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FACT SHEET 2015
HB 48

Investigate Wrongful Convictions and Keep the Innocent Free

THE TIMOTHY COLE EXONERATION REVIEW COMMISSION WILL ADDRESS WRONGFUL CONVICTIONS

Far too many Texans have been imprisoned for crimes they did not commit. The conviction of the innocent ruins lives, destroys public trust in our justice system, harms public safety as guilty culprits remain free, and denies justice to victims.

Texas should establish an independent commission of experts to investigate the contributors to wrongful convictions and propose meaningful reforms that will prevent these injustices in the future. If Texas fails to implement serious reforms to address the failures in our justice system, many more innocent people will suffer behind bars.

KEY FINDINGS

- **Since 1989, Texas has exonerated 10 death row inmates and 48 inmates serving life sentences.**¹ Many more inmates serving lengthy sentences have also been exonerated. **Together, nearly 2,000 years have been taken from innocent Texans for crimes they did not commit.**²
- **Several jurisdictions in Texas recognize that the review of wrongful convictions is imperative to preventing future mistakes.** Dallas County established its Conviction Integrity Unit in 2007,³ Harris County established its Conviction Review Section in 2009,⁴ and Tarrant County's new District Attorney Sharen Wilson plans to create a conviction integrity unit this year.⁵ However, a statewide commission is needed to ensure that Texas has a uniform approach to identifying solutions that benefit every jurisdiction and prevent the future loss of innocent lives.
- **Timothy Cole's story demonstrates the moral necessity of an exoneration review commission.** Mr. Cole was wrongly convicted of rape while a student at Texas Tech in 1985. He died in prison after serving 13 years. Overwhelming evidence led a Texas district court judge in 2009 to announce "to a 100 percent moral, factual and legal certainty" that Mr. Cole was innocent; Governor Perry granted Mr. Cole the state's first posthumous pardon in 2010.⁶

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 48 BY REPRESENTATIVE MCCLENDON

HB 48 creates the Timothy Cole Exoneration Review Commission to investigate post-conviction exonerations. This nine-member body will work to identify common errors and defects in our criminal justice procedures that lead to wrongful convictions, as well as identify potential procedures and programs to address those issues. Significantly, the Commission will also be able to review habeas petitions to look for patterns of misconduct and ethical violations (the Commission will not have the authority grant habeas petitions). The Commission will also refer any misconduct it uncovers for corrective action.

The Commission will produce publicly available annual reports that record the identified weaknesses in the state's criminal justice process, as well as the Commission's proposed solutions regarding the prevention of wrongful convictions or executions.

Citations on reverse.

Citations

¹ Data obtained from the National Registry of Exonerations using the “Browse Cases: Detailed View” tool on January 22, 2015, and may be found at <http://www.law.umich.edu/special/exoneration/Pages/detailist.aspx>.

² *Ibid.* The number of years served by exonerated is 1,862 and was calculated by subtracting the year exonerees were sentenced from the year they were exonerated. Those who were exonerated the same year they were sentenced were not included. 17 of the 187 exonerated individuals served probation sentences.

³ Center for Prosecutor Integrity, “Conviction Integrity Units: Vanguard of Criminal Justice Reform,” (2014): 2, accessed on January 22, 2015, available at <http://www.prosecutorintegrity.org/wp-content/uploads/2014/12/Conviction-Integrity-Units.pdf>.

⁴ *Ibid.*

⁵ Bud Kennedy, “Innocence Project Lawyer About to be a Tarrant Prosecutor Again, but Smarter,” *Fort Worth Star-Telegram*, November 20, 2014, accessed January 22, 2015, available at <http://www.star-telegram.com/opinion/opn-columns-blogs/bud-kennedy/article4119384.html>.

⁶ Innocence Project, “Timothy Cole,” accessed January 22, 2015, available at http://www.innocenceproject.org/Content/Timothy_Cole.php.