



**INNOCENCE PROJECT OF TEXAS  
FOR IMMEDIATE RELEASE**

Contact: Natalie Roetzel, Executive Director  
(xxx) xxx-xxxx

**TIMOTHY COLE MAY BECOME FIRST PERSON IN TEXAS TO RECEIVE A  
POSTHUMOUS EXONERATION BASED ON DNA – HEARING SCHEDULED FOR  
NEXT WEEK**

**AUSTIN, TEXAS** – A Lubbock County man, who died in prison serving time for a crime he always maintained he did not commit, may finally receive formal recognition of his innocence in a court of law. A hearing in the case of Timothy Cole is set for the afternoons of February 5 & 6 in the 299<sup>th</sup> District Court in Austin, Texas. Judge Charlie Baird will preside.

At the hearing, the family of Timothy Cole will be joined by Michele Mallin, a woman who was brutally raped in Lubbock County in early 1985. Mallin, who was led to identify Cole as her attacker, is now committed to clearing his name after learning that DNA test results have proven that he did not commit the crime. In a joint effort to obtain what could be the State's first posthumous DNA exoneration in a court of law, Mallin and the Cole family have worked with Innocence Project of Texas attorneys to petition the court for a Court of Inquiry into the wrongful conviction of Timothy Cole. The first step of that inquiry will begin next week.

Innocence Project of Texas attorneys Jeff Blackburn (Chief Counsel / Director) and Dr. John Stickels (Director / Professor at the University of Texas at Arlington), will be joined by the renowned Barry Scheck, Director of the Innocence Project, to present testimony disputing the findings of the investigation and trial leading to Cole's wrongful conviction. The court will hear from several witnesses including Dr. Gary Wells, a leading expert in eyewitness identification procedures, Mike Ware, special prosecutor with the Dallas County District Attorney's Office Conviction Integrity Unit, and the man responsible for committing Mallin's rape, Jerry Johnson. The surviving members of Tim Cole's family and Ms. Mallin will be present and are also expected to testify.

Just as Timothy Cole was convicted based in part on faulty eyewitness ID procedures, many recent Texas exonerees will be traveling to Austin on the 5th and 6th to promote requiring improved eyewitness identification procedures by police and to express their concerns and experiences about the justice system with the Texas Legislature. They will be demanding reforms to reduce the number of innocent people convicted and reforms to provide adequate compensation to those exonerated for crimes they did not commit. A press conference regarding the proposed legislation will be held on February 6 at 10:00 a.m. The press conference will take place at the Texas state capitol, room TBA.

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