

# Court affirms Morton's innocence

By **Chuck Lindell**

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The state's top criminal court declared Michael Morton an innocent man Wednesday, wiping out his 1987 conviction and life sentence for the murder of his wife, Christine, in Williamson County.

The unanimous ruling, which had been anticipated because Morton's innocence claim was supported by District Attorney John Bradley, came unexpectedly fast — only eight days after Morton was freed from prison after recent DNA tests indicated that another man killed his wife.

That man, also linked by DNA evidence to the unsolved 1988 murder of Debra Masters Baker in Austin, has not been identified while investigations continue into both killings. No arrest has been announced in either case.

Morton's lawyers delivered the news of Wednesday's court ruling in a phone call to his parents' Gregg County home in Northeast Texas.

"He was thrilled," said Nina Morrison, a lawyer with the Innocence Project of New York. "This is the first time in almost 25 years he has not had a wrongful conviction on his record and hanging over his head, and obviously it's a great day for him."

Morton's lawyers declined to allow him to be interviewed until all court proceedings are completed.

Wednesday's ruling by the Texas Court of Criminal Appeals qualified Morton for compensation from Texas — \$80,000 for each year he was wrongly imprisoned, or about \$2 million, with another \$2 million annuity that would earn 5 percent interest and pay out monthly.

But the rapid ruling may jeopardize Morton's plans to pursue evidence supporting allegations that then-prosecutor Ken Anderson, now a district judge, improperly suppressed pretrial evidence that pointed to Morton's innocence. Defense lawyers also accused sheriff's investigators of ignoring leads that could have solved Christine Morton's murder.

Under an agreement reached last week with Bradley, Morton's lawyers were given a chance to conduct a limited investigation into the allegations of misconduct — but only until the appeals court ruled on Morton's innocence claim.

Defense lawyers believe they have until Nov. 7 to complete that investigation because appellate court rulings do not become final until a mandate issued 25 days after a ruling is announced.

"I am confident we will find a way to get it done in the next (month), if not after," Morrison said, providing no details because District Judge Sid Harle placed the investigation agreement under seal in court files.

But if defense lawyers hope to force Anderson and others to answer questions under oath, they may

have trouble convincing Harle to order the depositions.

The claims of official misconduct were included in the same petition that urged the appeals court to declare Morton innocent. Now that appellate judges have established Morton's innocence, the petition is disposed of and the remaining claims are considered moot.

Bradley declined to comment on the defense-led investigation, citing the sealed court records.

Morrison said it will be up to Morton to decide whether to pursue state compensation for his wrongful conviction or to file a lawsuit alleging that his civil rights were violated. The Innocence Project does not provide legal help or advice on compensation matters, she said.

With help from donations, the Innocence Project provides "a small fund" to help exonerated convicts pay for food, gas and other living expenses in their first year out of prison. "It helps them get some independence," Morrison said. "They're re-creating a life, and it gives them time to adjust before they have to start looking for a job."

John Raley, a Houston civil lawyer who has represented Morton for free since 2005, said Morton is considering additional schooling after earning a master's degree in literature from the University of Houston while in prison.

"He said something about Shakespeare during one of our phone calls years ago," Raley said. "So I sent him the complete works of Shakespeare, and he was thrilled."

Their letters and conversations, Raley said, are frequently sprinkled with Shakespearean quotes and references to literary works by John Milton and others.

Beyond suddenly having a future to plan, however, Morton is still adapting to life outside prison, Raley said.

"All of the everyday things people take for granted, Michael thinks are wonderful. This is a brave new world for him," Raley said.

Morton, 57, had to retrain his fingers to button his shirts — prison garb includes no buttons or zippers — and to use a metal knife and fork after years of eating with plastic sporks. He spent an hour just watching squirrels play in his parents' backyard.

"He's very, very, very happy," Raley said.

Court of Criminal Appeals Judge Paul Womack, who was Williamson County's first assistant district attorney for 10 years starting in 1987, did not take part in Wednesday's decision.

[clindell@statesman.com](mailto:clindell@statesman.com), 912-2569

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