

SENATE RESOLUTION NO. 124

In Memory  
of  
Timothy Brian Cole

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

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

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

**WHEREAS**, Steadfastly affirming his innocence, Mr. Cole turned down a pretrial offer of probation in exchange for a guilty plea; later, he refused to make a confession in order to receive parole, declaring that he would serve all 25 years of his sentence rather than admit to something he did not do; in prison, Mr. Cole resumed his business studies, completing a small business management program by correspondence; he continued to demonstrate his concern for his family, sending his brothers financial tips, subscriptions to business magazines, and long letters encouraging them to do well in school and get good jobs; and

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

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

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

**RESOLVED**, That the Senate of the State of Texas, 81st Legislature, hereby pay special tribute to the life of Timothy Brian Cole and that profound sympathy be extended to the members of his family; and, be it further

**RESOLVED**, That an official copy of this Resolution be prepared for his family, and that when the Senate adjourns this day, it do so in memory of Timothy Brian Cole.

		Duncan
Averitt	Hegar	Shapiro
Carona	Hinojosa	Shapleigh
Davis	Huffman	Uresti
Deuell	Jackson	Van de Putte
Ellis	Lucio	Watson
Eltife	Nelson	Wentworth
Estes	Nichols	West
Fraser	Ogden	Whitmire
Gallegos	Patrick	Williams
Harris	Seliger	Zaffirini

Dewhurst, President of the Senate

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President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on February 4, 2009, by a rising vote.

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Secretary of the Senate

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Member, Texas Senate