

By: Dutton

H.R. No. 559

R E S O L U T I O N

1           WHEREAS, The State of Texas executed 33 individuals in 2002,  
2 nearly half of the total executions carried out in the United States  
3 that year; in the first 2-1/2 months of 2003 alone, Texas already  
4 has carried out 10 executions; and

5           WHEREAS, Having executed 299 inmates since 1982, Texas was  
6 prevented from executing its 300th inmate by the United States  
7 Supreme Court on March 12, 2003, when the court stayed the scheduled  
8 execution of Delma Banks, Jr., pending a decision on whether to hear  
9 an appeal of his conviction; and

10           WHEREAS, Mr. Banks's case is but one of several recent cases  
11 that have focused national attention on flaws in Texas' criminal  
12 justice system and that have cast grave doubts on the actual guilt  
13 of at least some of the individuals convicted by this system; and

14           WHEREAS, The most recent example of a wrongful conviction  
15 based on glaring defects in the evidence presented at the trial  
16 occurred with the release of Josiah Sutton when retesting of the DNA  
17 evidence revealed that he was not the perpetrator of the crime of  
18 which he was accused; although not a capital case, Mr. Sutton's  
19 wrongful conviction has highlighted the misgivings many Texans have  
20 about the shortcomings in the state's criminal justice system,  
21 particularly as it affects many of the 448 convicted offenders  
22 currently on death row; and

23           WHEREAS, While there may be lingering doubts about the  
24 convictions of some of the state's current death row inmates,

1 doubts in other Texas capital cases already have been resolved with  
2 the exoneration of seven wrongly convicted individuals; indeed,  
3 there have been more than 100 exonerations nationwide since 1973,  
4 and the annual rate of release has increased significantly in the  
5 last 10 years, with 5 releases already in the first 2-1/2 months of  
6 2003; and

7 WHEREAS, Those exonerations have amply demonstrated that a  
8 diligent review of cases, combined with advances in new  
9 technologies, rightly employed, can overturn miscarriages of  
10 justice and clear the names of those wrongly accused; and

11 WHEREAS, The exonerations also make abundantly clear the  
12 imperative necessity to reform a fatally flawed system so as to  
13 assure all Texans that, while the truly guilty will be punished, the  
14 innocent will go free; now, therefore, be it

15 RESOLVED, That the House of Representatives of the 78th Texas  
16 Legislature, as a public acknowledgement of that necessity, hereby  
17 recognize March 25, 2003, as a "Day of Innocence" in Texas.