



Editorial: State needs innocence commission

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A poignant drama unfolded in the state Capitol last week that should have been witnessed by all Texans.

Nine men at a head table in the Senate chamber looked out at a sea of faces and shared stories of lost freedom. Unjustly convicted in Texas courts, each was locked away in prison until the truth of his innocence was established, most of them through DNA tests.

The first to speak, James Lee Woodard, lost 27 years after the travesty of a wrongful conviction in Dallas County. Brandon Moon spoke of his lost 17 years. And Charles Chatman, 27 years. James Curtis Giles, 10 years. Carlos Lavernia, 15 years. Alejandro Hernandez, 13 years. Billy James Smith, 19 years. James Waller, 10 years. Thomas McGowan Jr., 23 years.

Some told their stories with passion and resolve, others with sadness. The facts chill to the bone. They reveal how scant or sketchy evidence, faulty witness identification, faulty forensics and gamesmanship by prosecutors helped railroad innocent people – and let the guilty get away.

"It was a nightmare," said Mr. McGowan, erroneously picked out of a photo lineup by a rape victim in Richardson in 1985. "It could happen to your kids; it could happen to you."

Lawmakers in Texas must do something about that ghastly possibility. Eight lawmakers were in the audience Thursday to hear the testimonials of the exonerated men. Also attending were legal experts, judges, police brass and other law enforcement officials.

They gathered at the invitation of Sen. Rodney Ellis of Houston, who has championed the formation of a state innocence commission to dissect cases of exonerated people and recommend ways to improve the system. The concept is a sound one and has been adopted by at least five states.

It's needed badly in Texas, which has 33 DNA-established exonerations to date, more than any other state. Seventeen are from Dallas County, more than in any other U.S. county.

News flashes about Dallas cases obscure the fact that local exonerations would not be achieved were it not for the sound practice of storing biological evidence in all criminal cases. No other Texas county has done that; one can only imagine how many wrongly convicted people from the 253 other Texas counties have no shot at DNA exoneration. A special commission could recommend best practices for evidence storage, among a long list of other law enforcement procedures.

Credit goes to several local officials for attending Mr. Ellis' summit and pledging to work to improve justice. They include District Attorney Craig Watkins, Republican Sen. Bob Deuell, Democratic Rep. Terri Hodge, Democratic Rep. Paula Pierson, Dallas Assistant Police Chief Ron Waldrop and Richardson Police Chief Larry Zacharias. Two judges from the Texas Court of Criminal Appeals – Barbara Hervey and Cheryl Johnson – offered ideas.

We hope the list of participants reflects momentum for the Ellis proposal after years of indifference and hostility in the Legislature. His legislation cleared the Senate last year but was snuffed out in a House committee.

Roadblocks must be eliminated in next year's lawmaking session, and Mr. Ellis deserves robust support from the Dallas-area delegation.

In fact, a Dallas Republican should step forward to sponsor the bill in the House. That would provide the political and geographic balance to help Mr. Ellis, a Democrat, secure passage.

No county has borne more shame than Dallas County for the outrage of miscarriage of justice. No county has a greater responsibility to change Texas law to prevent tragic mistakes in the future.

Potential legal reforms

A state innocence commission could recommend best practices in these areas:

- Eyewitness identification and testimony
- Photo lineups
- Suspect interrogation
- Preservation of biological evidence
- Forensic technology
- Defendant's access to case files
- The right to competent defense counsel
- Ethical and legal responsibilities of prosecutors