

CAUSE NO. F81-01187-PK

STATE OF TEXAS

§
§
§
§
§

IN THE CRIMINAL DISTRICT

COURT NUMBER FOUR

RICKEY DALE WYATT

DALLAS COUNTY, TEXAS

FILED
2014 DEC 18 AM 11:48
GARY FITZGERALD
DISTRICT CLERK
DALLAS CO., TEXAS
HEP/

STATE'S MOTION TO DISMISS INDICTMENT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas and moves to dismiss the indictment in this case on the basis that no credible evidence exists that inculpates the Defendant and on the basis that the state's attorney believes that the Defendant is actually innocent of the crime for which he was sentenced.

I.

On May 9, 2012, the Court of Criminal Appeals granted habeas relief in this case and vacated the conviction. The basis for the Court vacating the conviction was that the State had withheld exculpatory evidence that showed that the Defendant was misidentified as the perpetrator of this offense.

Additionally, results from post-conviction DNA testing on vaginal slides from the victim's sexual assault kit containing spermatozoa, which show that Defendant is not the source of the male DNA on the slides, support a conclusion that Defendant is not the person who committed this offense and is actually innocent.

Therefore, the State moves for dismissal on the ground that no credible evidence exists that inculpates the Defendant and the Defendant is actually innocent of the crime for which he was sentenced.

FOR THESE REASONS, the States moves for dismissal of this indictment.

Respectfully submitted,



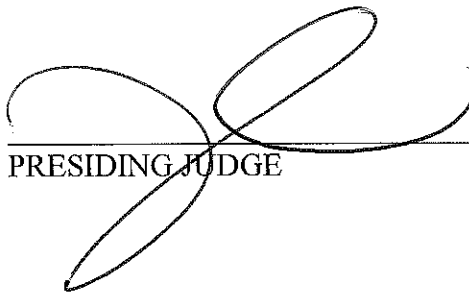
CRAIG WATKINS, Dallas County District Attorney by
RUSSELL WILSON II, Assistant District Attorney
Bar Card No. 00794870

DALLAS COUNTY DISTRICT ATTORNEY'S OFFICE
Frank Crowley Courts Building
133 N. Riverfront Blvd., L.B. 19
Dallas, Texas 75207
214-653-3600

Attorneys for the State of Texas

ORDER

On this 18th day of December, 2014, came on to be heard the State's Motion to Dismiss Indictment. Pursuant to the State's motion, the Court finds the Defendant is actually innocent. The indictment and all charges are dismissed against the Defendant in this case.



PRESIDING JUDGE