

Susman Godfrey Secures Victory in Texas Supreme Court for Wrongfully Incarcerated Pro Bono Client

Today the Texas Supreme Court issued a unanimous opinion directing the Texas Comptroller to pay compensation under the Tim Cole Act to Susman Godfrey client, Alfred Dewayne Brown. The Supreme Court's action concludes the firm's five-year, pro bono representation of Mr. Brown in his effort to remedy the great injustice that put him on death row for nearly a decade because of an unethical Harris County prosecution.

In 2005, Brown was convicted of capital murder by a Harris County jury—despite the fact that Brown's prosecutor had received, in 2003, copies of phone records that corroborated Brown's alibi but which were never provided to Brown's defense. In 2013, a Harris County detective discovered those phone records in his garage and turned them over, which eventually led to Brown's release in 2015 after spending twelve years and sixty-two days wrongfully imprisoned, most of it on death row. In 2019, after a lengthy investigation by Special Prosecutor John Raley, Harris County District Attorney Kim Ogg concluded that Brown was innocent of the crime for which he had been charged and imprisoned.

Susman Godfrey commenced its pro bono representation of Brown in 2015 to secure him relief under the Tim Cole Act, the Texas statute that provides compensation to wrongfully imprisoned inmates like Mr. Brown. Susman Godfrey ultimately secured a ruling from the 351st Criminal Court in Harris County that Brown was "actually innocent," applied for compensation for Mr. Brown to Texas Comptroller Glenn Hegar, and then, after Hegar's denial of Brown's application, sought a writ of mandamus from the Texas Supreme Court to reverse Hegar's decision. Numerous prominent individuals and organizations filed amicus briefs in favor of Brown's mandamus petition, including former Governor Rick Perry, Tim Cole's brother Cory Sessions, former State Senator Rodney Ellis, numerous faith leaders, and the Cato Institute. Today's Texas Supreme Court decision repudiates Hegar's actions and fully vindicates Brown.

Neal Manne, lead Susman Godfrey lawyer for Brown and co-Managing Partner of the firm, commented: "Mr. Brown suffered a great injustice because of a wrongful conviction that violated the constitution. When finally released he suffered more injustice because of Comptroller Hegar's wrongful denial of Mr. Brown's right to statutory compensation. We are delighted by the Supreme Court's unanimous decision, which not only directs the Comptroller to compensate Mr. Brown but will protect future exonerees from dishonest and politically corrupt denials of compensation by the Comptroller." Manne, noting that his firm worked for free for more than five years, also said "Today's victory also shows the good that lawyers can achieve when they work on a pro bono basis to seek justice for people who are powerless."

Other Susman Godfrey lawyers working on Mr. Brown's case included Houston partners Shawn Raymond and Joe Grinstein. Mr. Brown was also brilliantly represented before the Texas Supreme Court by Wallace Jefferson and Rachel Ekery of Alexander Dubose & Jefferson LLP. Brown would not be free today but for the help of his longtime lawyer and friend, Brian Stolarz of Fox Rothschild.

SUSMAN GODFREY

The story has been covered by *Texas Lawyer*, Texas CBS Local News, *Houston Chronicle*, *Law360*, *Texas Tribune*, *Austin-American Statesman*, and *Courthouse News Service*.