

# Timothy Cole Exoneration Review Commission



# The Commission's Charges:

- To review cases in the State of Texas in which an innocent defendant was convicted of a crime and then was exonerated on or after January 1, 2010
- To consider potential implementation plans, costs, cost savings, and the impact on the criminal justice system for each potential solution
- To review and update the research, report, and recommendations of the Timothy Cole Advisory Panel on Wrongful Convictions established by the 81st Regular Session.



# Commission Members

**Presiding Officer – Representative John T. Smithee**, District 86, Amarillo

**The Honorable Sharon Keller**, Chair, Texas Indigent Defense Commission

**Senator Joan Huffman**, District 17 Houston

**Senator John Whitmire**, District 15 Houston

**Representative Abel Herrero**, District 34, Corpus Christi

**John Beauchamp**, General Counsel, Texas Commission on Law Enforcement

**Sam Bassett**, President, Texas Criminal Defense Lawyers Association



**Dr. Vincent Di Maio**, Presiding Officer, Texas Forensic Science Commission

**Charles Eskridge**, Quinn Emanuel Urquhart & Sullivan, LLP, Houston

**J. Staley Heatly**, Chairman, Texas District and County Attorneys Association

**Carol Vance**, Retired, Houston



# Advisory Members

**Tiffany J. Dowling**, Director, Texas Center for Actual Innocence at the University of Texas School of Law

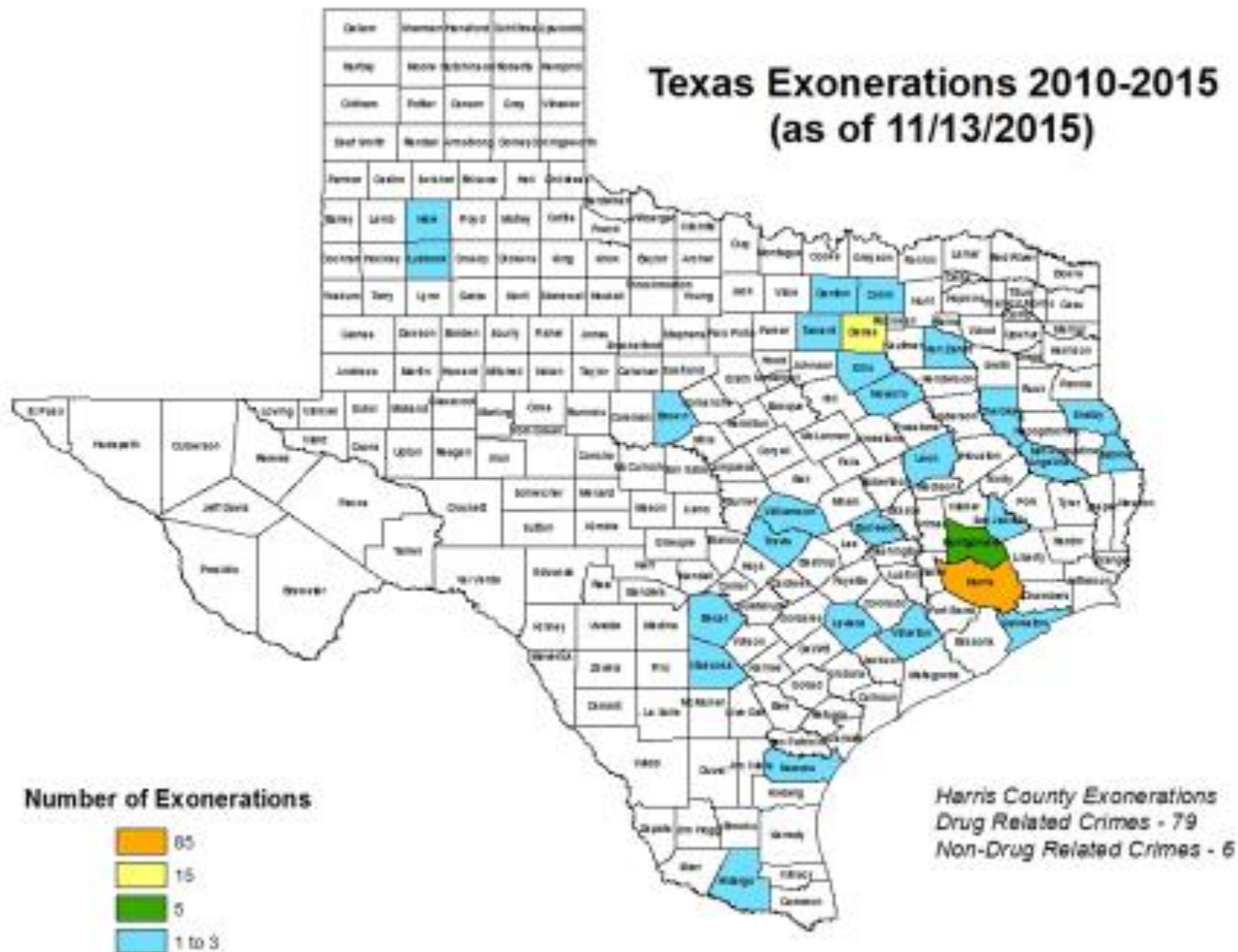
**Anthony S. Haughton**, Executive Director, Innocence Project at the Thurgood Marshall School of Law at Texas Southern University

**Cassandra Jeu**, Director, Texas Innocence Network, University of Houston Law Center

**Mike Ware**, Executive Director, The Innocence Project of Texas

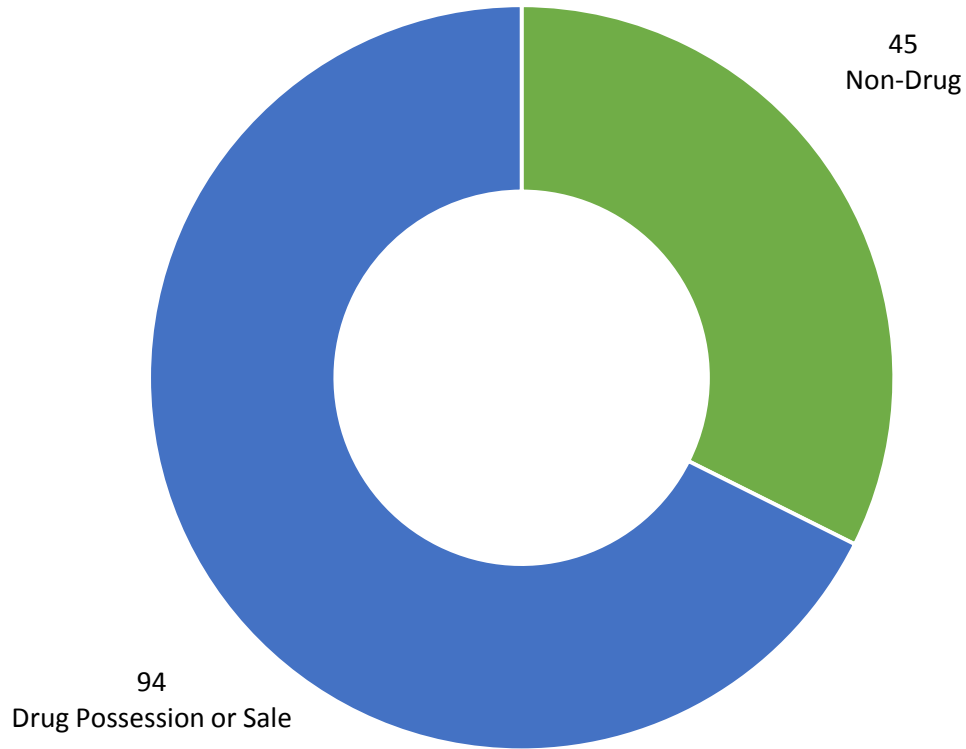


## Texas Exonerations 2010-2015 (as of 11/13/2015)

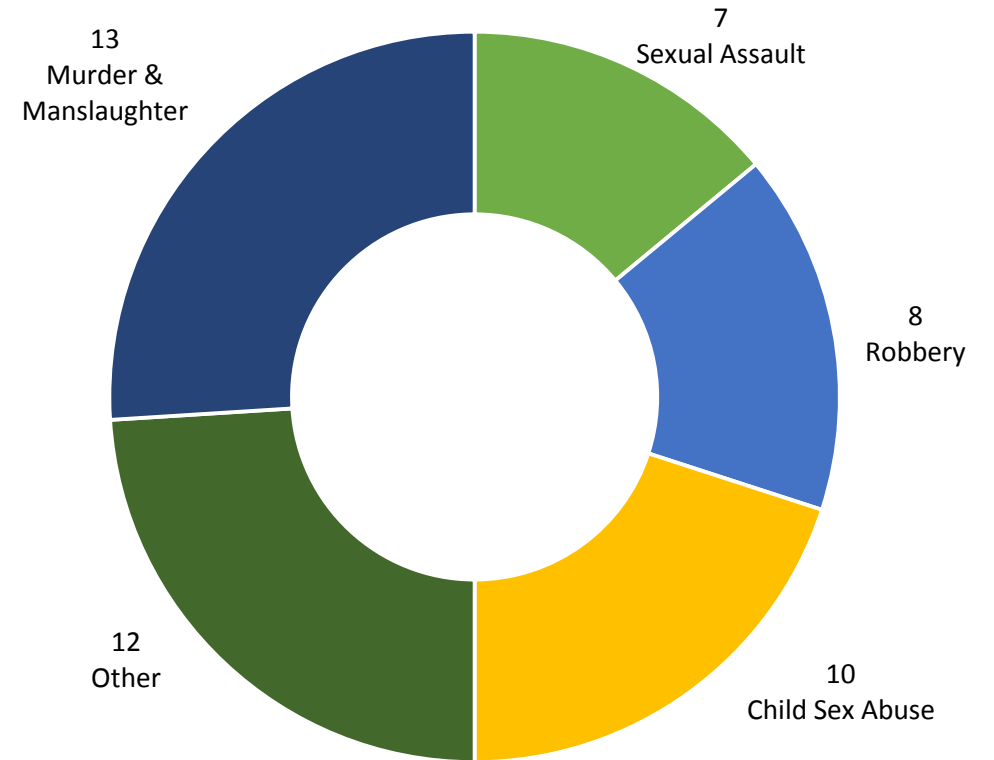


# 139 Exonerations Between 2010 - 2015

## All Crimes

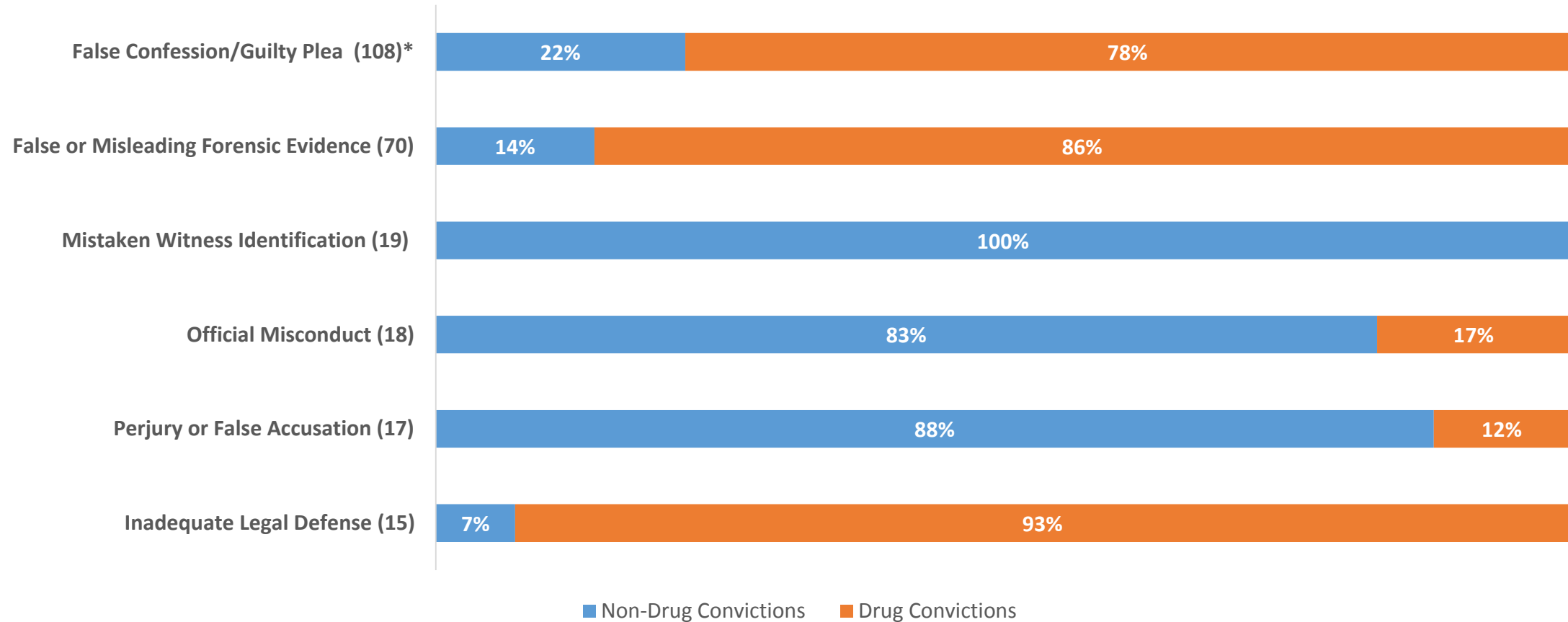


## Non-Drug Related Crimes



Other category includes: Failure to Register as a Sex Offender (3), Gun Possession (2) Burglary/Unlawful Entry (1), Assault (1)

# Factors Contributing to Wrongful Conviction



# Topics for Consideration

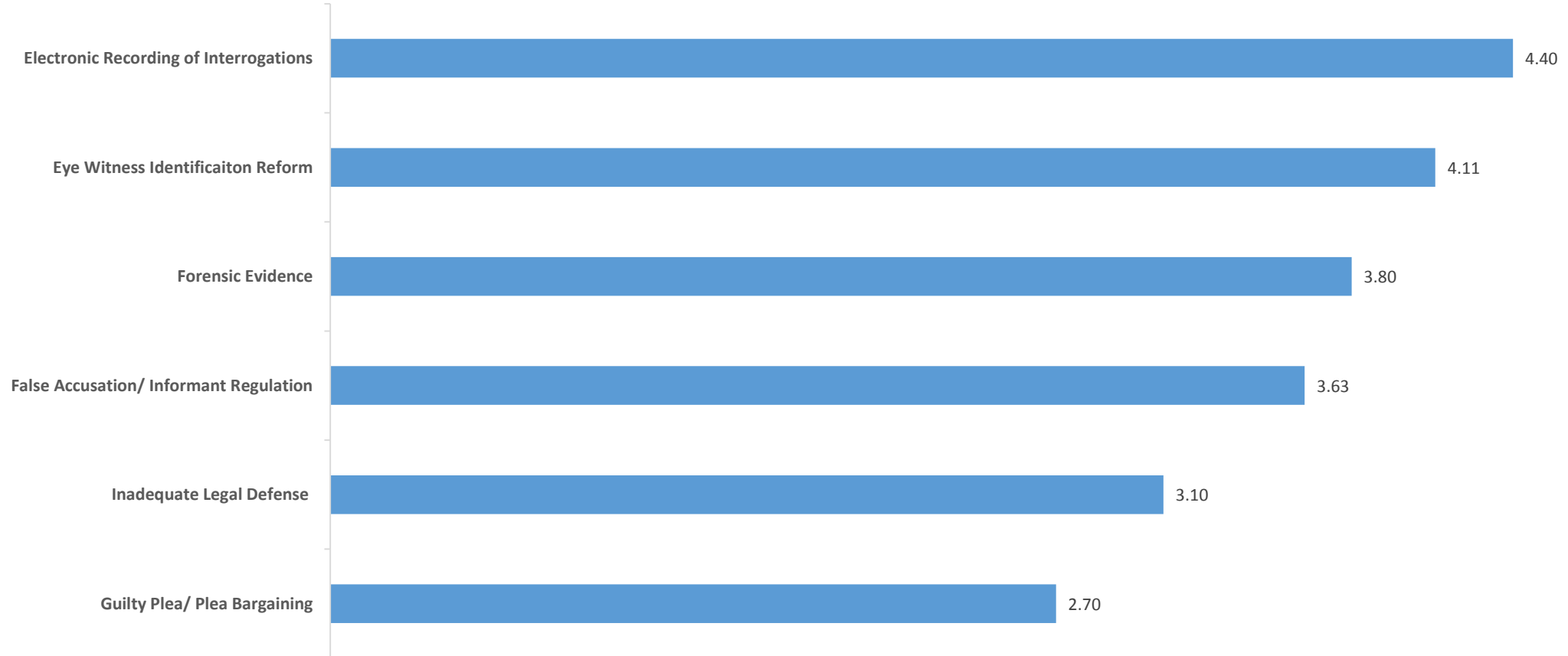
- Staff, at the recommendation of the advisory members put together a list of suggested topics for the Commission.
- Commission members were sent a poll asking them to indicate their interest in the following topics:
  - Electronic Recording of Interrogations
  - Eye Witness Identification Reform
  - False Accusation/Informant Regulation
  - Forensic Evidence
  - Guilty Plea/Plea Bargaining
  - Inadequate Legal Defense





# Poll Results

Scores ranked from 1 to 5



# Surveys on Electronic Recording of Interrogations

Survey communities impacted	Agency that distributed the survey
Law Enforcement	Texas Commission on Law Enforcement
Judicial	Texas Office of Court Administration
Prosecutors	Texas District and County Attorneys Association
Defense Attorneys	Texas Criminal Defense Lawyers Association



# Survey overview as of Monday February 23, 2016

Respondent Community	Date Sent	Number of Responses thus far:
Law Enforcement	Monday, February 22, 2016	544
Judicial	Wednesday, February 10, 2016	124
Prosecutors	Monday, February 8, 2016	19
Defense Attorneys	Monday, February 22, 2016	29

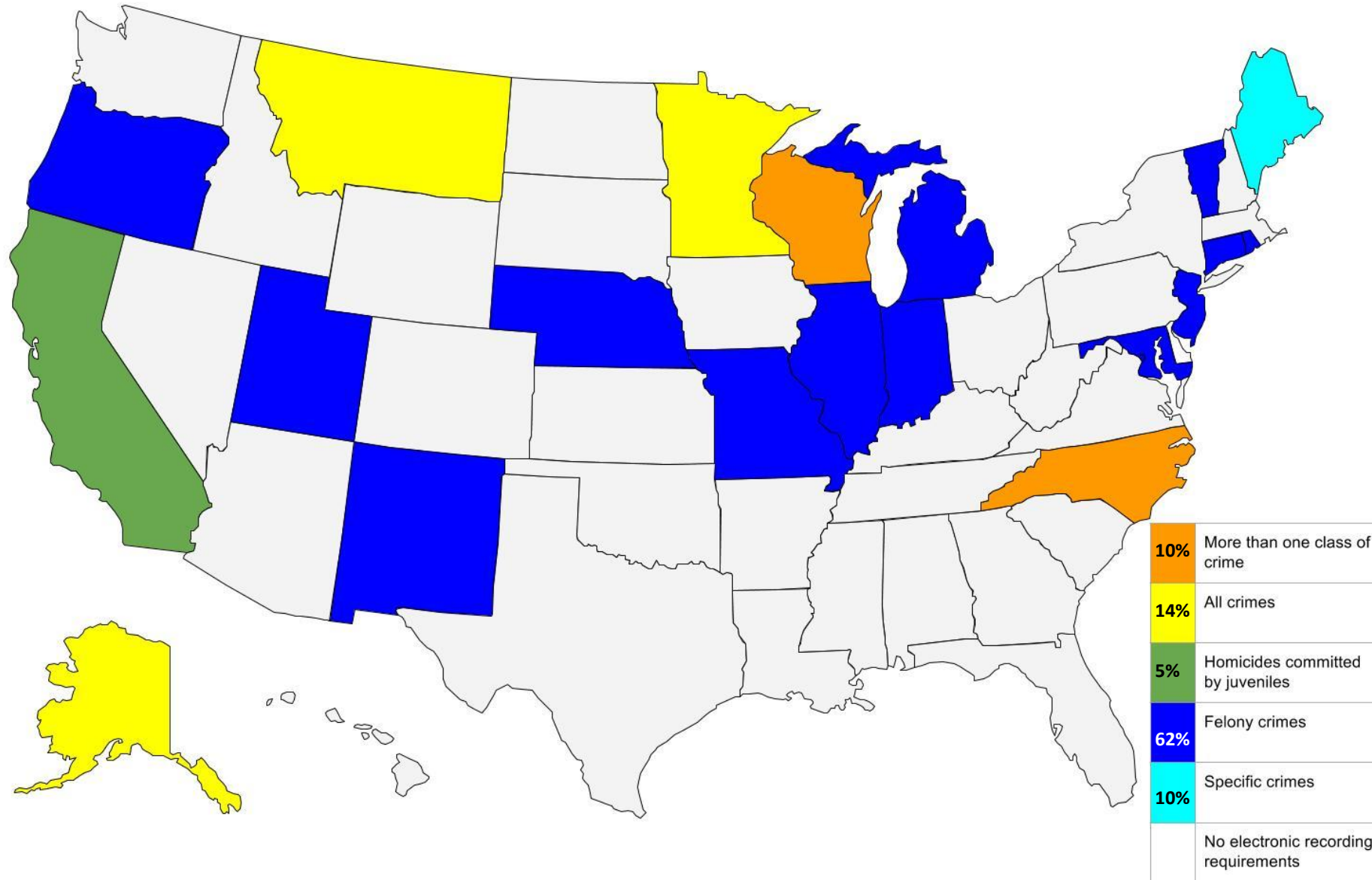


# Electronic recording practices in other states

- What are other states doing?
  - Alaska was the first state to require electronic recording in 1985
  - 21 states, including the District of Columbia, have either statute or rule relating to electronic recording of custodial interrogations
  - Each have specific limitations on which offenses require recording



# States Requiring Custodial Recording



# Next steps

Once the analyses on recording of interrogations is complete the following two topics will be combined for analysis:

Eye Witness Identification Reform  
Accusation/ Informant Regulation

Commission meeting information:

Date: Tuesday March 22, 2016

Time: 1:30 pm

Location: Texas Supreme Courtroom



# Questions?

