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HARRIS COUNTY DISTRICT ATTORNEY
KIM OGG

April 28, 2021

Texas Board of Pardons and Paroles
Attn: Clemency Section
8610 Shoal Creek Blvd.
Austin, Texas 78757

Re: Posthumous Pardon for George Perry Floyd

To the Board of Pardons and Paroles:

Representatives for George Perry Floyd have filed a request for a posthumous pardon under 37 Tex. Admin. Code § 143.13.

The conviction at issue involves a 2004 arrest of Mr. Floyd by former Houston Police Department officer Gerald Goines. Critically, former officer Goines was the sole fact witness against Mr. Floyd in the alleged sale of a \$10 crack rock. This Office prosecuted Mr. Floyd based on Officer Goines' testimony alone.

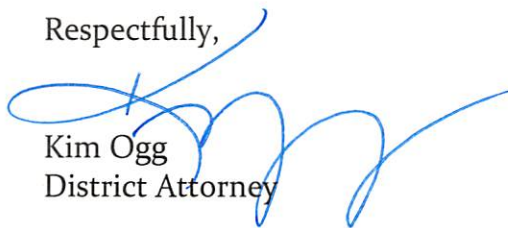
Mr. Floyd's death renders moot his eligibility to file a post-conviction writ of habeas corpus alleging a material, false evidence claim. *Ex parte Harrington*, 310 S.W.3d 452 (Tex. Crim. App. 2010); *Ex parte Coty*, 432 S.W.3d 341 (Tex. Crim. App. 2014). Nevertheless, the Harris County District Attorney's Office recommends a full pardon for Mr. Floyd given the unique procedural posture of this specific case.

In January 2019, former officer Goines was involved in a mid-afternoon drug raid on Harding Street in which two civilians were killed and four Houston Police Department officers shot. The search warrant authorizing the raid turned out to be based upon wholly false statements rendered under oath by former Officer Goines who now stands indicted for felony Murder and Tampering with a Government Document in State Court, and related federal crimes in the US District Court.

An extension of the Harding Street civil rights investigation required the Harris County District Attorney's Office to review hundreds of former Officer Goines's past cases to identify other suspect convictions based upon Goines' testimony alone. One result is that the Court of Criminal Appeals recently exonerated two brothers convicted (like Mr. Floyd) on similarly questionable evidence, namely Goines' singular testimony. *Ex parte Otis Mallet*, 602 S.W.3d 922 (Tex. Crim. App. 2020); *Ex parte Steven Mallet*, -- 3d --, 2021 WL 1397830 (Tex. Crim. App. April 14, 2021) (memorandum opinion) (designated for publication).

Former officer Goines is not credible. We do not support the integrity of Mr. Floyd's conviction and agree these circumstances warrant a posthumous pardon.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Kim Ogg', is written over the typed name and title.

Kim Ogg
District Attorney