

# Texas man declared innocent after 30 years in prison

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Cornelius Dupree Jr., 51 years old, has been formally cleared of charges that had landed him in a Texas prison for 30 years. In a Dallas courtroom on Tuesday, State District Judge Don Adams told Dupree, “You’re free to go,” exonerating him of a 1980 conviction for aggravated robbery with a deadly weapon.

Dupree was freed following examination of DNA that proved he was not the perpetrator in the 1979 crime. He served 30 years of a 75-year sentence before he was granted parole this past July. About a week after his release on parole, the DNA test results came back proving he was innocent.

“It’s a joy to be free again,” Dupree commented during Tuesday’s court proceedings. But speaking to reporters after the hearing, holding hands with his wife, he said he was filled with mixed emotions: “I feel that words won’t make up for what I lost.” Both of his parents died while he was in prison. Dupree met the woman who would become his wife through a mutual friend in prison 20 years ago, but was only able to marry her last July, the day after his release.

Cornelius Dupree served more time behind bars than any other DNA exoneree in Texas. Since 2001, 41 wrongfully convicted inmates in the state have been freed after DNA evidence proved their innocence—more than in any other state, according to the New York-based Innocence Project, which represents Dupree.

Seated in the courtroom Tuesday were at least six other men who had been wrongfully convicted and imprisoned in Texas, but were later cleared by either DNA testing or other means. The men make a point of showing up every time a new person who had been wrongfully convicted is declared innocent.

DNA testing in the 1979 case has also excluded a second defendant, Anthony Massingill, who remains in prison serving a life sentence for a separate sexual assault conviction. Massingill, now 49, maintains his innocence,

and DNA testing is currently under way in that case.

According to court records, in November 1979 a 26-year-old woman and her male companion were carjacked by two men outside a Dallas liquor store. The two men forced the victims into their car, demanded money, and ordered them to drive away. The perpetrators subsequently ordered the man out of the car, and drove the woman to a nearby park where they raped her at gunpoint. She was discovered unconscious on the side of the road.

Dupree was charged with raping and robbing the woman, but was never tried on the rape charge. He was sentenced a year after the crime to 75 years in prison for aggravated robbery. He has maintained his innocence since the day he was arrested, and the Court of Appeals had turned him down three times.

As in other convictions in Texas and elsewhere that have subsequently been overturned, the prosecution relied on false identification in Dupree’s case. The female victim initially identified him from a photo line-up, but the male was unable to do so. During the trial, however, both victims identified Dupree and his co-defendant Massingill as the ones who had committed the crime.

A report released December 20 by the Innocence Project shows that there were 29 exonerations in 2010 in North America, including 2 in Canada. Those exonerated last year served more than 426 years combined before being freed. Three men, like Dupree, were incarcerated for more than three decades before being cleared of their crimes and released.

One of the cases profiled in the 2010 Innocence Project report involved three men—Phillip Bivens, Bobby Ray Dixon and Larry Ruffin—who were wrongfully convicted and imprisoned for the 1979 rape and murder of a woman in Forrest County, Mississippi. The only witness in the case was the four-year-old son of the victim.

The three men confessed individually to the crime, all

having been threatened with the death penalty if they refused. Their confessions were plagued with inconsistencies. Bivens and Dixon both pled guilty and testified at Ruffin's trial; all three received life sentences.

About three decades later, Innocence Project New Orleans obtained DNA testing on samples from the crime scene. The samples were processed through CODIS, the national DNA database, and implicated another man who had been convicted in Forrest County the year after Bivens, Dixon and Ruffin were convicted.

On September 16, 2010, a judge threw out the convictions of Bivens and Dixon and ordered their immediate release. Larry Ruffin had already died in prison in 2002, having served more than two decades for a crime he did not commit and never having seen his name cleared. Bobby Ray Dixon died on November 7, 2010, less than two months after the court overturned his conviction. Phillip Bivens currently resides at the Resurrection After Exoneration transition house in New Orleans.

Only two other wrongfully convicted men in the US are known to have served longer sentences than Cornelius Dupree before being freed. Both cases, like Dupree's, involved false identifications by witnesses.

James Bain was released from prison in Florida in December 2009 after serving 35 years on a wrongful kidnapping and rape conviction. Bain was convicted at the age of 19 for the kidnapping and rape of a nine-year-old boy. The young victim would later say in a deposition that he had been asked to "pick out Jimmie Bain."

Lawrence McKinney was convicted of a 1978 burglary and first-degree rape in Tennessee. The Innocence Project cites eyewitness misidentification as a contributing cause to his wrongful conviction. McKinney served 31-and-a-half years behind bars before being exonerated and released.



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