



Ana Yáñez-Correa  
Executive Director  
Tel: 512.441.8123 ext. 109  
Cell: 512.587.7010  
Email: [acorrea@criminaljusticecoalition.org](mailto:acorrea@criminaljusticecoalition.org)  
[www.criminaljusticecoalition.org](http://www.criminaljusticecoalition.org)

**WRITTEN TESTIMONY, 2011  
HOUSE BILL 115**

Dear Members of the Committee,

Thank you for allowing me the opportunity to present testimony on House Bill 115 by Representative McClendon, which would establish a state Innocence Commission to investigate and prevent wrongful convictions.

**PROBLEM**

Texas leads the nation in wrongful convictions.<sup>1</sup> The conviction of the innocent destroys public trust and confidence in the justice system: guilty culprits are free, threatening communities and preventing justice for victims. Indeed, for every innocent person sent to prison, the state re-victimizes the victim by allowing the perpetrator who harmed him or her to target others. Policy-makers must work towards solutions that eliminate unfair and unjust assumptions of wrongdoing and, in turn, improper guilty convictions.

**KEY FINDINGS**

- A recent report by The Justice Project chronicles 39 cases in which people have had their convictions overturned in Texas. These people have spent nearly 548 years in prison, an average of 14 years, for crimes that they did not commit.<sup>2</sup> Furthermore, since the release of this report, at least 2 more Texans have been exonerated by DNA.<sup>3</sup>
- State and local governments have paid over \$17 million in civil settlements and statutory compensation to those wrongfully convicted.<sup>4</sup>
- Currently, Texas has no state-run agency, like those established in other states to investigate the claims of wrongful convictions or the causes that lead to those convictions.

**SOLUTION: SUPPORT H.B. 115 BY REP. MCCLENDON**

- **H.B. 115 creates a formal Texas Innocence Commission to investigate post-conviction exonerations.** This 9-member body would work to identify common errors and defects in criminal justice procedures and processes that lead to wrongful convictions, as well as identify potential procedures, programs, and educational or training opportunities to address those issues.

The commission would also produce publicly available annual reports, as well as interim reports where necessary, that record the identified weaknesses in Texas' criminal justice process and the proposed solutions. Biannually, the Council would make recommendations to the Legislature on the prevention of wrongful convictions or executions.

To increase accountability, fiscal responsibility, and effective oversight, the Commission would be subject to Sunset review.

\* \* \*

Thank you again for allowing me to provide testimony on this important bill. The state has a responsibility to the victims of crime, as well as to individuals convicted of those crimes, to do everything within its means to ensure that innocent individuals are not sent to prison. By raising awareness of the issues surrounding wrongful convictions, this Commission could increase the integrity of convictions, thus protecting the rights of defendants and safeguarding our communities from harm, while positively impacting public confidence in Texas' justice system, and decreasing costs associated with multiple appeals.

*citations on reverse side*

---

<sup>1</sup> The Justice Project, *Texas Wrongful Convictions*; <http://www.thejusticeproject.org/texas/texas-wrongful-convictions/>.

<sup>2</sup> The Justice Project, “Convicting the Innocent: Texas Justice Derailed,” 2009, pg. 5.

<sup>3</sup> The Justice Project, *Convicting the Innocent: The Latest Texas Exonerations*; <http://www.thejusticeproject.org/texas/convicting-the-innocent-the-latest-texas-exonerations>.

<sup>4</sup> The Justice Project, *Convicting the Innocent: Texas Justice Derailed*, pg. 5.