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HOUSE BILL 220

Dear Members of the Committee,

Thank you for allowing me the opportunity to submit written testimony on the importance of allowing convicted persons to file an application for a writ of habeas corpus based on relevant scientific evidence.

PROBLEM

Texas leads the nation in wrongful convictions. Recently, our state has seen waves of individuals who have been exonerated for crimes for which they were incarcerated but did not commit. These wrongful convictions undermine public trust and confidence in the justice system, decrease public safety, and create additional crime victims. In addition to punishing an innocent person, guilty culprits remain free, which threatens communities and prevents justice for victims.

One significant contributor to wrongful convictions is the use of unreliable scientific evidence, or the failure to introduce scientific evidence because it was unavailable to the convicted person at the time of her trial.

FACTS

- A recent report by The Justice Project chronicles 39 cases in which people have had their convictions overturned in Texas as a result of DNA testing on evidence from the case. These people have spent nearly 548 years in prison, an average of 14 years, for crimes that they did not commit.¹ Nine people have been released from death row as a result of evidence of their innocence.² Furthermore, since the release of this report, at least 2 more Texans have been exonerated by DNA.³
- State and local governments have paid over \$17 million in civil settlements and statutory compensation to those wrongfully convicted.⁴
- 18% of the DNA exoneration cases in Texas involve false forensic testimony, while 28% of cases involve the use of unreliable or limited forensic methodologies (e.g., microscopic hair comparison, serology inclusion, bite mark matches, or voiceprint analysis).⁵

SOLUTION: SUPPORT H.B. 220 BY REPRESENTATIVE GALLEGO

- **H.B. 220 would protect the rights of the wrongfully convicted by taking into consideration advances in science-based evidence or evidence that was unavailable at or before trial.** H.B. 220 would amend the Code of Criminal Procedure to authorize a court to grant relief on an application for writ of habeas based on admissible scientific evidence that was not available to be offered at the convicted person's trial, or that discredits scientific evidence relied upon by the state at trial.
- **H.B. 220 would uphold the integrity of the judicial process and prevent the victimization of innocent persons.** By allowing guilty persons to go free while incarcerating the wrong person for a crime, the state jeopardizes public safety, justice for victims, and confidence in our judicial system. H.B. 220 preserves the integrity of Texas' criminal justice system while protecting the liberty interests of innocent people.

Again, thank you for allowing me the opportunity to present testimony in favor of H.B. 220, an imperative means of protecting victims, and a positive step towards strengthening public trust in the criminal justice system.

citations on reverse side

¹ The Justice Project, “Convicting the Innocent: Texas Justice Derailed,” 2009, pg. 5.

² *Ibid.*

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

⁴ The Justice Project, *Convicting the Innocent: Texas Justice Derailed*, pg. 5.

⁵ *Id.*