

By: Veasey

H.R. No. 62

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.