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Dallas County DA's Office recommends 1988 conviction be vacated

The Dallas County District Attorney's Office is recommending that a 1988 aggravated robbery conviction be vacated.

Benjamin Spencer, 56, was initially convicted of murder in 1987 and sentenced to 35 years in prison. The court granted Spencer a new trial after it was found that a witness provided false testimony regarding whether she expected to receive reward money for her role in the case.

After his second trial, Spencer was convicted of aggravated robbery and sentenced to life in prison. He has long maintained his innocence.

The Conviction Integrity Unit [CIU] under Dallas County District Attorney John Creuzot began an exhaustive investigation into the case after Spencer's defense team presented new evidence, which the unit corroborated. The investigation also found that prosecutors previously withheld evidence.

"We conducted an independent investigation, and when we did that, it was apparent that Spencer was wrongfully convicted," said Cynthia Garza, the chief of the Conviction Integrity Unit.

The DA's office now recommends the case be vacated on the basis of several constitutional violations, including the false testimony of the original prosecution's "star witness," Gladys Oliver.

The district attorney said the unit's investigation shows that Spencer did not receive a fair trial.

"He did not get a trial that he was entitled to by the United States and Texas constitutions," Creuzot said.

This is the first major wrongful conviction case investigated by and agreed to by the CIU since that of Quintin Alonzo in November 2019, who was found actually innocent.

"The Conviction Integrity Unit is something that I believe in and it's something I believe every major district attorney's office should have," Creuzot said. "You're not being effective in ensuring justice if you're not willing to look at credible claims of innocence or unfairness."

Jeffrey Young was found lying unconscious March 22, 1987, in the 3900 block of Puget Street. Young had multiple head injuries and was taken to Parkland Hospital, where he died. His gray BMW was discovered parked in an alley about two hours after the clothing manufacturing executive was found unconscious.

After rewards were announced, Gladys Oliver claimed to have seen Spencer and his co-defendant, Nathan Robert Mitchell, get out of Young's car. Oliver also gave police the names of other alleged witnesses.

Though no physical evidence implicated them in the offense, Spencer and Mitchell were arrested. Shortly after Spencer's arrest, a jailhouse informant named Danny Edwards told police that Spencer had confessed to him regarding the abduction, robbery and murder of the complainant.

The post-conviction investigation found that Oliver gave false testimony during trial about whether she received or expected to receive up to \$25,000 in reward money. The CIU also found that the prosecutors at the time withheld favorable evidence, in violation of *Brady v. Maryland* and Constitutional due process, regarding Oliver's expectation of receiving reward money.

"This investigation took a lot of time and a lot of work," said Garza, the CIU chief. "While Spencer's defense team brought us a stepping stone, we went out and investigated on our own. Once we did that, we found this additional Brady violation."

Another witness, Jimmie Cotton, testified that he saw Spencer get out of Young's car though he actually didn't see that. And Edwards, the jailhouse informant, admitted that he falsely testified at trial that Spencer had confessed to the crime while they were incarcerated in Dallas County.

Spencer has maintained his innocence from the beginning of the investigation of the case in 1987. In 2007, Spencer filed a writ of habeas corpus alleging, among other grounds, that he was actually innocent. The trial court recommended to the Court of Criminal Appeals, over the objection of the district attorney's office at that time, that Spencer be found actually innocent.

The Court of Criminal Appeals, in April 2011, denied Spencer's claim.