



# The Docket

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*"It shall be the primary duty of all prosecuting attorneys, not to convict, but to see that justice is done."*

**An Update from**

**Sharen Wilson**  
Criminal District Attorney

What is justice? Justice is about right and wrong. Justice is fair to all.

The issues we deal with on a daily basis have the ability to impact people's lives forever. It's our sworn responsibility to get it right. We consider each criminal case on an individual basis, taking into account both the potential risk to the community and the potential for rehabilitation of those charged with offenses. Justice recognizes that while we may seek maximum sentences for violent criminals, not every defendant should be convicted or incarcerated.

As technology advances, the tools at our disposal also evolve. This can be of immense help in cases that were previously difficult to solve, but can also result in the discovery that an old case might now likely result in a different outcome. It is our duty as prosecutors not only to ensure our cases meet the standard of proof beyond a reasonable doubt, but to safeguard the future integrity of convictions through transparent and accountable practices. Justice necessitates we be reform-minded and forward-thinking.

By seeking justice for all residents of Tarrant County, we have developed several initiatives in the last few years that have become models around our state, and our nation. This newsletter highlights some of these.

It continues to be the goal of this office to maintain an environment of fairness, accountability and trust – with victims, with our law enforcement partners, with the defense, and with the community as a whole. We are committed on your behalf to seek the right resolution in each case. As Dr. Martin Luther King, Jr. told us, "The time is always right to do what is right." The only right outcome in any case is truth and justice.

With best wishes,

## **A TRANSPARENT SYSTEM HOLDS EVERYONE ACCOUNTABLE**

As prosecutors, we are accountable for disclosing any evidence that could potentially assist in the defense of an individual accused of a crime. The U.S. Supreme Court requires this accountability of all American prosecutors, but few prosecutors' offices actually have official processes in place to determine how this will be accomplished.



In 2015, CDA Wilson implemented the Disclosure Compliance Policy – the first of its kind in the State of Texas. Working in close partnership with the police chiefs of every department in Tarrant County, a clear process was developed for disclosure between law enforcement, the DA's office, and defense attorneys to notify the prosecution of any potential prior officer conduct of which the defense should be made aware.

She then created a similar process to ensure disclosure compliance in all cases involving the Medical Examiner's Office or other laboratories that test evidence or do forensic testing. This includes the agreement that the ME/laboratories are obligated to notify the prosecution if the conduct of any employees could potentially legally call into question their status as an "expert witness," so this information may be shared with the defense.

## **SMART, EFFICIENT GROWTH**

As our county continues to grow, the budget necessary to serve the rising population increase. In the last few years, the CDA budget has grown to focus on critical issues such as Intimate Partner Violence, Elder Financial Fraud, and Conviction Integrity, as well as meet the demands of the exponential increase in digital media evidence in each case. Even so, each year this office has come in under its allotted budget. We will continue to be conscientious stewards of your tax dollars, and to find the most effective and efficient ways to secure the criminal justice needs of Tarrant County.

## SECOND CHANCES FOR FIRST-TIME OFFENDERS

Not everyone should be incarcerated or convicted. Our office's Deferred Prosecution Program (DPP) is designed to give young first-time offenders the chance to rehabilitate without jail time or the stigma of a criminal record. DPP is available to non-violent offenders aged 17 -- 24 who are willing and able to change their conduct.

Originally created in the 1970s, CDA Wilson reviewed the program and found it wasn't being widely utilized by many offenders who could most benefit – minorities and low income residents. With the mission to better reach these young adults, CDA Wilson made three important updates to the program's parameters:

- Increasing the upper age range from 21 to 24 at the time of offense;
- Extending the application period to allow more flexibility for defendants without immediate access to attorneys;
- Eliminating the prior ban for a person who had been previously arrested.

Our office actively promotes DPP with the courts, defense attorneys, and to our own prosecutors as a worthwhile alternative to probation or incarceration for those who qualify for that second chance. CDA Wilson also raises awareness of DPP's availability in the community personally at meetings with church, youth program and community leaders.

Before CDA Wilson implemented these changes, DPP participants were primarily white (74.7%). Now 67% of DPP participants are minority. There have been 1,381 successful program completions since the changes were made, and 233 young adults are currently enrolled – each of whom has the opportunity to face the future with a clean slate.

## ... AND A CLEAN SLATE FOR THE CLEARED

When a person is arrested and charged with a crime, but is later acquitted, pardoned or has the case dismissed, criminal records will still record his arrest and case filing. That record of arrest and charge can keep someone from finding housing, schooling, or having the career of his or her choice.

CDA Wilson has sought to increase access to expunctions and non-disclosures. Last year, she worked closely with local Senator Konni Burton and Representative Nicole Collier on legislation which allows district courts to waive the fees for those who can't afford them, and prosecutors the discretion to file expunctions on a defendant's behalf. The bill passed the Legislature and is now state law in Texas.

Since taking office, CDA Wilson has partnered with the L. Clifford Davis Legal Association (LCDLA) in this shared effort. Working together, we held several very popular Expunction Clinics in Southeast Fort Worth and Arlington, with prosecutors and defense attorneys volunteering their time to assist Tarrant County residents seeking expunctions and non-disclosures. One of our post-conviction prosecutors also led a continuing legal education session through LCDLA to help educate defense attorneys on how to best utilize these resources for their clients.

## JUSTICE: PRESENT, FUTURE & PAST

Justice is only found in the truth. If the person who committed the crime is the one held responsible, then justice has been done. If the wrong person is convicted, not only has an innocent person mistakenly been held accountable for someone else's crime, but the real offender is still out there.

In her first year, CDA Wilson created Tarrant County's first Conviction Integrity Unit (CIU) – one of only 17 in the nation at the time of its founding.

Justice, though, is not just reactive, but proactive. Our CIU's mission is not just to review claims of past wrongful conviction, but to assess areas where we can prevent wrongful convictions in the future. By working with agencies from the Texas Forensic Science Commission to organizations like The Innocence Project, and staying on top of the very latest findings in forensic and digital evidence, our county has become an expert resource to jurisdictions around the state and the country.

Our CIU team is vigilant in its consideration of potentially wrongful convictions, and through its ongoing work with the National Innocence Project, the unit recently oversaw the motion to vacate the conviction of Fort Worth native, John Nolley, who had spent the last 19 years in prison on a life sentence for murder. One of the witnesses who testified against Nolley in his trial was a jailhouse informant, who it was later determined was unreliable and had lied about testifying in other trials.

*(Continued on next page)*



*TOP: Our Tarrant County prosecutors volunteer their time to assist at the expunction clinics. BOTTOM: The line of interested applicants at one of our recent expunction clinics. (Photo courtesy of the FW Star-Telegram)*



### (Conviction Integrity, cont.)

Even all these years later there was still no clear process on how to account for the use of jailhouse informant testimony in criminal trials. Each office, even individual prosecutors, operated in a vacuum, with no reporting standards to record how often or for what purposes jailhouse informants were being used.

As a result, CDA Wilson created our own Jailhouse Informant Procedure, which provides clear guidance on the use of jailhouse informants, mandates tracking the use of these types of witnesses, and sets forth the disclosure of information. This procedure was shared with the Tim Cole Exoneration Review Commission and Texas District and County Attorneys Association, and ultimately inspired legislation passed by the last Legislature that now applies to district attorneys' offices state-wide.



John Nolley greets family as he leaves court.  
Photo courtesy of Fort Worth Star-Telegram

Currently, the American Legislative Exchange Council is developing our jailhouse informant policy into legislation to be introduced at the federal level.

## YOU TRUST THE PEOPLE YOU KNOW

The simplest way to earn your trust in the work we do on your behalf is to make sure we are accessible, accountable and transparent. CDA Wilson has implemented a number of initiatives to create new opportunities for an open, engaging community conversation.

- **Speakers on the Road** - This program provides CDA experts to speak on almost 70 different topics of interest, from bullying to cyber-security to intimate partner violence. These attorneys, investigators and staff members are available to meet with your school, church, business, non-profit or other organization. In 2017, our speakers participated in 285 speaking engagements, reaching more than 18,000 people.
- **Citizen Prosecutor Academy** - This 11-week program gives citizens an in-depth understanding of the criminal justice system in Tarrant County. With our attorneys and investigators as instructors, participants review each step of the prosecutorial process to gain an insider's perspective on how the system works, including the unique challenges faced by our special teams.
- **Neighborhood, issue-based and faith-based town hall meetings** - CDA Wilson organizes and participates in multiple town hall meetings around the county to encourage one-on-one dialogue with Tarrant's communities. These have included issue-based meetings to engage with the community on intimate partner violence, regional meetings with faith-based leaders from each corner of the county, and the first-ever open forum town hall with a Tarrant County Criminal District Attorney in southeast Fort Worth. She also meets quarterly with an Advisory Council made up of residents from neighborhoods all over the county.
- **Annual Report** - For the first time in the office's history, CDA Wilson produced an Annual Report, which has been released each year of her tenure. This publication provides a detailed account of the activities of the office, including a breakdown of how taxpayer dollars are being used. CDA Wilson was praised by the Texas District and County Attorneys Association for encouraging transparency in the Texas justice system by creating this report.
- **Newsletters** - In addition to the Annual Report published in the first quarter of each year, the office also publishes quarterly newsletters to keep residents apprised of recent cases and updates on justice-related issues.
- **Social Media** - To encourage ongoing conversation on a real-time level, we have active Facebook and Twitter accounts, which are regularly updated with information, photos, videos and links about the office and the cases we handle. These monitored channels have been very successful, inspiring dialogue between our office and thousands of Tarrant County residents.

