

I have resisted becoming involved in the upcoming election for District Attorney of Williamson County, because I believe that the decision should be made by local citizens. However, I have become increasingly concerned about statements made by Mr. Bradley regarding the Michael Morton case, and now feel the need to set the record straight. In doing so, I am not speaking on behalf of my dear friend and pro bono client for the last eight years, Michael Morton, nor am I speaking on behalf of my co-counsel with the Innocence Project who fought with me so long for DNA testing. I am speaking personally, and am not endorsing any candidate.

The world now knows that Michael is, and always has been, innocent. His wife was murdered in their home while he was at work, just as he has always maintained. When Michael was formally exonerated last fall, Mr. Bradley called to apologize to me and asked that I convey his apology to Michael. I hoped at the time of the call that Mr. Bradley had learned from this experience and had changed. However, I am concerned from reading recent statements by Mr. Bradley during the campaign that he is retracting his previous admission of responsibility for decisions that kept Michael in prison an extra six years and eight months.

On February 11, 2005, we filed our motion for DNA testing of, among other things, a bloody bandana found behind the Morton home after Christine's murder. Such testing would cost the State of Texas nothing, because the Innocence Project offered to (and later did) pay for it completely. In 2005, and in virtually every brief and argument since, in state trial and appellate courts and in federal court, we contended that the bandana was found behind the house along the likely escape route of the murderer. We also pointed out that the bandana (1) may contain the blood of Christine Morton, (2) may also contain the DNA by blood, sweat, or skin cells of the murderer, and (3) the DNA of the murderer may lead to a hit on the national databank of known offenders. [Note: we did not know at the time that the DA's trial file from 1987 contained a description of a stranger seen the days before the murder, driving an old van, and walking around behind the Morton house - exactly where the bandana was found. Michael's 1987 trial defense counsel have signed affidavits that they never were made aware of this key document and other critical investigative documents that would have been used in Michael's defense.] Contrary to Mr. Bradley's statements during the campaign, there are no valid chain of custody issues or contamination issues regarding the bandana. The bandana was seen by law enforcement on the very spot it was found by Christine's brother and immediately handed to law enforcement for safekeeping. Following protocol, it would have been placed in a separate bag. There is no evidence otherwise. The blood, one day after the murder, would have dried. But the DNA was there, waiting like a time capsule to be tested.

I am not a criminal lawyer, but I come from a law enforcement family. I sought the advice of my father, a retired prosecutor, and he recommended that I call Mr. Bradley on a personal level to see whether he would agree to the testing, or at least not

oppose it. I made several such efforts, even driving from Houston to Georgetown for a meeting with Mr. Bradley and my co-counsel from the Innocence Project, but all such efforts were rebuffed.

Instead of agreeing to a simple test, that can only reveal the truth, that would be free to the State, Mr. Bradley spent countless hours and taxpayer dollars opposing the testing every way he possibly could. It cannot reasonably be denied that if the murder happened in 2005, the bandana would have been DNA tested as part of law enforcement's efforts to identify the murderer. The technology was not available in 1987, but it is now. There is no good reason not to allow DNA testing to reveal the truth - whatever it is. When I asked Mr. Bradley why he was fighting so strongly against DNA testing, he said "it would muddy the waters." (I responded, "Mr. Bradley, truth clarifies.") I tried to explain to Mr. Bradley the many flaws in the State's presentation at trial against Michael, but Mr. Bradley was not interested in hearing about them. I tried to hand him the results of the two lie detector tests Michael passed shortly after his wife's murder, and he refused to look at them.

During this time, Mr. Bradley publically belittled our efforts, saying the bandana was "irrelevant", and that we were "grasping at straws" in searching for a "mystery killer." He wrote letters to the parole board opposing a parole for Michael (who had by that time spent 23 years in prison) because Michael had not "accepted responsibility for the murder of his wife by mercilessly beating her to death." He told the media: "The public might want to remain skeptical of a defendant who to this day doesn't accept responsibility." Around this time, Michael was informed that he would be likely paroled if he would "show remorse for his crime."

Michael Morton is one of the finest men I know. He is a man of honor and integrity. He refused to lie to get out of prison. He said "All I have left is my actual innocence. And if I have to stay in prison the rest of my life, I am not giving that up."

When we finally obtained testing of the bandana, after many years of strenuous opposition by Mr. Bradley, the highly sophisticated technology revealed (1) Christine Morton's blood, (2) the DNA of a man who is not Michael, which when run through the databanks of known offenders (3) led to a direct hit on Mark Alan Norwood, who has a long criminal record in several states for, among other things, breaking and entering residences and assault with intent to murder. Thus, the DNA testing Mr. Bradley fought against so long not only proved Michael is, according to the State of Texas, "actually innocent" -- it also led directly to the arrest and indictment of Mark Allen Norwood, who is now awaiting trial for the murder of Christine Morton.

Even after the hit on Norwood, Mr. Bradley's office continued to fight against Michael's exoneration, and Mr. Bradley publically discounted the bandana's importance. Our office and the Innocence Project informed the Travis County District

Attorney that a cold case in Austin of the murder of Debra Jan Baker, who was killed in her bed exactly the same way as Christine, might be linked to Norwood because he lived nearby at the time. They investigated and found important linking evidence, which they shared with Judge Sid Harle who was, at that time, presiding over the Morton case. Mr. Bradley could no longer oppose Michael's exoneration, and a few days later backed down and agreed to Michael's release.

I am hopeful people remember that when an innocent man is convicted of murder and wrongfully incarcerated, that means that the real murderer is allowed to go free and commit other crimes. Resistance to an honest search for the truth through DNA testing only prolongs the time that the real murderer (or rapist, or other form of serious criminal) may be at large. People like to talk about being "tough on crime." I propose, rather, being "smart on crime" - making sure that the guilty party is the one who is caught and eventually convicted. That's what keeps our streets safe, and is what prosecutors should strive for. Although Mr. Bradley did not try the case that wrongfully sent Michael to prison and let the murderer go free, he is largely responsible, in my opinion, for adding the last six years and eight months to Michael's tragic story. For nearly 2,400 additional days, the cell doors clanged shut on an innocent man. At one time Mr. Bradley accepted responsibility for his role. I hope he has not changed his mind about that. Truth and justice are more important than winning an election.