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Texas Man Becomes 154th Exonerated from Death Row

Charges Dropped Against Alfred Dewayne Brown in Killing of Houston Police Officer After Prosecution Withheld Key Alibi Evidence

(Washington, D.C.) The Death Penalty Information Center (DPIC) today added Alfred Dewayne Brown to its list of death row exonerations after Harris County District Attorney Devon Anderson dismissed all charges against him. The dismissal follows disclosures that prosecutors withheld alibi evidence supporting Brown's steadfast assertion that he was innocent of the robbery and shooting in which two people, including a Houston police officer, were killed. Mr. Brown is the [154th person exonerated from death row](#) since 1973 and the thirteenth from Texas. He is the fourth person exonerated from death row in 2015.

"This case is another disturbing instance of the type of police and prosecutorial misconduct that happens all too frequently in death penalty innocence cases," said Robert Dunham, Executive Director of DPIC. "Eleven of the 12 death row exonerations since 2013 have involved serious misconduct by government officials or witnesses."

Mr. Brown's release follows a series of disclosures of government misconduct in the case, including irregularities in the [grand jury investigation](#) process, [intimidation](#) of potential defense witnesses, and failures by police and prosecutors to disclose exculpatory alibi evidence.

Mr. Brown had long maintained that he had been alone at his girlfriend's apartment at the time of the murder, and that he had called her after seeing reports of the shooting on television. Defense lawyers argued that the time of the phone call established that Mr. Brown could not have been at the store when the murder occurred. The Texas Court of Criminal Appeals overturned Mr. Brown's conviction last year because prosecutors withheld a phone record that supported his alibi. Prosecutors said the phone record had been inadvertently misplaced.

There was no physical evidence against Mr. Brown. As detailed in a series of columns by Lisa Falkenberg in The Houston Chronicle, for which Ms.

Falkenberg won a 2015 [Pulitzer Prize](#), the foreman of the grand jury that investigated the murder of Officer Charles R. Clark was himself a [Houston police officer](#). That officer, James Koteras, told Mr. Brown's girlfriend, who supported his innocence claim, that she could be charged with perjury and that her children would be taken away by Child Protective Services if she lied. After being [jailed for seven weeks](#), she finally agreed to implicate Mr. Brown. She has since recanted that testimony.

Mr. Brown's attorneys have compiled strong evidence that the murder was committed by another man with a history of robbery and connections to the co-defendants in the crime, and provided that evidence to prosecutors in 2007. Despite a 2008 motion to test the alternate suspect's DNA, no such test has ever been carried out.

For inclusion on DPIC's Innocence List, defendants must have been convicted, sentenced to death and subsequently either: (a) been acquitted of all charges related to the crime that placed them on death row, or (b) had all charges related to the crime that placed them on death row dismissed by the prosecution, or (c) been granted a complete pardon based on evidence of innocence.

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The Death Penalty Information Center (www.deathpenaltyinfo.org) is a non-profit organization serving the media and the public with analysis and information on issues concerning capital punishment. DPIC was founded in 1990 and prepares in-depth reports, issues press releases, conducts briefings for the media, and serves as a resource to those working on this issue.