

**Senator Ellis' Roundtable for the Prevention of Wrongful Convictions**  
**May 5, 2008**

I would like to thank Senator Ellis for his tireless work to increase fairness and accuracy in the administration of justice in Texas, and for organizing this important roundtable discussion which seeks to bring forth real solutions in the prevention of wrongful convictions.

Many experts have identified specific areas of weaknesses in our criminal justice system – including problems of mistaken eyewitness identification, false confessions, incentivised informant testimony, and the suppression of exculpatory evidence – which too often result in the wrongful prosecution and conviction of innocent Texans. However, one of the most important safeguards against wrongful convictions is access to a quality defense. Unfortunately, many individuals appear before the court lacking resources to ensure fair and just treatment under the law.

It is incumbent upon the state to guarantee adequate representation for anyone who is at risk of incarceration and unable to hire an attorney. However, the burden is largely borne by counties, which most often rely on a rotational system of appointment. This model of indigent defense delivery often pits the expertise and limited resources of a single defense attorney against a unified prosecution team that has greater access to resources – such as in-house administrative support and investigators and the advantage of shared expertise and workload among several attorneys.

Defense attorneys appointed by the court must be afforded the resources necessary to combat the tremendous risk of wrongful convictions. Innocent defendants depend on their attorney to defend against the wrongful accusations of an informant motivated by opportunity for leniency or compensation. Innocent defendants depend on their attorney to protect and defend against the pressure to confess to a crime they did not commit. Innocent defendants depend on their attorney perform investigations and to access exculpatory evidence held by the prosecution. And, innocent defendants depend on their attorneys to zealously combat mistaken information and misidentification. Those providing indigent defense are often an innocent defendant's last hope for fairness and justice.

I encourage this esteemed group of experts to consider the significance of an adequately funded indigent defense system to improve access to a fair judicial process and prevent wrongful convictions, which diminishes public trust and destroys the lives of those affected. We must not let this opportunity slip; now is the time to take decisive steps toward the prevention of wrongful convictions in Texas.