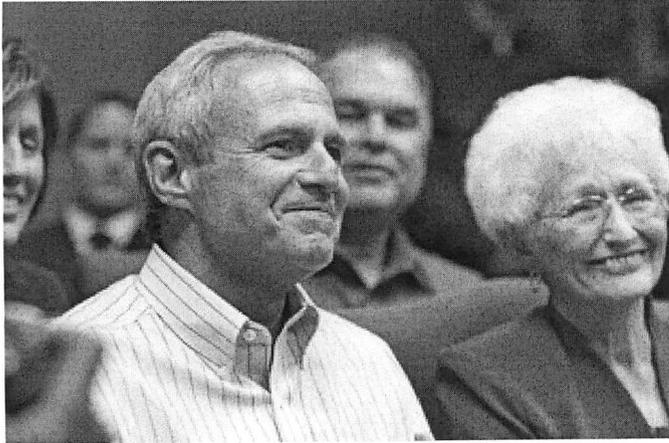


THE TEXAS TRIBUNE

DNA Evidence Leads to Morton's Release After 25 Years

by Brandi Grissom | 10/4/2011 | 13 Comments



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photo by: Callie Richmond

Michael Morton sits beside his mother, Patricia Morton, during an emotional press conference after a judge today agreed to release him on personal bond after he spent nearly 25 years in prison for the murder of his wife. Recently tested DNA indicates another man committed the 1986 killing.

Updated 6:15 p.m.

GEORGETOWN — With an irrepressible grin, Michael Morton walked out of the Williamson County courthouse today, hand in hand with his sister Vicky Warlick, into a free world he last saw when Ronald Reagan was president.

Morton, 57, was released today from the Michael state prison unit near Palestine in East Texas, a day after his defense lawyers and Williamson County prosecutors agreed that his conviction for the 1986 murder of his wife Christine Morton should be overturned based on the results of recent DNA testing.

In an emotional press conference after the judge agreed to release Morton on a personal bond, Morton choked up as he talked, his parents sitting at his side.

"Colors seems real bright to me right now, and the

women are real good looking," he said, laughing.

In a packed Williamson County courtroom, electric with energy and anticipation, Morton's parents, Bill and Patricia Morton, sat in the front row, awaiting his release after his nearly 25 years in prison. His elderly mother, her hair now white and wearing a smile as bright as her fuchsia-colored suit, shared a long embrace with Bill Allison, the lawyer who defended Michael Morton at his 1987 trial and who encouraged the New York-based Innocence Project to take on their son's case.

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The dramatic developments occurred after Travis County prosecutors last week presented Bexar County Judge Sid Harle with evidence in the unsolved 1988 murder of Debra Jan Baker that linked it to recently obtained DNA evidence in the Morton murder.

Travis County prosecutors told the judge that DNA from pubic hair found at the scene of Baker's murder matched DNA found on a bandana recovered near the scene of Christine Morton's murder. The two women lived within 12 miles of each other, and both were beaten to death in their beds during the early hours of the morning. At the time of Baker's murder, Michael Morton was already in prison.

In court today, Harle told Morton that if it turns out — as the evidence indicates now — that Morton is innocent, then he apologizes. "You do have my sympathies," Harle said. "We don't have a perfect system of justice, but we do have the best system in the world."

The identity of the man matching the DNA tests has not been made public in open court and was referred to in legal papers as "John Doe."

Travis County assistant district attorney Buddy Meyer said his office is still investigating the Austin cold case and no suspect has been arrested.

During Morton's 1987 trial, prosecutors told jurors that he beat his wife to death because he was enraged that she refused to have sex with him the night before, which was his birthday. Morton and his attorneys steadfastly insisted he did not murder of his wife, suggesting that an intruder must have killed Christine, who was found dead in their bed after he left the house for work early in the morning. When Morton entered the courtroom today, the buzzing room fell silent, except for the click of camera shutters, as he walked in, lawyers by his side. His hair now silver, he shared a few laughs with lawyers as they waited for the judge to take the bench.

His former co-worker, Mario Garcia, walked to the front of the court and hugged his old friend. The two worked together at a Safeway store in North Austin when Christine Morton was murdered. Garcia testified at trial that Michael Morton could not have killed his wife, that he came to work as he always did that August morning in 1986, the day she was killed. "There was no way Mike could have done that," he said.

Garcia said he was horrified when Michael Morton was convicted, and they continued their friendship, corresponding in letters over the years. "I wasn't as good as he was," Garcia said. "He had all the spirit; he had all the hope."

Morton said he was thankful that it wasn't a capital case and that he had not faced execution. Patricia Morton, grasping her son's hand tightly, said today was one of the happiest days of her life.

"We are so thankful the truth finally came out, and we're happy, happy, happy," said his father, Bill Morton.

For more than six years Morton's attorneys sought to have the DNA testing done that eventually resulted in his release. Williamson County District Attorney John Bradley, the former chairman of the Texas Forensic Science Commission, opposed the testing and publicly derided attempts to link the murder to "a mystery killer."

Through all the years of pressing courts and prosecutors to review the old evidence, Patricia Morton said she remained hopeful. "We never gave up hope," she said.

The Texas Court of Criminal Appeals must approve Morton's writ before his conviction is formally overturned. And before he is eligible for compensation, Morton must be acquitted in court or pardoned by the governor, or the prosecutor must dismiss charges against him. Under Texas laws, Morton could be eligible for a lump sum of up to \$2 million and an additional monthly annuity worth another \$2 million.

Innocence Project co-founder Barry Scheck said that the investigation into the Morton case will not end with his release from prison. Morton's lawyers allege that Williamson County prosecutors violated his due process rights in several ways and withheld evidence that could have prevented his conviction in the first place.

The original prosecutor, Ken Anderson, is now a Williamson County district judge.

Morton's lawyers claim in court documents that the district attorney's office withheld a transcript of a conversation between Rita Kirkpatrick, Christine Morton's mother, and an sheriff's investigator in which she told the officer that Morton's 3-year-old son saw a "monster" who was not his father attack and kill his mother.

The defense attorneys also allege prosecutors withheld information about Christine Morton's credit card being used in San Antonio two days after she was killed and about a check made out to her that was cashed with her forged signature nine days after her death.

"We are not going to rest until we do everything we can to find out what happened in this case," Scheck said.

Bradley's office did not agree to those claims in the court documents filed Monday — only to the actual

innocence claims regarding the DNA evidence. Bradley said Monday he plans to work on an investigation into allegations of prosecutorial misconduct in the case, pointing out repeatedly that he was not the original prosecutor.

John Raley, a civil lawyer with the Houston firm Raley and Bowick, worked for free on Morton's case for six years. It was the first criminal case he had worked on, he said, and he was appalled to learn that obtaining evidence in a criminal case where a man's liberty was at stake was more difficult than in a civil case in which only money is at risk.

"This is a serious story that must be told," he said. The case, he said, exemplifies reforms that must be made in the criminal justice system to ensure that prosecutors turn over evidence that could exonerate people charged with crimes.

Michael Morton, he said, is a crime victim. He lost his wife. He lost family relationships. He lost 25 years of his life.

"This story is not over," Raley said. "We're all joining in the fight together for justice and for truth."

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