



TEXAS JUDICIAL COUNCIL

205 WEST 14TH STREET, SUITE 600 - TOM C. CLARK BUILDING - (512) 463-1625 - FAX (512) 936-2423
P. O. BOX 12066 - AUSTIN, TEXAS 78711-2066

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VICE CHAIR:

HON. SHARON KELLER
Presiding Judge, Court of Criminal Appeals

TIMOTHY COLE EXONERATION REVIEW COMMISSION

MINUTES OF MEETING

October 29, 2015
2:00 p.m.

SUPREME COURT OF TEXAS
Supreme Court Building
201 W. 14th Street, Room 104
Austin, Texas

COMMENCEMENT OF MEETING

The Honorable Sharon Keller called the meeting to order at approximately 2:00 P.M.

The following commission members were present:

Representative John T Smithee, District 86, Amarillo
Mr. Sam Bassett, President, Texas Criminal Defense Lawyers Association
Mr. John Beauchamp, General Counsel, Texas Commission on Law Enforcement
Dr. Vincent Di Maio, Presiding Officer, Texas Forensic Science Commission
The Honorable Sharon Keller, Chair, Texas Indigent Defense Commission
Mr. Rene M Péna, Chairman, Texas District and County Attorneys Association
Mr. Carol Vance, Retired, Houston
Mr. Charles Eskridge, Quinn Emanuel Urquhart & Sullivan, LLP, Houston

Advisory Members in Attendance were:

Ms. Tiffany J. Dowling, Director, Texas Center for Actual Innocence at the University of Texas School of Law
Mr. Anthony S. Haughton, Executive Director, Innocence Project at the Thurgood Marshall School of Law at Texas Southern University
Mr. Scott Henson, Executive Director, the Innocence Project of Texas

Additional attendees:

Mr. Staley Heatley, President, Texas District and County Attorneys Association, and David Slayton, Executive Director, Texas Judicial Council attended by telephone.

Not in attendance were commission members Senator John Whitmire, District 15, Houston and Senator Joan Huffman, District 17, Houston, Representative Abel Herrero, District 34, Corpus Christi and advisory member Ms. Cassandra Jeu, Director, Texas Innocence Network, University of Houston Law Center

Remarks from Bill Authors

Representative Ruth Jones McClendon & Senator Rodney Ellis welcomed the commission and advisory members and provided brief background information on the legislation leading up to the commission's creation.

Members of Timothy Cole's family were introduced and recognized followed by a short video and slideshow shown about Timothy Cole.

Introductions of Commission & Advisory Members

Commission Members, Advisory Members and supporting staff provided brief introductions of themselves.

Election of the Commission's Presiding Officer

By acclamation, Representative John Smithee was elected as Presiding Officer.

REPORTS AND DISCUSSION ITEMS

Presentation of exoneration story

Mr. Richard Miles provided a history of events leading up to his arrest, conviction, incarceration, and exoneration.

Review charge to Commission/House Bill 48

Wesley Shackelford gave a brief summary of House Bill 48 and the commission's charge contained within the bill.

Discuss interests and goals

Commission and advisory members stated their individual objectives, interests and goals for the commission.

Discuss scope of work

Wesley Shackelford said the staff would review cases listed in The National Registry of Exonerations and present initial findings to the Commission at its next meeting.

Report on implementation of recommendations from Timothy Cole Advisory Panel on Wrongful Convictions (2010)

Wesley Shackelford discussed recommendations from the Timothy Cole Advisory Panel on Wrongful Convictions and actions that were taken as a result of those recommendations. The report showed that most of the recommendations had been implemented, however recording custodial interrogations by law enforcement was the one major recommendation that had not been.

Report on Texas Forensic Science Commission's notifications task force related to DNA mixture interpretation

Dr. Vincent Di Maio provided an overview of issues with interpreting mixed DNA samples and procedures being implemented to notify the parties to cases that are impacted by the changed methodology used to interpret this type of data.

Public Comment

Mr. Mike Ware, Criminal Defense Attorney from Fort Worth, requested the Commission review cases where *Brady* violations are cited and take a deeper look at prosecutorial violations, and the disparity of treatment in this type of case.

Other Business

Mr. John Beauchamp pointed out a series of letters located in the commission meeting book from various entities and individuals containing suggestions for the commission to review.

Next Meeting

Wesley Shackelford suggested next meeting be in early December and staff would send out survey of suggested dates for consideration.

Adjournment

The meeting was adjourned at approximately 3:45 P.M.