

STATE

THE BATTALION

Monday, July 31, 2000

DNA evidence found Convicted rapist may be pardoned, freed

CONROE (AP) — New DNA evidence that could free a man convicted of the 1986 rape of a Houston-area teen has stirred up painful memories for the victim's mother.

"But if (he's) innocent then there is a murderer out there — a very cruel and vicious murderer. I don't know how anyone could live with themselves for what they did to that young girl."

But Patricia Ogg said if the new evidence points to the innocence of Roy Criner, he should be released, the *Conroe Courier* reported in Sunday editions.

Criner was sentenced to 99 years in prison for the rape of Patricia Ogg's 16-year-old daughter Deanna, whose nude body was found bludgeoned to death in a wooded area east of Montgomery County. Criner, 35, originally was charged with murder, a count dropped for lack of evidence.

On Friday, Montgomery County District Attorney Michael McDougal, Sheriff Guy Williams and state district Judge Mike Mayes signed a statement asking the Texas Board of Pardons and Paroles to recommend a pardon that would free Criner because of new DNA evidence that points to his innocence. They hope Criner will be released within a month upon the approval of Gov. George W. Bush.

"Myself, my husband and my sons all feel that if he is innocent that he needs to be out," Patricia Ogg said.

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— Patricia Ogg
Victim's mother

Newly discovered evidence on a cigarette someone shared with Deanna Ogg before her death suggests Criner is innocent.

Tests on the cigarette butt showed the presence of two types of DNA — one sample that matched Deanna Ogg, and a second that matched semen found in her body. Tests in 1997 determined that the semen did not come from Criner.

The new evidence proves that whoever had sex with Deanna Ogg that night is also the one who killed her — after they shared a cigarette together at the scene of the murder, said Criner's Houston attorney, Michael B. Charlton.

In addition, Criner's family has uncovered witnesses who cast doubt on Criner's conviction.

Since 1997, Bush has pardoned three inmates convicted of rape or sexual assault after DNA evidence ruled them out.

Two of Criner's previous appeals to the state's highest criminal court, one of which cited DNA evidence on the semen, were turned down, but that was before the cigarette butt analysis had been performed.

"Going through all of this again is just heartbreaking," Ogg said. "We don't keep pictures out in the house because it just hurts too much."

However, Ogg did show the newspaper a photo of the 16-year-old taken only a few days before her death. "She was wearing her brother's shirt that day," Ogg said.

"Even though it has been 14 years we still love and miss her very much," the mother said.

Immigrant sentenced

FORT WORTH (AP) — An immigrant who illegally entered the United States must serve 20 years in a U.S. federal prison before he is turned to Mexico.

Lorenzo Santa Ana-Valdespino migrated to Texas from Juarez, Mexico, and is now at the Federal Medical Center in Fort Worth, awaiting transfer to a federal prison.

Federal prosecutors and public defenders in Fort Worth told the *Fort Worth Star-Telegram* that it is the longest sentence they have ever heard of. Usually, people are deported immediately.

This year, only 10 people were criminally prosecuted in the Dallas-Fort Worth area for illegally entering the country after deportation, immigration officials said. The typical prison sentence ranged from 1 to 4 years.

But federal prosecutors cracked down because Santa Ana-Valdespino had previous felony convictions, including burglary and two convictions for illegal entry after deportation.

U.S. District Judge Terry Means who sentenced him, says the maximum sentence was necessary.

"His record suggests, but for incarceration, he will commit more crimes," Means said. "By giving him this sentence, I'm going to prevent him from maiming or killing somebody."

Santa Ana-Valdespino was arrested Jan. 19 in Fort Worth on suspicion of possession of a controlled substance. The state charges were dismissed, however, and he was turned over to immigration officials after a Border Patrol agent found him at the Tarrant County Jail.

News in Brief

Man fatally shot in parking lot

LONGVIEW (AP) — A 40-year-old East Texas man was shot and killed in the parking lot of a busy shopping center Saturday evening, police said.

According to Longview police spokesperson Wade Turner, an unidentified man approached another man entering a car at the French Quarter Shopping Center and fired two shots into the back of his head.

The victim, whose name was being withheld until family members could be notified, died almost instantly, Turner said.

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