. He recommended that Darius Elam's application for Writ of Habeas Corpus be denied. His recommendation didn't address Supplemental Writ regarding recanted informant's testimony.
- **Hearing on Recanted Informant Testimony** | On January 12, 2022, Elam and his attorney, Gary Udashen, filed a motion to object to Judge Josh Hill's recommendation to The Court of Criminal Appeals. The Texas Court of Criminal Appeals has ordered the lower court, 232nd Judicial District Court of Harris County, to hold a hearing on May 25, 2022 regarding the supplemental writ addressing the HPD informant recanting his original testimony.