

Morton freed from life term**Austin American-Statesman (TX)** - Wednesday, October 5, 2011**Author:** *Chuck Lindell, AMERICAN-STATESMAN STAFF*

GEORGETOWN - After an emotional group hug with his parents, Michael Morton took his first act as a free man Tuesday afternoon: facing a three-deep throng of cameras and reporters.

Going from serving a life sentence to giving a news conference in two dizzying days, Morton paused to collect his thoughts after having spent almost 25 years in prison for a crime he did not commit, the 1986 murder of his wife, Christine.

"This is new to me, so bear with me," he said, his voice slowly picking up speed. "I thank God this wasn't a capital case. I only had life."

Instead of being executed and forgotten, Morton was able to prove his innocence with a team of dedicated lawyers and a series of DNA tests that implicated another man - a felon with convictions or charges in four states - in the death of his wife.

Tuesday's hearing to release Morton from prison was a formality agreed to by Williamson County District Attorney John Bradley while Morton's case heads to the Texas Court of Criminal Appeals, which must approve all sentences thrown out on the grounds of actual innocence.

Until that ruling, Morton is free on a signature bond but technically still serving his murder sentence.

"There are a lot of things I can't say right now because I still have this thing hanging over my head. I know there are a lot of things you want to ask me," Morton said after the hearing.

"I will say this: Colors seem real bright to me now, and the women are real good-looking," he said to laughter.

During Tuesday's three-minute bond hearing, state District Judge Sid Harle offered a conditional apology to Morton, noting that he could not be more definitive without the appeals court acting to vacate the murder sentence.

"You have been incarcerated for such a lengthy period of time, if it was erroneous, as it appears from all the evidence I have reviewed so far, you do have my sympathies. You have my apologies," Harle said.

The hearing ended with applause from a standing-room-only courtroom.

"We are so thankful the truth finally came out, and we are happy, happy, happy," Morton's father, Bill Morton, told reporters.

"We were always hopeful. Always hopeful. We never gave up hope," his mother, Pat Morton, said. "This is one of the happiest days of my life, and I thank God for it."

Morton will be living with his parents in Gregg County in Northeast Texas, "about as far away from Williamson County and still stay in the state of Texas, I believe," said defense lawyer Nina Morrison with the Innocence Project of New York, which represented Morton along with Houston civil lawyer John Raley.

As with others exonerated after long prison stays, the Innocence Project will provide a social worker and other professionals to help Morton figure out how to rebuild his life, Morrison said.

Morton will not be supervised while free, but under the bond agreement, he cannot contact members of his wife's

family unless they wish to speak with him. He also may not contact witnesses, investigators or prosecutors involved in his case, and he cannot leave Texas.

Morton is the 45th Texas inmate to be exonerated based on new DNA evidence, according to the Innocence Project of Texas.

Morton was freed after DNA tests linked Christine Morton's murder to a felon identified only as John Doe in court records because he is not in custody.

John Doe also is a suspect in the 1988 Austin murder of Debra Jan Baker after DNA tests last month confirmed that a hair, collected at Baker's house 23 years ago, belonged to him.

Both women were beaten to death by repeated blows to their heads as they lay in bed.

John Doe's DNA was identified on a blue bandanna, found about 100 yards behind the Morton house, that also contained Christine Morton's blood.

Morton's lawyers first asked to test the bandanna in 2006. Bradley opposed the testing, and state District Judge Billy Ray Stubblefield agreed to deny the tests.

An appeals court, however, ordered that the tests be performed, noting that the results could corroborate Morton's contention that an intruder killed his wife by entering and exiting the property through a densely wooded area behind the house.

After the results came back showing the DNA of John Doe, Stubblefield recused himself from the case and was replaced by Harle, a San Antonio judge.

Also in the courtroom Tuesday was Mario Garcia, Morton's boss at a Safeway in the 5500 block of Airport Boulevard at the time of the murder.

"This is amazing. It's just incredible," said Garcia, who testified on Morton's behalf at his 1987 trial, telling jurors that his friend acted entirely normal when he worked a full shift, starting at 6 a.m., the day his wife was found dead.

Garcia, who kept in touch with Morton via letters and Christmas cards, said he never wavered in his belief that Morton was innocent. In addition to knowing the man's character, he said Morton would never have left his 3-year-old son, Eric, in any sort of danger.

The boy was found, alone and afraid, by a neighbor who later discovered Christine's body.

Garcia said Morton would not have abandoned Eric, who was born with a heart defect and had to endure several-times-daily medication until he turned 3 and could survive open heart surgery. The successful surgery occurred only weeks before his mother's death.

"It just didn't fit. He exhausted every leave, personal day and vacation day to be with Eric," Garcia said. "And they found Eric crying out in the street? Mike would not have done that to his poor boy. He had too much love for him to do that."

Morton will try to re-establish a relationship with his son, but that meeting will happen in private, lawyers said.

Christine Morton's sister, Marylee Olson, received custody of Eric under an agreement that called for the child to make twice-annual prison visits that ended years ago.

"When he was in his early teens, he wrote me a letter asking whether he could discontinue the visits," Morton wrote in a 2004 affidavit included in one of his appeals. "Although it was extremely difficult for me to lose contact with my son, on our next visit, I told him that I would respect his wishes."

That was the last time he had contact with his son, Morton wrote in the affidavit.

clindell@statesman.com; 912-2569

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What's next?

* Morton technically remains convicted of murder. Released on a signature bond, he's barred from leaving the state, contacting his wife's family or communicating with prosecutors and investigators in the case.

* The Texas Court of Criminal Appeals will review Morton's case and vacate his conviction if he is declared innocent.

* If declared innocent, he could apply for state compensation to the wrongly convicted, which provides \$80,000 for each year in prison. For Morton, that would be about \$2 million, plus a \$2 million annuity that would earn 5 percent annual interest and pay out monthly for life.

Caption: Jay Janner AMERICAN-STATESMAN Michael Morton, center, greets his parents, Bill and Pat Morton, at the Williamson County Justice Center in Georgetown after gaining his freedom Tuesday. Ricardo B. Brazziell AMERICAN-STATESMAN 'Colors seem real bright to me now,' Michael Morton, right, said at a news conference before leaving the Williamson County Justice Center with his lawyer John Raley of Houston on Tuesday. Recent DNA tests have linked Christine Morton's 1986 murder to a felon identified in court records only as John Doe because he is not in custody.

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