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## MICHAEL MORTON

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After spending nearly 25 years in prison for the murder of his wife, Michael Morton was released on October 4, 2011, and officially exonerated in December. DNA evidence implicated another man, who has also been tied to a similar Texas murder that occurred two years after the murder of Morton's wife.

### **The Crime**

After celebrating his birthday at a restaurant with his 31-year-old wife, Christine, and their three-year-old son, on August 12, 1986, Michael Morton and his family returned home. The next morning, Morton left a note on the bathroom vanity expressing disappointment that his wife had declined to have sex the night before, but ending with the words, "I love you." He then left for work at about 5:30 a.m., arriving half an hour later; his co-workers would later testify that he did not act unusually.

That morning, Christine's body was found. She appeared to have been bludgeoned to death in her bed with a weapon made of wood. A wicker basket and suitcase were piled on top of her. The sheets upon which she lay were stained with what was later determined to be semen.

### **The Investigation**

The day after Christine's body was found, August 14, police recovered a bloody bandana found at a construction site located about 100 yards from the Morton home.

Later that month, Christine's mother told police that the Mortons' three-year-old son, Eric, had been present during the murder. According to Eric, the murderer was not Michael, but a "monster." Eric described the crime scene and murder in great detail, and specifically said that his "Daddy" was "not home" when it happened. Upon questioning the Mortons' neighbors, police were told that a man had repeatedly parked a green van on the street behind the Mortons' house and walked off into a nearby wooded area. Police records also indicated that Christine Morton's missing Visa card may have been recovered in a San Antonio jewelry store, and that a San Antonio officer stated that he could identify the woman who had attempted to use the card. According to Morton's defense lawyers, none of this evidence was turned over to them at the trial.

Morton maintained his innocence. He believed that his wife had been killed by an intruder sometime after he left for work on the morning of August 13.

### **The Trial**

When the defense learned that the prosecution did not plan to call the chief investigator in the case, Sgt. Don Wood, to the stand, they suspected that the prosecution might be concealing potentially exculpatory evidence. After the defense raised this issue with the judge, the prosecution assured the court that all favorable evidence had been given to the defense as required. They also presented a sealed file for the judge to review which was to contain all of Sgt. Wood's reports and notes. Evidence concerning Eric's eyewitness account, the green van, the Visa card, and the forged check were all absent.

At the trial, the Travis County medical examiner testified that Christine had been killed no later than 1:15 am, based on the contents of her stomach. He did, however, admit that this estimate was "not a scientific statement." A state serologist gave testimony supporting the prosecution's argument that the semen stain found on the sheets was consistent with ejaculation, rather than marital intercourse. The prosecution claimed that, after beating his wife to death, Morton masturbated on her corpse.

The prosecution presented no witnesses or physical evidence that tied Morton to the crime. They hypothesized that he had beaten Christine to death because she refused to have sex with him on his birthday. At the time, Morton had no arrests, convictions, or history of violence against anyone.

On February 17, 1987, Michael Morton was convicted of murder and given a life sentence.

### **Post-Conviction**

Morton immediately appealed his conviction, but this appeal was denied. He first requested post-conviction DNA testing in 1990 on the semen stain from the bedsheet. The stain matched his own DNA profile; however, this result was not surprising since the crime occurred in his bed.

In 2005, the Innocence Project and the law firm of Raley & Bowick in Houston filed a motion requesting additional DNA testing on other items of evidence from the crime scene. The District Attorney of Williamson County opposed the motion. The court granted permission to test some of the items in evidence, but not others. Once again, tests could not exclude Morton as the source of the DNA collected from the bed, and other tests did not yield any DNA for comparison.

On January 8, 2010, Morton successfully appealed the denial of testing on the bandana and hair from the bandana in the Third Circuit Court of Appeals.

On June 30, 2011, Orchid Cellmark reported that DNA testing on the bandana had revealed that it contained Christine Morton's blood and hair. It also contained the DNA of another, unknown male. The unknown male DNA profile was run through the CODIS databank and matched Mark Norwood, a convicted felon from California, who also had a criminal record in Texas and who lived in Texas at the time of Christine Morton's murder. Further investigation by Morton's lawyers and the Travis County District Attorney revealed that a pubic hair from Norwood was also found at the scene of the murder of Debra Masters Baker in Travis County. Mrs. Baker was, like Christine Morton, bludgeoned to death in her bed; her murder occurred two years after Christine's death, while Michael Morton was in prison.

During the course of the DNA litigation, Morton's attorneys filed a Public Information Act request, and finally obtained the other documents showing Morton's innocence in the State's file that had apparently been withheld at trial.

Michael Morton was released on October 4, 2011, after spending nearly 25 years in prison. He was officially exonerated on December 19, 2011.

In November 2011, Norwood was charged with the murder of Christine Morton. In November 2012, he was indicted by a Travis County grand jury on charges of murdering Debra Masters Baker. In March 2013, Norwood was convicted of the murder of Christine Morton and he was sentenced to life in prison.

Morton was awarded \$1.9 million in state compensation plus a monthly annuity of \$12,000.

At the request of Morton's attorneys, the Texas Supreme Court held a Court of Inquiry. In April 2013, a judge found that the former Williamson County District Attorney who prosecuted the Morton case, Ken Anderson, who had since become a judge in Williamson County, should face criminal contempt and tampering charges for failing to turn over evidence pointing to Morton's innocence. Anderson resigned his judgeship in September 2013.

On November 8, 2013, Anderson was sentenced to 10 days in jail and agreed to disbarment for withholding evidence that sent Morton to prison for 24 years, 7 months, and 11 days.

From the date of his conviction—February 17, 1987—until his release, Morton spent 8,995 days locked up. With time off for good behavior, Anderson spent 96 hours behind bars before he was released.

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