

## Cameron Todd Willingham: Wrongfully Executed



Cameron Todd Willingham was executed by the State of Texas on February 17, 2004. He had been convicted and sentenced to death for setting a fire to his Corsicana home in 1991 that killed his three young daughters. An investigative report by David Grann that appeared in *The New Yorker* in September 2009 exhaustively deconstructed every aspect of the case and persuasively illustrated that none of the evidence used to convict Willingham was valid. The article went beyond the forensic science that had been the focus of investigations for the previous six years and debunked every other piece of evidence, including the jailhouse snitch testimony, witness testimony, and circumstantial evidence. **The results of Grann's investigation strongly pointed to Cameron Todd Willingham's wrongful execution.**

Since Willingham's execution, **32 individuals** – including 5 Texans – have been released from death rows nationwide due to evidence of their wrongful conviction (144 people have been released from death rows nationwide since 1973). This includes Ernest Ray Willis, who was exonerated from death row in Texas on October 6, 2004. Willis had been sentenced to death for the 1986 deaths of two women who died in a house fire that was ruled arson. Seventeen years later, Pecos County District Attorney Ori T. White revisited the case after a federal judge overturned Willis' conviction. White hired an arson specialist to review the original evidence, and the specialist concluded that there was no evidence of arson. In 2004, prosecutors dropped all charges against Willis. The eerily similar cases of Willingham and Willis – and the radically different outcomes in each – serve to highlight the **arbitrariness of the Texas death penalty system** and lend increased urgency to calls for abolition.

### Texas Forensic Science Commission Investigation

*The New Yorker* piece came on the heels of a report filed with the Texas Forensic Science Commission by fire scientist Craig L. Beyler. The commission was created in 2005 by the state legislature to investigate allegations of professional negligence or misconduct in forensic analysis. In 2008 it agreed to a request from the Innocence Project to examine the possibility of forensic misconduct in the cases of Willingham and Ernest Ray Willis and it later hired Dr. Beyler to review both cases. In his report, Beyler found that the investigators in Willingham's case had a "poor understanding of fire science" and relied on outdated theories to justify their determination that the fire had been set deliberately. Beyler's report confirmed what every fire expert who has examined the case since the time of conviction has found: **there was no evidence to support the finding of arson.** The tragic deaths of Willingham's children likely were the result of a terrible accident, not a crime.

The Texas Forensic Science Commission was set to meet on October 2, 2009 to hear from fire expert Craig Beyler. It had planned to issue its own findings with regard to the allegations of forensic misconduct in the Willingham case in 2010. Two days before the meeting, however, Texas Governor Rick Perry abruptly moved to replace three commission members, including the chair. The newly-appointed chair, Williamson County District Attorney John Bradley, cancelled the meeting so that the new members could get up to speed on the case and other issues. In April 2010, the commission established a four-person subcommittee that would examine the case and, eventually, report its conclusions to the full body. Because of its small size, the subcommittee was not subject to state laws requiring open meetings and was allowed to conduct its work in private. A preliminary report issued by the subcommittee in July 2010 admitted "flaws" in the science used to convict Willingham but found that arson investigators did not commit misconduct or negligence in relying on outdated standards at the time.

On April 15, 2011, the Texas Forensic Science Commission issued its report on the convictions of Cameron Todd Willingham and Ernest Willis, recommending more education and training for fire investigators and implementing procedures to review old cases. In July 2011, Texas Attorney General Greg Abbott issued an opinion in response to questions from the commission about jurisdiction and authority. The opinion prohibits the commission from investigating "specific items of evidence that were tested or offered into evidence prior to" September 1, 2005. (over)



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**New Evidence**

On September 27, 2013, relatives for Cameron Todd Willingham filed an amended petition with the Texas Board of Pardons and Paroles asking the state to posthumously pardon him. Family members urged the state to conduct an investigation into Willingham's wrongful execution based on newly discovered evidence that points to possible false testimony at his trial and possible prosecutorial misconduct.

On February 28, 2014, The Innocence Project argued that newly discovered documents undermine the credibility of key witness, jailhouse informant Johnny Webb, who testified that Cameron Todd Willingham told Webb he killed his daughters in 1991. The New York-based nonprofit said it discovered a handwritten note that would contradict claims made at trial by Webb and prosecutor John Jackson that Webb did not receive consideration for his testimony. "It's astonishing that 10 years after Todd Willingham was executed we are still uncovering evidence showing what a grave injustice this case represents," Barry Scheck, the Innocence Project's co-director, said in a statement.

**Action Opportunity**

The Innocence Project is asking concerned citizens to write letters asking the Texas Board of Pardons and Paroles and Governor Rick Perry to conduct an investigation into the execution of Cameron Todd Willingham. An online form can be found at the link - <http://www.capwiz.com/innocenceproject/issues/alert/?alertid=62949836&type=CU>.