



# TEXAS JUDICIAL COUNCIL

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Chief Justice, Supreme Court

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VICE CHAIR:

HON. SHARON KELLER  
Presiding Judge, Court of Criminal Appeals

**TIMOTHY COLE EXONERATION REVIEW COMMISSION  
MINUTES OF MEETING  
June 28, 2016 - 1:00P.M.  
Supreme Court of Texas Courtroom  
201 West 14<sup>th</sup> Street, Austin, Texas 78701**

## Commencement of Meeting

On March 22, 2016, Representative John T Smithee called the meeting of the [Timothy Cole Exoneration Review Commission](#) (TCERC) to order at approximately 1:30 p.m. in the courtroom of the [Supreme Court of Texas](#) (SCOT) in Austin, Texas

## The following Commission members were present:

*Representative John T Smithee, District 86, Amarillo*  
*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*  
*Mr. Charles Eskridge, Quinn Emanuel Urquhart & Sullivan, LLP, Houston*  
*Mr. Staley Heatley, President, Texas District and County Attorneys Association*  
*Mr. Carol Vance, Retired, Houston (participated by phone)*

## Advisory Members in Attendance:

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

The Honorable Sharon Keller, Chair, Texas Indigent Defense Commission  
Senator Joan Huffman, District 17, Houston  
Representative Abel Herrero, District 34, Corpus Christi  
Dr. Vincent Di Maio, Presiding Officer, Texas Forensic Science Commission  
Advisory member Tiffany J. Dowling, Director, Texas Center for Actual Innocence, University of Texas School of Law

## Minutes

Without objection, the [March 22, 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.

## Electronic Recording of Interrogations

David Slayton, Executive Director, Texas Judicial Council reviewed results from the member survey on electronic recording of interrogations. Staff was asked to provide additional information from the Law Enforcement survey on the sizes of the respondent departments.

## Policy Recommendations for Recording of Interrogations

The Commission considered and approved six policy recommendations; additional requirements may be added later as staff was asked to compile additional information from the law enforcement survey as well as guidelines from other states.

## Informants and False Accusations

Professor Alexandra Natapoff, Associate Dean for Research at Loyola Law School, Los Angeles provided testimony on criminal and jailhouse informants along with potential reforms for the Commission to consider.

Staff provided an overview of Texas exonerations where false accusation was a contributing factor along with potential policy recommendations.

## Faulty Eyewitness Identifications

Staff provided an overview of Texas exonerations where mistaken eyewitness identification was a contributing factor along with potential policy recommendations. Professor Sandra G. Thompson, Alumnae College Professor of Law and Criminal Justice Institute Director, University of Houston Law Center, provided additional comments.

Staff will prepare a poll of potential policy recommendations on informants, false accusations, and faulty eyewitness identification for members to consider along with additional data as requested.

## Review Timeline for Commission

Staff presented an updated timeline for future meetings and research topics.

## Next Meeting

The next meeting will be held mid to late September. Staff will send out a poll with possible meeting dates.

## Adjournment

The meeting was adjourned at approximately 3:40 PM.