

Condemned Without Cause: The Wrongful Conviction of Tony Egbuna Ford

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CONDEMNED WITHOUT CAUSE: THE WRONGFUL
CONVICTION OF TONY EGBUNA FORD

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Table of Contents

Preface	1
Introduction.....	5
Chapter 1.....	9
Chapter 2.....	15
Chapter 3.....	23
Chapter 4.....	33
Chapter 5.....	43
Bibliography.....	51

Preface

This is not simply a book about one man.

This is a book about whether we are willing to kill in the face of doubt.

Tony Ford sits on death row in Texas. The State says his case is finished. The courts have spoken. The process has run its course. Paperwork has been stamped. Dates have been circled. And somewhere in an execution chamber in Texas, there is a gurney waiting.

But this book exists because truth is not a paperwork issue.

If Tony Ford is innocent—and the evidence laid out here insists that he is—then what we are witnessing is not justice. It is something far more terrifying: a machinery of death that continues forward not because it is certain, but because it is unwilling to admit it might be wrong.

The death penalty asks for confidence. It demands moral clarity. It requires the absence of doubt.

And yet doubt lives here.

Doubt in the investigation.

Doubt in the testimony.

Doubt in the narrative that was handed to a jury and sealed with finality.

This book does not ask you to feel sorry for Tony Ford. It asks you to look at the evidence. It asks you to wrestle with what happens when the system values closure over truth. It asks you whether finality is worth a human life.

In America, we are taught that our justice system is the best in the world. We are told that it contains safeguards, appeals, layers of review. We are assured that no innocent person would ever be executed.

But history tells a different story. Men have walked off death row after decades because someone finally listened. Because new evidence emerged. Because a witness recanted. Because science corrected what courts once accepted as fact.

And those are only the cases where the truth was discovered in time.

The ones we fear are the others.

Execution is irreversible. There is no apology powerful enough. No settlement large enough. No statement solemn enough to bring back a life extinguished by mistake. When the State kills, it does so in all of our names. There is no private execution. There is no isolated responsibility. If Tony Ford is put to death, it will not be Texas alone that carries that act—it will be all of us who remained silent when doubt was present.

This book is written in the shadow of that reality.

It is written for the neighbor who assumes the courts must have gotten it right.

For the juror who trusts the system but has never seen how fragile evidence can be.

For the citizen who believes in justice but has never been asked to question its finality.

It is also written for those who still believe that truth matters more than pride, that justice must be more than speed, and that the measure of a society is not how efficiently it punishes but how carefully it protects the innocent.

There is something prophetic about moments like this. Not in the sense of predicting the future, but in the sense of naming what is at stake. A prophet does not shout to be dramatic. A prophet speaks because silence would be complicity.

And so this book speaks.

It speaks because a man's life hangs in the balance.

It speaks because doubt has not been extinguished.

It speaks because justice without humility becomes violence.

The question before us is not abstract. It is painfully simple:

Are we willing to risk killing an innocent man in order to preserve the appearance of certainty?

If the answer is no, then we must look carefully. We must question honestly. We must refuse to let procedure replace truth.

Tony Ford's life is not a political talking point. It is not a statistic. It is not a debate club exercise. It is a living, breathing reality confined to a cell while the calendar advances.

Before another date is set. Before another needle is prepared. Before another chamber is cleared. We must decide what kind of people we are.

This book is an invitation to conscience. Read it slowly, carefully and as if a human life depends on it. Because it does.

The Rev. Dr. Jeff Hood

February 25, 2026

Introduction

A Life on the Line

Tony Egbuna Ford was eighteen years old when a fellow gang member pointed a finger at him and police decided the case was solved. He was nineteen when twelve jurors, armed with eyewitness testimony that science would later demonstrate to be profoundly unreliable, sentenced him to die by lethal injection in the state of Texas. Today, more than thirty years later, Tony Ford remains on death row: older, grayer and still insisting, with the unwavering consistency of a man telling the truth, that he did not commit the crime for which the state intends to kill him.

This is not a book about sentiment. It does not ask you to feel sympathy for a convicted killer or to dismiss the suffering of the Murillo family, who lost an eighteen-year-old son and brother in an act of savage violence on a December night in El Paso. Armando Murillo's death was a tragedy. His family's pain is real, enduring, and deserving of acknowledgment on every page of this account.

What this book asks is something more demanding than sympathy: it asks for honesty. And honesty, when one examines the evidence in Tony Ford's case with clear eyes, leads to a deeply uncomfortable conclusion. The evidence—not opinion, not intuition, but sworn testimony, scientific analysis, documented police records and independently corroborated witness accounts—tells a story that is fundamentally at odds with the verdict that condemned Tony Ford to death.

The case for Tony Ford's innocence does not rest on emotion or advocacy. It rests on the accumulated weight of documented evidence: court filings, sworn affidavits, expert reports, and police records that any reader is invited to examine independently. The sources are listed at the

back of this book. The arguments stand or fall on what those sources actually say.

It tells the story of a young man who made a terrible decision: to drive two other men to a house and wait outside while they carried out what he believed was an armed intimidation. It tells the story of a violent crime that went far beyond what anyone, including those who planned it, intended. And it tells the story of a justice system that, faced with a traumatized family, enormous public pressure, and the word of a self-serving confessed participant, settled on a suspect within twenty-four hours and then refused, for thirty years, to reconsider.

The men who should have faced justice for the murder of Armando Murillo were the Belton brothers: Van, who admitted to being inside the house, and Victor, who three independent witnesses say confessed to pulling the trigger. Van Belton served time and was released. Victor Belton walked free from the beginning, his name barely appearing in the police file, despite the fact that his clothing was seized as evidence in the murder case on the morning of his brother's arrest.

Tony Ford has spent his entire adult life on death row. He has not seen his family grow old. He has not held his children or grandchildren. He has not walked freely through a park, chosen his own meal, or gone to sleep at an hour of his choosing. He has done all of this, endured all of this, while maintaining that he is innocent. And the evidence, piling up in court filing after court filing across three decades, increasingly backs him up.

In a profound moment at trial, a nineteen-year-old Tony Ford boldly declared, "Everybody is a victim in this case." I believe he is right.

The five chapters that follow examine the case from every angle: the night of the crime and Tony's own account; the investigation that pointed to the wrong man; the confessions of the man who actually

did it; the science of eyewitness memory that explains how the misidentification occurred; and the legal odyssey of a man trying to prove his innocence from a death row cell. Throughout, I have included analysis and commentary to draw attention to details that might otherwise pass unnoticed: details that, taken together, paint a portrait not of a murderer but of a scapegoat.

Every name in this book is real. Every quote is sourced. Every claim is documented. This is not fiction. This is the record.

Chapter 1

The Night of December 18, 1991

El Paso, 1991: Context and Setting

To understand the crime, you must understand the world in which it occurred. El Paso in 1991 was a border city navigating the escalating pressures of the drug trade that had taken root along the US-Mexico corridor throughout the 1980s. The decade had seen the rise of increasingly organized drug networks operating out of El Paso and across the border into Ciudad Juarez—networks that competed fiercely for territory and that, when provoked, responded with violence.

The Murillo family's modest home sat in a working-class neighborhood that, like many in El Paso at the time, was not immune to this world. The man living in the home, Myra Concepcion Murillo's boyfriend, Joe Chrisman, was observed by multiple neighbors to be living well beyond any visible means. Visitors arrived at his residence at all hours of the night. Large sums of cash appeared and disappeared. One neighbor, a retired teacher named Arturo Torres, had worked at the school where Van and Victor Belton attended as children. He was not surprised, he later told investigators, when one of the Belton brothers was arrested for murder.

This is the backdrop against which the events of December 18, 1991, must be understood: not a random act of brutality, but a calculated confrontation that grew out of the dangerous underground economy operating in the streets of east El Paso—a confrontation that, by all credible accounts, was never meant to end in bloodshed.

None of this context excuses the violence that occurred at the Murillo home. But without it, the crime appears motiveless, and a motiveless crime is nearly impossible to trace to a specific perpetrator. The context is what explains why the Belton brothers went to that house, who the intended target was and why Joe Chrisman apparently had advance warning the confrontation was coming.

A Family Terrorized: The Facts of the Crime

At approximately 8:30 in the evening of December 18, 1991, two Black men came to the front door of the Murillo home and asked to speak with “the man of the house.” Myra Concepcion Murillo, speaking through the door, told them she and the man of the house were ill. The men left. This first approach—the tentative knock, the brief exchange, the departure—suggests a plan that had not yet committed itself to violence. They were looking for someone. They were not yet certain that person was home.

The two men returned minutes later. This time there was no knock. Van Belton, who would be identified by Myra Murillo almost immediately from her high school yearbook, kicked the front door open with a force loud enough to alert neighbors a block away. The two men charged into the house. One struck Armando Murillo, eighteen years old, on the head with a gun. They demanded money. They demanded to know where “the man of the house” was. When Lisa Murillo threw car keys at one of the intruders in a moment of terrified defiance, something detonated. The man who caught the keys erupted. He began shooting.

Armando Murillo was shot in the head and died from his wound. Myra Concepcion was shot and wounded. Lisa was shot and wounded. Myra Murillo, the daughter, was shot and wounded. All three women survived. Armando did not. He was eighteen years old—the same age as Tony

Ford, who was waiting outside in a truck and heard, from a distance, the gunshot that ended Armando Murillo's life.

The speed of the shooting—Lisa estimated it lasted five seconds, Myra said between two and five seconds—is itself significant. This was not an execution or a deliberate act of sustained violence. It was an explosion: sudden, uncontrolled, catastrophic. As will be discussed in a subsequent chapter, the behavioral profile of that explosion matches what multiple witnesses describe as the personality of Victor Belton, not Tony Ford.

Five seconds of terror—during which the witnesses were being shot at, ducking and fearing for their lives—is not a sufficient observational window to produce the kind of certain, accurate facial identification that the prosecution built its entire case upon. This is not a legal technicality. It is a basic fact about how human perception works under life-threatening duress, and it goes directly to the reliability of every identification that followed.

Who Was at the Scene: Tony Ford's Account

Tony Egbuna Ford did not deny being near the Murillo home that night. He has never denied it. At trial, under oath, in the face of a death sentence, he told the jury exactly what he did and did not do, and his account has remained consistent across more than thirty years without a single material contradiction.

On the evening of December 18, 1991, Van Belton drove to the house Tony shared with Marvin Dodson and picked Tony up at around 9:00 p.m. They stopped at a 7-Eleven and picked up Van's brother Victor. The three men then collected a blue truck that belonged to a friend of someone named Ken, a drug dealer with whom Marvin Dodson had been working and with whom Van had recently been negotiating for increased territory. They drove to Ken's house, where Tony and Van went inside briefly, then all three departed in the truck.

Tony described what he was wearing that evening: a black sweater and light brown pants. He had a dark trench coat with him. Victor asked to borrow the coat. He needed it, Victor said, to conceal the gun he was carrying. Tony lent him the coat. This detail, which Tony volunteered at trial, knowing full well that it would be used against him, is one of the most revealing elements of his entire testimony. Providing an explanation for damaging evidence against oneself is the behavior of someone telling the truth, not someone constructing a cover story.

The truck parked a short distance from the Murillo home. Van and Victor got out. Tony stayed in the truck. Van and Victor went to the door and knocked, were turned away, and returned to the truck, where they sat on a nearby wall and discussed what to do. Then, they went back. Van kicked the door open. Tony heard it from the truck.

What happened next, as Tony described it, is the account of a man in the grip of mounting alarm. People down the street had been alerted by the noise of the door being kicked in. They seemed to be staring at him. Tony got out of the truck and started walking toward the house—not to join the crime, but because he was frightened and disoriented. Before he reached the door, a gunshot rang out. He turned and ran back to the truck. Van came sprinting out of the house. Victor emerged seconds later, got into the Murillos' car in the driveway, and drove away. Tony and Van drove away in the truck.

At trial, Tony was asked in a series of four questions whether he had shot Armando, Ms. Murillo, and Lisa, and whether he had shot at Myra, he testified, “No, sir, I did not,” in response to each question.

What Tony Ford Was Not

To convict Tony Ford of capital murder—not merely of participation in a robbery gone wrong, but of deliberately shooting Armando Murillo in the head—the prosecution needed the jury to believe that this

mild-mannered teenager with no criminal record was capable of explosive, lethal violence. The evidence suggests the opposite.

Multiple witnesses testified to Tony's peaceful character. His mother described a son who had never engaged in violence. Four additional witnesses said the same. Monica Fisher, a close friend who called Tony her "big brother," swore in an affidavit: "In the time that I have known Tony, I have never known him to be violent or argumentative and I trusted him with my heart. Tony was always the perfect gentleman."

Marvin Dodson put it plainly: "Tony was not violent and had a good heart. The Belton brothers were different. They were known to get in a lot of fights, scare people when confronted, or when they were doing their shit, to pull out a piece and threaten people with it all the time. They thought it made them big."

When police searched his home after the shooting, they found nothing: no stolen property from the Murillo home, no ammunition, no weapons, nothing that tied him to any crime. At Van and Victor Belton's home, by contrast, police found .22 caliber bullets matching the murder weapon, and jewelry and a watch box stolen from the Murillo family.

Chapter 2

The Pseudo-Investigation

Twenty-Four Hours to a Death Sentence

In the annals of criminal investigations, speed is not always a virtue. The swift identification of a suspect can reflect brilliant detective work—or it can reflect tunnel vision, confirmation bias, and the desire to close a case quickly. In the case of Tony Egbuna Ford, the entire machinery of the investigation—identification, arrest, photo lineup, witness confirmation—was set in motion and substantially completed within twenty-four hours of the crime. That speed did not reflect brilliant detective work. It reflected a decision made before the evidence was examined and before the assembly of whatever evidence could be found to support it.

The flawed process unfolded like this: In the immediate aftermath of the shooting, Myra Murillo told the first officers on the scene that she recognized one of the intruders from high school. Working through her yearbooks, she identified Van Nash Belton. Officers went to the Belton family home early in the morning of December 19, 1991, to arrest Van. While executing that arrest, Van's brother Victor attacked the arresting officers. Victor was taken into custody for aggravated assault on a police officer. His clothing and shoes were collected and tagged as evidence; the chain of evidence form listed the Murillo murder case number. Even the officer filling out paperwork understood that Victor might be connected to the killing inside the Murillo home.

When Van was interrogated, he confessed to being inside the Murillo home—and named Tony Ford as the shooter. Armed with this accusation, police obtained Tony's high school photograph, assembled a

photo lineup and showed it to Myra Murillo that same afternoon. She identified Tony. By 2:15 p.m. on December 19, 1991, less than eighteen hours after Armando Murillo was killed, Tony Ford had been booked, photographed and formally identified as the suspect.

That is the entire investigation. Van Belton, a confessed participant with obvious self-interest in protecting his brother, pointed at Tony Ford. Police took his word for it, built a photo lineup around Tony's photograph, showed it to a traumatized witness and declared the case solved. Victor Belton, who was in police custody, whose clothing had been seized as murder evidence and who was known to police as a dangerous criminal inseparable from his brother, was never developed as a suspect.

The speed of this investigation is not just a procedural concern. It is evidence of a predetermined conclusion. Within one day, the El Paso Police Department decided that Van Belton's self-serving testimony was reliable and that Victor Belton's obvious connection to the crime was irrelevant. That decision, made in less than twenty-four hours on the basis of a confessed participant's accusation, would condemn Tony Ford to spend the next three decades of his life on death row.

The Man They Never Looked At: Victor Belton

Victor Belton is not a shadowy figure on the margins of this case. He is its central character—the person whom every credible strand of evidence identifies as the shooter, the person whom three separate witnesses say confessed to the murder, the person whose clothing was seized as murder evidence, and the person whom the El Paso Police Department inexplicably chose never to investigate.

Victor was known to law enforcement. El Paso police detectives, when interviewed by Tony Ford's post-conviction legal team years later, confirmed what they had known at the time: The Belton brothers were

flagged as dangerous. Detective Armando Sosa stated, “We all knew that they were violent, they were runners and they were into stealing cars, dealing dope, and we were told that they were armed at times and to use caution when dealing with them.” Detective Pete Lozano confirmed, “We knew of the Beltons ... we knew to use caution and they were fighters.”

The Beltons’ neighbor Arturo Torres, a retired teacher from Eastwood Middle School where both brothers had been students, described a family that “terrorized the neighborhood.” He told investigators he was “not surprised that one of them was arrested for murder.” He was right that one of them should have been arrested—but wrong about which one.

Detective Sosa also confirmed the inseparability of the two brothers: “Those two were always together ... they were inseparable.” This is the single most important contextual fact that the police chose to ignore. Van Belton was inside the Murillo home. Victor Belton was known to commit crimes alongside his brother. Victor’s clothing was seized as murder evidence on the morning Van was arrested. And yet the police pursued Tony Ford—a young man with no criminal record, no connection to the Belton brothers’ criminal network, and no violent history—while never so much as developing Victor as a suspect.

Detective Lowe admitted at trial that the police never developed Victor Belton as a suspect in this case. Detective Lowe’s admission, made from the witness stand at Tony Ford’s trial, is perhaps the single most damning sentence in the entire record. It is not disputed. It is not hedged. It is simply stated—as though it were routine police practice to ignore the obvious suspect in a capital murder case because a confessed participant had helpfully pointed at someone else. No journalist covering the trial flagged it. No appellate court later treated it as the astonishing concession it was.

The Evidence That Went the Wrong Way

Strip away the eyewitness identifications and examine only the physical evidence. What you find is not a case against Tony Ford, but rather, a case against the Belton brothers.

At the Belton family residence, police found .22 caliber bullets—matching the caliber of the weapon believed to have been used in the shooting. They found a watch and a jewelry box taken from the Murillo home. These are the possessions of perpetrators: the ammunition and the spoils.

At Tony Ford's residence, police found nothing. Not a piece of stolen jewelry. Not a bullet. Not a weapon. Not a fiber. Not a document. Not a photograph. Absolutely nothing connecting him to the crime.

The prosecution's physical case against Tony rested on two items. First, three wool fibers found on Armando Murillo's shirt that were similar in color and appearance to fibers from Tony's trench coat. The state's own expert testified that the fibers "could" have come from the coat—and then added, in her written laboratory report, that they could equally have come from "any wool garment of a gray/purple color." This is not evidence of guilt. This is evidence of nothing.

Second, a small stain found inside the pocket of Tony's coat that was initially identified as blood. A confirmatory blood test came back negative. The lab report stated plainly that the follow-up test "indicated no detectable blood present."

Tony's explanation for both pieces of alleged evidence was straightforward and unrefuted: Victor Belton borrowed the coat before entering the Murillo home because he needed to conceal his gun. If fibers from the coat ended up on Armando Murillo's clothing, it was because Victor was wearing the coat when he struck Armando with a gun. If

there was any trace of anything in the coat's pocket, it was because Victor had worn the coat during the crime. Tony testified to this. No witness contradicted it. The prosecution had no response.

The language of the fiber evidence deserves particular attention because prosecutors frequently present such findings to juries in ways that imply stronger conclusions than the science supports. "Could have come from" and "similar in color" are expressions of possibility, not probability, and certainly, not certainty. A careful jury given full scientific context would understand this. Tony Ford's jury, without an expert witness to translate the significance of such hedged language, may not have grasped how little these findings actually proved.

Van Belton: The Man With Every Reason to Lie

The foundation upon which the prosecution's case was built is the statement of Van Belton, a man who was, by his own admission, one of two people inside the Murillo home on the night Armando was killed. Van's statement was the reason Tony Ford's photograph was in the photo lineup. Van's accusation was the reason police knocked on Tony's door. Without Van Belton, there is no case against Tony Ford at all.

Van Belton had everything to gain by naming Tony Ford as his accomplice. Van had just confessed to participating in a home invasion that resulted in a killing. Under Texas law, every participant in a felony that results in murder can be charged with capital murder. Van was, by his own admission, guilty of the crime for which Tony Ford was sentenced to death. By naming Tony as the shooter, Van was not merely shifting blame; he was separating himself from the most culpable role in the crime, potentially making the difference between a capital conviction and a lesser charge.

But there is something even more significant at work. Van's brother Victor was inside that house. Victor was the man who, in the heat of

sudden rage, pulled the trigger and killed Armando Murillo. Van knew this. Van named Tony Ford instead. By doing so, Van protected his brother—the person he was, according to every witness who knew them, inseparable from, loyal to, and inclined to cover for in any circumstance.

Marvin Dodson's sworn affidavit describes Van's behavior in the jail in the days following the arrest. Van found Dodson in the recreation area and begged him to corroborate the accusation against Tony: "Please, please, please, you need to tell the police, the attorneys or anyone else that asked that Tony did the shooting." And then, in the same breath, Van admitted the truth: It was Victor who had done the shooting. Van was not confused. Van was not guessing. Van knew exactly who had pulled the trigger—and he was asking people to say it was someone else.

Dodson refused. But others did not need to be asked. The machine was already in motion. The police had their suspect. Tony Ford was in custody. And Van Belton's self-serving lie was already the cornerstone of a capital murder prosecution.

Van's behavior in jail—simultaneously confessing the truth to Dodson while begging him to repeat a lie to police—is not the behavior of a confused witness misremembering what he saw. It is the behavior of a man who knows exactly what happened and is actively working to suppress it. This distinction is fundamental to evaluating the reliability of Van Belton's statement to police. He did not name Tony Ford because he genuinely believed Tony was the shooter. He named Tony Ford because naming Tony protected his brother.

The Number That Wasn't Right

Among the procedural irregularities in the identification of Tony Ford, one stands out for its sheer explicitness. On the afternoon of December 19, 1991, Myra Murillo was shown a photo lineup containing six photographs. According to the testimony of both Myra and Detective

Lowe at a pretrial hearing, she selected photograph number 5—Tony Ford’s position in the lineup—at 4:10 p.m.

Two minutes later, at 4:12 p.m., Detective Lowe typed a statement for Myra to sign, which described the photograph she had selected. That typed statement read, “I have recognized the man whose picture is numbered 4 as the man who shot and killed my brother.”

Number 4 was someone else. Not Tony Ford.

In the document that Myra signed, the number “4” was struck through and replaced in handwriting with “5.” There are no initials beside the correction. There is no explanation attached to the document. There is no note in the police file explaining how the detective who typed the statement two minutes after the identification came to type the wrong number. The document was never presented to Tony Ford’s jury.

This discrepancy is either clerical error or something worse. In either case, it is a red flag of the most serious kind—a red flag that Tony Ford’s trial attorneys never waved before the jury and that courts have since declined to examine on procedural grounds. A document containing an uncorrected error about which photograph was selected from a murder investigation lineup, signed without explanation and never disclosed at trial, is not a trivial administrative mistake. It is evidence that the identification process may not have been as clean or as certain as the prosecution presented it to be.

The discrepancy has never been adequately explained. The two most benign possibilities—that Detective Lowe typed the wrong number by accident, or that Myra initially pointed to a different photograph—are both troubling in different ways. A typing error made two minutes after the event casts doubt on the accuracy of the documentation surrounding the entire identification. An actual change in selection suggests the identification was not nearly as definitive as it was later presented to be.

Neither possibility supports confidence in what the prosecution held out as the cornerstone of its capital murder case.

Chapter 3

The Truth about December 18

Three Witnesses, Three Confessions, One Conclusion

In the history of wrongful convictions, exonerating evidence takes many forms. DNA is the most dramatic, the most decisive, and the most cited. But DNA is not always available, and when it is tested and comes back inconclusive—as it did in Tony Ford’s case, excluding everyone equally—it can seem to close a door rather than open one.

In Tony Ford’s case, the most powerful exonerating evidence is not forensic. It is testimonial: the accounts of three separate individuals who, operating in entirely different social contexts and with no knowledge of one another’s statements, each heard Victor Belton claim responsibility for the murder of Armando Murillo.

This kind of evidence is not exotic or legally complex. It is, in many ways, the most ancient and reliable form of evidence there is: witnesses reporting what they heard another person say. Victor Belton was not quiet about what he did. He boasted about it. He bragged to acquaintances at parties. He invoked it as a warning. He wore it as a badge. And three different people, on three different occasions, heard him do it.

The significance of three independent confessions cannot be overstated. Defense attorneys in wrongful conviction cases are sometimes accused of coaching witnesses. But when three people—who have no apparent connection to one another, who came forward separately at different points in time, and whose accounts are mutually corroborating without

being identical—all report the same admission from the same person, the probability of fabrication approaches zero.

Tammond J. Brookins: The Party Confession

Approximately one year after the murder of Armando Murillo, and seven months before Tony Ford would sit in a courtroom and hear a jury sentence him to death, Victor Belton was at a party near Desert View Middle School in El Paso. Tammond J. Brookins, who had known Victor for several years, was also at the party.

Brookins was upset. A close friend of his had been shot, and he was discussing with two other friends whether to retaliate. Victor joined the conversation. When he understood what was being discussed, he offered advice: “If you’re going to do something, you need more than one person helping you ... If nothing don’t happen, you’ll get away with it. I did.”

Brookins did not initially grasp the significance of those words. They seemed like the boast of a young man affecting toughness, the kind of bravado common in the social circles they ran in. It was only later, after Brookins began corresponding with Tony Ford in prison and learned the details of the case—that Tony had been convicted of a murder he denied committing, that Victor Belton was the brother of Van Belton, who had been charged alongside Tony—that the meaning of Victor’s words clicked into place.

In his sworn declaration, Brookins stated, “My impression has been ever since then that Victor Belton admitted to me that night at the party that he got away with the killing that Tony Ford was sentenced to death for.”

Brookins came forward to testify to this. He put his name on a sworn declaration. He opened himself to cross-examination and scrutiny. He did this not because he had anything to gain, but because he

believed—correctly, based on everything the evidence shows—that an innocent man was on death row for something Victor Belton had done.

David Tucker: “I’ve Already Murdered One Boy”

David Tucker’s account arrived from a different angle and in a different setting, but its substance is identical. Tucker was a close friend of both Tony Ford and Victor Belton. A few months after Tony’s arrest—before the trial, while the public accusation against Tony was circulating through their social world—Tucker was at a party when Victor became involved in a confrontation with another man.

Tucker moved toward the scene to see what was happening. He heard Victor issue a warning: “I’ve already murdered one boy. Don’t make me murder again and get away with it.”

In his sworn affidavit, Tucker explained his certainty about what Victor meant: “I also knew that Vic’s older brother Van was charged with the same murder. Van often covered for Vic for stuff that he did ... they were like smoke and fire. I was sure that Vic had told us he was the one who killed that young man.”

Tucker tried for years to locate Marvin Dodson, unaware that Dodson had similar information. He was himself difficult to find. Tony Ford’s legal team searched for him for over a decade, finally locating him in 2014 through social media, with the assistance of Tony’s sister and, ultimately, the El Paso District Attorney’s office. His account, obtained under these circumstances, carries none of the hallmarks of a manufactured or coached statement. It carries instead the hallmarks of a man who has been sitting with a troubling truth for a very long time and who, when finally found, was willing to share it.

Tucker's phrase "they were like smoke and fire" is one of the most illuminating character assessments in the entire record. It explains in a single sentence why Van named Tony Ford instead of his brother: because covering for Victor was what Van did. It was habitual, instinctive and deeply ingrained. And in this case, that same instinct—exercised from a jail cell, under interrogation, with enormous personal stakes—condemned an innocent man to death row.

Marvin Dodson: The Witness Who Knew Everything

Marvin Dodson is the keystone of the exonerating case for Tony Ford. He is not a peripheral figure who overheard something at a party. He is someone who was at the center of the events that led to the crime, someone who knows not just what happened that night, but why the crime was planned, who the participants were, and what each of them did afterward. For over twenty years, he stayed silent. The consequences of speaking were real, and he knew it.

Dodson had been Tony Ford's closest friend. They shared a room in the family home where Tony had been living. Dodson had been working with a drug dealer named Ken, selling in east El Paso territory. When someone began encroaching on Ken's business, a person believed to be connected to the Murillo address, Dodson helped plan a confrontation. The plan was not to harm anyone. It was, as Dodson described it, to warn the person off or bring them into Ken's operation. "There was no plan to shoot or kill anybody," Dodson stated plainly in his 2015 affidavit.

The plan was designed with Tony's role specified from the beginning: He would stay outside. Dodson told him explicitly that he did not want Tony going inside the house. Tony was to be the lookout. Nothing more.

Before the plan could be executed, Dodson was arrested on a probation violation and jailed on December 13, 1991—five days before the crime.

He expected the operation to wait for his release. Van Belton had other ideas. Van wanted a larger role in Ken's drug operation. He pushed to complete the job before Dodson got out of jail. Ken approved the modified plan. Van was the leader. And Van brought his brother Victor, not Marvin Dodson.

When Van was subsequently placed in the same section of the jail as Dodson, he sought Dodson out in the recreation area. What followed was one of the most significant conversations in the entire history of this case, a conversation that Dodson finally agreed to document in a sworn affidavit in March 2015, more than two decades after it occurred.

On March 7, 2015, Marvin Dodson said, "Van begged me, 'Please, please, please, you need to tell the police, the attorneys or anyone else that asked that Tony did the shooting.' Van looked nervous and scared. He wanted me to do this at the same time he was telling me that Victor was the one that did the shooting."

The admission is breathtaking in its clarity. Van Belton was simultaneously asking Dodson to lie and confessing the truth to him. He wanted Dodson to tell the world that Tony Ford was the shooter—while acknowledging, to Dodson alone, that it was actually Victor. This is not the behavior of a confused witness. This is the behavior of a man constructing a cover-up and recruiting help for it.

Dodson did not help. He refused. But he also stayed silent about what he knew—for years, then decades. When Tony Ford's legal team first located Dodson in 2002, he would share only the bare minimum: that Van had asked him to frame Tony, and that he had refused. The full account—the plan, the drug context, Ken's operation, what happened after the crime—remained locked inside Dodson's memory. The reason was fear. Not legal jeopardy. Fear. Fear of Victor Belton.

When investigators first made phone contact with Dodson in 2014, the first thing he asked was where Victor Belton currently lived. He would not speak further until he had that information. When investigators finally located Dodson in jail in February 2015 and he agreed to give his full account, he was explicit about his ongoing terror: “I am very afraid that by saying what I have here, my family will be put in jeopardy of being hurt.” He signed the affidavit anyway.

Dodson’s fear is not an abstraction or a convenient excuse for his long silence. It is, in itself, evidence. A man who is frightened enough of another man to stay silent for more than twenty years—while an innocent person sits on death row in his place—is a man with a very concrete understanding of what that other man is capable of. Marvin Dodson’s silence for two decades was a testament to Victor Belton’s dangerousness. His willingness to finally speak, despite that fear, is a testament to what remained of his conscience.

There is also a later scene in Dodson’s account that provides additional confirmation. At a party held after the crime, he was present when Victor Belton arrived and began boasting, “We did that ... The way it was done, we got away with murder.” Dodson told Victor to stop talking. Victor kept going, adding that he had guns and could use them whenever he wanted. This is not a man being discreet about a crime. This is a man who feels invulnerable.

The Drug War Nobody Testified About

The crime at the Murillo home did not arise from random violence. It was not a burglary of opportunity. It was a targeted confrontation arising from the underground economy of drug dealing in east El Paso, and understanding this context is essential to understanding why the true perpetrators are the people the evidence identifies, and not Tony Ford.

Joe Chrisman, Myra Concepcion Murillo's live-in boyfriend, had all the characteristics of a drug dealer. He lived a "flamboyant lifestyle" with no visible source of income. He received visitors at all hours. His neighbor John Duncan told investigators, "I know what he was into. I knew there were undercover police officers watching him." A former wife confirmed that Chrisman "had a lot of money and was always lying about how he got his money." His daughter Veronica recalled that when she heard about the break-in, her first thought was, "Maybe they were there looking for my father."

Most significantly, Joe Chrisman appears to have had advance knowledge that a confrontation was coming. He warned his daughter Veronica, who had planned to be at the Murillo home that evening, not to go. Veronica stated, "I was told by my father not to go by that night." A man who knows not to let his daughter visit a location the evening that a targeted confrontation is scheduled to take place is not a man who was surprised by what occurred.

When the first assistant district attorney on Tony Ford's case, Luis Aguilar, independently investigated this angle in 1993 after expressing doubt about the case, he confirmed through a confidential informant that a new drug dealer in El Paso had been looking for muscle to intimidate competitors. This information went nowhere. The police had already closed the case.

The failure to pursue this lead is not merely a missed investigative opportunity, it is evidence of an inquiry that was never truly trying to find the truth, only to confirm a conclusion already reached. Aguilar independently confirmed that the crime was connected to drug-territory competition and expressed doubt to defense counsel that the right person had been charged. When the lead prosecutor on your own capital case investigates an alternative theory, tells the defense the case was not

worked thoroughly, and that investigation still goes nowhere, something has gone profoundly wrong.

The Neighbors Who Told the Truth

In 2014, twenty-three years after the crime, Tony Ford's post-conviction legal team conducted a canvass of the Murillos' neighborhood. They found that many of the people who had been neighbors of the Murillos in 1991 still lived in the same houses. What those neighbors remembered, when asked to recall what they had seen that night, corroborated Tony Ford's trial testimony with remarkable precision.

Robert Bryant, who lived at 1568 Dale Douglas—directly across the street and one house south of the Murillos—heard a commotion and looked out to see two men run from the house. He watched a dark-colored truck speed away down Dale Douglas. This is consistent with Tony's account: Van and Tony running back to the truck and driving away. Bryant did not see a separate car leave, but Albert Munoz, who lived directly across from the Murillos, watched a dark-colored midsize car drive away northbound. This corresponds to Victor fleeing in the Murillos' own vehicle.

Together, these two neighbors described three people connected to the crime departing in two vehicles. This is exactly what Tony Ford testified had happened. Two men ran out of the house and drove away in the truck: Tony and Van. A third person departed separately in the Murillos' car: Victor.

Myra Concepcion Murillo, the mother who was shot and survived, independently confirmed three participants. Her boyfriend, Joe Chrisman, told Tony Ford's investigators that as she recovered from her wounds, she told him there were three people involved in the crime. Two men came inside and one stayed outside as a lookout.

One of the Murillo daughters, immediately after the crime, called her neighbors to use their phone. The neighbor who watched her make the calls, Marie Conover, overheard Myra Murillo say to whoever was on the other end, repeatedly, “It was those guys. It was those guys.” Conover had the clear impression that Myra knew who those guys were. At trial, Myra testified that she had no prior knowledge of or dealings with the second intruder, the one she identified as Tony Ford. But “it was those guys” does not sound like the statement of someone encountering strangers.

The phrase “it was those guys” is a statement of recognition, not description. You do not say “those guys” about people you have never encountered. You say it about people you know, or at least know of. If Myra Murillo recognized both intruders, and the circumstantial evidence strongly suggests she did, then her trial testimony that she had no prior knowledge of the second intruder was false. And if that testimony was false, the identification of Tony Ford as the man who shot her brother is built on a foundation that did not exist.

Chapter 4

The Science of Broken Memory

The Most Common Cause of Wrongful Convictions

Courts have historically treated eyewitness testimony as among the most powerful evidence available. Prosecutors rely on it. Juries believe it. And yet the science, developed steadily over the past four decades by researchers in experimental psychology and cognitive neuroscience, tells a fundamentally different story.

Human memory is not a recording. It is not a camera. It is a reconstruction, an act of creation that is influenced by stress, expectation, suggestion and the passage of time. When the conditions under which an observation is made are compromised, the reconstruction becomes unreliable in ways that the witness themselves cannot detect. They are not lying. They are genuinely mistaken. And they are certain of their mistake.

This is precisely why expert testimony on the subject is so important in trials where identification is the central evidence. A jury without this scientific framework will naturally defer to the confident witness; it is the most human response imaginable. A jury with it can weigh the testimony against the known factors that compromise its reliability. Tony Ford's jury had no expert. They were never told what decades of research have established about memory, stress and cross-racial misidentification. They trusted what felt trustworthy—and sent an innocent man to death row.

Dr. Roy Malpass and the Science of the Ford Case

Dr. Roy Malpass is an experimental psychologist at the University of Texas at El Paso who has spent decades studying the science of eyewitness identification. He is not a hired gun who testifies for whoever pays him. He is a researcher who developed some of the foundational methodologies now used across the country to evaluate the fairness and reliability of identification procedures.

Tony Ford's attorneys tried to retain Dr. Malpass. They filed a motion before trial asking the court to fund his services. The trial judge denied the motion. Without funding, the defense could not afford to retain him. The jury never heard his testimony. They never heard his analysis. They never learned what a leading expert on the topic would have said about the procedures used to identify Tony Ford.

In federal habeas corpus proceedings, funding was finally provided and Dr. Malpass was retained. He conducted two empirical studies and produced detailed expert reports. What he found was not merely that the identifications might have been mistaken. What he found was that the entire procedure was structured in ways that made a mistaken identification of Tony Ford nearly inevitable.

Dr. Malpass continued his analysis through subsequent habeas proceedings, producing updated reports in 2015 and 2017 that incorporated advances in eyewitness science that had developed since his original work. In total, his analysis identified no fewer than six distinct factors that compromised the reliability of the Murillo sisters' identifications—each serious on its own, and collectively devastating.

Factor One: The Photo Lineup Was Rigged, Scientifically Speaking

A fair photo lineup has a specific mathematical property: the photograph of the suspect should not stand out. When the lineup is shown to a person who has no knowledge of the case and is given only a verbal description of the suspect, that person should be approximately equally likely to select any photograph in the lineup. If one photograph is selected at a rate far higher than the others, it means that photograph stands out—and a witness shown this lineup will be drawn toward it regardless of whether the person in the photograph is actually the perpetrator.

Dr. Malpass conducted precisely this test on the photo lineup shown to the Murillo sisters. He gave research participants the verbal description of the suspect and asked them to make a selection. The result: Participants were nearly four times more likely to select Tony Ford's photograph than any other photograph in the lineup.

This means the lineup was biased at a ratio of four to one. A witness shown this lineup was four times more likely to identify Tony Ford than chance would predict, not because he looked like the person they had seen, but because his photograph stood out from the others. In Dr. Malpass's professional judgment, this lineup was substantially biased. A properly constructed lineup would have produced approximately equal selection rates across all six photographs.

To grasp the weight of that finding, consider what it means in plain terms: A person who had never seen the shooter, who had never set foot near Dale Douglas on the night of the crime, who knew nothing about anyone involved—shown this lineup with only a verbal description of the suspect—would pick Tony Ford's photograph at four times the rate they would pick any other. That is the legal and scientific definition of a

suggestive lineup, and it is the foundation on which a death sentence was built.

Factor Two: Victor Belton Was Missing From the Lineup

The lineup's bias is compounded by an absence that Dr. Malpass identified as crucial. Victor Belton's photograph was not in the lineup shown to the Murillo sisters. Victor—who looked, by every account, strikingly similar to Tony Ford—was the person Tony Ford says was inside the Murillo home. If the Murillo sisters had seen Victor that night and were then shown a lineup containing Tony but not Victor, they would be drawn to the person who most closely resembled the man they had actually seen.

Dr. Malpass's second study directly tested this proposition. He asked participants to compare the facial appearance of the six people in the photo lineup and then to compare all of them to Victor Belton, whose photograph was not included. The results were unambiguous: Tony Ford and Victor Belton were, by a substantial margin, the most similar looking pair in the entire comparison. Of all the people who might appear in a lineup related to this case, Tony Ford was the one who looked most like Victor Belton.

Put the two findings together: The lineup was biased toward Tony's photograph, and Tony looked more like Victor than anyone else in the lineup. If the Murillo sisters had seen Victor, they would have been drawn toward Tony's photograph—not because Tony was the person they had seen, but because he was the closest visual match to the person they had actually seen, in a lineup that was already directing their attention toward his photograph.

Dr. Malpass summarized this precisely: "There is no identification procedure providing a direct comparison of Tony and Victor. That is the only way a choice between the two could have occurred. All the rest is

supposition and speculation. Given that the first identification of Tony was incorrect, all the rest of the identification pattern was foreordained.”

Factor Three: The Witnesses Were Victims With a Weapon at Their Heads

The conditions under which Myra and Lisa Murillo observed the intruders were among the worst possible for accurate eyewitness identification. They were not disinterested bystanders watching from a safe distance. They were the targets of the crime. They were shot. They were terrified to the point that, as Lisa testified, “I wet my pants.” She was so frightened that she buried her face in a pillow and never looked up once the shooting started. She did not, by her own account, actually see the shooting occur.

Myra admitted that she spent much of the time looking down to avoid being recognized by Van Belton, whom she knew from high school. She was managing the additional terror of being recognized by one of her attackers. The period during which she actually observed the intruder whom she later identified as the shooter lasted between two and five seconds.

The presence of a weapon dramatically worsens identification accuracy, a phenomenon researchers call “weapon focus.” When a witness is confronted with a weapon, their attention is pulled toward the weapon itself, not the face of the person holding it. This is an involuntary cognitive response, not a matter of choice or attention. The result is that the face of the person holding the weapon is observed less carefully and for less time and is encoded in memory less accurately than witnesses typically believe.

Weapon focus is one of the most extensively documented phenomena in eyewitness science, and it operates in ways that are invisible to the witness. They do not feel that their attention was pulled away from

the face of the person holding the gun; they feel that they saw the perpetrator clearly. This is why witness certainty is such an unreliable guide to witness accuracy. The confidence is real. The accuracy is not.

Factor Four: Cross-Racial Identification and El Paso

Myra and Lisa Murillo are Latina. Tony Ford and Victor Belton are Black. The science of cross-racial identification is unequivocal: People are significantly less accurate when identifying someone of a different race than when identifying someone of the same race. This is not a prejudice or a bias in the pejorative sense. It is a feature of how human facial recognition works, linked to differential experience with different faces, and it operates regardless of the witness's racial attitudes or social experience.

Dr. Malpass did not merely cite this general principle. He had conducted a specific study in El Paso—the city where this crime occurred—examining exactly this dynamic: Latino witnesses identifying Black suspects. The results were stark. When a Latino eyewitness identified a Black suspect, they were mistaken approximately two-thirds of the time. The error rate for same-race identification, by contrast, was less than one-third.

Two-thirds. The jury that convicted Tony Ford was never told that the statistical likelihood of the Murillo sisters' identification being wrong was approximately sixty-seven percent, based on documented research in their own city. They heard two women testify with absolute certainty. They had no scientific framework for understanding why that certainty was not a reliable guide to accuracy.

When a Latino eyewitness in El Paso identified a Black suspect, they were wrong two-thirds of the time. The jury never heard this.

That sixty-seven percent figure is specific, local and directly applicable to Tony Ford's case. It is not a general principle imported from studies conducted elsewhere. It is research about this city, this kind of identification, and this racial pairing. Its suppression from the jury's consideration is one of the most consequential failures in the entire case because it is the one number that could have reframed everything the jury thought they understood about what Myra and Lisa Murillo's certainty actually meant.

Factor Five: Lisa Saw Tony's Photo Before She Saw the Lineup

Lisa Murillo was in the hospital being treated for her gunshot wound when her sister Myra made the initial photo identification on December 19, 1991. Lisa did not view the photo lineup herself until December 27, 1991, eight days later. Those eight days were consequential.

During that interval, a local newspaper published photographs of the people who had been arrested in connection with the Murillo family attack. The photographs included Tony Ford's picture, with his name attached, identified as a suspect. Lisa saw this. She also learned from her sister that Myra had already viewed two photo lineups and had selected a person from each one.

Both of these facts are known to compromise eyewitness identification accuracy. Prior exposure to a photograph of the suspect significantly increases the likelihood that the witness will select that photograph in a subsequent lineup—even if the person depicted was not the perpetrator. This is not because the witness is being dishonest. It is because the face has been encoded in memory in a new way, associated with the traumatic event, and the witness cannot distinguish between the memory of seeing the perpetrator and the memory of seeing the photograph.

The knowledge that another witness has already made an identification creates social pressure to conform, a pressure that witnesses are often unaware they are experiencing. Both factors were present in Lisa Murillo's case. Her identification, made eight days after the crime, after seeing Tony's photograph in the newspaper and learning her sister had identified someone, is precisely the kind of identification that the science identifies as maximally likely to be inaccurate.

Factor Six: Certainty Is Not Accuracy

Of all the findings in eyewitness science, perhaps the most counterintuitive—and the most practically significant for a courtroom—is the relationship between witness certainty and witness accuracy. Commonsense says that a person who is absolutely certain about what they saw is more likely to be right than a person who is uncertain. Jurors believe this. Prosecutors know jurors believe this and rely on it. And the science says it is wrong.

Research consistently shows that eyewitness certainty is not correlated with eyewitness accuracy. A witness who says, "I am certain beyond any doubt" is not statistically more likely to be right than a witness who says, "I think that's the person." Among witnesses who express the highest levels of certainty, the kind of certainty Myra and Lisa Murillo expressed, studies show error rates approaching fifty percent.

Flip a coin. That is the predictive value of absolute eyewitness certainty, when the other known risk factors for misidentification are also present.

Myra Murillo testified from the witness stand with the full force of her conviction, her grief, her spiritual certainty: "I felt like I was protected, like spiritually. And ninety-nine percent, I felt that I wasn't going to die. And that one percent, I just knew I was going to have to hang on because these two men were not going to get away with what they did. And

therefore I did want to look at him, and which I did have time. And I will never forget a face like his.”

This is devastating testimony. It is moving, sincere and deeply human. Also, based on everything science knows about how human memory works under conditions of acute traumatic stress, it tells us almost nothing reliable about whether Tony Ford was actually the person in her home that night.

The jury foreman reported after trial that Myra’s certainty was the most important piece of evidence in both phases of the trial. Two jurors who had held out for a life sentence ultimately voted for death because they trusted Myra’s conviction, saying that if they were wrong, “the responsibility lay with Myra.” This is precisely the dynamic that eyewitness experts warn about: juries transferring their own moral responsibility to a certain witness, rather than applying critical evaluation to the testimony.

The Secret That Could Have Changed Everything

On the morning of June 7, 1993, the first day of jury selection in Tony Ford’s trial, the lead prosecutor brought Myra and Lisa Murillo to the closed door of the courtroom. Tony Ford was already seated at the defense table. The prosecutor asked the sisters to look through the window at the defendant—one more time, just to be sure.

Court reporter Robert Thomas was standing six feet away. He heard the prosecutor ask, “Does this look like him?” He watched what happened next. Both sisters hesitated. Both looked uncertain. One finally answered, “You know, it kind of looks like him.”

“It kind of looks like him.”

One month later, these same witnesses would testify from the stand that they had “no doubt” Tony Ford was the shooter. Not “kind of.” Not “I think so.” No doubt. None. And the prosecution, having heard what their witnesses said at the courtroom window, put them on the stand anyway and elicited testimony of certainty that their own pre-trial conversation had shown to be false.

This information was never disclosed to the defense. Defense attorney Greg Anderson, in a post-conviction affidavit, stated plainly, “Had I known that the witnesses said they were unsure of their identifications, I would have impeached them with their statements, and I believe this may have made a difference in the trial.”

More than “a difference.” The Murillo sisters’ certainty was the entire case. Without it, a jury would have been left with unreliable identifications made by traumatized witnesses under scientifically compromised conditions. With the knowledge that those same witnesses had expressed doubt one month before testifying to certainty, the defense could have made a compelling case that the witnesses were not actually certain—and that their trial testimony was testimony the prosecution had shaped, not simply reported.

Under established Supreme Court precedent, a conviction procured through the knowing use of false testimony denies the defendant due process of law. What Robert Thomas witnessed at the courtroom window is evidence that the certainty Myra and Lisa Murillo projected from the witness stand was not spontaneous truth. It was a performance the prosecution had every reason to encourage, and which their own pre-trial conversation shows they knew to be inconsistent with what the witnesses actually felt. That knowledge was never shared with the defense. The jury never learned that their star witnesses had privately expressed doubt about the very identification on which they based a death sentence.

Chapter 5

Thirty Years of Closed Doors

The Mechanics of Legal Exhaustion

When a person is convicted of a crime in the United States, they are entitled to appeal. When those appeals are exhausted, they can file habeas corpus petitions, collateral attacks on the conviction that raise issues not addressed in the direct appeal. When state habeas petitions are exhausted, they can file in federal court. When federal remedies are exhausted, they can seek review by the Supreme Court of the United States.

But this system of successive review is constrained by doctrines designed to achieve finality in criminal judgments: procedural default rules that bar claims not raised at trial; abuse-of-the-writ doctrines that bar successive habeas petitions raising claims that could have been raised earlier; harmless-error rules that sustain convictions despite constitutional violations if the reviewing court believes the violation did not affect the verdict. These doctrines serve legitimate purposes in normal cases. In a case like Tony Ford's—where the exonerating evidence was, by its nature, not available at trial and emerged only slowly over decades of investigation—they become barriers to justice rather than instruments of it.

Tony Ford has been the victim of all of them. He has had meritorious claims dismissed because they were raised in a subsequent petition rather than the initial one. He has had constitutional violations deemed harmless because courts focused on other evidence without fully accounting for how much the jury relied on the compromised identifications. He has had courts decline to hold evidentiary

hearings—to hear the actual witnesses, to test the evidence in the crucible of adversarial examination—on grounds that procedural rules did not require one. Thirty years, and no court has ever fully examined the evidence on its merits.

Tony Ford's case is a case study in how systemic commitments to finality can override commitments to accuracy. The procedural rules designed to prevent convicted defendants from filing endless frivolous appeals are being applied to block the examination of substantial, documented evidence that an innocent man is on death row. This is not a failure of individual actors; no single judge, prosecutor or court officer is uniquely responsible. It is a systemic failure: the predictable consequence of designing a legal system that often decides certainty matters more than truth.

The Execution That Almost Happened

Tony Ford had a scheduled execution date: December 7, 2005. Eight days before that date, State District Judge William Moody, who had presided over Tony Ford's original trial in 1991, issued a stay of execution.

Judge Moody issued the stay so that DNA testing could be performed on the clothing Victor Belton had been wearing when he was arrested on December 19, 1991, the morning after the crime. Those clothes—shirt, pants, shoes—had been stored as evidence for fourteen years. They had visible bloodstains. They had never been tested. If those bloodstains matched any member of the Murillo family, it would be direct physical evidence that Victor Belton had been inside the Murillo home during the crime.

The testing was ordered. The testing was conducted. The results were inconclusive: The blood on Victor's clothing could not be definitively linked to the Murillo family members. This result disappointed but did

not defeat Tony's case. Inconclusive is not exculpatory. It is simply unknown. DNA testing of hair fragments from the crime scene, conducted over subsequent years, also proved inconclusive—finding that none of the tested hairs came from Victor Belton, Van Belton or Tony Ford. Everyone was excluded; no one was connected.

The DNA testing resolved nothing definitively, which means that the case for Tony Ford's innocence, such as it is, must rest on the testimonial, scientific and circumstantial evidence that had been accumulating for years. And that evidence is formidable.

The 2018 Habeas Application: Everything on the Table

In August 2018, Tony Ford's legal team, led by attorneys Richard Burr and Robert Owen, filed a comprehensive subsequent application for writ of habeas corpus in the Texas courts. The filing represented the most complete statement of Tony Ford's case for innocence ever assembled in a single document. It was meticulously sourced, exhaustively documented, and argued five distinct grounds for relief.

The first two claims addressed the false testimony of Myra and Lisa Murillo: the suppressed courtroom-window conversation showing they had expressed uncertainty and Myra's false trial testimony that she did not know who the second intruder was, which was contradicted by her overheard statement "it was those guys."

The third claim addressed the newly available science of eyewitness identification: advances in the field since Tony's original habeas application that had fundamentally changed the legal and scientific landscape, advances that Dr. Malpass had documented in comprehensive expert reports spanning more than fifteen years.

The fourth claim addressed the totality of the state's investigative failure: the failure to investigate Victor Belton, the failure to follow drug-war leads that the first assistant district attorney himself had confirmed, the failure to conduct a neighborhood canvass, the failure to pursue Joe Chrisman's knowledge of the confrontation, and the suppression of evidence pointing away from Tony Ford and toward the Belton brothers.

The fifth claim—perhaps the most legally significant for the question of the death penalty, even if Tony was present—argued that under the Supreme Court's rulings in *Enmund v. Florida* and *Tison v. Arizona*, the Eighth Amendment categorically bars executing someone whose participation in a crime was as minimal as Tony Ford's own testimony describes.

In September 2019, the Texas Court of Criminal Appeals dismissed the application as an abuse of the writ, without considering the merits of any claim. The court did not examine the evidence. It did not hold a hearing. It did not weigh the three confessions, the suppressed uncertainty, the biased photo lineup, the drug-war context, or the thirty years of accumulated evidence. It applied a procedural rule and closed the door.

The 2019 dismissal is the most recent chapter, but it is almost certainly not the last. An innocence claim this thoroughly documented, this multiply corroborated, and this extensively analyzed by respected independent experts does not simply disappear because a court declines to look at it. Courts may close doors, but evidence does not expire.

Three people heard Victor Belton confess to the murder. The photo lineup was four times more likely to produce a false identification of Tony Ford than a fair procedure would have been. The Murillo sisters told the prosecutor one month before trial that the defendant "kind of" looked like the shooter. Those facts exist regardless of what any court decides to do with them—and they will continue to exist.

What Thirty Years on Death Row Looks Like

It is easy, in the abstraction of legal argument, to lose track of what this case actually means for a human being. Tony Egbuna Ford entered death row as a teenager. He has now spent more of his life in a cell on death row than he spent outside it. He has watched his family grow old. He has missed weddings, birthdays and funerals. He has read about the world rather than living in it.

He has done all of this while maintaining, without variation, that he is innocent. He has cooperated with attorneys. He has submitted to testing. He has opened himself up to investigators, journalists and legal scholars who have examined his case from every angle. He has not recanted, not changed his story, not sought to minimize his admitted involvement in driving the Belton brothers to the Murillo home. He has maintained precisely the distinction he drew at trial at the age of nineteen between what he did and what he did not do.

The consistency of an innocent man's account across thirty years, in the face of a death sentence, with nothing to gain from consistency except integrity, is itself a form of evidence. It is not scientific. It is not documented in a court record. But it is real, and any honest examination of this case must acknowledge it.

He wept on the witness stand at his trial, saying he would not want what happened to the Murillos to happen to anybody. He acknowledged that everyone in the case was a victim, while accepting that his choices that night made him morally implicated in the tragedy, even if not legally responsible for the murder. That kind of nuanced moral honesty is not the testimony of a guilty man calculating how to minimize his exposure. It is the testimony of a man grappling with the genuine complexity of what happened and his genuine role in it.

The human dimension of this case matters not only as a matter of empathy but as a matter of evidence. Guilty people who maintain false innocence under the pressure of a capital conviction typically either confess eventually, contradict themselves under repeated examination, or display behavioral patterns associated with sustained deception. Tony Ford has done none of these things. The consistency and moral complexity of his account is consistent with one thing: a man telling the truth.

The Path Forward

What Tony Ford needs—what justice requires—is not complicated. It is an evidentiary hearing. A real one. A hearing at which the witnesses can testify, the experts can be examined, the documents can be presented, and a court can weigh the evidence as it actually stands rather than dismissing it on procedural grounds.

Let Marvin Dodson testify under oath about what Van Belton told him in jail. Let Tammond Brookins and David Tucker describe what they heard Victor Belton say at parties. Let Dr. Malpass explain the science of the biased photo lineup and the cross-racial identification statistics. Let Robert Thomas describe what he heard at the courtroom window on the morning of jury selection. Let the lawyers explain the discrepancy in the photo identification document: the typed “4” that became a handwritten “5.”

Let it all be heard. Let it be tested. Let the adversarial system do what it is designed to do: put evidence to the proof and see what survives. Tony Ford has been asking for this for thirty years. The evidence has only grown stronger. The case for a full, fair hearing has only grown more compelling.

The evidence strongly suggests that the killer is Victor Belton. Three witnesses heard him admit it. The physical evidence was found at his

home. The clothing evidence pointed to him. The behavioral profile of the shooter—sudden, explosive, disproportionate violence in response to minor provocation—matches every documented incident in Victor Belton’s history and no documented incident in Tony Ford’s.

Tony Ford is not a perfect man. He was not a perfect teenager. He made a grave moral error on December 18, 1991, by driving those two men to that house and lending one of them his coat to conceal a weapon. He has acknowledged this. He has spent thirty years acknowledging it. But moral error is not capital murder. Presence is not participation. Proximity is not guilt.

The state of Texas intends to execute Tony Egbuna Ford. Every piece of credible evidence in this case suggests that if it does, it will be executing an innocent man.

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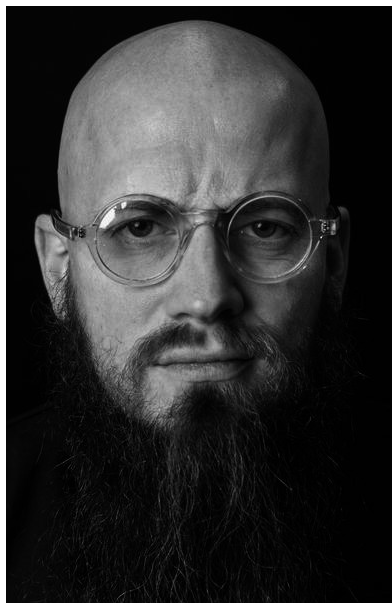
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The Rev. Dr. Jeff Hood is a theologian and spiritual advisor to death row inmates nationwide. He has accompanied over a dozen men to their executions and was the first spiritual advisor to be present for a nitrogen hypoxia execution. Rev. Hood has been profiled widely, including in the Rolling Stone documentary *The Spiritual Advisor*. He is the Founder of the Execution Intervention Project.

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