



# TEXAS JUDICIAL COUNCIL

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**TIMOTHY COLE EXONERATION REVIEW COMMISSION  
MINUTES OF MEETING  
September 15, 2016 - 1:00 P.M.  
House Appropriations Hearing Room, Texas State Capitol  
1100 Congress Avenue, Austin, Texas 78701**

Commencement of Meeting:

On September 15, 2016, Representative John T Smithee called the meeting of the [Timothy Cole Exoneration Review Commission](#) (TCERC) to order at approximately 1:00 p.m. in the Texas House Appropriations Hearing Room in Austin, Texas

The following Commission members were present:

*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*  
*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*  
*Mr. Charles Eskridge, Quinn Emanuel Urquhart & Sullivan, LLP, Houston*  
*Mr. Carol Vance, Retired, Houston (participated by phone)*

Advisory Members in Attendance:

*Ms. Cassandra Jeu, Director, Texas Innocence Network, University of Houston Law Center*  
*Mr. Mike Ware, Executive Director, the Innocence Project of Texas*

Additional attendees:

*David Slayton, Executive Director, Texas Judicial Council*

Not in attendance:

Representative Abel Herrero, District 34, Corpus Christi  
Mr. Staley Heatley, President, Texas District and County Attorneys Association  
Advisory members,  
Tiffany J. Dowling, Director, Texas Center for Actual Innocence,  
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

Minutes

Without objection, the [June 28, 2016](#) meeting minutes were approved as submitted.

## Opening Remarks

Presiding Officer, Representative John Smithee welcomed members and gave a brief overview of the meeting agenda.

## Forensic Evidence

Staff presented an overview of Texas exonerations where false or misleading forensic evidence was the main contributing factor.

Inger Chandler, Conviction Integrity Unit, Harris County District Attorney's Office & Nicolas Hughes, Harris County Public Defender's Office provided testimony on drug case exonerations in Harris County and Lynn Garcia, Texas Forensic Science Commission, provided an overview of forensic issues in criminal cases as well as potential reforms.

The Commission considered and approved three of the four proposed policy recommendations relating to forensic evidence.

## Informant and False Accusations

The Commission considered and approved three of the seven proposed policy recommendations which had been presented at the June 28<sup>th</sup> Commission meeting.

## Faulty Eyewitness Identification

The Commission considered and approved three of the six proposed policy recommendations which had been presented at the June 28<sup>th</sup> Commission meeting.

## Review of Timeline and Draft Outline for Final Report

Staff presented an updated timeline and draft outline for final report.

## Public Comment

Mr. Cory Sessions, brother of Timothy Cole and Vice-President, Innocence Project of Texas, Fort Worth, Texas thanked the Commission for its work thus far and expressed his desire for the Commission's continuation. He also brought attention to a law, repealed by the 73<sup>rd</sup> Legislature, which involves a person who intentionally transmits the HIV virus to unsuspecting individuals. He introduced Mandy Cole, a victim who was intentionally transmitted the HIV virus. Ms. Cole stated that the current statute limitations of three years is far too short for this type of crime.