

SHADOW OF DOUBT

TULSAWORLD.COM/SHADOWOFDOUBT

THE CONVICTION AND EXONERATION OF MICHELLE MURPHY

PART 1 OF 2



Tulsa County District Attorney Tim Harris listens to questions about the Michelle Murphy murder case during an interview with Tulsa World reporters in his offices at the Tulsa County Courthouse last week. JOHN CLANTON/Tulsa World

QUESTION OF EVIDENCE

Michelle Murphy spent 20 years in prison because of lawyers' errors, lab mistakes, overlooked documents and disputed evidence.



Michelle Murphy cries as she displays the court paper showing that the 20-year-old murder case against her was dismissed. At left is Katie Arnold, a law student who helped with her case. MIKE SIMONS/Tulsa World file

SHADOW OF DOUBT

This is the first part in a two-part series examining the prosecution and exoneration of Michelle Murphy.

ONLINE:

Read documents related to the case and more at tulsaworld.com/shadowofdoubt.

INSIDE:

Key players in the case and timeline of events. **A8-9**

BY CARY ASPINWALL
World Staff Writer

AND ZIVA BRANSTETTER
World Enterprise Editor

Prosecutor Tim Harris stood before jurors deciding Michelle Murphy's fate and told them police found someone's blood near her slain baby's body — blood he implied could be hers.

"Ladies and gentleman, beyond a reasonable doubt this woman killed her child," he told them.

What Harris didn't tell jurors is that as the trial started Nov. 14, 1995, he possessed a report from the Oklahoma State Bureau of Investigation that said Murphy's blood type was different than the type found at the scene. That test determined DNA found at the

scene was not hers, contradicting Harris' implication to jurors about what the Tulsa police lab tests showed.

A Tulsa World investigation shows the state of Oklahoma relied on faulty blood analysis, the dubious testimony of a troubled 14-year-old neighbor and an unrecorded, incriminating statement to convict Murphy. All three elements were so problematic they should have been challenged in court. Also, jurors never heard other evidence that might have given them reasonable doubt about convicting Murphy, who spent 20 years in prison.

Harris maintains that the OSBI report didn't exclude Murphy as the source of the unknown blood found at the scene, based on forensic science "at the time."

SEE **DOUBT** A8

WATCH A VIDEO ABOUT MURPHY'S CONVICTION AND RELEASE AT TULSAWORLD.COM/SHADOWOFDOUBT



OU's Trevor Knight celebrates a touchdown. MATT BARNARD/Tulsa World

OU survives Texas' Red River rally

Former Jenks star Alex Ross returned a kickoff 91 yards for a touchdown, Zack Sanchez returned an interception 43 yards for a score, and the Oklahoma offense awoke in the second half to lead the Sooners to a 31-26 win over the Longhorns.

Sooners coach Bob Stoops became the first University of Oklahoma head man to win 10 times against Texas.

See full Red River coverage, **B9**

Spouses eligible for state benefits

Agencies continue to adapt to new realities of same-sex marriages.

BY DYLAN GOFORTH
World Staff Writer

As Oklahoma ends its first work week of legal same-sex marriage, its state agencies continue to adapt to the changing landscape.

John Estus, spokesman for the state's Office of Management and Enterprise Services, said married same-sex couples and same-sex couples "who (are) going to be married" can submit a benefits change request for the 2014 plan year.

The state is currently in open enrollment for plan year 2015, Estus said.

"It's the same process as our normal benefits change process," Estus said. "If you have some qualifying event in the middle of a year that would necessitate a change, you fill out a form."

Estus said the only change made following Monday's announcement that the U.S. Supreme Court had denied a number of state appeals, thereby legalizing same-sex marriage in Oklahoma immediately, was a form that was amended to say "married couple."

The form had previously said "husband and wife," Estus said. Other than that, the state only had to "prepare benefits administrators to process any changes that came in," he said.

Meanwhile, it's less clear how the Oklahoma Tax Commission has handled the change in same-sex marriage legality.

SEE **BENEFIT** A5

Today High 72, Low 62
Partly sunny. **More weather on A16**
Get more weather coverage and check out our weather blog at tulsaworld.com/weather

Inside today's Tulsa World

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DOUBT

FROM **A1**

It wasn't entered into evidence, and Harris said he showed the report to Murphy's defense attorneys.

Her attorneys dispute this, and there is no record that Harris gave them a copy before Murphy was convicted of first-degree murder in the near-decapitation of her 3-month-old son, Travis Wood.

More-advanced DNA testing this year proved the 1995 Tulsa police lab tests jurors were told about were inaccurate.

This wasn't the first time DNA tests raised serious questions about the validity of Murphy's conviction. In 2005, when a judge ordered new DNA testing by an independent firm, Harris, elected as district attorney in 1998, said he never saw the final report from the Reliagene lab that determined none of the blood retested from the scene was Murphy's.

If he had seen that report in 2005, he would have dismissed Murphy's charges at the time, he told the World.

"Believe me, it weighs heavy on my heart as a minister of justice that that information was known in 2005. Nobody connected the dots," Harris said.

In fact, Murphy sat in prison for an additional nine years until Harris said one of his deputies brought the Reliagene report to his attention in May this year. At that point, he immediately filed a motion to vacate her conviction, he said.

Trial and appellate attorneys also failed to spot flaws in the case against her.

"We made some decisions that were bad decisions," said Bill Hackathorn, one of her trial defense attorneys. "I knew all along the most innocent person I ever represented got convicted because I wasn't good enough."

Pete Messler, the former Tulsa County special district judge who presided over Murphy's preliminary hearing, called her murder conviction "the biggest miscarriage of justice" in his 40-year legal career.

"The bottom line is that in this whole trial, anybody who ever had anything to do with it, they were honorable — every one of them were honorable, good lawyers," Messler said. "Some of them just made some big mistakes."

Lingering questions

Murphy, now 37, was released from prison earlier this summer, when Tulsa County District Judge William Kellough vacated her life-without-parole sentence and first-degree murder conviction, based on the uncovered DNA evidence.

And on Sept. 12, exactly 20 years after the death of Murphy's baby, Harris decided to drop the murder charges, saying he didn't have the evidence for a new trial. Kellough dismissed the case with prejudice and declared Murphy innocent.

Her attorneys maintain her conviction should never have happened, that Harris and Tulsa police prosecuted Murphy at the expense of finding the real killer.

They want to know how key pieces of evidence appeared to go missing from Murphy's case file over the past two decades. Why was an order to test another possible suspect's blood type never followed?

Harris, promoted to first assistant district attorney while prosecuting Murphy's case, has said the DNA evidence did not technically exonerate her.

But advanced DNA testing completed this summer with the help of the Innocence Project determined Murphy's blood did not match samples from the scene and showed that blood analysis performed by the Tulsa police lab in 1995 was inaccurate.

"There was so much misconduct. So much exculpatory evidence that was not produced. There was a great deal of deception," said Sharisse O'Carroll, one of Murphy's appellate attorneys who helped win her release.

Harris maintains he never withheld evidence and that Murphy's trial attorneys were aware her blood had been tested by the state, but they never provided him proof her blood was type A.

"Well, if they think that her blood is exculpatory, why aren't they giving it to me?" Harris said. "You gotta understand the train has left the station."

Harris continues to fight a request by Murphy's attorneys to unseal documents from the case. In a motion filed Friday, Harris' office claimed the judge made "a mistake" by placing prosecutors' notes on the case, which are



Norma Parker reaches to hug her granddaughter, Michelle Murphy, in the Tulsa County Courthouse after Murphy was declared innocent in the 1994 murder of her baby. Murphy had served nearly 20 years behind bars, and new DNA evidence led to her release. MIKE SIMONS/Tulsa World file

Who are the key players in 20-year-old murder case?



The defendant: Michelle Murphy, convicted and later exonerated in the 1994 murder of her infant son.

The victim: Travis Wood, died on the kitchen floor of his mother's apartment after his throat was slashed. Travis was 15 weeks old.

The prosecutor: Tim Harris, charged Murphy with first-degree murder and moved to drop the charge 20 years later, when he said he learned about new evidence in the case.

The detective: Tulsa Police Cpl. Mike Cook, questioned Murphy, then 17, for more than seven hours before obtaining an incriminating statement. Cook did not tape the statement he attributed to Murphy in her arrest affidavit.

The star witness: William Lee, lied to police about calling 911 and later said he saw Murphy with blood on her arms and her baby dead on the kitchen floor. Lee died before the trial in an accidental hanging.

The lead defense attorney: Curtis Parks, represented Murphy at trial. Though he was a longtime criminal defense attorney, Parks missed key chances to challenge faulty evidence. He died in 2013.

The co-counsel: Bill Hackathorn, represented Murphy at trial. A recent law school graduate in 1995, Hackathorn said he always believed Murphy was innocent.

The preliminary hearing judge: Special Judge Pete Messler, ordered Murphy bound over for trial, but expressed concern that the star witness may have committed the crime.

The trial judge: District Judge Ned Turnbull, presided over Murphy's 1995 trial and made several key rulings about what jurors could hear. Turnbull, a former assistant district attorney, ran against Harris for DA in 1998 and lost in a runoff.

The appellate attorneys: Richard and Sharisse O'Carroll, filed the application for post-conviction relief that resulted in Murphy's exoneration. Attorneys for the Innocence Project also joined the case.

allowed to be withheld by law, under seal in the court file.

Kellough will hear arguments Oct. 24 over the documents and whether Harris should be held in contempt for what Murphy's attorneys say are false statements.

In the eyes of the law, Murphy is innocent and cannot be retried. Through her attorneys, she declined to be interviewed for this story.

On the day Kellough dismissed the case, Murphy told the World: "I've always known I was innocent. I just wanted other people to believe it."

'I think my baby is dead!'

Summer had dragged into September, so Murphy, then 17, chose to sleep downstairs on the couch that hot night, near the window unit air-conditioner in her west Tulsa apartment. Her 2-year-old daughter and infant son slept on the L-shaped couch with her.

According to Murphy, when she woke up about 6 a.m. on Sept. 12, 1994, her head ached and she noticed a footstool — the one she placed next to the couch to keep 3-month-old Travis from falling off — had been moved. Her baby was gone.

She found her 13-pound infant in a pool of blood on the kitchen floor, nearly decapitated and stabbed in the chest.

Murphy ran to the neighbors' apartment and pounded on the door: "I think my baby is dead!"

Her friends called 911, and watched as Murphy wailed, "Why would anyone kill my baby? Why would anyone do this to me?"

The blood spilled out from his neck to the floor, and a bloody smudge marked the curtain separating the kitchen from the living room where Murphy slept that night with her baby and daughter.

Detectives found blood smeared on the outside of the open front door, but what they didn't find was blood on Murphy — none on her clothes, arms, face, her kitchen sink or bathroom faucet.

There are no records showing that Tulsa police used luminol — a chemical commonly used at crime scenes to reveal cleaned-up bloodstains — anywhere around her kitchen or bathroom sink, on the door handles or walls. Detectives lifted a set of latent fingerprints at the scene, but police never revealed whether they found a match for the prints.

Investigators did not explain how they believed Murphy had slashed her baby's throat without getting a drop of blood on her. Or how the teen mom with an eighth-grade education could have cleaned all traces of the crime off her clothes and body.

When police began questioning her, Murphy seemed to have no clue what had happened. She complained of a knot on her head, a splitting headache and bruises on her legs. The detective who interrogated her said he didn't feel any bumps on her head and never took her to a hospital to be examined.

Murphy had no idea someone else had already called 911 early that morning, claiming he'd heard "pounding, fighting, hollering, cursing" at her apartment.



Travis Wood was 3 months old when he was found dead in this west Tulsa apartment, 2275 S. Maybelle Ave. CHRISTOPHER SMITH/ Tulsa World

She didn't know Tulsa police had already been to her apartment around 3 a.m., knocked on her partly open door and unsuccessfully tried to wake her and her daughter on the couch. Officers didn't see signs of a disturbance, or the dead baby on the kitchen floor, so they left.

Incriminating

Hours later, Detective Michael Cook arrested Murphy based on an incriminating statement she allegedly made to him during an interrogation lasting more than seven hours — only 26 minutes of which was recorded.

In that statement, she repeatedly denies involvement. She talks about a fight with LaDonna Summers, another woman who lived in her complex, and repeatedly mentions getting hit in the head.

Murphy says she remembers getting hit in the head or the baby getting dropped, and mentions a knife that could have accidentally cut her baby when she leaned over him. Allegedly, the women were fighting about a rumor that Travis' real father wasn't Harold Eugene Wood, Murphy's common-law husband. She kicked Wood out of the apartment months earlier because he wasn't helping to financially support the family.

Summers testified she knew the rumor wasn't true and was never at the apartment the night Travis was killed.

Records show Detective Cook took five pages of handwritten notes during his interrogation, without noting the time of day. Cook, now retired, did not respond to numerous interview requests from the World.

Neither did his former supervisor, Sgt. Wayne Allen. Tulsa Police Chief Chuck Jordan declined to speak on the department's behalf, citing ongoing litigation.

In Cook's notes, Murphy's incriminating statements don't begin to appear until the bottom of the fourth page.

The only statement Cook included on Murphy's arrest affidavit and attributed to her appears on the final page.

"I could have been so angry, I needed to take it out on somebody and ended up hurting my son," the notes read. "I think that

might be what happened."

At this point, according to Harris, Cook stopped taking notes and turned on the audio recorder. Murphy makes some vague statements about dropping the knife, and the knife cutting or hitting the baby.

Other than the last page of Cook's handwritten notes, there is no recorded proof of Murphy actually saying the words touted as her confession.

Cook: "OK. You said earlier..."

Murphy: "Oh, I'd never do that."

Cook: "You said, 'I could've been so angry I needed to take it out on somebody and ended up hurting my son.'"

Murphy: "You mean ... I was ... blacked out ... I mean, I didn't know what I was doing. It wasn't me."

Murphy never repeated the incriminating statement in other interrogations, or on the witness stand in court. She testified at trial that she only made the statement about hurting her baby because Cook told her if she confessed, she could see her daughter.

'Then there was quiet'

Two days after arresting Murphy, Cook learned who had called 911 the night Travis was killed. The caller was the same person who lied repeatedly to police and later claimed to be watching outside Murphy's windows as the crime happened: William Michael Lee.

The troubled 14-year-old with a crush on Murphy quickly became the state's star witness against her.

When police officers first started interviewing William, he lied four times.

Two days after Travis' murder, Sgt. Allen, then in charge of the homicide unit, spoke to a man who had been visiting his girlfriend at Murphy's apartment complex the night of the crime.

The man told Allen he went outside about 3 a.m. after a fight with his girlfriend, when he saw a young white teen — whom he identified as William — running barefoot across the complex wearing jean shorts with no shirt. He said he saw the teen run back into his family's apartment.

Allen questioned the teen, who initially lied and said he had

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FROM **A8**

never left the apartment, and then told several different stories. Allen wrote in a police report that he “became more suspicious” and took the teen downtown to be questioned by Cook.

Police believed William was telling the truth in the version of the story told to Cook. He'd been up in the middle of the night and began looking in Murphy's windows after hearing an argument.

William spent about 30 minutes outside her window that night, watching her argue with the father of her children, Harold Eugene “Gene” Wood.

He said he saw Wood with a small kitchen knife in his back pocket; then Wood left and William called 911 anonymously.

He told the dispatcher he heard what sounded like a knife being thrown at a wall in Murphy's apartment.

Wood later testified he was not at Murphy's apartment that night.

After calling 911, William went back to his apartment to watch TV. In court testimony, he said he returned to peek through her windows around 4:30 a.m., to make sure Murphy was OK.

That time, when he looked through the window, he saw Murphy pick up a crying Travis, go into the kitchen “and then there was quiet,” he testified.

So he went around the complex and looked in the back window.

He saw Travis on the floor, lying in blood with his throat cut. William also mentioned seeing the chest wound. Defense attorneys have noted that fact because the medical examiner failed to spot the chest wound until he started cleaning the baby for the autopsy. It was not visible through all the blood, the medical examiner said.

William testified he could see this small detail while peeking through holes in the strings of the closed blinds.

He said he heard Murphy muttering and turning on the kitchen sink. And while he called 911 about the fight he'd allegedly heard earlier, he chose not to call about the dead baby.

The transcript shows that the hearing recesses at this point, and Messler meets with prosecutors and defense attorneys.

Messler, who retired as a judge in 2000, told the World that in chambers, he asked Harris if William had an attorney.

Why does he need one, Harris asked?

“I looked at him very sternly and I said, ‘Because that's the murderer of this baby and everybody in the courtroom knows it except you, apparently;’” Messler said.

Murphy's lead defense attorney, Curtis Parks, died in 2013. His co-counsel, Hackathorn, recalled the conversation exactly as Messler described it.

Harris said if Messler had reservations, he had authority to rule the state lacked sufficient evidence to try Murphy for murder.

Messler said he had no choice other than binding Murphy over for trial. The state had shown probable cause that a crime was committed. With Murphy's incriminating statement and William's testimony, Harris had shown probable cause she could have committed the crime, Messler said.

Murphy's attorneys thought they would get their chance at trial to tell the jury about William's violent history and mental instability. One psychological assessment taken when he was 10 years old states: “It appears that, when faced with rejection, William will react in an aggressive manner.”

Messler said he thought a jury would never believe the teen, who had made sexual advances and been spurned by Murphy. Jurors did not get a chance to see him in person. Before the case went to trial, William died at age 15.

Jurors never heard the disturbing way William died on Jan. 12, 1995, documented in his autopsy: autoerotic asphyxiation.

The teen died when he accidentally hanged himself while masturbating in the family's garage, with a sheet wrapped around his neck to heighten the euphoria.

Details ruled inadmissible

The jury did hear a recording of William's earlier testimony that was played in court.

But they didn't hear from a neighbor who said William had decapitated a cat, or a teacher he assaulted.

They did not hear from a school counselor who reported William arrived to school early in



Former Special District Judge Pete Messler presided over the preliminary hearing after Michelle Murphy's son was killed. “In this whole trial, anybody who ever had anything to do with it, they were honorable — every one of them were honorable, good lawyers,” Messler said. “Some of them just made some big mistakes.” JOHN CLANTON/Tulsa World



This image, taken from the Tulsa Police department evidence, shows an officer carrying Michelle Murphy's two-year-old daughter away after her son, Travis Eugene Wood, was found dead in her apartment in 1994. JOHN CLANTON/Tulsa World

a good mood the day after Travis was slain, telling her: “The bitch will pay.” When the counselor asked what he was talking about, William told her: “Someone had killed a baby and soaked it in blood.”

Since William was dead, many of the concerning behaviors Murphy's defense attorneys wanted to tell jurors about were not deemed admissible.

District Judge Ned Turnbull ruled those details were considered impeachment of a witness who was not there to defend himself. Turnbull did not return calls seeking comment for this story.

William's sister, Melanie Holmes, told the World her brother may have had a “rough” childhood but could never have committed the crime. She said William frequently baby-sat her daughter, 15 months old at the time, and also Murphy's baby on occasion.

Holmes said she doesn't know whether Murphy killed her own baby but that it is unfair for defense attorneys to blame her brother, who isn't alive to defend himself.

“What I do know is if she didn't do it, she doesn't deserve to do the time, She never did,” Holmes said of Murphy. “But that doesn't mean that this deserves to be hanging over my brother, either.”

Because of how William died, his body was autopsied, and blood and tissue samples were preserved by the Medical Examiner's Office.

Detective Cook asked the TPD lab to determine William's blood type shortly after his death.

This was important, because Tulsa police were testing blood found throughout the scene of Travis' death.

But despite a written order dated Jan. 25, 1995, requesting the test, Tulsa police say the test was never done.

Police and the DA's Office stated Cook's lab request never made it to the lab.

Harris said the test was only related to William's death instead of the baby's murder and that he was unaware of Cook's request until months later.

Defense Attorney Sharisse O'Carroll questions what really happened to the homicide detective's lab request.

“This is a first-degree murder case, so you'd have to believe that Cook never followed up on his lab request, nobody said anything, he didn't care,” she said. “He never called and said, ‘Hey, I'm kind of waiting on that.’”

If that test wasn't done in 1995, following through on it in 2014 also did not seem to be a priority for Tulsa police or Harris.

Murphy's legal team asked earlier this year to test the state's existing samples of William's

blood and tissue, and attorneys for the state and city fought those requests, records show. The state eventually turned over samples for testing.

“Every single day we would find something new that was exculpatory that proved her innocence, and every single day throughout, we would try to get the state to try to negotiate with us and the state continued to fight us, the city fought us at every stage,” O'Carroll said.

The tests seemed to move slowly in 1995, too. Though Harris requested in June the OSBI lab test comparing Murphy's blood to samples found at the scene, results took several months and arrived the day before the trial began.

Harris said he recalled showing those test results to Parks at the courthouse. Hackathorn said they were never given a copy, and they had been repeatedly told all the blood found at the scene was baby Travis'.

The OSBI report was curiously vague about Murphy's blood type: “consistent with type A, but unable to confirm group.”

Her blood type could have been easily verified by medical records — had anyone bothered to obtain them before trial. Murphy had given birth to two children by age 17. Health-care clinic records from January 1994 — before Travis was born — list her blood type as A positive.

Harris maintains it was not his responsibility to find Murphy's medical records, and that the OSBI test results were ambiguous.

“DNA analysis is just coming on the scene, OK? It's just barely scratching the surface, so AB blood typing was what it's all about — but it wasn't a perfect science,” Harris said. “The fact that somebody is A doesn't exclude them from possibly also being an AB.”

In 1995, forensic DNA testing was relatively new. Blood typing was not.

Human blood types were discovered around 1900, and hospitals routinely and quickly type blood every day thanks to a test developed in 1936.

Type AB blood is rare — found in about 3 percent of the population. AB blood also has both A and B antigens — proteins that can trigger an immune response if foreign to the body — while type A blood has only the A antigen.

Harris did not introduce the OSBI report at trial or ask its author, OSBI criminalist Thomas Gibson, to testify. Instead, Harris chose to use the report and testimony of Ann Morris, the Tulsa Police Department lab employee who tested blood found at the scene.

Morris' report found blood from the kitchen and outside

the front door to be type AB. She tested a drape with a large bloody handprint clearly visible and found that blood type “inconclusive.”

Her report also states that the known sample of Travis' blood was also “inconclusive.”

In his closing argument, Harris reminded jurors that Morris determined there was type AB blood found at the crime scene, blood that was not the baby's.

“Isn't it amazing, that Ann Morris says the child's blood, which is taken from the pool by Detective Noordyke, is inconclusive, I can't test it, and all the blood is collected at the same time, but the blood outside the door is AB. Isn't that interesting. It is not the child's blood.”

Morris left the Tulsa police lab in 1995 and now lives out of state. She could not be reached for comment.

‘Blood all over’

In 2005, Tulsa District Judge Tom Gillert ordered additional DNA tests in Murphy's case requested by the Oklahoma Indigent Defense System. The company chosen to perform the tests, Reliagene, received three envelopes from the Tulsa police lab. Two of the envelopes that were supposed to contain blood samples from the crime scene arrived empty. It is unclear why.

And, on the samples the lab received, none of the DNA matched Murphy. It all belonged to the baby.

Gillert ordered the test results, once complete, sent to Harris and OIDS. Harris knew results were coming because he told the World in 2005 that while he didn't object to the testing, he was confident he put the right person behind bars.

Harris told the World last week he never saw the results of that test. Records show the test was sent to the District Attorney's Office, to Harris' attention.

In July, extensive DNA testing by another company on the blood samples from the baby's murder scene determined once again that Murphy was not a match. The testing was sought in an appeal filed by O'Carroll and her husband, attorney Richard O'Carroll, as well as the Innocence Project in New York.

“Blood was all over that apartment, and none of it was Michelle's,” said Hackathorn, her lone surviving trial attorney.

The newest DNA tests show the baby's blood was type O, and the blood from the unknown person? Also type O, not type AB as a Tulsa police lab test had initially stated.

But those tests also showed the unknown type O blood wasn't William Lee's. His DNA didn't match.

The baby's killer would not necessarily leave blood at the scene unless injured while committing the crime, however.

Tulsa police say they've reopened the investigation into Travis' death.

Hackathorn wonders what the outcome could have been if police had not focused immediately on Murphy. Over the past 20 years, he never doubted her innocence.

When Hackathorn met Murphy at the jail soon after her arrest, she didn't ask him to get her out of prison.

Her plea to Hackathorn: “I want you to find out what happened.”

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LONG PATH TO FREEDOM

1994

Sept. 12: Three-month-old Travis Wood is found dead in Michelle Murphy's apartment at River-view Park, 2275 S. Maybelle Ave., at 6 a.m. Murphy is arrested hours later.

Sept. 14: William Lee, a 14-year-old neighbor, tells police he peeked through her blinds and saw Murphy with blood on her arms and the baby dead.

Sept. 15: Murphy charged with one count of first-degree murder.

Oct. 5: Murphy's 2-year-old daughter is placed with a couple who would later adopt her.

1995

Jan. 12: William Lee dies in a hanging, later ruled accidental — caused by auto-erotic asphyxiation.

Jan. 25: Detective Mike Cook sends TPD's lab a request to test Lee's blood. The lab never received the request.

April 6: TPD test shows AB blood found at crime scene.

June 30: TPD sends some blood from scene to OSBI for more tests.

Nov. 13: One day before Murphy's trial, Harris receives OSBI's test results. It finds blood that is likely the baby's on a drape but no AB blood. It states Murphy's blood is “consistent with group A however not able to confirm group.”

Nov. 17: During closing arguments, Harris tells jurors blood found in two places was “not the child's blood” and implies it was Murphy's blood. Murphy is convicted of first-degree murder by a jury in District Judge Ned Turnbull's court.

Nov. 26: District Attorney David Moss dies at age 48. Harris, then first-assistant district attorney, takes over as acting district attorney.

Dec. 11: Turnbull sentences Murphy to life in prison without parole.

1997

Feb. 20: Oklahoma Court of Criminal Appeals affirms Murphy's conviction.

1998

Nov. 3: Harris elected to his first term as Tulsa County district attorney.

2005

May 3: District Judge Thomas Gillert signs an order, requested by the Oklahoma Indigent Defense System, to permit post-conviction DNA testing in Murphy's case. He orders results of the tests by Reliagene sent to OIDS and to Harris.

June 14: TPD's lab states it retrieved the evidence Gillert ordered sent to Reliagene, but envelopes that were supposed to contain several blood samples from the scene arrived empty.

July 29: The DNA test conducted by Reliagene concludes that blood from the scene belonged to the baby rather than Murphy, contradicting what Harris had suggested in his closing argument in 1995. The results are sent to the attention of Tim Harris, who later said he never saw the report until 2014.

Aug. 1: OIDS drops attempts to gain post-conviction relief for Murphy because “all samples belonged to the victim.”

2013

Sept. 5: Attorneys Richard and Sharisse O'Carroll, along with the Innocence Project, file an application for post-conviction relief on Murphy's behalf.

Nov. 18: Harris announces he will not seek re-election.

2014

March 24: District Judge William Kellough signs an order for new DNA tests of evidence in the case.

May 23: Harris receives a subpoena to testify about evidence related to William Lee's blood type. Kellough sets the hearing for May 30.

May 29: Harris' office files a motion to vacate Murphy's first-degree murder conviction, citing the 2005 Reliagene test results.

May 30: Harris announces his motion to vacate, and the evidentiary hearing ends without testimony. Murphy, now 37, is released from prison on bond.

Sept. 5: Harris receives a subpoena to testify at a Sept. 12 hearing involving whether the state has complied with discovery requirements including documents relating to William Lee's blood type.

Sept. 12: Harris dismisses the murder charge against Murphy, stating he cannot retry the case. Kellough states: “This court, Miss Murphy, finds you innocent.”



SPORTS: Cowboys knock off Super Bowl champs. **B1**

SCENE: Make Halloween a treat for your pet. **D1**



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THE CONVICTION AND EXONERATION OF **MICHELLE MURPHY**

PART 2 OF 2



Michelle Murphy, who spent 20 years in prison after being convicted of murdering her infant son, smiles as she is released from the David L. Moss jail, in May. The murder charge against her was dismissed in September. CORY YOUNG/Tulsa World

TRYING TO REBUILD

Released after 20 years in prison

BY CARY ASPINWALL
World Staff Writer

AND ZIVA BRANSTETTER
World Enterprise Editor

Twenty years to the day that Michelle Murphy found her son's lifeless body on the kitchen floor, she heard Tulsa County District Judge William Kellough say the words she had been waiting for: "This court finds you, Miss Murphy, innocent."

She cried in the courthouse hallway as her attorney, Sharisse O'Carroll, explained the date's significance to reporters.

Though she'd been out of jail on bond for three months, it wasn't until after Kellough's

declaration that Murphy was ready to do something she had never done: visit her son's grave.

Murphy didn't want to go to Travis' grave until her name was cleared, O'Carroll said.

Murphy, 37, was released from prison on bond in May, when the judge vacated her life without parole sentence and murder conviction, based on newly uncovered DNA evidence.

And on Sept. 12, District Attorney Tim Harris decided to drop the murder charges and dismiss the case, saying he lacked the evidence to convict her again.

Murphy was 17 when she was imprisoned for the brutal slaying of her infant son. The same

SEE **DOUBT** A5

SHADOW OF DOUBT

This is the second part in a two-part series examining the prosecution and exoneration of Michelle Murphy.

ONLINE: Read documents related to the case and more at tulsaworld.com/shadowofdoubt

INSIDE: Serious problems plagued Tulsa's crime lab. **A5**



Melanie Holmes, sister of William Lee, who is implicated in the murder of Michelle Murphy's baby, at her home in west Tulsa in September.

MICHAEL WYKE/Tulsa World

WATCH A VIDEO ABOUT MURPHY'S CONVICTION AND RELEASE AT TULSAWORLD.COM/SHADOWOFDOUBT

Dallas health worker has Ebola

■ "Breach of protocol" led to an Ebola infection of a hospital worker.

BY NOMAAN MERCHANT
Associated Press

DALLAS — A "breach of protocol" at the hospital where Ebola victim Thomas Eric Duncan was treated before his death led to the infection of a health-care worker with the deadly virus, and other caregivers could potentially be exposed, federal health officials said Sunday.

The hospital worker, a woman who was not identified by officials, wore protective gear while treating the Liberian patient, and she has been unable to point to how the breach might have occurred, said Dr. Tom Frieden, head of the Centers for Disease Control and Prevention. Duncan was the first person in the U.S. diagnosed with Ebola.

The CDC confirmed Sunday afternoon that the woman had tested positive for Ebola — the first known

SEE **EBOLA** A6

Tulsa's Liberians meet on Ebola crisis

■ Health Department officials assure group there's "minimal risk."

BY SAMANTHA VICENT
World Staff Writer

Although Tulsa City-County Health Department officials say there's a "minimal risk" of an Ebola virus case arriving in the county, the outbreak in West Africa has had a significant impact on Tulsa's Liberian community — many of whom regularly travel between nations to visit friends and family.

"It was scary," said Famatta Sumowalt, a Liberia native who has lived in the United States for 10 years and who returned from a family visit there Sept. 1. "I was just under house arrest because I was so afraid to step out there and get in contact with anything. And when it was time for me to leave, I came right back and I was so happy. The (first fatal) case that happened in Texas — I could be like him."

Sumowalt was one of about 30 people in attendance Sunday at the Tulsa Liberian Community

SEE **VIRUS** A6

Old downtown YMCA plans change to keep historic look

BY JARREL WADE
World Staff Writer

Developers of the old downtown YMCA reversed course on some of their plans recently, and fans of the historic building will appreciate the change.

A year ago, the owners said the building would be opened as affordable apartments by September.

Now, they are saying the project will be finished next August — at the earliest —

with a lot of work yet to go.

The delay was caused by a new plan that will keep the historic, built-in-1953 building looking like it did in its prime.

John Snyder, of TDL Now and building co-owner, said the owners decided to pursue historical tax credits, which require major changes to plans to make the old building into affordable apartments.

"They won't let me paint the building,"

SEE **YMCA** A6



Workers install metal studs that will become the walls of the individual apartments on the fourth floor of the downtown YMCA building Friday. The demolition phase is nearly completed and construction has begun on some floors.

MICHAEL WYKE/
Tulsa World

Today High 65, Low 50

Rain likely. **More weather on D6**

Get more weather coverage and check out our weather blog at tulsaworld.com/weather

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Discredited lab test key to conviction

■ Hundreds of physical evidence samples were destroyed due to a power outage.

BY ZIVA BRANSTETTER
World Enterprise Editor

AND CARY ASPINWALL
World Staff Writer

Just three months after Tulsa police investigated the slaying of baby Travis Wood, the department's crime lab experienced a meltdown.

A cleaning crew blew a circuit in the lab on Dec. 10, 1994, while using a floor buffer. A lab manager turned off an alarm that warned power had been cut to the freezer, where evidence was stored for hundreds of criminal cases.

Over the next two days, the freezer slowly defrosted, destroying blood, saliva and semen samples in more than 700 homicide and rape cases before someone noticed the outage. Because power did not go out to the entire building, there was no backup generator.

Police Chief Ron Palmer said at the time that most samples had already been tested, with results recorded. A list of cases impacted had not been compiled, he said.

"We may have lost some samples but we haven't lost the results," Palmer said.

One investigator spoke anonymously to the Tulsa World after the power failure,

saying he doubted Palmer's claim.

"They are notorious about stacking up evidence and waiting until the last minute," the investigator said.

The lab's manager at the time stepped down and "asked to be demoted" to a forensic chemist, Palmer said.

It is unknown whether evidence in Travis' death, which occurred on Sept. 12, 1994, was lost or destroyed due to that outage. Various samples and requests for tests connected with the case went missing around this time and for years afterward.

And court records indicate blood samples in his case could have been degraded due to temperature or bacteria.

Results of one crucial Tulsa Police Department lab test used to convict Travis' teen mother, Michelle Murphy, were later shown to be completely wrong.

Murphy served 20 years in prison before she was exonerated by DNA tests conducted in 2005 and 2014. Those tests did not find her blood at the crime scene, as then-Assistant District Attorney Tim Harris had suggested to jurors in closing arguments.

"Isn't that interesting. It's not the child's blood," he told jurors.

TULSAWORLD.COM

Learn more about the case

See a video and read documents related to the Michelle Murphy case.

tulsaworld.com/shadowofdoubt

After Travis' death, samples of blood taken from the crime scene and 3-month-old victim were sent to TPD lab analyst Ann Morris.

Morris' report states she tested blood evidence from the crime scene and the baby's known blood sample Sept. 29, 1994, eight days after Det. Michael Cook requested them.

Several knives were taken from the scene, including one a security officer reported discovering six months after police had initially searched the apartment. The red-handled knife, which matched a witness' description of the possible murder weapon, was peeking out from a pile of clothes on her bed, the officer claimed.

The officer called the district attorney's office and Cook arrived to collect the knife for tests, according to police reports.

In a final report to Harris dated April 6, 1995, Morris states she could not determine Travis' blood type.

However she was able to identify a rare blood type, AB, taken from two spots in the

crime scene.

If the killer had AB blood, he or she would be among about 3 percent of the population who shared that type. That would narrow down the list of suspects considerably. Results for several blood tests conducted before Murphy's trial seemed to be delayed — the reasons for those delays is unclear.

Months after it was originally requested, Harris received an OSBI report on blood evidence one day before Murphy's trial began: Nov. 13, 1995.

Harris said he showed the OSBI report to Murphy's defense attorney but did not enter it into evidence. Murphy's attorneys dispute seeing the report. The OSBI tests stated Murphy's blood was "consistent with type A" but the lab was "unable to determine group."

Although no trace of blood was found on the red-handled knife, Harris showed it to jurors anyway at Murphy's trial. During Morris' testimony, Harris asked her whether all traces of blood could have been removed by the killer.

"I mean, I can't say if there was blood present or not. ... If it is completely washed away then there would be nothing there," Morris answered.

Morris, who had a bachelor's degree in zoology from Olivet Nazarene University near Chicago, was listed on police reports as a forensic

chemist.

Sometime in 1995, Morris left Oklahoma and moved to Indiana, where she currently works as a physician's assistant. Morris could not be reached for comment for this story.

During her testimony at Murphy's trial, Morris gave several explanations about why she could not determine Travis' blood type, collected shortly after his 1994 death.

"The red blood cells were dead ... so I could not pick up the blood type and the antigens and the antibodies but this (blood) could be ... degraded by either environmental, by temperature, or it could be by bacteria," Morris testified.

She added that the inconclusive results could also be because infants do not develop antibodies in their blood until "around six months."

Harris told the World that statement was not correct by today's standards.

"I have done a little bit of research ... Nobody will say that now because that's not the education and the science now. But what was the science and the education back then?"

Tests performed this past summer on remaining blood samples at the request of Murphy's attorneys and the Innocence Project showed baby Travis had type O blood. Murphy was not the source of the unknown blood found at the

scene, so the tests confirmed what Reliogene had found in 2005.

Harris moved to vacate Murphy's murder conviction in May 2013 based on results from that 2005 DNA test by Reliogene sought by appellate attorneys. He said he never saw that report and if he had, he would have moved to vacate her conviction nine years ago.

While Murphy languished in Mabel Bassett Correctional Center in 2005 — a decade after Morris' discredited lab tests — TPD still had no written policies for its lab, records show. Her attorneys requested the lab policies during her most recent appeal, and attorneys for the city of Tulsa objected, saying there were no written policies until 2005.

The department's lab gained national accreditation that year, narrowly missing the deadline for a state law requiring such accreditation. Then-Police Chief Dave Been described the lab as "back in business."

In 2010, the lab vastly expanded its capabilities, moving to a new Forensic Sciences and Biomedical Research Facility at OSU's Center for Health Sciences in Tulsa.

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DOUBT

FROM A1

prosecutor who convicted Murphy also took away her 2-year-old daughter, placing the girl with another family.

Twenty years behind bars has given Murphy a lot of time to contemplate what happened to her.

"It meant the world to me to finally hear that it's been acknowledged, something I've been trying to prove for 20 years," Murphy told reporters after the charges were dismissed in September. "Something I've known in my heart."

A Tulsa World investigation shows the state of Oklahoma relied upon faulty blood evidence, the dubious testimony of a troubled 14-year-old neighbor and an unrecorded incriminating statement to convict Murphy. All three elements were so problematic they likely should not have been allowed in court — and jurors were prevented from hearing other evidence that might have given them reasonable doubt about convicting Murphy.



ARRESTED

Michelle Murphy: The teen mother of two was arrested in the death of her infant son.

Attorneys for her trial and initial appeal may also have missed chances to challenge the evidence against her. Her appellate attorneys maintain none of this should have ever happened, that Harris and Tulsa Police prosecuted Murphy at the expense of finding the real killer. In court filings, they claim Harris and other investigators knew they had falsely claimed that unknown blood found at the scene could be Murphy's, something disproved by several outside lab tests.

When police arrived at the crime scene that morning in 1994, they took Murphy's daughter into protective custody. The crime scene video shows an officer walking away with the toddler in his arms as the sun is beginning to rise.

Murphy testified in court that she only made incriminating statements to a Tulsa police detective during questioning because he badgered her and promised she could see her daughter if she confessed. She never saw her little girl again.

Through her attorneys, Murphy declined to be interviewed for this story. Sharisse and Richard O'Carroll, the attorneys who worked to free her, said Murphy is acclimating to life outside prison. She's currently focused on learning to drive and to use computers at the local library, they said.



Michelle Murphy talks to the press after being released from jail after 20 years. Murphy's family and friends waited eagerly to greet her. JACKIE DOBSON/ Tulsa World

What happened to Michelle Murphy's other child?

The family who adopted Murphy's 2-year-old daughter had already been approved for adoption by the Cherokee tribe in September 1995 when they received the call.

"They called and said, 'We have a little girl and we'd like to put her in foster care with you,'" said the woman who adopted the curly-haired toddler.

The adoptive family asked to remain anonymous to protect their daughter's privacy.

"I fell in love with her the minute I saw her," she said.

When the girl was in her mid-teens, her parents gave her the newspaper clippings from her birth mother's arrest and trial. She knew from an early age

she had been adopted, but learning about her family's violent past helped explain things like her persistent nightmares.

The adoptive mother said she decided to visit Murphy in jail as she awaited trial. The women swapped stories about the toddler, with Michelle boasting about how early her daughter began

walking.

"She was in her orange jumpsuit and shackled to a chair. ... I thought, 'You are just a girl!' I talked to her and gave her pictures of Michelle."

The adoptive mother said her daughter is now 22 and expecting her first child.

"She's happy and had a wonderful life."



ACCUSER

William Lee: Lee was the star witness at Murphy's preliminary hearing, testifying that he saw her with blood on her arms the day of baby Travis' death. Lee, who is now dead, was implicated in the murder of Michelle Murphy's baby.

Raised by her adoptive family, she said she enjoyed a happy childhood with plenty of love and support. She is expecting her first child, a girl.

"I couldn't have been any luckier," she said.

Murphy, then a teen mother of two, was arrested the day of her son's death before police investigated William Lee, a neighbor boy who made an odd phone call that night and then lied to police several times.

Her attorneys say the troubled 14-year-old had a grudge against Murphy, who'd spurned his sexual advances, and his violent history should have made him a suspect instead. He died before her trial, when he accidentally hanged himself while masturbating.

But two months before he died, Lee was the state's star witness at Murphy's preliminary hearing, claiming he'd seen Murphy with blood on her arms that night. Police never found blood anywhere on Murphy's body or clothes, and they never found the knife used to kill baby Travis.

Police never examined Murphy medically after she complained of a bump on her head, or looked into who might have stolen her keys a month earlier. Some pieces of evidence at the crime scene weren't gathered until months after Travis' death.

"They could have done anything, but they didn't care," said Bill Hackathorn, one of her trial attorneys. "If it was somebody in a different part of town, they would have

done all kinds of things."

Michelle Murphy and William Lee were kids from the wrong side of the tracks in west Tulsa, families with prison records and histories of abuse. At one time, Murphy was best friends with William Lee's older sister, Melanie Holmes.

Holmes told the World her brother wasn't a violent kid, and he wouldn't have hurt Murphy or her children, she said.

"Yeah, there was a crush. She was real pretty, long blonde hair, really tall, Michelle has always been pretty," Holmes said. "I mean, it happens. It doesn't mean 'I'm going to sneak into your house and you know, kill your baby because you reject me.'"

And in the end, DNA tests released this summer proved that neither Michelle nor William was the source of unknown blood found at the crime scene in 1995. Baby Travis' murder remains unsolved. Tulsa police say the investigation has been reopened.

Harris maintains he made a good-faith argument at

Murphy's 1995 trial based on the Tulsa Police Department lab science at the time. As a "minister of justice," he said, he filed a motion to vacate her conviction as soon as he realized a 2005 lab report contradicted his argument to jurors.

He handled the initial foster placement of Murphy's toddler daughter in 1994 because he had been working in the juvenile division of Tulsa County Court — before he was eventually promoted to first assistant district attorney while prosecuting Murphy's criminal case.

Defense attorney Richard O'Carroll said Harris should apologize to Murphy for getting the facts wrong.

"What we do is hard, and Lord knows I have made mistakes," he said. "But I tell my clients when I do, and I apologize. Ms. Murphy is entitled to the same from my friend, Mr. Harris," he said.

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