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**TESTIMONY 2013**

**H.B. 166**

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of House Bill (H.B.) 166, an effective policy that will strengthen communities and improve the justice system. H.B. 166 will address systemic problems that have resulted in wrongful convictions, identifying patterns of error and improving practices to avoid future wrongful imprisonments or executions.

### **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 victims justice.

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.

### **KEY FINDINGS**

- **Since 1989, Texas has exonerated 10 death row inmates and 45 inmates serving life sentences.**<sup>1</sup> Many more inmates serving lengthy sentences have also been exonerated. **Together, these innocent Texas inmates have served well over 1,000 years in prison for crimes they did not commit.**<sup>2</sup> These failures of our justice system ruin the lives of innocent inmates, destroy public trust, keep people with serious and violent offenses on the street, and deny justice to victims.
- **Texas is falling further behind other states in preventing wrongful convictions.** California, Connecticut, Florida, Illinois, Louisiana, New York, North Carolina, Pennsylvania, and Wisconsin have already established innocence commissions to prevent future wrongful convictions.<sup>3</sup>
- **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.<sup>4</sup>

### **COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 166 BY CHAIRWOMAN McCLENDON**

- **H.B. 166 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.

Importantly, the commission will produce publicly available annual reports that record the identified weaknesses in our criminal justice process, as well as the commission's proposed solutions. Specifically, the commission will make recommendations to the legislature regarding the prevention of wrongful convictions.

*Citations on reverse.*

## Citations

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<sup>1</sup> The National Registry of Exonerations. <http://www.law.umich.edu/special/exoneration/Pages/about.aspx>.

<sup>2</sup> *Ibid.*

<sup>3</sup> KXAN News, "New bills focus on wrongful convictions," December 3, 2012.

<sup>4</sup> Innocence Project, "Timothy Cole," [http://www.innocenceproject.org/Content/Timothy\\_Cole.php](http://www.innocenceproject.org/Content/Timothy_Cole.php).