

R E S O L U T I O N

1 WHEREAS, Timothy Brian Cole always maintained his innocence,
2 and in 2008 DNA evidence finally proved he had been wrongly
3 incarcerated for the crime of another; and

4 WHEREAS, The oldest of seven children, Tim Cole grew up in
5 Brenham and Fort Worth; he was a devoted son and big brother who
6 helped take care of his siblings while his mother completed
7 college; although he suffered from asthma, he excelled in sports
8 and was a role model for neighborhood children; kind and
9 considerate, he made sure the younger ones were not excluded from
10 games; and

11 WHEREAS, Mr. Cole graduated from high school and began
12 college course work before deciding to serve his country in the U.S.
13 Army; he returned to Texas Tech University in 1985 as a 26-year-old
14 veteran and focused intently on finishing his bachelor's degree in
15 business; tragically, his plans for the future were interrupted
16 when a rape victim mistakenly identified him in a police lineup; he
17 was convicted despite an alibi, a lack of corroborating physical
18 evidence, and the existence of another suspect, Jerry Wayne
19 Johnson, whose photograph had not been shown to the victim; and

20 WHEREAS, Steadfastly affirming his innocence, Mr. Cole
21 turned down a pretrial offer of probation in exchange for a guilty
22 plea; later, he refused to make a confession in order to receive
23 parole, declaring that he would serve all 25 years of his sentence
24 rather than admit to something he didn't do; in prison, Mr. Cole

1 resumed his business studies, completing a small business
2 management program by correspondence; he continued to demonstrate
3 his concern for his family, sending his brothers financial tips,
4 subscriptions to business magazines, and long letters encouraging
5 them to do well in school and get good jobs; and

6 WHEREAS, This proud man declined to attend his stepfather's
7 funeral, rather than go in shackles; he averted visits from his
8 nieces and nephews, stating he would see them when he got out, but
9 although Mr. Cole strove to keep a positive attitude for his family,
10 his asthma worsened as his incarceration dragged on for 13 years; he
11 was hospitalized a number of times, and on December 2, 1999, he died
12 at the age of 38, never knowing that a convicted rapist had
13 confessed responsibility for the crime that claimed Mr. Cole's
14 liberty as its second victim; and

15 WHEREAS, Jerry Johnson first admitted culpability for the
16 rape in 1995, but the legal system ignored his confession; he made
17 further attempts to clear Mr. Cole's name, but had no success until
18 2007, when he wrote a letter to Mr. Cole that reached his grieving
19 family; modern DNA technology finally revealed conclusively in 2008
20 that Mr. Johnson had committed the crime; and

21 WHEREAS, Although his life ended in prison, Tim Cole was an
22 innocent man who conducted himself with great courage, placing
23 truth and integrity above even his freedom; he is deeply missed by
24 those he cherished, but they may now take some solace in the
25 knowledge that he has been vindicated before the world and is
26 mourned by all who learn his tragic story; now, therefore, be it

27 RESOLVED, That the House of Representatives of the 81st Texas

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1 Legislature hereby pay special tribute to the life of Timothy Brian
2 Cole and that profound sympathy be extended to the members of his
3 family; and, be it further

4 RESOLVED, That an official copy of this resolution be
5 prepared for his family and that when the Texas House of
6 Representatives adjourns this day, it do so in memory of Timothy
7 Brian Cole.

Veasey

Straus	Gattis	Menendez
Allen	Geren	Merritt
Alonzo	Giddings	Miklos
Alvarado	Gonzales	Miller of Comal
Anchia	Gonzalez Toureilles	Miller of Erath
Anderson	Guillen	Moody
Aycock	Gutierrez	Morrison
Berman	Hamilton	Naishtat
Bohac	Hancock	Oliveira
Bolton	Hardcastle	Olivo
Bonnen	Harless	Orr
Branch	Harper-Brown	Ortiz, Jr.
Brown of Kaufman	Hartnett	Otto
Brown of Brazos	Heflin	Parker
Burnam	Hernandez	Patrick
Button	Herrero	Paxton
Callegari	Hilderbran	Pena
Castro	Hochberg	Phillips
Chavez	Hodge	Pickett
Chisum	Homer	Pierson
Christian	Hopson	Pitts
Cohen	Howard of Fort Bend	Quintanilla
Coleman	Howard of Travis	Raymond
Cook	Hughes	Riddle
Corte	Hunter	Rios Ybarra
Crabb	Isett	Ritter
Craddick	Jackson	Rodriguez
Creighton	Jones	Rose
Crownover	Keffer	Sheffield
Darby	Kent	Shelton
Davis of Harris	King of Parker	Smith of Tarrant
Davis of Dallas	King of Taylor	Smith of Harris
Deshotel	King of Zavala	Smithee
Driver	Kleinschmidt	Solomons
Dukes	Kolkhorst	Strama
Dunnam	Kuempel	Swinford
Dutton	Laubenberg	Taylor
Edwards	Legler	Thibaut
Eiland	Leibowitz	Thompson
Eissler	Lewis	Truitt
Elkins	Lucio III	Turner of Tarrant
England	Madden	Turner of Harris
Farabee	Maldonado	Vaught
Farias	Mallory Caraway	Veasey
Farrar	Marquez	Villarreal
Fletcher	Martinez	Vo
Flores	Martinez Fischer	Walle
Flynn	McCall	Weber
Frost	McClendon	Woolley
Gallego	McReynolds	Zerwas

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Speaker of the House

I certify that H.R. No. 62 was unanimously adopted by a rising vote of the House on February 4, 2009.

Chief Clerk of the House