



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

December 10, 2015
1:30 P.M.

SUPREME COURT OF TEXAS
Supreme Court
Building
201 W. 14th
Street
Austin, Texas 78701

COMMENCEMENT OF MEETING

On December 10, 2015, Representative John T Smithee called the meeting¹ 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
The Honorable Sharon Keller, Chair, Texas Indigent Defense Commission
Senator John Whitmire, District 15, Houston
Senator Joan Huffman, District 17, Houston
Representative Abel Herrero, District 34, Corpus Christi
Mr. Sam Bassett, President, Texas Criminal Defense Lawyers Association

¹ The meeting may be viewed on the State Bar of Texas website <http://www.texasbarcle.com/CLE/TSCSearchResults2.asp>

Mr. John Beauchamp, General Counsel, Texas Commission on Law Enforcement
Dr. Vincent Di Maio, Presiding Officer, Texas Forensic Science Commission
Mr. Rene M Péna, Chairman, Texas District and County Attorneys Association
Mr. Carol Vance, Retired, Houston

Attending by phone: *Mr. Charles Eskridge, Quinn Emanuel Urquhart & Sullivan, LLP, Houston,*
and Mr. Staley Heatley, President, Texas District and County Attorneys Association

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: Advisory member Tiffany J. Dowling, Director, Texas Center for Actual Innocence, University of Texas School of Law

MINUTES

Without objection, the [October 29, 2015](#) meeting minutes were approved as submitted.

Opening Remarks

Presiding Officer, Representative John Smithee welcomed members who were not able to attend the October meeting and announced a change in advisory members. Mr. Mike Ware is replacing Mr. Scott Henson as Executive Director of the Innocence Project of Texas.

Overview of Exonerations in Texas since 2010

Staff presented an overview of exoneration cases in Texas since 2010.

Ms. Lynn Garcia with the Forensic Science Commission provided information about their agency's current efforts to notify individuals whose convictions occurred partially due to an irregularity in analyzing evidence gathered by Texas crime laboratories around interpretation of DNA mixtures in their cases.

Report on electronic recording of custodial interrogations in other states and federal agencies

Staff provided information on the practice of recording custodial interrogations in other states as well as Federal Agencies. The Commission requested staff to provide examples of laws other states have passed.

Review and consider survey of Texas law enforcement agencies on recording custodial

interrogation practices

The Commission decided not to review this topic until the scope and purpose of the charge has been decided upon.

Nomination from Advisory Board of actual innocence exoneration by Texas innocence project

Mr. Mike Ware, Executive Director, Innocence Project of Texas presented the 1997 case of Claude Simmons and Christopher Scott for an in-depth research by the Commission. Both men were convicted of capital murder and received life sentences. They were released from prison in October 2007, and declared innocent by the Texas Court of Criminal Appeals on March 3, 2010. A question was raised on the legality of researching a case that has been expunged. Staff will review and provide a legal opinion prior to next meeting.

Discuss Commission's scope of work

A poll of possible research topics will be created and sent to members to assist in deciding the topics for the Commission to research.

Public Comment

Mr. Ricky Forrest appeared before the Commission to voice his past experiences and concerns on the issues surrounding wrongful convictions.

Mr. Nick Vilbas of the Forensic Science Commission spoke to the Commission encouraging them to utilize the resources available through the innocence networks and informed members of the Innocence Network Annual Conference in San Antonio this coming April.

Next Meeting

The next meeting will be held in March 2016, staff will send out a poll with possible meeting dates.

Adjournment

The meeting was adjourned at approximately 3:30 PM.