

Who Is Michael Morales?

At 45, Michael Morales has been incarcerated on California's death row for the past 22 years. Officials are now seeking an execution date of February 21, 2006. Morales would be the first Latino and the fourteenth inmate to be executed since California restored the death penalty in 1978.

Background

Morales grew up in San Joaquin County. He is a fourth generation American, devoutly religious, and the father of three adult children. He was sentenced to death for the 1981 rape and murder of 17-year old Terri Winchell. Morales was 21 years old at the time of the crime. The murder was orchestrated by Morales's co-defendant, Ricky Ortega, who is also his cousin. Ortega received a sentence of life without the possibility of parole.

Morales has acknowledged his part in Winchell's murder and expressed remorse for the crime and the anguish it caused Terri Winchell's family. He has been a model prisoner since his conviction. His execution will not make society safer, or serve any real purpose. *Stop Executions California* is a grassroots coalition opposed to ALL executions. We believe that the death penalty is inhumane and is wrong in all cases. We protest every execution date and aim to end executions in this state. We also believe that there are fundamental flaws in the criminal justice system that lead to wrongful convictions, unfair trials, and bias in death penalty sentencing.

1. This execution depends on the testimony of an unreliable informant witness. The testimony of a jailhouse informant who claimed that Morales had confessed to him was the only evidence to support the special circumstance that secured Morales' death sentence. It was later found that the prosecutor had secretly agreed to dismiss four out of six felony charges against the informant in another case. The prosecutor hid this deal from Morales' attorney, the judge, and the jury, and did not correct the informant when he lied about the deal on the stand. Even more disturbing, the prosecutor promised the informant these benefits before Morales allegedly confessed to him. The informant was never housed in the same cell with Morales, and none of the other inmates who would have heard the conversation have corroborated the informant's story. When confronted with these facts years after the trial, the informant claimed that he and Morales spoke in Spanish so that others would not listen in. Since Morales does not speak Spanish, this claim must be false. An FBI expert who examined a polygraph report made at the time of the trial concluded that the informant was lying when he said Morales confessed.

2. The death penalty is racist. A statewide study on the impact of race and place on death sentencing in California found that those who murder whites are four times more likely to receive a death sentence than those who murder Latinos and three times more likely than those who murder African-Americans. The victim in this case, Terri Winchell, is white. The study also found that those convicted in rural, predominantly white counties like Ventura, where Morales was tried, are up to three times more likely to be sentenced to death as those convicted in diverse, urban communities. At the time Morales was charged, the San Joaquin District Attorney's Office is known to have sought the death penalty in white victim cases 20 times more often than in Latino victim cases, and 57 times more often for a white female victim. One California Supreme Court justice concluded that Morales's death sentence should be reversed based on evidence that Ventura County systematically excluded Latinos from serving on juries.

3. Morales had an ineffective, poorly qualified lawyer. This case was tried long before standards were put in place for defense counsel. Morales's attorney was not sufficiently trained to handle a death penalty case.

4. The death penalty targets the poor and spares those with money to defend themselves. It has never been clear whether Michael Morales or Ricky Ortega played a greater role in causing the death of Terri Winchell. What we do know is that Morales was sentenced to death and Ortega was sentenced to life without parole. We also know that more than \$80,000 was spent during the penalty phase to defend Ortega, while next to nothing was spent on the penalty phase of Morales's trial.

NO ONE should be executed while the Justice Commission is studying these flaws

The *California Commission on the Fair Administration of Justice* has been established to study exactly these kinds of mistakes. The Justice Commission must report its recommendations to the Governor and Legislature by Dec. 31, 2007. No one should be executed while the Justice Commission is conducting this in-depth study. It is up to people of conscience throughout the state to make our voices heard. We need to demand that the legislature put in place a moratorium on further executions until the Commission has had time to carry out its work.

What to do:

Contact Governor Arnold Schwarzenegger! Phone: 916-445-2841 Fax: 916-445-4633 email: www.govmail.ca.gov
Join Stop Executions California! Call 510-333-7966 or e-mail stopexecutionscalifornia@yahoo.com