



Darius D Elam is Innocent

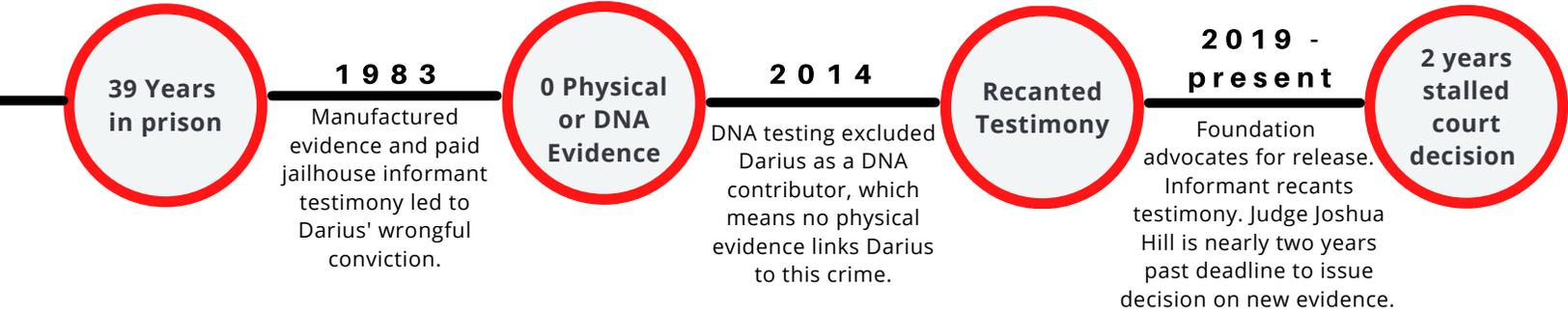
Case Overview By

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.



39 Years
in prison

1983

Manufactured evidence and paid jailhouse informant testimony led to Darius' wrongful conviction.

0 Physical
or DNA
Evidence

2014

DNA testing excluded Darius as a DNA contributor, which means no physical evidence links Darius to this crime.

Recanted
Testimony

2019 -
present

Foundation advocates for release. Informant recants testimony. Judge Joshua Hill is nearly two years past deadline to issue decision on new evidence.

2 years
stalled
court
decision

Here are the Facts

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 Richardson back. Without Darius' knowledge, Richardson used an altered credit card and ID of Richard Bowen, who was found dead **May 7, 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 remained incarcerated for **39 years**.



“ 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

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 spatters. **Ninety days** after the initial investigation, HPD Officer Leonard Cooper, reportedly found this sheet of paper on the front passenger's side floor of the victim's car. This whole yellow sheet of paper was never logged or mentioned by three other investigators 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 & HPD's Destruction of Evidence

- The Houston Police Department (HPD) reported that it destroyed the original yellow sheet of paper **in 1995**, which denied Darius' Constitutional right to have DNA testing done on the original yellow sheet of paper to determine if the reported blood spatter was the victim's blood or any human. HPD only destroyed the original reported yellow sheet of paper while maintaining all the other original evidence: a bullet, shoes, clothing, fingernail clippings, hair, and blood samples.
- In **2014**, post-conviction **DNA testing excluded Darius as a DNA contributor** and determined that **another person's DNA** was found under the victim's fingernail.
- The Honey Brown Hope Foundation requested HPD to conduct a post-conviction investigation. When HPD contacted the **informant, he recanted his testimony and told HPD that he had fabricated his whole 1983 testimony about Darius admitting to killing and robbing anyone.** On **March 1, 2021**, the informant also contacted the Foundation to share that he notified HPD of his false testimony.



Delayed Justice & Unresponsive Judge: Status of Case

Darius continues to maintain his innocence. **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 decision by **Dec. 2, 2019**. As a result of the Honey Brown Hope Foundation's and HPD's post-conviction investigation efforts leading to recanted jailhouse testimony, 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 jailhouse informant recanting his testimony in **March 2021.** **Since 2019**, Judge Hill continues to disregard the Higher Court's order to issue an opinion.



Darius' Support Team

In addition to the Honey Brown Hope Foundation, Darius' Attorney, Gary Udashen, and Darius' family, there is a core support team.

Dave Atwood, Houston Peace & Justice Center Criminal Justice | Sylvester Brown, Black Heritage Society | Timothy Brooks | Dr. Howard Henderson, Center for Justice Research at Texas Southern University | Shelly Kennedy | Johnny Mata, Greater Houston Coalition for Justice | Lloyd Mosley