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## Wait continues for Dallas County man who hopes to be exonerated



Photo: File 2009/Staff Photo  
Richard Miles (left) and his brother William Lloyd greeted each other in October 2009 as Miles arrived home for the first time in 14 years. Miles was convicted of murder and attempted murder in 1995. He was released because of problems with his case, but he still doesn't know if his record will be cleared.

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Richard Miles mostly waits patiently for word about whether the state's highest criminal court will clear him of a 1994 Dallas County murder and attempted murder.

He's been out of prison on bail since October 2009 when a judge released him because of problems with his case. But once a week, on the day the Texas Court of Criminal Appeals releases its decisions, he wakes up anxious.

"Every Wednesday, I get a real nervous feeling, and I think, 'Today is the day,' and there is nothing there," said Miles. "The pursuit to innocence is way harder than the shortcut to false imprisonment."

Last week, there was slight movement in his case. The court's calendar signaled that it is closer to issuing an opinion. But it's likely any decision is still months away.

Miles, now 35, was convicted in August 1995 in the murder of Deandre Williams and the attempted murder of Robert Ray Johnson Jr. near a gas station in the Bachman Lake area. Both men were shot multiple times while sitting in a car in May 1994. Miles was arrested while walking to a friend's house 20 minutes after the shootings.

Miles was released after Centurion Ministries, a prisoner advocacy group that investigates potential wrongful convictions, uncovered information that showed that evidence implicating another man as the killer was not handed over to the defense. Withholding evidence that could benefit a defendant violates a U.S. Supreme Court ruling, *Brady v. Maryland*.

But there have been other developments in the case that also could point to his innocence.

Since Miles' release, a witness who testified that Miles was the shooter has signed an affidavit saying he was coached by a prosecutor to identify Miles when he expressed doubt. The prosecutor, Tom D'Amore, has denied this.

Also, it was determined that trial testimony that showed Miles had gunshot residue on his hands was not correct.

State District Judge Andy Chatham has recommended that Miles be declared innocent of the crime. The district attorneys office agrees. But the final decision lies with the higher court.

Miles' attorney, Cheryl Wattlely, said, "I will not begin to guess" why the case has been delayed.

Dallas County prosecutor Mike Ware, who oversees the conviction integrity unit, said the case hasn't just been sitting around. He said the Court of Criminal Appeals has communicated about the case, including asking for more information.

Other Dallas County men have been cleared by the Court of Criminal Appeals since Miles' release. But more questions surround Miles' case, and the district attorney's office was still investigating aspects of the case when Miles was released.

If the court finds that Miles is actually innocent of the crime, he will be eligible for compensation from the state for his wrongful conviction. If the court doesn't find Miles actually innocent but instead rules his conviction should be set aside because of misconduct, he will not receive compensation from the state, Miles said.

Meanwhile, Miles says he is living his life and moving forward as best he can.

"The only thing I can do now is live my life to the fullest and just maintain," Miles said. "I can't wait on the state to render their verdict. I know I'm innocent."

Living his life means working at his job at a Hilton hotel, setting up for weddings, banquets and meetings, spending time with his mother and the Dallas County men who have already been exonerated for their wrongful convictions. The exonerees, he said, have helped him financially and emotionally since his release, as has his mother.

Jim McCloskey of Centurion Ministries, who investigated Miles' case and looked into others like it over three decades, said he's hoping Miles will soon be completely cleared and compensated for his wrongful conviction, "so he can live his life as a truly exonerated person."

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