



Nov. 16, 2013

Supreme Court of Texas  
PO Box 12248  
Austin, Texas 78711

Re: Misc. Docket No. 9150

Dear Justice Jeff Brown:

The Texas Criminal Justice Coalition (TCJC) identifies and advances real solutions to the problems facing Texas' juvenile and criminal justice systems. We conduct policy research and analysis, form effective partnerships, and educate key stakeholders to promote effective management, accountability, and best practices that increase public safety, save taxpayer dollars, and preserve human and civil rights.

We supported S.B. 825 during the 83<sup>rd</sup> Legislature's Regular Session and we write now in support of the comments regarding Misc. Docket No. 9150 submitted by the Hon. John Whitmire, Texas State Senator and the Hon. Senfronia Thompson, Texas State Representative.

S.B. 825 was passed unanimously by both houses of the Texas legislature. It received such legislative support in part because the Michael Morton exoneration vividly demonstrated the danger of wrongful conviction in our state, and the need to address prosecutorial misconduct when it occurs.

S.B. 825 is a modest, smart, and much-needed reform, which allows a wrongfully imprisoned person adequate time to seek justice for prosecutorial misconduct through the State Bar grievance system.

It was not the intent of the legislature to limit access to this provision, but to make the extension of time available to all wrongfully imprisoned persons in all cases.

Rule 15.06C greatly limits and changes S.B. 825 by requiring the wrongfully imprisoned to show that the conviction was caused by the misconduct of the prosecutor in order to take advantage of the extension of time. The Rule undermines protection for the very individuals for whom S.B. 825 sought to help.

We respectfully submit that Rule 15.06C should be modified to be fully consistent with the intention of the Texas Legislature, who unanimously passed S.B. 825 so that any persons wrongfully convicted would have four years from release from imprisonment to file grievances in their cases.

Dr. Aña Yanez-Correa  
Executive Director