John Raley: Giving Back

Jonella Frank

Follow this and additional works at: https://digitalcommons.law.ou.edu/soonerlawyer

Part of the Legal Education Commons

Recommended Citation
Available at: https://digitalcommons.law.ou.edu/soonerlawyer/vol2012/iss1/6

This Article is brought to you for free and open access by the OU College of Law Archives at University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in Sooner Lawyer Archive by an authorized editor of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.
For 20 years, John W. Raley, III (’84) worked hard in a Houston civil litigation practice, establishing himself as a respected trial lawyer who handled a wide variety of civil cases including legal and medical malpractice, railroad accidents, intellectual property, products liability and general commercial litigation. A 2004 telephone call from the New York-based Innocence Project led him to his first criminal case, a seven-year pro bono effort that proved to be a life-altering experience. Raley returned to his alma mater March 5 to talk about his participation in the battle to free a man wrongly convicted of murdering his wife.
OU President David L. Boren (’68) introduced Raley, who, like OU Law Dean Joe Harroz, had served as an intern for Boren when he was in the U.S. Senate. Boren told of first hearing of Raley’s involvement in the Michael Morton case while listening to the radio in the car. He knew immediately that the story was one he wanted to bring to OU Law students.

Raley took the podium in the Kerr Student Lounge and told the emotionally gripping story of Michael Morton, who Raley called his “dear friend and brother.” With Morton seated in the front row, Raley spoke of the inconceivable losses Morton suffered as a result of a horrific act of another man and the egregiously flawed operation of the criminal justice system. The students, faculty, staff and alumni in the audience listened quietly as Raley described events of the 25 years ripped from Morton’s life as he served a sentence for a murder he did not commit.

Raley told of Morton returning to his Austin, Texas, home from work on August 13, 1986, to find his house a crime scene occupied by local and state law enforcement officials. His wife, Christine, had been found bludgeoned to death in their bed, and his 3-year-old son, Eric, had been discovered alone in their yard.

Six weeks after losing his wife, Morton lost his son when the child was taken from his arms, screaming for his daddy, as Morton was handcuffed and led away, charged with the murder of his wife.

At a trial in early 1987, Williamson County District Attorney Ken Anderson told the jury an enraged Morton savagely beat his wife, smashing her skull, because she fell asleep and did not have sex with him on his birthday. He argued her stomach contents proved she had died before Morton left for work early on the day of her death.

Morton and his defense attorneys insisted an unknown intruder killed Christine after Morton left the house at 5:30 a.m. to go to work. Testimony described Morton’s behavior at work as normal on the day of the murder.

The jury bought the prosecution’s version. Morton was convicted and sentenced to life in prison.

Heeding a prison counselor’s advice to get all the education possible during his confinement, Morton earned a bachelor’s degree in psychology and a master’s degree in English literature while in prison. A fellow inmate, who had already served 20 years at the time, advised him to have something to hold onto. Morton’s “something” was his son.

While Morton served his time, Eric lived with his maternal aunt near Houston. Morton was able to see his son, but for only two hours every six months. In his early teens, Eric decided he no longer wanted to visit his father. In 2001 when Eric turned 18, Morton received notice by mail that his son was being adopted by the family he had lived with for 15 years and was changing his name.

Raley described events of the 25 years ripped from Morton’s life as he served a sentence for a murder he did not commit.
From the moment he was arrested and throughout his incarceration, Morton remained steadfast in maintaining that he was innocent. He continued the struggle to prove his innocence, filing pro se motions for biological testing on evidence collected at the crime scene.

Then, in 2004, 17 years after Morton’s conviction, Raley received the telephone call from the Innocence Project. Raley said it was his civil trial experience in handling medical malpractice cases that prompted the Innocence Project to contact him. The prosecution’s case had relied heavily on the state of Christine’s stomach contents. Raley’s experience in handling cases involving medical science made him the right person to join the team that had taken up Morton’s battle to prove his innocence.

After his first visit with Morton in prison, Raley believed he was innocent. Raley’s seven-year pro bono effort on behalf of Morton was focused on DNA testing of crime scene evidence that included a blue bandana found about 100 yards from the Mortons’ home.

In one of his early efforts in the ordeal to secure DNA testing, Raley telephoned the current Williamson County district attorney to get his consent to the testing. He refused Raley’s request, saying the DNA testing would only “muddy the waters.”

Raley said the district attorney’s office fought the effort to conduct DNA testing all the way. Finally in 2010, a Texas appellate court entered an order for DNA testing of evidence collected 22 years prior.

On June 30, 2011, the results of DNA testing on the bandana were released, indicating that it contained DNA from Christine and from a man who was not Michael Morton. Less than six weeks later, there was more good news for Morton and his team: The DNA matched that of a known offender.

Michael Morton was released from prison October 4, 2011. Two months later, Morton was officially exonerated.

In November 2011, Mark Norwood was arrested and charged with the murder of Christine Morton. Further testing revealed Norwood is also a suspect in the 1988 murder of another young Austin mother who was also beaten to death in her bed, less than 15 miles from Morton’s former home.

Raley told of other evidence of which Morton’s trial attorneys were never informed. Through an open records request, Raley found exculpatory evidence that existed in files maintained by the district attorney and the sheriff.

Among the pieces of evidence obtained was a written report of an interview conducted by an investigator from the county sheriff’s office with Christine’s mother less than two weeks after her daughter’s murder. Included in it was a description of a conversation she had with Eric, who was at home with his mother at the time of her death. In this conversation, the child told of a “monster” with a big mustache in their home that hit mommy while only he and his mother were at home.

As a result of a detailed report on the Morton case filed by Raley and the attorneys from the Innocence Project, a court of inquiry, a unique
Texas proceeding, has been called to determine if there is probable cause to believe the prosecutor, who is now a state district court judge, withheld reports the trial judge ordered him to turn over. The proceeding has been scheduled to begin in September.

Since his exoneration, Morton’s case has received substantial attention. It was the subject of a CBS “60 Minutes” segment in March. In the closing moments of the story, Morton told the reporter, “I don’t want this to happen to anybody else. Revenge isn’t the issue here. Revenge, I know, doesn’t work, but accountability works.”

On a welcomed positive note, Raley told the audience Morton and his son have been reunited and are rebuilding their relationship. Eric, who is now a grown man approaching the age his father was when their family’s nightmare began, is married and has a baby daughter named for the grandmother he never knew.

Raley stressed the important lesson that can be learned from this case. Morton was just a normal guy, living a normal life, and what happened to him could happen to any of us. We have to do whatever we can to keep this from happening again, he said.

Raley spoke of the personal impact of the seven-year pro bono case. “This is the most satisfying case I ever worked on,” he stated. “I urge you to do pro bono work. There’s lots of opportunity. You must do it. You have to give back.”

Raley called Michael Morton to the podium. “You ok?” Raley asked. “Give me a minute,” said Morton with a slight smile. After taking a brief moment to compose himself, Morton briefly spoke about his ordeal and closed by saying, “When the opportunity presents itself, please take it, not for me or people like me, but for what it will do for you.”

“This is the most satisfying case I ever worked on,” Raley stated. “I urge you to do pro bono work. There’s lots of opportunity. You must do it. You have to give back.”

On the day Michael Morton (right) was released as a free man, John Raley told him, “When you step outside, breathe freedom.” Raley later said, “And he did! And as he looked up, the sun hit his face. It was such a beautiful moment.”

Photo by Ricardo B. Brazziell AMERICAN-STATESMAN