



The Supreme Court of Texas

CHIEF JUSTICE
WALLACE B. JEFFERSON

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February 16, 2012

Via Fax (817) 884-1971 and First Class Mail

The Honorable Louis Sturns
213th District Court
Tim Curry Justice Center, 5th Floor
401 W. Belknap
Fort Worth, TX 76196-0219

Dear Judge Sturns:

RE: Court of Inquiry Regarding Conduct of the Honorable Ken Anderson in *The State of Texas v. Michael W. Morton*

Dear Judge Sturns:

On February 10, 2012, the Honorable Sid Harle filed the enclosed application and affidavit requesting appointment of a district judge to commence a Court of Inquiry into matters concerning the conduct of the Honorable Ken Anderson during prosecution of *The State of Texas v. Michael W. Morton*.

The Honorable Billy Ray Stubblefield, Presiding Judge of the Third Administrative Judicial Region, recused himself from participating in the above-referenced case. Therefore, pursuant to Texas Code of Criminal Procedure Article 52.01 and the authority vested in me by Texas Government Code Section 74.057, you are hereby assigned to conduct the requested Court of Inquiry as provided by Texas Code of Criminal Procedure Articles 52.01 through 52.09.

Sincerely,

A handwritten signature in black ink that reads "Wallace B. Jefferson".

Wallace B. Jefferson
Chief Justice

Enclosure

cc: Hon. Billy Ray Stubblefield, Presiding Judge, Third Administrative Judicial Region
Hon. Jeff Walker, Presiding Judge, Eighth Administrative Judicial Region
Hon. Sid Harle, 226th District Court, Bexar County
Hon. Lisa David, District Clerk, Williamson County
Hon. Thomas A. Wilder, District Clerk, Tarrant County
Comptroller's Claims Division/Judiciary Section
Mr. Eric Nichols
Mr. Barry Scheck
Mr. John Wesley Raley
Mr. Gerry Goldstein

Case No. _____

IN THE MATTER OF
HONORABLE KEN ANDERSON

§ IN THE 26th JUDICIAL
§
§ DISTRICT COURT OF
§
§ WILLIAMSON COUNTY,
§ TEXAS

APPLICATION AND AFFIDAVIT OF HON. SID HARLE

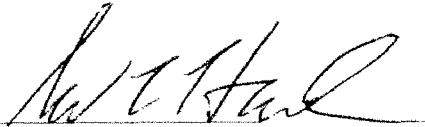
In the Matter Concerning a Special Court of Inquiry as Provided by Articles 52.01 to 52.09, C.C.P. into Matters Concerning the Conduct of Ken Anderson During the case of *State v. Michael Morton* for the Murder of Christine Morton in Williamson County, Texas.

Honorable Sid Harle, District Court, 226th Judicial District Court, hereby makes application to the Honorable Wallace B. Jefferson, Chief Justice, Texas Supreme Court, pursuant to Texas Rule of Judicial Administration 8d, and prays that his honor appoint a district court to hold and conduct a Court of Inquiry to determine whether the offenses of Contempt of Court (Texas Government Code § 21.002(a)), Tampering With or Fabricating Physical Evidence (Texas Penal Code § 37.09) and Tampering With Government Records (Texas Penal Code § 37.10) have been committed.

Probable cause establishing my belief that an offense has been committed against this State is, to wit: the proposed factual findings submitted by Defendant, by and through his counsel, in the Report to the Court dated December 19, 2011, set forth at pages 11-87 of the Report. The Court finds those proposed factual findings to be well-supported by the record in

this case, and they are adopted as if fully set forth herein. As set forth in those findings in detail, there is probable cause to believe that then-District Attorney Ken Anderson failed to submit for *in camera* review the complete set of reports and notes of Sgt. Don Wood (“the Complete Wood Report”), including several documents containing information highly favorable to the accused, during the 1986-87 prosecution of Michael Morton for the murder of his wife, Christine Morton, in Williamson County, Texas, despite being ordered to do so by the court. Mr. Anderson also failed to correct the misimpression left by the record that he had complied with the court’s order in further proceedings in the trial court, on appeal, and during post-conviction proceedings that continued in Mr. Morton’s case until 2011. In addition to the order by the trial court requiring *in camera* production of the Complete Wood Report, Mr. Anderson failed to honor his independent legal obligation to disclose reports of Sgt. Wood containing evidence favorable to the accused, and, despite substantial evidence that Mr. Anderson personally knew the information in these reports, falsely represented to the defense and the district court on the eve of trial that the State had no favorable evidence to disclose.

The evidence establishing probable cause that Mr. Anderson’s failed to comply with the court’s order and failed to make timely disclosure of favorable evidence to the defense raises a matter of serious public concern. The record contains evidence that a public official may have committed serious misconduct, and that this misconduct may have contributed to the wrongful conviction and lengthy incarceration of citizen of the State of Texas, Michael Morton, now known to be factually innocent.


Honorable Sid Harle
District Judge, 226th Judicial District Court

Sworn to and subscribed before me on this 10th day of February, 2012.

Cecilia J. Rose
Official Authorized to Administer Oath
Administer Oath

