

October 9, 2011

## Until Proven Innocent

By Andrew McLemore, County Reporter

*On October 4, 2011, DNA evidence won Michael Morton his freedom. Twenty-four years earlier, however, a Williamson County jury took less than two hours to find him guilty of beating his wife to death. The verdict was based exclusively on circumstantial evidence.*

### Part 1: The Investigation 'The truth will come out'

**In April 1987**, less than two months after a jury sentenced him to life in prison, 32-year-old Michael Morton wrote a letter begging for the right to see his son.

His wife had been murdered nine months earlier and nearly everyone believed him guilty — possibly even the sister-in-law who would raise his parentless 3-year-old.

Judge William Lott presided over Morton's murder trial and would now pass judgment on whether the father convicted of beating his wife to death would ever get to see Eric again.

Morton couldn't write from his home in southwest Williamson County. He had to use his new address and the prisoner identification number provided by the Texas Department of Criminal Justice: Michael Morton, #445394, Wynne Unit, Huntsville.

When the jury read the guilty verdict, his knees buckled and there was little sound in the

**About this series:** Defense attorneys fought for 25 years before Michael Morton could walk away from his life sentence as an innocent man. However, in 1987, a Williamson County jury took less than two hours to decide that Mr. Morton had murdered his wife in a sex-fueled rage. In a *Sun* series drawing from more than 1,500 pages of court documents, news articles and more than a dozen interviews conducted over the last month, reporter Andrew McLemore will explore why prosecutors, investigators and jurors were so dead certain of Mr. Morton's guilt. Several key figures in the story declined to comment, including Michael Morton and his parents, his wife's family, District Attorney Ken Anderson, Investigator Don Wood and Morton's original defense attorneys Bill Allison and Bill White. Sheriff Jim Boutwell and Judge William Lott have died since Mr. Morton's conviction. Many other sources could not be located.

courtroom but his sobbing and protests of innocence before Judge Lott.

He'd lost faith in "a lot of things," he said after the conviction. He'd already lost his wife. Now everything else would be taken from him. "I'm about to lose my son, our house, her car, my job, all of our money... my freedom."

With so little hope left, he made a last-ditch effort to convince the judge he was an innocent man who deserved time with his son. He hadn't seen Eric since the conclusion of the trial and the beginning of his life sentence.

"Sooner or later, the truth will come out," Morton wrote. "The killer will be caught and this nightmare will be over. I pray that the Sheriff's Office keeps an open mind. It is no sin to admit a mistake... I don't know what else to say except, 'I swear to God, that I did NOT kill my wife. Please, don't take my son from me, too.'"

The truth — that another man killed Morton's wife — would come out, but not until Morton spent nearly 25 years in prison fighting to prove his innocence.

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It was after 9 a.m. on a Texas summer day and already warm. August 13, 1986 found Elizabeth Gee with her hands dirty from pulling weeds as her 4-year-old son rode his bicycle in the driveway.

Throughout the morning, she would look up and see 3-year-old Eric Morton in the front yard next door. She didn't think that was unusual at first. Around noon she noticed his heavy diaper and realized his mother wasn't outside with him.

A good friend of Michael and Christine Morton, Gee walked to their home and picked up Eric from the front door stoop. She went inside and called out for Christine. Not hearing a response, Gee took Eric home and changed his diaper, and left him to play with her son.

She wrote a note to Christine, taped it to the front door and searched every room in the house. Gee ignored the disarray in the bedroom — sometimes her house was a mess, too. She went home and called Christine's work, but didn't find her. She tried to reach Mike, but couldn't. Gee said to herself: "This is ridiculous, Chris has got to be around here somewhere."

She began to think something was wrong. This time when she left, she locked her front door. She went back to the Mortons' place a third time. When she looked in the bedroom, she finally realized something wasn't right. There was a laundry hamper and a blue suitcase on the bed. She saw two pillows covered in what she had thought was vomit.

"No," she said.

Gee patted the bed until she found two ankles. She went to the other side and pulled up the comforter. She found a forearm, a hand, a hip. Her instincts as a trained emergency medic kicked in and she held the wrist for 30 seconds. It seemed like forever — no pulse. She didn't try to do CPR. The suitcase was where the head should be.

This was a crime scene.

Gee ran home, wondering if the killer was still in the house. She called the police and when they arrived, she took the two boys to another neighbor while she told investigators what she knew.

Deputies from the Williamson County Sheriff's Office soon filled the front yard of 9114 Hazelhurst, entering without a search warrant. They arrived at the home in southwest Williamson County around 1 p.m., and soon forensic experts from the Texas Department of Public Safety were there as well.

Investigators took hundreds of photos.

In the bedroom, they took photos of the blood spatters on the sheets, the headboard, the walls, on family photographs on the bedside table, on books on the floor. There was blood on a framed poster of calla lilies. There was blood on the overturned dresser with drawers of clothes spilled on the floor.

They took photos of the bloodstained pillows, and of the wicker laundry basket and suitcase stacked on top of Christine's body.

They took photos of the valuables in plain sight throughout the house: the wedding ring and watch on the nightstand, the camera with a telephoto lens in the living room, another camera, the stereo and VCR, the television. They took a photo of an unopened condom lying on the living room floor by the rocking chair and a note in the bathroom written by Michael to his wife.

And they took many, many photos of 31-year-old Christine Morton — terrifying photographs of a brutal murder, of the repeated blunt force strikes to her head, of the defense wounds on her hands from trying to ward off blows.

Investigators found no blood outside the bedroom. There were no signs of forced entry, but the sliding glass door that led to the Morton's bedroom was unlocked. The fingerprint expert found about 15 fingerprints that would never be identified, including two on the outside of the sliding glass door frame, one from the bedroom door frame, and another on the suitcase.

There was a photograph of a footprint in the backyard by the gate. The Mortons had homes on either side, but behind them was an undeveloped, wooded area that led to a home construction site.

The lawmen and crime scene experts spent several hours at the house and never attempted to contact Michael Morton. He didn't learn of Christine's death until three hours after police arrived at his home.

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The story Michael Morton would later tell investigators that afternoon was not extraordinary. Evidence and witnesses substantiated every detail of his account. The only thing that couldn't be proven was whether Christine was already dead when he left for work at 5:30 that morning.

Michael, a manager at a Safeway grocery store in north Austin, did the morning of August 13 what he did every day. He got up at 5 a.m., showered, ate breakfast, shaved, dressed and drove to work.

His supervisor Steven Heinsohn greeted him at the door about 6 a.m. He spent much of the day building a large display for a new promotion. He chatted with coworkers.

Michael had learned recently that he and another employee, Mario Garcia, enjoyed scuba diving. They both had the following day off and the two men chatted repeatedly about diving together at Lake Travis. Michael would call later that day and they'd cement their plans.

He left, as usual, about 2:10 p.m. and headed to Zale's Jewelry in the Highland Mall to drop off his scuba diving watch for repair. He walked to Foley's, bought a shirt and left. He arrived at Mildred Redden's daycare at the usual time — around 4 p.m.

Eric wasn't there. Redden told Michael she'd been worried all day because Christine had never brought the boy in or called.

Michael used her phone and called home.

It was Sheriff Jim Boutwell, the legendary Texas lawman who arrested serial killer Henry Lee Lucas in 1983, who answered.

The conversation was recorded on the Mortons' answering machine and replayed for the jury later. To them, it would seem a strange conversation given that Michael was calling his own house.

SHERIFF: Hello.

MICHAEL: Hello, hello.

SHERIFF: Who's speaking, please?

MICHAEL: This is Mike.

SHERIFF: Mike, what's your last name, Mike?

MICHAEL: Morton.

SHERIFF: Morton.

MICHAEL: Yes.  
SHERIFF: Okay. Can I help you?  
MICHAEL: Yeah, I'm calling my house.  
SHERIFF: Say where are you.  
MICHAEL: I'm over at the Reddens.  
SHERIFF: Over where? This is the sheriff.  
MICHAEL: What's going on, I live there.  
SHERIFF: Okay, well we need to talk to you, Mike.  
MICHAEL: I'll be there in 10 minutes.  
SHERIFF: Okay, just take it easy though, okay.  
MICHAEL: Okay.

When the daycare owner turned back around after showing Michael to the telephone, he was already gone.

He drove up to find his home surrounded with yellow crime scene tape and police cars. Five officers, four crime lab technicians, a justice of the peace and the sheriff were on scene.

Officer Mike Lock testified at trial that Michael walked up and said, without any emotion in his voice, "Are they both dead or what?" Michael didn't remember saying that. He remembered meeting the sheriff in the front yard and asking him if Eric was okay. Then he asked about Christine, and the sheriff told him she was dead.

Boutwell later said in court that he saw "no particular reaction at all" from Michael.

The sheriff brought Michael into the kitchen and read him his rights. He interviewed Michael about his day and the previous evening. The sheriff did not allow him to go into the bedroom. He told Michael his wife had been murdered.

Surrounded by lawmen in his own home, Michael answered every question. He consented to a search of his home and his truck. He voluntarily gave samples of his blood, hair and saliva. Investigators described him as calm and cooperative. Michael told them about the seven guns in his house, including several pistols, rifles and a .12-gauge shotgun. At some point, Eric walked into the kitchen and Michael picked him and put his arms around his neck.

The sheriff said in court eight months later that the widowed husband displayed no emotion in the interview. He said that Michael, who still hadn't seen his wife's body and claimed innocence, asked, "Was she shot or was she beaten to death?"

Upon cross-examination, Morton's attorneys forced the sheriff to acknowledge he'd never written down that statement in his notes of the interview.

"You just remember that now, do you not, sir?" the attorney asked him.

“I’ll always remember that,” Boutwell said.

As for Michael, he remembered a flurry of activity around him as he was questioned. Cameras flashing, sheriff’s deputies examining firewood in the backyard. Someone Michael didn’t know came in and filled the kitchen sink with ice to cool sodas for the investigators. When everyone finally left late that afternoon, he said the house was filled with cigarette butts and Coke cans.

The sheriff already considered Michael a likely suspect.

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The previous day had been Michael’s birthday, and it didn’t go the way he wanted.

He’d been frustrated with his wife after they returned home from a celebratory dinner because when he wanted to have sex, she fell asleep. Before he left for work the next morning, Michael scribbled a note to her expressing his irritation.

That small act would reverberate through Michael’s trial, when prosecutors presented the letter as the deranged alibi of a sex-crazed husband trying to cover his tracks.

For Michael, it was simply the result of a disappointing day.

It began with promise. He took time off from work and spent the morning alone. After dropping Eric off at daycare, he worked out in the garage with his weight set and then went scuba diving at Lake Travis. He identified a new place on the underwater map to show friends at work. He picked up Eric and spent the rest of the afternoon socializing with neighbors and friends while his son played with the other children in the driveway of the Gees’ house.

Michael had found a bracelet while scuba diving that day and tried to show it to Christine, or “Chris,” as he always called her. She was busy with Eric and not paying attention to him, so he tossed it at Elizabeth Gee and walked back to his house. Christine told Elizabeth she felt a little guilty for not baking cookies for Michael on his birthday.

The Morton family got dressed and went out to eat at City Grill Restaurant. At trial, Michael spoke positively about the dinner.

“We just talked among ourselves about our friends and what we were going to do and how things were going. It was pleasant.”

Michael drank a beer and a gin and tonic. Christine had two glasses of wine. After a meal of fish and vegetables, they finished with coffee and a shot of Bailey’s. They drove home.

After putting Eric to bed, Michael brought out “A Handful of Diamonds,” one of two adult movies he had rented for the occasion. He put it in the VCR and grabbed a condom

from the bedroom. While Christine lay on the floor watching the movie, he began rubbing her right hand where she'd lost the tip of a finger in a childhood accident. She was self-conscious about it, usually keeping her fist balled up to hide the injury. Rubbing it felt good to her, Michael said later.

Around midnight, she fell asleep. Michael wasn't happy about it, he told the court during trial.

"I felt a little — I felt hurt and unwanted and I felt just leaving her there was kind of payback. She would wake up on the floor and realize. If you want to say I was upset, yes. I wasn't mad."

This is where Michael's story diverges from the one prosecutors would successfully sell to the jury. According to Michael, when Christine finally came to bed, she apologized, kissed his face and whispered, "tomorrow night."

When he left in the morning, she was alive and well, and he left her a note on the bathroom vanity:

Chris, I know you didn't mean to, but you made me feel really unwanted last night. After a good meal, we came home, you binged on the rest of the cookies, then with your nightgown around your waist and while I was rubbing your hands and arms — you farted and fell asleep. I'm not mad or expecting a big production. I just wanted you to know how I feel without us getting into another fight about sex. Just think how you might have felt if you were left hanging on your birthday.

ILY —

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The mood in Elizabeth Gee's living room was palpable. No one sure what to do or how to feel. Michael had bought a toy for Eric and played with him on the living room floor. Jack Kirkpatrick, Christine's dad, didn't say much. He was visibly shaken, and sitting on the couch with a mixed drink in his hand.

"I don't believe this, you know," he said.

Michael didn't speak to either Elizabeth or Christopher Gee during the half hour he was at their house. He just kept playing with Eric on the floor. "He never seemed anything," Elizabeth said. "He just played with his son."

Mark Gregory, another neighbor, came over to the Gees' living room and saw the shock on Michael's face and in his red, watery eyes. He was "dumbfounded" and "blank," Gregory said.

That first night, Michael slept with Eric in his son's bed. Elizabeth Gee remembered that the lights in the Morton home never went off that night.

The next morning, Michael saw his friend David Marshall for the first time since the murder. They didn't speak at first. Just grabbed for each other, hugging tight and crying.

"Mike is not the person to show emotion to people he doesn't know," Marshall said.

Later, Marshall helped repaint the Mortons' bedroom. Christine's dad brought over a case of beer.

Everybody drank. Everybody was in pain, Marshall said.

At some point in the days afterward, Michael slept at home again — this time in the same marriage bed where Christine had been murdered. Christine's mother and sister, Rita and Mary Lee Kirkpatrick, became hysterical when Michael told them. He put his arm around his sister-in-law and said, "I have an awful lot of good memories of that bed, too."

That wouldn't sound good when prosecutors brought it up in trial.

Neighbors, friends and family members still felt disbelief that the blue-eyed, radiantly beautiful woman they had known was now gone. Murdered. And they didn't know who had killed her, though some of Christine's family may have already begun to suspect Michael, based on later statements from her father.

Christine's best friend, Holly Gersky, was in California at the time. The two met while working together at an insurance company. Michael called to let her know what had happened.

"I was in a complete and total state of shock," Gersky said last month from her home in California. "I was hysterical. I kept saying you made a mistake, you made a mistake... it was a terrible time in my life."

Christine was the best friend she ever had, a smiling girl with an infectious laugh. They were both close to their mothers and loved their workplace. They could tell each other everything and she became Christine's confidante as well as an intimate friend of her family.

The Morton marriage was one of "equals," Gersky said at the time. Michael and Christine shared parental responsibilities and were accepting of one another.

But investigators were gathering interviews from other friends and family members, who didn't always paint a rosy picture of the couple's relationship. No one ever testified about violence or threats, but they talked about name-calling and Michael's complaints that he didn't get enough sex, the couple's arguments about what to plant in the yard and how much money to spend on their deck.

Every family keeps secrets, but the Mortons were about to lose theirs. Private tensions would eventually become the subject of public debate.

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In the days immediately following the murder, Sheriff Boutwell said his entire investigative staff was working on the case. He fed a handful of details to the media — not all of which seemed to support Michael's guilt.

He said police were investigating blood stains that Christine's brother John Kirkpatrick found at a house under construction about 100 yards from the Morton home. He said the only things missing from the house were Christine's purse and one of Michael's handguns

In newspapers or at trial, those two facts were never brought up again and it remains unclear to this day whether the sheriff's investigators actually followed through on those leads.

But two days after the murder, Boutwell also said his office had decided on an explanation for the most bizarre piece of the puzzle — the suitcase and laundry hamper stacked on Christine's body.

"We believe this was done to prevent her little boy from seeing her there," he told the *Sun* in 1987.

Michael said Christine must have been murdered in bed before she woke up because of the "little things" that she usually does before leaving for work at 7:30 a.m. — like closing the blinds. They were still open.

Michael talked to the press about an intruder entering through the unlocked sliding glass door and the footprint found along the six-foot-high backyard fence.

But as the weeks went by without an arrest, many people in the community didn't buy the theory of a random murder and the frictions in the Morton marriage became more significant.

It wasn't just Christine's immediate family that felt the impact of her murder. The fear rippled through a terrified community of close-knit neighbors and friends and friends of friends.

To many, Michael's guilt began to seem certain.

"It just seemed to be something that everybody else could accept. They weren't struggling with it," Gersky said. "It's a frightening thing. People were scared. We were the kind of people that weren't involved with the police. It wasn't in any of our lives, so

when this happened it was so incredibly horrible. We didn't come from families like that. It just wasn't in our world. It was a tough thing. It's a horrible thing. It still is."

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In late September, six weeks after Christine was found, police came to the Morton home and arrested Michael for first-degree murder.

The complaint filed with the justice of the peace said Travis County Medical Examiner Roberto Bayardo listed the time of death for Christine as no later than 1:30 a.m., or four hours after she'd celebrated Michael's birthday with a dinner at City Grill.

Michael had already told investigators numerous times that he'd left for work at 5:30 a.m. The logic was simple: If Christine died at 1:30 a.m., Michael must have been there and must be the murderer.

It was the third time-of-death estimate that investigators had reported to the media. Immediately after the murder, investigators first thought Christine was attacked in early-to mid-morning. Two days later, Bayardo told them that it was more likely she was killed between 1 a.m. and 6 a.m. based on the amount of food left in her stomach. That time was revised again before Michael's arrest to 1:30 a.m.

Though defense attorneys later grilled Bayardo on his inconsistency, the medical examiner would stand by the estimate in courtroom testimony. It would play a critical role in convincing the jury of Michael's guilt.

No physical evidence tied Michael to the crime and investigators still didn't have a murder weapon. There were no eyewitnesses and Michael would never in 25 years confess to any involvement with his wife's death.

At the time of Michael's arrest and until the moment a jury sent him to life in prison, the case was based only on circumstantial evidence.

Despite that, Sheriff Boutwell said during trial he wanted to obtain a warrant for Morton's arrest within a week of the murder. But Williamson County District Attorney Ken Anderson had delayed the arrest for further investigation. He implied at trial that he'd been unnecessarily cautious.

"I held off because I wanted to make sure, dadgum sure, everything was right on this case before we went out and arrested the guy. And I, not being at the scene, knowing what — he would have been arrested that day. The problem was I didn't see those pictures and it took me a while after I saw those pictures to understand what all happened there."

Bill Allison and Bill White, two of the best criminal defense attorneys in the Austin area, represented Michael. Almost immediately after his arrest, they began to question the methods of investigators — and Ken Anderson.

Allison told the *Austin American-Statesman* he'd had an agreement with Anderson: If the district attorney wanted to charge Michael with murder, Michael would be allowed to turn himself in.

That didn't happen.

In the weeks before the murder, Michael had taken two lie detector tests in Austin and "passed with flying colors," White said.

Morton had showed up for a police polygraph examination the day after the murder. He had to wait several hours for the test to start, and then it was 9:45 p.m. when the sheriff's office told him he could take the two-hour test, Morton said. He was tired and rescheduled.

Boutwell remembered things differently. He was "appalled" when Morton showed up for the test "with two buddies laughing and joking like they were going to a party." Ultimately, Morton's attorneys advised him against taking the test with the sheriff's office.

None of the lie detector tests, passed or avoided, were mentioned during trial.

With so little evidence, Allison told the media an unknown person must be responsible.

"It's a very frightening case. From everything we've investigated, he did not kill his wife. If they got the wrong person, there is someone loose who will kill again."

But that was a hard sell, especially to family members who demanded justice and were close to Christine.

In a blistering interview with the *Statesman* shortly after Michael's arrest, Jack Kirkpatrick tore into his son-in-law, describing at length the marital problems that led to his certainty Michael was a killer.

He suggested that Christine probably told Michael she was leaving him and "it all came to a head."

"The whole family has been convinced that he's the only one it could have been since Day One. They got along like cats and dogs... He mistreated her pretty bad. He criticized everything she did. She had all the friends and he ran off all the friends they had. And she made twice the money."

Those with distance from Michael's personal life were more skeptical.

His friend and coworker Mario Garcia said few people at the Safeway store in Austin could believe that the quiet, hard-working manager was capable of such a brutal crime.

There were suspicious looks from those that didn't know him well, but his friends kept their doubts about the arrest and eventual conviction, said Garcia.

"I knew that this was a terrible murder to begin with and I knew that Mike didn't have nothing to do with it... It was scary to see what happened to him. You're supposed to believe in the justice system, but in this case, it was a scary thought."

A few days after his arrest, Morton was able to make bail when Precinct 3 Justice of the Peace Bill Hill lowered it from \$100,000 to \$25,000. The previous bond was "too high," Hill said.

"It was a pretty gruesome murder," Hill said at the time. "We didn't know if we wanted him out on the street until we checked him out. We checked with Safeway and found he had been working there seven years, so that was a good reference."

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Once back out of police custody, Michael resumed taking care of his son, trying to keep him in "as much of a regular routine as possible."

After his wife's death, he'd taken a two-week leave of absence from his job, but returned to work thereafter. He was indicted for murder by a Williamson County grand jury on October 15, 1986.

It's unclear if Sheriff Boutwell followed through on the leads he mentioned early in the investigation: the bloodstains found at a house under construction or the purse that was stolen and never recovered.

The bloodied, blue bandanna that would ultimately exonerate Michael was entered into evidence, but only discussed once during trial. It was 1986 and DNA testing wouldn't be available for several more years.

Today, Michael's defense attorneys say Boutwell and his investigators didn't pursue other leads that could have exonerated their client well before he was arrested, including a credit card and check from the purse used within days of Christine's murder.

At the February 1987 trial, Anderson finally revealed the motive, or why Michael Morton, a man who had never committed a crime, would bludgeon to death his wife of seven years: she refused to have sex with him. Enraged, he beat Christine to death and masturbated over her body.

That image stayed with jurors for years. They would never forget it.



## Part 2: The Trial

### Insinuating circumstances

October 16, 2011

**Things got hard** when Eric was born.

He was delivered through a C-section and just hours later doctors had to perform surgery because his esophagus didn't reach his stomach.

The newborn spent three weeks at Seton Hospital. He was later diagnosed with a congenital heart defect. He had to have medication every six hours.

As Eric grew, Michael and Christine Morton noticed he didn't have the energy of the other kids. He would turn blue unexpectedly, alarming his parents.

Michael and Christine did everything they could to keep Eric alive until he was three years old, when doctors said his chances of survival would be much greater.

The stress took its toll on them, and they argued more frequently.

"We were very verbal," Michael said in 1987. "If something disturbed her, she would just tell me straight out, and I would do the same. We discussed, argued, bickered, and went over everything like that. Nothing stayed below the surface for very long."

The only time he hit her in seven years of marriage was shortly after their newborn was released from the hospital.

The couple was arguing and she picked up Eric from the crib so quickly that "he quivered" and Michael, fearful for him, slapped her.

"It shocked me as much as it did her," he said.

They immediately sat down and talked about it. He never struck her again, he said.

But there were still problems. He nagged Christine about her weight and complained about their lagging sex life, which began after Eric was born.

Christine was having trouble, too. She'd wanted so badly to have a baby and now Eric was in danger a year after a miscarriage.

In June of 1986, Eric turned three years old while in the Heart Institute in Houston.

Michael used all his vacation leave from Safeway to spend three weeks with Christine and his son before Eric went under the knife for potentially life-changing heart surgery.

“We obviously spent all of our time we could with him,” Michael said.

Christine’s best friend Holly Gersky still remembers the moment she visited the hospital after Eric’s surgery. It’s her favorite memory of Christine. She walked in and saw her holding him.

“I looked at her and she was just beaming. He was so healthy looking. She loved that little boy so much. The love that she had for him was incredible.”

Eric came home in the fourth week of June. Almost immediately, he was running around. Michael and Christine noticed he wasn’t turning blue anymore.

Their little boy was going to be okay. For the first time in Michael and Christine’s life, their son was healthy and strong.

But the long-awaited end to the family’s struggle was short-lived.

Less than two months later, Christine was murdered in bed. Police arrested Michael and charged him with the crime.

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On February 10, 1987, Michael sat next to his lawyers in the Williamson County Courthouse listening to District Attorney Ken Anderson tell his version of how Christine ended up dead in the Mortons’ marriage bed.

Michael claimed he’d left her alive and well when he drove to work at 5:30 a.m., just like he did every other morning.

That’s not the story Anderson told the seven women and five men of the jury in his opening statements.

He told a story of sensational violence and perversity, a story based on his interpretation of circumstantial evidence that would be almost entirely debunked years later.

He told a story about how Christine refused to have sex with Michael on the night of his birthday and went to bed. He solicited her again and she refused him a second time. He returned to the living room, watched a pornographic movie by himself, and got “madder and madder,” Anderson said.

Then Michael found some sort of blunt object and beat her to death.

He put a comforter over her body and stacked a suitcase and laundry hamper on top of her head.

Then, inspired by a burglary scene from the adult movie he'd just seen, Michael cleaned himself up and made a "poor attempt to ransack" the room by pulling drawers of clothes onto the floor. He grabbed his .45 pistol and put it in his wife's purse, along with the murder weapon. Michael disposed of all three on his way to work the next morning, leaving his son alone at home with his dead wife. Then he left a note in the bathroom telling Christine he felt "hurt" because she wouldn't have sex with him — the alibi of a sex-crazed killer trying to cover his tracks, Anderson argued.

When he tries to pick Eric up from daycare that afternoon, he "professes some sort of surprise" that his son isn't there. When he finally went home, police were waiting for him.

That's the way it happened, Anderson told the jury. It could be a story from a "romance novel," but it was still true, he said.

"We are going to bring you all of the facts and all the things that happened that we know about," Anderson said.

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It's hard to say how many times Lou Bryan drove by the house on 9114 Hazelhurst Drive over the last 25 years.

She still has trouble explaining why, exactly, her car seemed to steer itself to the place where Christine Morton was murdered. This was the same house where Michael Morton lived until arrested, tried and sent to life in prison by 12 other residents of Williamson County.

Bryan was one of the jurors. After DNA tests of evidence shook her confidence in the verdict this summer, she said from home last month that she wants to know how this could have happened, no matter who is responsible.

"You would not believe, but just a year ago I drove by there again," Bryan said in the weeks before Michael was released from prison an innocent man. "My 15-year-old granddaughter even knows where it is. She wasn't even born yet, but I've taken her by there. She tells me not to go there."

Bryan, 66, was a teacher at Round Rock High School when called to judge Michael Morton. She never doubted her verdict, she says, never questioned that the man she helped convict of murder and send to prison was actually innocent.

She describes Michael's trial as "uncomfortable," as a "haunting, creepy" experience. The whole thing felt dirty, made her want to take a bath. It wasn't easy to look at those

photos of Christine's body or hear Ken Anderson describe his narrative of the murder, of the gruesome, sadistic things he told the jury Michael did to his wife that night in August 1986.

After Michael's attorneys presented DNA evidence this summer that linked another man to the crime, Bryan said 25 years of time and distance hadn't diminished the disquiet the trial brought into her life.

"When you have to decide a person's fate, it just stays with you," she said. "Not that I've changed my mind. If they find the guy, that might make me change my mind."

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With significant financial help from his family, Michael had been able to hire two attorneys: Bill Allison and Bill White.

They were considered two of the best criminal defense attorneys in the area, but they weren't given much to work with in Michael's case.

Before the trial, Allison and White complained of not receiving all of the state's investigative files. Or if they did receive a file, it would come late in the process, when they had less time to review the document before trial.

The attorneys filed a slew of motions requesting production of evidence or copies of forensic tests conducted by prosecutors. They tried to prevent the introduction of evidence they argued was irrelevant or blatantly prejudicial.

By the time of the February 6, 1987 pre-trial — days before the jury trial began — Allison said they'd only received a stack of photographs of the crime scene taken by sheriff's office deputies. They'd received none of the original police reports, handwritten field notes, transcripts of police interviews with family members, or any other evidence at all, Allison said.

"We have not received any of the tangible evidence so that we can run our own independent tests on them," he said.

At the same pre-trial hearing, White complained about not receiving any of the documentation of the investigation by Sheriff Jim Boutwell and Sergeant Don Wood.

"I'm not trying to delay the trial. I'm saying there's a due process issue here," White said. "This particular case is a case in which each issue is hotly contested. It is a circumstantial evidence case in which the act has not been admitted."

Anderson said he'd forgotten to ask Sgt. Wood for his field notes. "I haven't seen them myself and have no idea what they say," he said. However, he had no intention of voluntarily handing them over to the defense.

And they never were.

Judge William Lott presided over the trial. He denied the motion from Allison and White requesting access to all the statements and reports made by investigators. The judge asked Anderson to provide him with all those materials and he'd review them for any evidence that should, by law, be provided to the defense.

He was given a sealed file that supposedly contained those documents and ruled that Michael's attorneys didn't have a right to anything inside it.

What exactly Sgt. Wood learned while investigating the case wouldn't be known until nearly a quarter century after Michael had been sent to prison. At a pre-trial hearing in November, Sgt. Wood called himself the chief investigator of Christine Morton's murder.

By the time of trial, however, his role was downplayed. Sheriff Boutwell took the stand and called himself the chief investigator, not Sgt. Wood. It was a contradiction that Allison and White were never able to reconcile.

It would take more than 20 years before Michael's attorneys learned the specifics of Sgt. Wood's investigation and, more importantly, the leads that no one at the sheriff's office seemed to pursue.

They include:

- Sgt. Wood's interview of Michael's mother-in-law Rita Kirkpatrick. She tells him that Eric gave her an eyewitness description of a "monster" who was not "Daddy" murdering his mother.
- A message to Sgt. Wood that Christine Morton's missing credit card was used in San Antonio two days after her murder by a woman previously convicted of fraud.
- Another message to Sgt. Wood that a check made out to Christine Morton was cashed nine days after her murder with a forged signature on the back.
- A report by another WilCo deputy that a neighbor had repeatedly seen a man park a green van behind the Morton home and walk into the wooded area behind the house.

Both the check and credit card would have been in Christine Morton's purse, which was missing from the crime scene and never recovered.

When jurors learned about those leads, they'd want to know why Sgt. Wood never testified. They still do.

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They were good jurors.

They took it seriously. They paid attention.

But looking back at the trial a few weeks ago — before Michael was exonerated — Elizabeth Hamilton wondered if they weren't all pretty naïve, too.

She's read every article she could find on Michael's claims of innocence. She began to feel fear that they'd made a mistake, and then guilt if Michael really was innocent.

There was no DNA testing back then. She realized the scientific evidence wasn't as unimpeachable as she'd believed and that prosecutors' arguments were based more on speculation than hard proof, she said.

When faced with ripping away a man's freedom, she asks herself why she and her fellow jurors didn't ask more questions. Why didn't they hear from Sgt. Don Wood, who may actually have headed the investigation? Why didn't they discuss the lack of character witnesses for Michael? Why didn't his parents take the stand?

Many things about the trial nagged at her.

"It bothered me that [Michael] never said he loved his wife or anything like that," Hamilton said.

She recalls Anderson doing a masterful job of rebutting the defense. Michael's attorneys confused her more than anything else and she didn't feel like they were even convinced of his innocence.

Maybe they were a little naïve, but Hamilton still feels like they made the right decision with what they were given. But now there's all this evidence coming out they never saw back then, that prosecutors Ken Anderson and his Assistant District Attorney Mike Davis supposedly never shared with them.

That's what scares her, she said.

"I trusted Mike and Ken, especially Ken, to present the evidence. Is it about winning cases or is it about finding out the truth? To me, it would be about finding out the truth, but now I wonder. I understand their reputations are on the line. What really bothers me is that everybody is dragging their feet to find out the truth."

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Anderson made it clear where Michael got the inspiration for his cover-up of the murder: "A Handful of Diamonds," the 1973 adult movie he'd watched that night about a British jewel thief who robs wealthy women before having sex with them.

Near the end of that first day of trial, Anderson played the first two minutes of the pornographic movie after successfully convincing Judge Lott that it served to reveal Michael's motive, his "state of mind at the time of the killing."

Defense attorneys had objected, arguing that such an “inflammatory” piece of evidence would prejudice the jury against Michael from the get-go.

“To suggest that a man will beat a woman to death because he is turned down by a woman is not a fact,” Allison argued. “They’re going to build a mountain out of a molehill on this thing, and this film is going to — it’s going to upset that jury... We don’t want those diversions way off into the ozone that just inflame jurors and keep their mind off the job at hand. That’s what this is.”

Judge Lott ruled with Anderson.

“Now, I think that the fact that this does involve a burglary, that that’s pretty thin on that face of it, but it’s something,” Lott said. “It is some evidence.”

The portion of the movie played in trial shows a thief’s gloved hands stealing diamond jewelry while a naked woman gets out of bed and then walks down the stairs in a sheer nightgown. The scene is interspersed with opening credits that include the profiles of other naked women.

The movie’s plot didn’t include a murder, but juror Lou Bryan recalls how uncomfortable she felt in the courtroom watching just the beginning. In her memory, “it was bizarre how similar it was to what had happened.”

It was a shocking way to end the first day of a weeklong trial, she said.

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There are many things she’s forgotten in the 24 years since Michael’s trial, but Nancy Guenter remembers the bloody pillow.

When prosecutors presented the evidence taken from the crime scene, the white pillow stained with dark crimson splotches was passed around the jury box so everyone could take a good, long look.

Guenter saw it more than any of them. Once done with it, a prosecutor sat it right in front of her chair. She couldn’t help but stare. It was difficult to concentrate on the arguments and testimony with the pillow staring back.

Finally, Judge Lott noticed her condition and had prosecutors move it away.

“It was long enough for me to feel uncomfortable about it,” Guenter said. “I wouldn’t say that that swayed my decision, but it was difficult to see. I remember that.”

Just weeks ago, the now 58-year-old Guenter was packing up her things to move to a new home in Round Rock when she found the *Austin American-Statesman* article she’d kept for nearly a quarter century.

The front-page photo shows Michael flanked by officers as he's led out of the courthouse after the jury — Guenter included — convicted him of murder.

She rediscovers the article every few years, and each time the memories boil back to the surface: the photos of Christine Morton lying lifeless in bed, the medical examiner's time-of-death estimate that proved to her Michael was home when she died, the household items Michael must have stacked neatly on her body so his son wouldn't see.

She remembers 3-year-old Eric. Guenter's own son was about the same age when she sat in judgment of Michael.

She's never had a doubt. Even after Michael's exoneration last week, Guenter stood by the jury's decision.

“I would today say that our finding him guilty — I would stand by that decision 100 percent based on the information we were given,” she said. “I can't regret my decision because it was my job to go into the trial and make a decision based on everything they gave us.”

But now it's the memories she doesn't have that trouble her. As Michael's attorneys unearthed powerful evidence of his innocence this summer, she wonders why she doesn't remember any of it being presented during trial.

She doesn't think prosecutors withheld evidence, though. As demanding as the trial was, she left feeling impressed with the whole process and proud that she made an impartial decision.

“Ken Anderson comes across as very professional,” she said. “He does his job well. He doesn't come across as — he's not acting or anything like that. He's doing what needs to be done.”

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To convince the jury that Michael, who'd never committed a crime, was capable of murdering his wife, Anderson needed to show behavior that suggested the potential for violence had already been there, simmering just beneath the surface.

He needed a monster.

The witnesses called to testify about the couple's relationship gave mixed reviews, but no one ever suggested Michael had been physically rough with Christine. They had their disagreements, but friends and neighbors usually described them as a couple struggling with marital difficulties, not unlike many others.

But there were also a handful of memories of Michael acting strange or standoffish or rude. Anderson weaved those conflicts together to present Michael to the jury as a cold, remorseless killer who resented Christine for making more money and withholding sex.

Michael's attorneys called it "character assassination." Anderson said it was based on his interviews.

"The best I've heard this marriage characterized is loud, and I really don't expect they're going to try to convince the jury or anybody else that they sat around kissing and hugging on each other all day long," Anderson said.

When he called the Mortons' next-door neighbor Elizabeth Gee as one of his first witnesses, she told the courtroom that Michael and Christine argued with each other at least a couple of times every week, often about what to do with their house and yards.

She believed that Michael didn't like the flowers his wife had planted. Two days after the funeral, she saw Michael weed-eating down the front-yard marigolds and the bushes his wife had planted in the back.

And at the funeral, when Michael leaned in to embrace Gee, he said one word in her ear: "S—t."

Gee described the other curse words Michael would use around Christine and in front of children from the neighborhood. When Michael cursed at her, calling her a "b—h," Christine would say, "Oh, don't mind him."

The neighbor also related a story from Eric's third birthday, when Christine hired a performer to entertain the children as Big Bird from Sesame Street. But it upset Eric. As Michael held his crying son, he turned to Christine and said, "Pay the b—h and get her the f—k out of here."

Anderson also attempted to ask her about a time when she'd seen Michael kick Christine's dog.

It was relevant to the trial because "it makes him more likely to kill his wife," Anderson said. Judge Lott sustained an objection from Michael's attorneys against introducing that story to jurors.

Christine's boss Susan Dayhuff also spoke in court. The two had worked together at an Austin branch of Allstate Life Insurance. Susan and her husband William Dayhuff had eaten dinner with the Mortons on several occasions.

"There were times when we had real good times, there were times they were getting along and I was getting along with my husband, there was times I was fighting with mine and they were fighting, but not anything abnormal," Susan said.

And when Michael's attorneys called his friend David Marshall to the stand, Anderson forced him to acknowledge that he'd also heard Michael call his wife a "b—h."

Marshall, who'd known the Mortons for four years, said the comments were always made "jokingly, just to get her attention or something like that."

At Anderson's urging, he told how Michael joked in front of other guys about wanting more sex from Christine. He would not describe Michael as verbally cruel to his wife, as Anderson implied.

"That was just the way they were," Marshall said. "It was done in fun. It wasn't done in abuse as far as I could perceive."

And when Holly Gersky testified about Michael's "innuendoes," she told attorneys she'd heard the same expletives, though she'd never believed it could lead to violence. She also said that Christine and Michael had rented adult movies together before Michael's birthday.

In seven and a half years of knowing Christine and Michael, she never saw any violence between them.

Perhaps the most damning testimony came from the investigators who first met Michael the day his wife was murdered. Officer Mike Lock and Sheriff Boutwell both portrayed Michael as flippant and unemotional when he arrived on the crime scene.

Jurors would recall how "unemotional" Michael was during trial, but it's clear that Michael cried at least four times: when Anderson read the note he'd left for Christine, when prosecutors showed the photos taken of her face and body, when Anderson accused him of killing her, and when the jury read his conviction for murder.

But when Anderson asked the jury to sentence Michael to life in prison, he told them Michael had never really cried for Christine.

"Those tears were for himself as they have been all the way through this trial," he said. "That's the only person he cared about."

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Mary Pevehouse hadn't kept up with the news about Michael Morton's case. She hadn't thought about it in years.

So the night after the *Sun* called to ask for an interview last month, she couldn't fall asleep for hours because of the flashback that came roaring back to consciousness: Christine Morton's bloody face.

It had been a long time, and until that day she had forgotten all about it.

Maybe for good reason. The trial was especially rough on her. By the time it was over, she was so stressed she had a rash all over her body. She couldn't watch bloody movies for a long time afterwards.

The prosecutors were so good at their jobs that Pevehouse, now 63, felt like she had been there in the room when it happened, she said.

“He must have really hated her a lot. Nobody deserves to die like that.”

Judge Lott told jurors they would never again experience a trial like this one. Pevehouse already knew she would never again want to take part in a murder trial.

Like the other jurors, she felt convinced by the medical examiner's time-of-death estimate that put Michael at home when Christine died. She believed Anderson's story that he killed her because she refused to have sex with him.

Pevehouse, who couldn't be reached after Michael's exoneration, said last month that all of that was proved during trial.

She believed Ken Anderson when he insinuated that Michael's anger was the result of years of pent-up bitterness that his wife was more successful than him and made more money than he did.

“To me, it did not happen that night. It was building up over time. He felt inferior to her. It probably used to really get to him and he started hating her, I guess. He's lucky he got life.”

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Christine Morton had died as the result of eight crushing blows to her head, Travis County Medical Examiner Roberto Bayardo told the courtroom. And she died before 1:15 a.m. the morning of August 13, 1986 — more than four hours before Michael said he left for work.

To jurors, Bayardo was a trusted, competent expert. And now they had evidence putting Michael at the crime scene.

During eight years as the medical examiner, he'd completed 6,800 autopsies for more than 20 Central Texas counties.

So when Bayardo testified that Christine died before 1:15 a.m., the jury believed him, even when defense attorneys presented five medical textbooks, two case studies and two other pathologists that all contradicted his opinion.

Christine had died with three ounces of semi-digested mushrooms, olives, squash and tomatoes in her stomach from her celebratory birthday dinner with Michael. They paid for the meal around 9:15 p.m.

Bayardo based his opinion on those facts. When Allison read forensic textbooks stating that the rate of digestion varies too much from person to person to accurately estimate time of death, the medical examiner agreed, yet stood by his estimate anyway.

ALLISON: Is it important in determining the rate of emptying of the human stomach whether or not the meal eaten was large, medium or small?

BAYARDO: Oh, yes.

ALLISON: Do you know or have any idea how much the meal that Chris Morton ate weighed?

BAYARDO: No, sir.

Later, Allison and White called two forensic experts to testify against Bayardo — Bexar County Medical Examiner Vincent DiMaio and private sector expert Linda Norton, who'd led the exhumation and identification of Lee Harvey Oswald in 1981.

DiMaio said Bayardo's estimate was unlikely. Norton said it was incorrect, and added that Christine could have died as late as 9 a.m.

“Great caution is advised in terms of going into a courtroom and being extraordinarily dogmatic about a specific time of death,” she said. “This is probably the least accurate thing that forensic sciences does in the modern time.”

Bayardo had also changed his estimate. When he finished Christine's autopsy two days after the murder, he said she died between 1 a.m. and 6 a.m., which would give a half-hour window for someone else to kill Christine while Michael was at work. Initially, investigators told Bayardo that Christine had eaten her last meal around 10:30 p.m.

After Anderson told Bayardo they finished dinner at 9:15 p.m., the medical examiner revised the time-of-death.

“I might have made that statement, but when I made that statement, I didn't know all of the facts,” Bayardo said.

Norton said she couldn't reconcile the two estimates. They didn't follow a consistent formula. The first was a five-hour window and the second was a four-hour window. That just didn't make sense to her, she said.

Yet Anderson swayed jurors by pointing out that Norton and DiMaio were paid by the defense to testify. During cross-examination, he asked Norton to describe in detail how much she was being paid to provide her professional opinion.

On the stand, Bayardo reiterated that his time-of-death estimate wasn't "a scientific statement," but derived from his experience. Yet his seemingly contradictory testimony — that the estimate was not scientific but based on science — had Anderson's convincing support.

During closing arguments, Anderson would tell the jury six times that medical science proved Michael guilty of killing his wife. He said that Norton and DiMaio didn't act like scientists because they were paid for the work instead of actively seeking out "the truth."

"The problem the defense has with Dr. Bayardo... they have to go all out because if they lose on that one, their client is going to be convicted," he said. "They've got to go berserk on that because medical science shows this defendant killed his wife."

Reached at home this week, Bayardo said that was an inflation of his testimony.

"It wasn't accurate," he said, adding that stomach contents are just not a reliable way to determine time of death. "It's not a scientific way of doing things. It's always been like that. There's no change. It's not perceived as reliable by medical examiners."

If it's not reliable, then why testify?

Because they asked me to, Bayardo said.

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Pubic hairs in Christine's hand, a semen stain on the bed sheet, a billy club in Michael's truck — these were the final pieces of Anderson's story, the ones that would complete his portrait of a sex-crazed killer.

The district attorney called upon crime scene analysts with the Texas Department of Public Safety to testify about their examination of evidence from the Mortons' bedroom.

He brought in serologist Donna Stanley about the semen near Christine's hand. She said forensic testing showed cells from the fluid matched Michael's blood type and that it could be the result of ejaculation and not intercourse. It's impossible to say how long the stain had been there, she added.

Then Anderson called Juan Rojas, who worked with trace evidence.

Of the three hairs found in Christine's hand, microscopic analysis matched one to Michael's pubic hair. Rojas also testified that hairs found in Michael's truck bed matched Christine's head and pubic hairs.

The picture was complete.

Combined with the pornographic movie, the unopened condom found in the living room and the note left by Michael telling Christine he felt “hurt and unwanted” when she turned down sex, the prosecutors had set the stage and it wasn’t pretty.

After beating his wife to death in a rage fueled by sexual frustration, Michael completed his revenge by masturbating over her body, Anderson told the jury.

“And I’m sorry about what the defendant did. I wish I hadn’t had to tell you, but he created the facts. And that sperm stain where it is, and that pubic hair where it was showed what he did. And it’s gross and it’s sickening and I don’t know how to describe it. But that’s what he did.”

Anderson never argued that the case against Michael wasn’t based purely on circumstantial evidence. That was clear.

But at the end of the trial, when the district attorney pieced together all of the evidence for the jury, he placed each one within the context of that blood-curdling story. He told them Bayardo’s testimony amounted to hard, scientific proof.

He radiated absolute confidence it all amounted to certainty beyond a reasonable doubt that Michael had brutally murdered his wife.

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Michael’s attorneys didn’t just sit and watch.

They had their own narrative of what happened to Christine. But whenever they successfully cast a shadow of doubt on Michael’s guilt, Anderson effortlessly squashed any remaining uncertainty among the jurors, they said later.

First, Allison and White argued that it shouldn’t be surprising to find Michael’s semen and pubic hair in his own marriage bed.

Then they called botany professor Theodore Delevoryas to confirm that woodchips found in Christine’s hair didn’t match the ones found in Michael’s pickup — an attempt to combat Anderson’s insinuation that Michael had killed his wife with the billy club he kept in his truck.

The attorneys introduced photos of the footprint found in the backyard and pointed to the unidentified prints from the crime scene.

Since they never made an opening argument, it wasn’t until the last day of trial that Morton’s attorneys fully articulated their own theory: an unknown intruder crept up from the wooded area behind the house, entered through the unlocked sliding glass door and killed Christine. Then he’d left the same way, escaping to a nearby home construction site.

Allison understood that was a fantastic thing for jurors to believe.

“What it contemplates is random violence,” he said. “What we want to think, what we’re eager to think, is that must be domestic violence, because you and I both know that if we contemplate what else it could be, it could scare us to death because what that means is that ... you and me and the people out here, we aren’t necessarily safe in our own homes.”

In the end, it made no difference. It just seemed more likely that it would be an angry husband than an arbitrary killing, jurors said. Why would a random murderer stack a comforter, suitcase and laundry hamper on top of Christine’s body? Why wouldn’t he have stolen more valuables? Why weren’t there any blood trails out of the house or even bloodstains found outside the bedroom?

Just too many questions left unanswered.

Why would Michael, a man with no criminal history, suddenly murder his wife of seven years?

“I think it’s as possible as the man who jumped over the fence,” juror Nancy Guenter said. “Either one is possible. I think the prosecutors proved his sexual rage more than the defense proved that somebody jumped over the fence. In my head, there was not one doubt.”

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The silence required of jurors prevented him from talking to anyone about the trial, not even his wife, so Mark Landrum ended each day journaling about what he’d experienced, what he thought was important, what he couldn’t understand.

He was a 26-year-old Round Rock resident working at a computer company in Austin when he received the summons for jury duty.

When he first walked into the courtroom and saw 100 potential jurors, he somehow knew immediately that he’d be picked, that he would serve. But it wouldn’t be easy.

“It was incredibly horrible,” he said. “It engulfed me for that time period.”

He dug up the journal a month ago when new DNA evidence strongly suggested the man he’d sent to prison was actually innocent. Shocked, Landrum wanted to find out what he could have missed. Maybe the journal had a clue.

What he found convinced him that he and the other 11 jurors had made the right decision, even though Michael has now been released from prison an innocent man.

The case hadn't weighed on Landrum over the years because he'd always felt that way. At trial, Michael seemed so detached and disingenuous and the defense witnesses so unconvincing. The prosecution, on the other hand, methodically stacked each circumstantial detail until it seemed a tower of evidence overshadowed Michael's claims of innocence.

"The only thing the defense could do was try to poke holes and say, 'there was really nothing concrete here.' They just couldn't come up with enough to create that reasonable doubt."

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The final two days of trial didn't go well for Michael.

Defense attorneys asked him to recount his childhood in Los Angeles, his teenage years in Kilgore and college life in Nacogdoches, his fidelity to Christine and the difficulty of their marriage once Eric was born.

But it was Anderson's searing cross-examination that jurors would remember as one of the most incriminating, dramatic moments of the trial. The prosecutor forced Michael to repeat certain behaviors in the days following Christine's murder: when he slept in his marriage bed with blood still underneath the mattress and when he posed for a newspaper photo two days after her death. He forced Michael to acknowledge that he asked Christine's boss about how to collect her \$132,000 life insurance policy a week after the funeral.

Then he tried to compel a confession with a battery of questions.

ANDERSON: Isn't it a fact that you did go in there and you did take that club in there?

MICHAEL: No, I didn't.

ANDERSON: You took that club and you beat her?

MICHAEL: No.

ANDERSON: And you beat her?

MICHAEL: No.

ANDERSON: And you beat her?

MICHAEL: No.

ANDERSON: When you were done beating her, what were you wearing to bed?

MICHAEL: I didn't beat her.

ANDERSON: What were you wearing to bed?

MICHAEL: Nothing.

ANDERSON: Nothing on? And when you got done beating her, you masturbated?

MICHAEL: No.

ANDERSON: With her dead body there, that's how your pubic hair ended up on her hand?

MICHAEL: No.

ANDERSON: And you took your dead wife's blood while you were beating her and splattered it on your little boy's picture, didn't you?

MICHAEL: No.

ANDERSON: Pass the witness.

The next day was closing arguments.

Jurors said Allison, the defense attorney who Michael would later praise for always believing in his innocence, sowed a seed of doubt.

Allison asked them to consider the handful of notes that Sheriff Boutwell said comprised his entire investigation and the statements he claimed Michael made but never documented. Allison asked them to consider the unidentified fingerprints in the bedroom and on the sliding glass door.

He asked them to consider how a random killer could have quickly stolen the handgun for protection during his getaway and covered Christine's body with the comforter and other items to give himself more time before someone found the body. After all, it took Elizabeth Gee three searches to notice something was wrong.

And Allison asked them to consider Michael's ordinary behavior when he went to work that morning. He asked them to forgive Michael's seemingly callous behavior in the days afterward.

"We don't convict people because they don't act the way we think they should act."

For a moment, several jurors remember feeling moved by that speech. But Anderson's rebuttal crushed that seed before it had any time to germinate.

The jury took less than two hours to decide they would convict Michael Morton of first-degree murder. And because they ate lunch before reading the verdict, they actually only discussed Michael's case for a little over an hour, according to jury foreman Mark Landrum.

There was an immediate consensus, he said. In an initial ballot, 11 of the 12 men and women voted guilty. It didn't take long before it was unanimous. After another emotional powerhouse of a speech from Anderson, they sentenced Michael to life in prison.

"The defendant took that life, and he splattered blood on the picture of his little boy, and I just don't know how to argue beyond that," Anderson had told them. "He is remorseless. He is amoral. He is beyond any hope. He is beyond any understanding. He is beyond comprehension."

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Of the three most important pieces of forensic evidence used in Michael's trial — the time-of-death estimate, the pubic hair and the semen stain — only one was accurate.

Subsequent DNA testing proved that the pubic hair in Christine's hand was Michael's, but when his attorneys had the semen stain reexamined more than 20 years later, the test found cells from Christine as well, proving conclusively that the stain was the result of intercourse, not masturbation.

As for time of death, Christine couldn't have died when Bayardo said she did because DNA tests ultimately linked another man to the crime. A man who likely dropped or cast aside the blue bandanna with his blood — and the blood and hair of Christine — along the exact path defense attorneys originally claimed a random murderer could have traveled to escape notice.

Today, Michael is represented by the Innocence Project of New York and a Houston law firm that took up his case at Allison's request.

They say his wrongful imprisonment wasn't just a tragic mistake. It was the result of prosecutors who engineered a conviction by withholding evidence.

Sgt. Don Wood had received compelling leads that didn't leave the closely guarded files of the sheriff's office until more than 20 years after the trial.

Nancy Guenter, Elizabeth Hamilton, Mark Landrum, Mary Pevehouse and Lou Bryan — they believed in Ken Anderson and Mike Davis. They believed they'd been given all the tools they needed to be just, to be fair.

Now they want answers.

Because if prosecutors really provided all of the evidence, then the jury will feel the burden of the mistake, Landrum said after Michael's release from prison last week.

"I wish we had known. That's all I can say. Now we'll all be weighed with this for the rest of our lives. There just wasn't anything there other than guilt with what we were presented."

As for Michael, he never stopped protesting his innocence.

The jury read his verdict. The jury sentenced him to life in prison. The judge asked if he had anything left to say.

"Your honor, I didn't do this. That's all I can say. I didn't do this."

He'd spend the next 25 years in a Texas prison trying to prove it.



### Part 3: The Aftermath

‘There’s a very brutal killer still out there’

October 23, 2011

**Both families cried** the day Michael Morton was sentenced to life in prison, if for different reasons.

After a Williamson County jury convicted Morton of murdering his wife, Rita Kirkpatrick left the Georgetown courtroom in tears. She’d seen justice done when they convicted her son-in-law of killing her daughter — the beautiful, blue-eyed Christine Morton.

“It’s over, it’s finally over,” she said. “They didn’t bring my daughter back, but it’s over. Now I can let her die.”

Christine’s father Jack Kirkpatrick told a newspaper before the trial that his entire family was convinced of Michael’s guilt. As bailiffs led Michael out of the courtroom, he turned to his father-in-law and said in a soft voice, “I swear to God, Jack, I didn’t do it.”

Michael’s mother sobbed quietly. His father was in shock. Michael said his family had been “financially wiped out” paying for his defense attorneys.

They still believed their son was innocent, but now the trial was over. Pat and Billy Morton’s son would be sent off to a Texas prison, likely for the rest of his life.

“I just hope whoever did it doesn’t get into somebody else’s family and ruin it the way they did ours,” Billy Morton said.

That’s exactly what may have happened.

Less than a year after the trial, 34-year-old Debra Baker was found murdered 12 miles from the Morton home. Both women had been beaten to death in their bedrooms, Christine by eight blows to the head and Baker by six.

But Austin police never made an arrest in the Baker murder. Decades went by and they reported no new leads.

Not, that is, until DNA evidence this year proved Michael innocent and linked another man to his wife’s murder. Further DNA testing tied that man to the Baker case.

There has been no arrest yet. The investigation is ongoing and police have not released the suspect's name. But even as Michael continued to protest his innocence in the days after his trial, he issued a warning that now sounds like a prophecy:

“People out there should know that there's a very brutal killer still out there.”

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A month after his conviction, Michael's defense attorneys filed a motion demanding a new trial.

They claimed Williamson County prosecutors violated Michael's basic rights by withholding evidence that suggested someone else could have killed his wife. Attorneys never received any of the evidence collected by Sgt. Don Wood, who initially called himself the chief investigator of the Morton murder but didn't testify at trial.

Michael's attorneys based their motion on a comment that Assistant District Attorney Mike Davis, who prosecuted Michael under District Attorney Ken Anderson, allegedly made to the jury immediately after the verdict.

“Mr. Mike Davis... told the jury that Sgt. Wood's reports were sizeable (he held up his hand and indicated about one inch between his fingers) and that if the defense had gotten them, we would have been able 'to raise even more doubt than we did,'” defense attorney Bill Allison said in the court document.

Jury foreman Mark Landrum said he remembers his surprise at Davis' comment. He asked about the other evidence, but the prosecutors “didn't really go into more detail.”

The motion didn't make a difference, anyway. Michael never got a new trial.

His attorneys had complained before his conviction that prosecutors hadn't turned over all the evidence.

To assure them their client was being fairly prosecuted, Judge William Lott ruled that all documents from the Williamson County Sheriff's Office investigation be handed over to him in a sealed file and he'd decide if there was anything else defense attorneys had the legal right to see.

The judge didn't find any. The trial moved forward and the sealed file remained off limits to Morton's attorneys.

It wasn't until 2008 that Michael's new set of defense attorneys finally gained access through an open records request to evidence that his trial lawyers had never seen — evidence that did, in fact, cast doubt on his guilt.

That still wasn't enough to free him.

But in August of this year, after DNA testing decisively proved Michael's innocence, attorneys once again pointed to that evidence and asked the same disturbing questions.

Davis told the *Sun* on August 23 that he and Anderson had handed everything over to Judge Lott, including an interview of Rita Kirkpatrick, who said the Mortons' 3-year-old son Eric had witnessed a "monster" who wasn't "Daddy" murdering his mother.

The judge had already determined that evidence wasn't exculpatory, or relevant to the defense, Davis said.

"That [interview] was after Mr. Morton had his son in custody for several weeks. How would you get that into evidence? That's hearsay," Davis said. "If Ken Anderson had any exculpatory evidence, he would have turned it over. He is a man of absolute honor and integrity, in my opinion."

After 24 years, the sealed file was finally opened last month — and the interview of Christine's mother wasn't inside. Neither was any of the other evidence discovered in files at the sheriff's office.

Prosecutors are required by law to hand over any exculpatory evidence to the defense, regardless of whether or not they believe in its veracity. If the additional evidence wasn't in that file, that means Lott never had the chance to rule on it, defense attorneys never had the chance to review it and jurors never had the chance to consider it.

Michael's attorneys will wrap up an investigation into the actions of Anderson and Davis next month. During a brief legal dispute this month over the attorneys' right to continue scrutinizing the case, Michael said he'd be willing to go back to prison just to make sure the investigation is completed.

He'd already been wrongfully imprisoned for 25 years.

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Yes, Michael chopped down his dead wife's marigolds.

As the Mortons' neighbor Elizabeth Gee had testified during trial, Michael and Christine had previously fought about whether to plant the flowers in their garden. At some point in the weeks after her murder, Michael cut them down.

But that wasn't because he had brutally murdered her and was now trying to erase all trace of her memory, as prosecutors hinted at trial.

He was a single father trying to sell the house, get the most money possible and move into a new home with his son. A real estate broker suggested he mow down the flowerbed for a better price.

“They were already brown and dying anyway, or already dead, so I cut them down and put plastic and bark chips out there to get the house presentable,” Michael said. “The marigolds were not anything I connected with Chris.”

Gee’s account of the mowed-down marigolds was just one of the pieces of character evidence that Michael never had the chance to explain during trial. So when newspaper reporters came to interview him in the Williamson County Jail, he was only too willing to finally tell his side of the story.

He continued to maintain his innocence and insisted that the jury’s guilty verdict was the result of an emotionally charged trial. It “bowed him over” when all but one member of the jury were willing to find him guilty in the first five minutes of deliberation, as the jury foreman said after trial.

He’d seen in the news that Williamson County juries were tough, that the county had higher conviction rates and longer sentences. But he still thought his trial would be different. After all, it was a “straightforward” case with no hard evidence.

“I’ve always had a basic faith in the system and I was really surprised by those people,” he told the *Sun* days after his 1987 conviction. “If I had to base a case on gruesome pictures and pointed fingers and questionable medical testimony, I would think long and hard before I made a five-minute decision.”

He was surprised the jury could believe he would brutally murder his wife, leave his son alone without anyone to give him his medication, which he needed after the open-heart surgery from six weeks earlier, and then act perfectly normal all day.

“You’d have to be out to lunch,” he said.

And then there was the evidence never presented during trial.

Michael said his son Eric had told family members that he’d seen the murderer, a “bad man with a big tummy” and “the guy in the shower with his clothes on.”

Attorneys called that hearsay and it wasn’t brought up at his trial, Michael said. Neither was the bloody bandanna found by a family member 100 yards from the Mortons’ home.

The evidence Anderson showed at trial shocked jurors into their decision by manipulating their emotions, not by presenting convincing evidence, Michael told the *Hill Country News*.

He pointed to the pubic hairs found in Christine’s hand and the blood-curdling insinuations that went with them, as an example of the circumstantial evidence that was blown out of proportion.

“If there’s not pubic hairs in a bed where your wife and you are, I don’t know where else they would more likely be,” he said.

And although investigators had told Michael the killer had to be someone who knew the family because of “the way the scene looked,” he couldn’t imagine anyone with a grudge against Christine.

“I can’t tie this in to any of our friends or acquaintances at all. I’ve got to think it was somebody that we don’t know,” he said.

Anderson talked to the newspapers, too. Once again, he countered Michael’s pleas of innocence with his version of events — the version jurors believed.

Despite Michael’s claims that Eric may have seen the murder, he couldn’t have testified anyway because children younger than 5 years old “aren’t considered competent witnesses.”

Besides, Michael was found guilty based on “overwhelming evidence.” A life sentence, Anderson said, was “better than he deserved.”

“His wife wouldn’t do exactly what he wanted when he wanted, so he killed her — he’s probably still mad at her for making him kill her. That’s why he chopped down the marigolds she had planted.”

In the end, Michael’s unwavering protests didn’t make a difference. He acknowledged that he no longer had a choice. Dreading a life spent in a Texas prison, he was asked by the *Sun* what made him want to go on.

Michael couldn’t find an answer. He missed his wife “terribly.” He was worried about what would happen to his little boy.

“I don’t want him to be used as a pawn between the in-laws and my family. I’m very concerned about what’s going to happen to him. I’m scared and worried. I want him to stay close to both grandparents and live with my parents because they have the traditional family environment — both parents at home.”

It didn’t happen.

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After nearly a year-long legal battle, Michael Morton’s sister-in-law Mary Lee Kirkpatrick gained custody of Eric.

Judge Lott, who’d presided over Michael’s trial, made the ruling. And Davis, who left the DA’s office for private practice within days of the trial, represented Mary Lee.

Michael had wanted his parents, Billy Morton, 54, and Patricia Morton, 51, to take care of Eric after his conviction, but Lott granted temporary custody to Mary Lee within three weeks of the trial. The judge also ruled that Michael would not be allowed to see his son until it was settled who would get full custody.

One day later, Michael was transferred from the Williamson County Jail to his new home in Huntsville.

Aware of the custody battle over his son, Michael wrote two letters to Judge Lott from his cell, pleading for visitation rights with Eric. He wrote the second letter on April 29, 1987:

Your honor,

I will make this brief. I know you are a busy man. On October 5, I will be standing before you again. This time my sister-in-law, Mary Lee Kirkpatrick, will be trying to prevent me from ever seeing my son again. You have signed an order requiring me NOT to see my son until I appear before you — at which time the final decision will be made.

I am asking you to let my son and I see each other one time, for the following reasons:

- 1) the “innocent until proven guilty” concept
- 2) my son has lost his mother also
- 3) the length of time between your order and the trial date
- 4) the psychological good can come from this one surviving parent
- 5) I am innocent of the crime of murder!

Please, Judge, I beg this one request.

Thank You Very Much  
I await your reply,

Michael Morton  
#445394  
Wynne Unit  
Huntsville, TX 77349

It worked.

Whether it was the letters or something else, Judge Lott ultimately granted Michael two visits with his son each year. His parents didn't get full custody of the boy, but were given one weekend a month with him as well as four weeks during the summer. They also got some time with him at Christmas and on spring break.

At the time, Mary Lee Kirkpatrick was an unmarried 26-year-old living in Houston with her mother. Rita and Jack Kirkpatrick were still married, but Jack lived in Pasadena, where he ran his real estate business.

Davis said at the time that Mary Lee and Rita would take care of Eric.

Judge Lott said the initial custody decision was hard to make because both the Kirkpatricks and the Mortons were “good and sincere people.”

For about 10 years, Christine’s family escorted Eric on visits to see his father. Mary Lee eventually got married and had children of her own.

At some point, maybe 10 years after the trial, Mary Lee called up juror Mark Landrum.

She was calling jurors to thank them for the job they did, Landrum said. They talked about the trial and they talked about Eric.

“We had about a 30-minute conversation,” the juror recalls. “I got the feeling she didn’t feel there was any question about our decision.”

As Eric grew older, Michael began to sense that his son was uncomfortable visiting him at prison. He noticed that Eric appeared torn between his father in prison and the new family that brought him there.

Then, when Eric was a young teenager, he wrote Michael a letter asking if he could discontinue the visits. Michael had the legal right to keep seeing his son until he turned 18. He could have refused.

But he didn’t.

“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,” Michael said in a 2004 court affidavit. “I have not had contact with my son since that time.”

When Eric turned 18, the mother he had known for most of his life, now Mary Lee Olson, officially adopted him.

He changed his name from Eric Michael Morton to Eric John Olson.

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In Huntsville, as in most Texas prisons, each cell houses two inmates.

The average cell is about 70 square feet, including a bunk bed, toilet, sink and writing table.

The inmates must rise each day at 3:30 a.m. and eat breakfast an hour later. Work assignments begin at 6 a.m. and continue until lunch at 10 a.m. Then they report back to their jobs, which can be cooking, cleaning, doing the laundry or general maintenance.

Dinner is at 4 p.m. Afterward, the prisoners can take classes, watch some television, play basketball, a few other things. Rack-up time is about 10 p.m. The cell doors close. The inmates sleep. They wake up and start again.

Michael would stay in this prison and others like it from March of 1987 until early this month, when he was released from a Williamson County courtroom.

For the nearly 25 years from his first day in a Texas prison until that moment, Michael seized every opportunity to fight for a chance at freedom.

He knew he would be inside for at least a year. It would take at least that long for the Third Court of Appeals to make a decision on his case.

His attorneys told him he had a good chance of winning, and in his first appeal, Michael's lawyers argued that the trial evidence used to convict him was insufficient to prove his guilt, other evidence was obtained illegally without a search warrant, and the inflammatory evidence — like the X-rated adult movie — was just for shock value, sowing prejudice against him from the start.

In the brief Anderson filed with the appeals court, he called the evidence against Michael “overwhelming.”

Even without the time-of-death estimate that put Michael at home when his wife was murdered, Anderson argued the other circumstantial evidence was enough to convict him: the pubic hair found in Christine's hand, the semen stain on the bedsheet, the nightgown pulled up around her waist, the unopened condom left on the floor and Michael's note suggesting they'd fought about sex.

In December 1988, the appeals court agreed, affirming the conviction. The court also ignored Michael's complaint that Sgt. Don Wood hadn't turned over all his notes on the investigation.

“Because we have nothing more to consider than a mere possibility raised by Morton, we reject this complaint,” the court said in its opinion.

Michael stayed in prison.

He then petitioned the Texas Court of Criminal Appeals, the highest criminal court in the state, to ask for another review of his case. Michael was denied in 1989. Less than a year later, he filed his first writ of habeas corpus, a legal petition to free someone from prison based on claims of innocence.

In that brief, he requested DNA testing of the semen found on the bedsheet, hoping to find evidence of another man, another killer. The request was approved in 1991, but the new test showed Michael was the source of the semen.

It also proved something else. A forensic expert had testified at trial that the semen stain was likely the result of male ejaculation, but the test showed she'd been wrong.

The stain included traces of vaginal fluid, meaning the stain was the result of consensual intercourse — not masturbation.

That capsized Anderson's implication at trial that Michael had masturbated over his wife's body after beating her to death, a keystone of his theory that sexual frustration motivated Michael to kill Christine.

It still wasn't enough. District Judge Billy Ray Stubblefield ruled the tests inconclusive on Michael's claims of innocence.

Not giving up, Michael filed two more petitions in 1992 for further DNA testing of other evidence from the crime scene. He was twice denied.

He'd run out of options. He stayed in prison.

It was another eight years before the Innocence Project of New York, already famous for finding wrongfully convicted inmates and winning their freedom, began looking into Michael's case at the request of his trial lawyer Bill Allison in 2000.

It took a further five years for the Innocence Project to find a pro bono attorney, John Raley of Houston law firm Raley and Bowick, and file a motion requesting DNA testing of all the remaining physical evidence taken from the 1986 crime scene.

After DNA testing became available in the early 90s, Texas saw seven men exonerated by the start of the new century. The legislature took action in 2001, passing a law that eased the process for inmates seeking to prove their innocence. Including Michael, there have now been 45 DNA-based exonerations in Texas.

In 2005, Michael's new lawyers asked for testing of everything: hair from the marriage bed and Michael's truck bed, vaginal, oral and rectal swabs from Christine as well as scrapings taken from her fingernails, her nightgown, the bloody bandanna and hair from the bandanna.

They also asked to test evidence from the unsolved 1980 murder of Mildred McKinney for comparison. McKinney was found beaten to death a mile from the Mortons' home at a strikingly similar crime scene.

By the time of this latest attempt to win Michael's freedom, John Bradley had become the district attorney for Williamson County after the governor appointed Ken Anderson a district court judge in 2002.

Bradley argued against releasing any of the Morton evidence for testing, but Judge Stubblefield agreed in 2006 to the DNA tests requested by Michael's attorneys — excluding the bandanna and anything from the McKinney crime scene.

In March 2008, the finished tests provided little new information about the Morton murder with one exception: Michael was still a possible source of the hairs found in Christine Morton's right hand. Stubblefield ruled the tests inconclusive.

Michael would stay in prison.

Months after Stubblefield's ruling, Michael and his attorneys appealed to a higher court for tests of the bandanna and McKinney evidence. Again, Bradley's office tried to deny testing, arguing that the bandanna was unrelated to the Morton case because it wasn't found by investigators and largely ignored during trial.

It took nearly two years for Michael to get a decision, but this time — more than two decades after it affirmed his original conviction — the Third Court of Appeals came down on his side, overturning Judge Stubblefield's denial of testing.

The appeals court still didn't allow access to the McKinney evidence, but the bandanna was finally within Michael's grasp.

Orchid Cellmark, a Dallas laboratory, released the results of the test in June of this year. Christine's blood and hair were found on the bandanna. So was the blood of another man who had felony convictions in at least four states and had lived near the Morton home at the time of the murder.

The tests found no trace of Michael.

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The bandanna had always been a subject of debate.

At trial, it was discussed only once. Attorneys argued over its admissibility outside the hearing of the jury.

Morton's lawyers said they would try to establish the bandanna's authenticity before entering it as evidence, but that never happened. Prosecutors dismissed it as irrelevant to the case.

Of the many extraordinary events surrounding this strange piece of evidence, one leaps out: it seems unlikely, if not outright impossible, that Michael would ever have been freed from prison if not for Christine's older brother.

For reasons that remain unclear, John Kirkpatrick explored the area around Christine's home the day after her murder. At a home construction site on Amanda Street, separated from the back of the house by about 100 yards of wooded land, he found a bloody blue bandanna on the curb and a paper napkin in the garage.

Both had bloodstains. The next day, Kirkpatrick contacted the Williamson County Sheriff's Office and gave investigators a plastic bag containing the items.

There were already several problems with this.

First, investigators must maintain a "chain of custody" for all evidence in order to avoid tampering and ensure admissibility in a courtroom. The fact that a family member, and not an investigator, had found and turned over the items was an issue.

And bizarrely, an investigator had searched the same area before Kirkpatrick with very different results.

According to a police report dated the same day as Christine's murder, a sheriff's deputy picked up a bandanna in the same place, but discarded it because it "appeared to have been there for an extended period of time" and "was completely free" of blood. He found nothing else at the construction site.

The napkin was never discussed during trial. Though DNA testing wasn't available in 1987 to determine whose blood was on the bandanna, it might have helped Michael's defense if his attorneys had been able to introduce it to jurors.

After all, the bandanna fit perfectly with their theory of how Christine could have been murdered by an intruder, even though the crime scene showed no signs of forced entry.

Michael's original attorneys, Allison and Bill White, insisted that the murderer had likely approached the house from the wooded area, entered through an unlocked sliding glass door in the bedroom, and left the same way.

Kirkpatrick discovered the bandanna on the exact route the attorneys argued a killer could have used to escape unnoticed. The same route that private investigator Ken Bates described at trial.

A nine-year veteran of the Austin Police Department, Bates was hired by the defense to investigate the area surrounding the Morton home. He testified in court that he could easily climb over the six-foot-tall wooden privacy fence around the Morton home and into their backyard.

The wooded area behind the fence was littered with beer bottles, Coke cans, piles of wood and construction materials, an abandoned couch and a camper shell off the back of a pickup truck. It was possible to walk a path through the debris that led directly to the construction site on Amanda Street.

Of course, jurors never heard anything about the bandanna. Even with Bates' testimony, they thought the attorneys' story sounded improbable at best. It would be nearly 25 years before the bandanna was unearthed from the county's evidence lockers and reexamined by modern forensic experts.

To this day, Bates remembers the oddity of the Morton murder and his instinct told him Michael wasn't the killer.

He still runs his private investigation business in Austin. Reached by phone last month, he said the culprit in a given homicide case is usually obvious from the start. Someone gets mad at someone else and commits murder. Afterwards, it's easy to tell what happened.

Christine Morton's case wasn't like that. She was found in bed under a comforter, suitcase and laundry hamper. He'd never heard of a case where things were stacked on a body like that.

There was virtually nothing stolen. Michael led a normal day at work. His coworkers noticed nothing unusual about his behavior.

When he met Michael in person, he grew more certain.

"When I was working on that case, I believed Michael was innocent. I don't think I could have worked on it if I didn't believe that," he said. "I don't think you can use intuition during a criminal trial, but that was my perception of it."

Bates' intuition — and the guesswork of defense attorneys — turned out to be well-founded.

DNA from the bandanna didn't only lead investigators on a new trail for the Morton case.

It's possible the families of two other murdered women may finally see justice because John Kirkpatrick decided to go for a walk the day after his sister was found dead.

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The resemblance to Christine's murder was striking.

In November 1980, 73-year-old Mildred McKinney was found bludgeoned to death in her bedroom. The brutal killing had left blood spatters across the bed headboard and up to the ceiling.

McKinney was on the floor. A recliner and end table had been stacked on her head and chest, her nightclothes had been pulled up to her neck and there were no signs of forced entry. Police didn't find a murder weapon and the home had been ransacked.

McKinney lived in Williamson County about a mile from the Morton home.

Unlike Christine, she was also choked and raped with her hands and feet bound by nylon hosiery and telephone cord. She'd received a threatening phone call two months before the murder, according to neighbors at the time. A man called and told her he was "watching her every move," the neighbor said.

She had been "extremely cautious" after that, but somehow she still ended up dead in a house with an opened sliding glass door.

Then there's Debra Baker.

On a tip from attorneys working with the Innocence Project, Travis County prosecutors matched the DNA profile on the bandanna to a hair taken from her unsolved murder in January 1988.

It's unclear if Baker's body was found with household items stacked on top of her or if investigators discovered any signs of forced entry.

But there are already other reasons to be suspicious. She lived 12 miles from Morton in a North Central Austin subdivision and was killed by six blows to the head. At the time, police said they hadn't found the murder weapon.

Investigators have never charged a suspect with either murder, though family members of both women have kept hope for years that their loved ones' killer would be brought to justice.

Especially the daughters.

McKinney's daughter, Pat Stapleton, supported the efforts of Michael Morton's attorneys to test the case's evidence in 2008 for a possible connection. If there were any chance DNA could reveal the identity of the killer, she would take it.

"Nobody should be able to get away with something like that," she told the *Sun* three years ago. "Also, I thought because he has gotten away with it once or twice, he probably thinks he can do it again. Or he may have... I keep getting reminders in different ways. I see her picture on the bookshelf all the time. It is just not fair to her."

Bradley fought against DNA testing of evidence from the McKinney case, successfully arguing that Michael's attorneys couldn't establish a substantial link. He mocked the suggestion that DNA tests could lead to the discovery of some "mystery killer."

“It is just a shame that Michael Morton is using that case for his own personal advantage,” Bradley said at the time. “That is another very superficial way to manipulate the case. Other than the fact that two women were killed, there are really not any distinguishing characteristics.”

With DNA now linking the same man to both Baker and Morton, however, it seems increasingly likely that McKinney’s case is next in line for a renewed investigation.

Caitlin Baker is trying not to “give her hopes up” just yet.

The possibility that her mother’s murder will finally be solved is tantalizing, but she’s wanted that for a long time.

Like Eric Morton, she was three years old when a murderer changed her life.

She tried numerous times over the years to revive interest in the case by calling the Austin Police Department and writing in publications like the *Austin Chronicle*.

Though she’s still cautious about the new investigation, “it’s incredibly positive” what’s already happened to Michael Morton.

“The way I look at it is that Michael Morton still has a life ahead of him and if we can save that, then that’s pretty much a win-win,” she said.

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On August 24, 1986, Rita Kirkpatrick and 3-year-old grandson Eric Morton spent time alone together for the first time since Christine’s murder 11 days earlier.

When Eric began crying and talking about “Mommie,” Rita realized she was hearing his recollection of the murder and proceeded to write down their conversation.

The same day, she called Sgt. Don Wood to read it to him:

Eric laid his blanket on the floor of my bedroom. He said, ‘Mommie is sleeping in the flowers.’ His dad had told him that last week at the cemetery. Then he kicked the blanket and said, ‘Mommie, get up.’

GRANDMOTHER: Don’t kick Mommie, Eric.

ERIC: Mommie’s crying.

GRANDMOTHER: Why is she crying?

ERIC: Cause the monster’s there.

GRANDMOTHER: What’s he doing?

ERIC: He broke the bed.

GRANDMOTHER: Is Mommie still crying?

ERIC: No, Mommie stopped.

GRANDMOTHER: Then what happened?  
To Sgt. Wood: (My heart was in my throat, my stomach was in my toes, but I knew I had to do it. Okay.)  
ERIC: The monster throw a blue suitcase on the bed. He's mad.  
GRANDMOTHER: Did the monster hurt Mommie?  
ERIC: Yes. Mommie go to hospital.  
...  
GRANDMOTHER: Did he have on gloves?  
ERIC: Yeah, red.  
GRANDMOTHER: What did he carry in his red gloves?  
ERIC: Basket.  
GRANDMOTHER: What was in the basket?  
ERIC: Wood.  
...  
GRANDMOTHER: Where was Daddy, Eric?  
To Sgt. Wood: (And this is where 'Grandmother' almost died.)  
ERIC: No, Mommie and Eric was there.

Rita Kirkpatrick goes on to tell Sgt. Wood to abandon the already growing suspicion that Michael killed Christine and “look for the monster” described by Eric instead.

“I have no more suspicions in my mind that Mike did it,” Rita told him.

In response, Wood suggested to her that Michael might have committed the murder while wearing a scuba diving suit that made him unrecognizable. The sheriff's deputy was presumably drawing from his knowledge that Michael had such a suit in the garage.

He also instructed her not to allow anyone else talk to Eric about what he'd seen, “‘cause they'll confuse him if they do.”

Defense attorneys obtained a transcript of the interview in 2008, when they won access through an open records request for all sheriff's office files on the Morton investigation.

The office refused, with the backing of Bradley. But the Texas Attorney General's Office overruled their objections, requiring them to hand over most of the documents.

What Michael's attorneys found in those files astounded them.

The interview was only one of several pieces of critical evidence they'd never seen — and neither had Michael's original attorneys, Allison and White.

Last month, Morton's attorneys finally received everything, including the remaining documents withheld by the attorney general's office three years ago.

They again discovered evidence that not only suggested Michael's innocence, but also leads to another killer that investigators may have never pursued.

Perhaps the most powerful such leads were two messages sent to Sgt. Wood, one about someone using Christine's credit card two days after her murder and another about a check made out to her name but cashed nine days after her murder.

Both the credit card and the check had been in Christine's purse, which was never found.

The evidence was new — to everyone except Williamson County prosecutors and investigators. It had all been sitting in the sheriff's office and district attorney's office files for 25 years or more.

“During the six years that Mr. Bradley and his deputies tried to block DNA testing on the bandanna, they asserted that such testing could not possibly substantiate Mr. Morton's third-party-killer theory, despite having undisclosed information in the State's own files that indicated otherwise,” Houston lawyer John Raley and Innocence Project attorney Nina Morrison said in an August motion.

And it's even more difficult for Michael's attorneys to believe that Anderson, Davis, and certainly Sheriff Jim Boutwell and Sgt. Wood couldn't have known about all that evidence by the time of the 1987 trial.

Kirkpatrick called Wood because she knew he was the chief investigator of Christine Morton's murder. He'd called himself that on numerous occasions, including to the media.

Yet it was Sheriff Boutwell who introduced himself as the case's chief investigator at trial. The jury never heard from Sgt. Wood, who has turned down attempts to contact him. And though Raley and Morrison believe his absence from trial was part of a deliberate plot to conceal evidence — it's still not clear why.

It's only one of many unanswered questions.

Now Michael's attorneys are investigating his original prosecutors and investigators. With Judge Lott and Sheriff Boutwell dead, they've subpoenaed Anderson, Davis and Wood in an attempt to find some answers.

They want to know why evidence that cast doubt on Michael's guilt was never handed over to the defense, as prosecutors are required by law to do.

They want to know why investigators never pursued leads suggesting another killer could be responsible for Christine's murder. But within those answers there may be one more question: Have other men and women been sent to prison after Williamson County prosecutors withheld evidence of their innocence?

An innocent man was freed from prison this month, but he and his attorneys continue to search for justice. As Innocence Project co-founder Barry Scheck said after Michael's release: the case is far from over.

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Thanks to extraordinary circumstances — not least of which is the possibility that a serial killer may actually be responsible for his wife’s murder — Michael Morton is finally free and living with his parents in Gregg County.

While in prison, he finished the undergraduate degree he’d begun at Stephen F. Austin University in Nacogdoches. He also completed a master’s degree in literature from the University of Houston, according to his attorneys.

Now suddenly back outside prison, he is trying to adapt to having a future.

He spent 25 years of his life locked away in a Texas penitentiary for a murder he didn’t commit. His wife is dead. The 3-year-old son he knew in 1987 is now 28. His parents are both within a few years of their 80th birthdays.

He went to prison when Ronald Reagan was president. The Internet was still eight years away. His fingers forgot how to button a shirt.

At the October 4 press conference after his release, attorney John Raley told the story of Michael’s first parole hearing. He’d become eligible for parole in 2007, after 20 years behind bars.

Michael was told informally that if he would simply show remorse for killing his wife, that he would in all likelihood be paroled.

“This man told them: All I have left is my actual innocence. And if I have to spend the rest of my life in prison, I’m not giving that up.”