



Michael Toney

On the evening of November 28, 1985, a family returned to their Lake Worth, Texas trailer to find a briefcase on the front porch. They brought the briefcase inside, and when 15-year-old Angela Blount opened it, a bomb exploded. She was killed along with her father, Joe Blount, and cousin, Michael Columbus. There seemed to be no motive whatsoever for the murders. A man who lived across the street and was involved in illegal weapons sales later said he thought the bomb might have been meant for him.

No one was charged with the crime for over a decade, but in 1996, in the wake of the Oklahoma City bombings, the U.S. Department of Alcohol, Tobacco and Firearms reopened the case as part of an effort to investigate all unsolved domestic bombings. In 1997, an inmate in the Parker County Jail told police that a fellow inmate, Michael Toney, had confessed to planting the bomb. Toney, who was in prison for burglary, insisted he was innocent, but he was charged with capital murder.

Toney's trial began soon afterwards, but in the meantime, the jailhouse informant recanted his confession, claiming that he and Toney had concocted the story as a ploy to get the informant out of prison, but had not thought that Toney would actually be tried. No physical evidence connected Toney to the crime, but prosecutors had found two other witnesses to testify at trial: Toney's ex-wife Kim Toney, and his former best friend Chris Meeks. When first questioned by police, Kim Toney claimed she knew nothing about the bombings, but after looking up the case, she told police she had been near the Blount's trailer park on the evening of the murders with Toney and Meeks. She said Toney had entered the trailer park carrying a briefcase that, several days earlier, she had seen filled with bombs, and then returned to the car without the briefcase. Meeks, who also claimed not to remember the bombings at first, later told a similar story. Toney was convicted on May 20, 1999 and sentenced to death.

Toney's initial appeal and later petition for habeas corpus were both denied. However, on a second petition for state habeas corpus the defense produced evidence that the prosecution had withheld 14 documents that contained important evidence contradicting the witnesses' testimony and suggesting that police had fed information to their witnesses. On December 17, 2008, the Texas Court of Criminal Appeals overturned the conviction, ruling that prosecutors had wrongly withheld exculpatory evidence from the defense. Prosecutors decided not to retry the case, and on September 2, 2009, Toney was released from prison.

One month later, on October 3, 2009, Toney died when his truck veered off the road and overturned, throwing him from the vehicle.

- Alexandra Gross

State: Texas

County: Tarrant

Most Serious Crime: Murder

Additional Convictions:

Reported Crime Date: 1985

Convicted: 1999

Exonerated: 2009

Sentence: Death

Race: Caucasian

Sex: Male

Age: 19

Contributing Factors: Perjury or False Accusation, Official Misconduct

Did DNA evidence contribute to the exoneration? No

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The National Registry of Exonerations is a joint project of the University of the Michigan Law School and the Center on Wrongful Convictions at Northwestern University School of Law.

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Michael Toney
Innocent on Texas Death Row
"I fear the police NOT Mike Toney"
- Statement by Charles Ferris, State's Prison Informant
M'AIM- Michael; An Innocent Man - European Support Site

Michael Toney is offering 5 seats for the highest bidders to witness his execution !

WITNESS THE EXECUTION OF AN INNOCENT MAN
MURDER - TEXAS STYLE

Seats to Execution for Sale on Ebay ?

Michael Toney - Innocent on Texas Death Row

A comprehensive page with detailed information on his case, and what you can do to help.

"I fear the police NOT Mike Toney" - Charles Ferris, State's Prison Informant Click here for letters and petitions to sign and send in support of Michael

Click here to see the indictment for capital murder

Click here to see letter to Michael from Charles Ferris

Click here for letter from Michael to Judge Everett Young

Michael Toney in the news

Original reward flyer, Wisconsin police reports on Kim Toney, Gun records

Letter From Alexander Gonsalez

Letter From Wayland Tortella - #1

Letter From Wayland

Letter July 1999

My full name is Michael Roy Toney, I'll be 34 years old or young which ever way you look at it on December 29th, 1999. Everyone calls me Cowboy, I don't think that needs to be explained - the reason for the nickname is pretty obvious. I'm originally from Northern California but I've been here in Texas since about 1933. All my family is still in California. I don't have any family here in Texas at all. I haven't been an upstanding citizen by any means. I've been in a lot of trouble, mostly for credit card abuse, burglary, bad checks and theft. I'm not a murderer. I am completely innocent of the crime that I'm on death row awaiting execution for. I'm sure you'll find the reason I became a suspect and was later convicted of this crime to be strange and interesting.

It all started in June of 1997. I was in prison here in Texas serving a sentence for burglary and credit card abuse. I used to fence a lot of stolen property which is why I've been convicted of burglary so many times. Here in Texas if a person gets caught with property taken from a burglary-he's charged with the burglary. I was serving a 5 year sentence and was to get out on August 31st 1998. On a Friday in June 1997 I received a notice that I was going to be transported to Weatherford Texas to resolve an old burglary case that I

had been trying to take care of for a number of years. When I received this notice I sat down and was talking to man named Bennie Toole. I told him that I was going on a bench warrant to Weatherford and he started telling me to be careful out there because they are very strict and give a lot of time. He went on to tell me that he had went on bench warrant because him and his friend had been suspects in a bombing case that happened in Lake Worth. Lake Worth is a suburb of Fort Worth (which is where I live) so I was naturally curious about the bombing because I hadn't heard anything about it and its an unusual crime. Especially in Fort Worth Texas. He went on to tell me that him and his friend (Mike Huff) were suspects in a briefcase bombing. I asked him what it was all about and he said, "someone put a briefcase on someones porch in Lake Worth and it exploded and killed the Family. He didn't tell me when this happened or exactly where. I assumed that it was recently because of the way he was talking. The following Monday a Parker County deputy sheriff came to pick me up and took me to the Parker County jail in Weatherford Texas. I was there about three weeks when I got to know a man named Charles Ferris Jr. This detective would come to the jail almost everyday to get Ferris. I asked Ferris why the detective always came to get him. Ferris said, "he keeps telling me that if I'll tell them anything about the Don Baker murder that he'll let me go." I asked Ferris if he knew anything about it and he said "no" I had'nt heard anything about it nor did I know any Don Baker. Charles was sick and was supposed to be getting daily injections of Interferon but the jail wasn't giving them to him. I asked Ferris if he knew of anything he could tell the investigator so he could get out of jail before he died. He said, "no I don't know of anything." I then asked him what he was there for and he told me he was arrested for having an explosive device. When he said that I automatically thought about what Toole told me. Lake Worth and Weatherford are pretty close together, so I asked Ferris if he heard anything about the bombing in Lake Worth. He said ,yes, he remembered hearing about it but didn't remember when it happened or any details other than the fact that it was a briefcase on someones porch and that it was rumored that the wrong people were killed. I then said too bad you don't know anything about that I'm sure the information would get you out of here. Now for the stupidity on my part. I told Ferris to make something up and tell the detective so he could get out. He said, "but what can I say ?" I said go tell them you know who did the Lake Worth briefcase bombing. He then said,"but who can I say did it ?" I said I don't know tell them I did it I don't care. I don't know anything about it other than what Toole told me, theres no way anything can come of it. We then wrote out a request for him to see the detective. A few days later the detective came and got him. About an hour later Ferris came back and said, "it worked they're going to make me a trustee and let me go in a couple days." To make a long story shorter on December 4th,1997, I was indicted for Capital murder-multiple victims. I was indicted for the bombing. When the detectives served the indictment on me I told them the exact truth. I said,"I'm sorry but you've been had, Charles Ferris told you that to get out of jail. I went on to tell them that I hadn't even heard about the bombing until Toole told me about it.'" When I said that it was obvious that they were upset. I told them I would take a polygraph test or whatever. They never did allow me to take a polygraph. I read the indictment and seen that the bombing happened on Thanksgiving day 11/28/1985. It had happened 12 years earlier. I had no idea that it happened that long ago. I also didn't know that the crime was the longest running investigation in the history of the Bureau of Alcohol Tobacco and Firearms or that it had been featured on the

television shows Americas Most Wanted and Unsolved Mysteries. I didn't know anything other than what Toole told me.

About 18 months passed and they finally took me to trial. The whole time I'm thinking they would drop the charges against me because there can't be evidence against me - I've never even been to the crime scene. When it came time for trial in May of 1999, my ex-wife and an old friend were the main witnesses. My ex-wife said that on Thanksgiving night 1985 we were to go fishing at the Lake Worth Nature Center. She said that her, me and my friend Chris rode in my truck to Lake Worth. When we got there I supposedly dropped off a briefcase and then we went to the Nature Center where we supposedly "hung out" for about 3 hours, until sometime after midnight. She said that sometime during this time there was a splashing in the water so "Chris and Mike got their 22 caliber rifles out of the truck and Mike shot a beaver, then we went home." She also said the briefcase was in the bed of the truck underneath the tool box.

The Following is whats wrong with her testimony?

#1. I didn't own the truck on Thanksgiving 1985. It wasn't bought until December.

#2. The toolbox that she said the briefcase was under wasn't bought until my birthday in December.

#3. The two 22 rifles weren't bought until December 18th and 19th of 1985.

#4. According to the National Weather Service 11/28/1985 was the coldest day of November, 41 degrees was the high and the low was 31 degrees, with wind to 15 mph. Too cold to "hang out" outside a truck that didn't exist yet and to shoot a beaver with a gun that didn't exist yet. She did say that when the agents first questioned her, she didn't know anything and I didn't ever say anything about it. She then got curious and went to the library and read all the old news clippings about--the bombing. She then called the ATF back and told them we went to Lake Worth on Thanksgiving night.

I think her boyfriend put her up to lying for the reward. I also think they drove out to the crime scene and conjured up the story she told the ATF and what she testified to during the trial. The district attorney had to have some one to cooperate what my ex-wife was saying so they found my old friend that I hadn't seen in 12+ years. I know for a fact that the investigator told him what to say and made the statement for him. When he testified he couldn't answer a single question without looking at the statement to see what the answer was. He read from the statement as if they were a script. That's exactly what they were to him. I believe the investigators somehow forced him to commit perjury. I was convicted solely by the perjurious testimony of an old friend that I hadn't seen in 12+ years and my ex-wife that I hadn't seen in 10 years.

I've never in my life even been to the scene of the crime. I didn't even know exactly where it happened until just before the trial. I've never made a bomb or even seen a bomb.

During the trial the D.A said that I bombed the wrong home. No motive was proven, they only had theories and no evidence to support any theory. Since the trial me and my family have received numerous letters from some men saying they know I'm innocent because they know who really did it and why. From these people I've not only learned who really did but why. The real murderers will remain free to commit more murders unless the investigation is reopened. The case may vary well be closed but the crime is not solved. An innocent man may be put to death for a crime he did not commit and other peoples lives could be in jeopardy because the real murderers are free.

I spent Thanksgiving day at my friend Chris Meeks home in Keller Texas. I had just met Kim about a month prior so I wasn't comfortable with going to be with her family. Kim and I later got married. Her and I spent the entire night together at her apartment. Chris stayed at home with his parents. We didn't go fishing the night of Thanksgiving. We did go fishing at Lake Worth some night in late December. I know it was late December because I did shoot a beaver that I thought was a nutra rat. I know it had to be sometime after the 19th of December because thats when the rifle was bought that I shot the beaver with. At first I thought my ex-wife was just mistaken about the date but after reading her statament I realized that she knew she was lieing . I didn't even own a briefcase in 1935. She just flat out lied and the only reason I can come up with is the reward.

I've never in my life been to the scene of this crime. I didn't know the victims. I've never even seen a bomb. I told the exact truth - but it didn't make any difference. When I was accused of the bombing I thought it was ludicrous and defied common sense. The State of Texas and the B.A.T.F used me as a pawn to close the case. The case they couldn't solve. Their behavior reeks of lies and the desire to conceal such lies. My hands are completely unstained, and the ATF knows it. It seems,in the State of Texas there are a litany of issues that could put any of us in jail before breakfast. Given enough time and money, any overzealous prosecutor could indict anyone, because sooner or later that prosecutor will violate the law or make a mistake in the course of the investigation.. I believe you would get a general agreement, that there are occasions where the wrong person is jailed and are even executed, and that every effort should be made to get them out; but that same acknowledgement is usually accompanied by the arguement-where there smoke theres fire. Correct ? Its no secret that the authorities first look to known trouble-makers or known felons when investigating a crime. What most people don't know is that they also look to people that have pissed them off. Their definition of a trouble maker is anyone that any Cop, prosecutor, or politician or bigshot wants taken out. The main objectiveof any law enforcement system is to solve the crime. Cops get promoted, Chiefs and prosecutors are made heroes and get appointments, politicians get votes. So the course that matters---is to pin the crime on someone and if they can't easily find the guilty party, they find someone they hate and try to get everyone else to hate him too. Usually that person is someone oflow public standing, a poor person that does'nt have the resources to defend himself against prosecutors with unlimited resources.

My conviction is a terrible miscarriage of justice . I will do everything I can to expose the truth.

I AM INNOCENT!!! , and can prove it. I'm in a desperate situation. I'm scared, I'm indigent and I sure don't want to be executed for something I not only did not do but something I didn't even know anything about. I need help, I need someone to listen to me and help me with a legal defense fund to hire some private attorneys and investigators. Without them my chances of not being put to death are about as good as a snow-balls chance in Hell. The old saying, "you get what you pay for." Is unfortunately, true. I didn't have the resources to pay for justice - I didn't get justice. It is important for me to stress this point : Court Appointed Attorneys do only what they have to do, to make sure an individuals rights aren't blatantly violated. They are paid for by the State therefore work to please the persons that are paying them. If I would have had the resources to hire a private attorney and investigator-I would have been found Not Guilty . The only true verdict to the case.

I AM INNOCENT !, I have the evidence needed to prove it. All I need is some support. I am asking anyone that reads this. to please give my situation some serious thought and please join the struggle to save an innocent mans life. I have tried to make this as short as possible, but truthfully I could go on for many pages giving you details that prove my innocence. If you wish to know more feel free to contact me. I will answer any questions truthfully and to the best of my knowledge. I greatly appreciate you taking the time to review this information and I would greatly appreciate your help and support. The only way to save my life is to exptse the TRUTH, and to hire private Attorneys and investigator. Contributions to fund these costs are highly appreciated and very well may save an imocent mans life.

Such contributions can be sent to the following address and made payable to "MICHAEL TONEY LEGAL DEFENSE FUND"

P.O.Box 162034

Fort Worth, Texas, 76161

Send all personal correspondence to me personally.

Feel free to ask any questions you desire.

Your assistance is appreciated more than any words could ever describe.

THANK YOU

Sincerely,

[An innocent Man]

Michael R.Toney

Closing Statement of Michael Toney

If the State of Texas and the Bureau of Alcohol, Tobacco and Firearms. Doesn't reopen the investigation regarding the Blount bombing - not only will they commit murder by executing me - but - they may be allowing the people that murdered the Blount family to murder other innocent people. By not continuing the investigation and bringing the true murderers to justice. The State of Texas and the B.A.T.F are placing the lives of many in jeopardy. From what I've learned about the people that murdered the Blounts - they are very dangerous and are a serious threat to society. If the State and BATF doesn't continue the investigation, in essence they are promoting murder and committing the murder of me by the manipulation of due process.

I am willing to waive any rights I may have regarding civil damages for wrongful incarceration or wrongful prosecution. If this is an issue preventing the investigation from continuing and preventing the arrest of the real murderers ---all they have to do is bring me a waiver or release to sign. I will gladly release them from all civil liability and agree not to pursue any civil actions.

PLEASE WRITE !

Im 34 years old. I was convicted of Capital Murder-Multiple victims. The crime was a bombing that occurred in Fort Worth, Texas on November 28th, 1985. I was convicted in May of 1999. I AM INNOCENT. This conviction and death sentence are a terrible miscarriage of justice. I was convicted by the perjurous testimony of two people. They were after a reward ! I'm looking for anyone willing to help me expose the truth and correct this miscarriage of Texas justice. If the investigation is not reopened I will lose my life and other innocent people will lose their lives because the real murderers will

remain free. I will answer all letters and questions whether they are derogative or supportive.

AN INNOCENT MAN

Michael Toney #999314
Polunsky Unit D.R
3872 FM 350 South
Livingston Texas
77351 USA

OR EMAIL MICHAEL THROUGH HIS SUPPORTERS AT :

cowboy_toney@msn.com
or innocentmanintx@yahoo.com

PUBLIC NOTE FROM MICHAEL TONEY; September 2005 :

Hello All,

As always I hope and pray this email reaches all of you enjoying a beautiful day.

It's hot again here in Texas. It cooled some last week, but now it's back in the 90o to 100o F range. It's hot again! That's Texas weather as usual.

I've been somewhat discouraged lately for more reasons than I can count. The number one reason being the fact that my dear friend and private investigator, Tena Francis, has move to Las Vegas, Nevada. She will still be able to work on the case, but not in the capacity we need her in right now. The timing on some very important matters is critical and I'm not sure how we can handle them without Tena. This worries me a lot. Other problems I'm having relate to my own family, who are understandably pro-death penalty. I say, "understandably," because we have had loved ones murdered. I respect their opinions as I do everyone else's, but I have caused them some pain recently. I didn't do it on purpose, but irregardless of intent, I hurt them. Because of the pain I have caused them, I am ashamed and hurting myself. And then there are the problems I'm having here with other inmates who are having a good time criticizing me by calling me a liar and the like. They seem to think I have lied about being one of the people who was part of creating the "Shout Out Show" for the Polunski Unit on KDOL FM radio. The show was created by a Youth Pastor by the name of John Wood and was the direct result of my correspondence with him. John no longer has a show on the station. It's all a bunch of nonsense, but the timing of all of this is terrible, because much media attention will be brought to my case and my fight in November and some of the media intended to use the radio station "Shout Out Show" story as well as other positive things I have done to try to show me in a good light. Now that the problems are happening, that won't be possible. I give full credit to the other man, who is claiming responsibility, even though he did absolutely nothing helpful. I understand he is a weak-minded person with serious

insecurities, so I'm sure he can use this to elevate his self-esteem. I wish him all the luck in the world.

We are still working on the reward situation. For those of you who don't know this, we are raising the money to offer a 25,000 dollar reward for information about who really committed the crime that I have been wrongfully convicted of. I know many Europeans don't understand the offering of a reward for information, but it is the American way and in this case it is the only way. The only way to save me from this nightmare is to find information regarding who actually committed the crime and why. It isn't possible to find any other information or evidence to exonerate me other than the evidence inculcating the guilty. It's not possible to find evidence to exculpate me when there is no physical evidence that inculcates me. I have never been to the crime scene, didn't hear about the crime until 1997, which was 12 + years after it happened and I'm in no way whatsoever connected to the crime or the victims. Because of this, the only way to save my life and see me freed is to find out who did it. Frankly, that's what I want to happen irregardless of what happens to me. Someone killed Joe Blount, his daughter Angela and Michael Columbus and even if I don't deserve true justice, they do. Their loved ones also deserve justice. I have given them my word that I am going to use my every breath to find who did it and I mean it. Without that information, I will be executed for a crime I am completely innocent of.

The reward will be offered by billboards by the side of major highways near the area where the crime occurred and by newspaper advertisement. The media people I have corresponded with have said: "It is a big story, because it will be the first time a death sentenced man has done such a thing. Why would anyone seek information, if they were guilty?" We will also have to have a website dedicated specifically to the case and the reward and a toll free phone number for people who have information to call. The primary problem right now is finding someone knowledgeable enough to answer the phone and take the information. The information will have to be transmitted to Tena Francis and David Dow, so it can be investigated, which is yet another expense. We can do this and we can do it in time. All of this MUST be done by the first week of November to be effective. So, as you can understand, I'm under tremendous stress right now. I don't know if we will have to hire another investigator here in Texas or what.

Also, about the "Shout Out Show" on KDOL. The show is now on Friday and Sunday. The Friday show starts at 4 PM Texas time and continues until 7 PM. The Sunday show still starts at 2 PM until 7 PM. I am more likely to hear your shout out, if you email for Friday or call in on Friday. The reason is I am a football fan and I listen to the games on Sunday. I haven't been getting many shout outs anyway. In fact I didn't get any at all this week. If any of you would like to send me an email shout out to be read over the air, send an email to kdolradio@hotmail.com or kdolradio@livingston.net and on the subject line write: "Shout Out for Michael Toney." Then write your email just like you are writing one to anyone and it will be read to me on the air, so I can hear it. You can also request that music be played for me, not just on Friday or Sunday, but any day of the week by sending an email to the station. You can also call in and talk to me live on the radio by calling (936) 328-8874 on the days and hours listed above.

I'd like to tell all of you about a young man here by the name of Sam Bustamonte. I know most of you aren't in a position to help him, but perhaps you can forward this email to someone who can. I know I ask a lot of all of you, because I'm always telling you about men who need help, but unfortunately that's the reality of this place. Every man here is sentenced to death and most are fighting for their life. The problem is there is very little we can do for ourselves and most of the men here don't comprehend the law and aren't able to express themselves in writing well enough to get help. Sam Bustamonte is in that situation. He needs help, but most people ignore his pleas for help. I'd like to tell you his story or at least part of it and hopefully some of you can forward this email to others, who may be able and willing to help him. It's the typical problem. Money! It takes money to get justice in America and a lot of it. It takes even more money to get justice in Texas. I don't believe it would take very much to save Sam's life, but so far he hasn't been able to garner any support at all and he is running out of time. His case is now in the Federal Court, which is the next to the last stop before execution. All I can do is tell his story, which he asked me to do and I will hope someone will read my words and help him.

The most difficult thing about writing Sam's story is writing that he is a murderer. It's difficult for me, because of my own life's experiences. All of you know my girlfriend was raped and murdered as was my aunt, my father's twin sister, and another family member. All of their murderers have been sentenced to death and one has been executed. Because of this, I often have a difficult time being sympathetic to murderers. However as a Christian I know it is critical to my eternal well being to forgive and to have compassion for all humanity. As a Christian, we cannot judge anyone.

The primary reason I would like to see Sam Bustamonte get some help is the fact that I believe he is a victim of a miscarriage of justice even though he is guilty of murder. Murder does not carry a death sentence, but "capital murder" does. Capital murder is when someone deliberately and intentionally kills more than one person in the same action, kills a police officer, fireman, a child under 8 or kills someone while committing another felony, such as rape, robbery, etc., etc. Sam didn't do any of these things to make this particular murder a capital murder, so he should not have been sentence to death. He is LEGALLY innocent of CAPITAL MURDER, but is guilty of murder, which carries a sentence of anywhere from 5 years to 99 years, but not death.

Before I continue with this writing, I want everyone to know that I have Sam's express permission to tell his story. Some of what I'm going to write will be disconcerting, but it is all very typical of who is sentenced to death in Texas. I am of the belief that even if Sam were guilty of capital murder there are sufficient mitigating circumstance to warrant life rather than death. As I wrote before, Sam is a murderer. He killed a man and after I tell you about his childhood, maybe you will understand why he became a murderer. Before I tell you why he committed the murder that caused him to be wrongfully convicted of CAPITAL murder and sentenced to death, I'm going to tell you why he became the man he is. We are all a product of our environment. The environment I grew up in was anything but ideal, but Sam grew up in a hell created by his own parents, the

very people who brought him into this world.

I'll begin with what I perceive as the worst part of Sam's childhood. His father, a six-foot six-inch tall man, who weighted 365 pounds, constantly raped him. His father was a giant of a man by any standards. Man is probably the wrong word to use for a man doesn't do the things Sam's father did to him. The word "Beast" is a more appropriate description. Worse yet, as his father would brutally rape him, his mother would watch and tell him that it is what he deserves. As a child and as a man, Sam was terrified of his own father. These vicious people, his mother and father, brutalized him in many, many ways. He was beat so often and so badly that he would often pass out, unconscious. When he would awaken, he wouldn't be able to walk. In addition to the ritual beatings, they seemed to entertain themselves by trying to electrocute him. His mother would set his clothing on fire while he was wearing them and would put his hand on the hot stove. She tried to drown him and made him drink rubbing alcohol. They made Sam stay in a locked room out of view of visitors and would tell the visitors that they had to keep him locked up, because he would "raid the refrigerator," (eat the food) or run away. I'm sure he was hungry after all the beatings and I'm certain he would have been justified to run away from home. His home was hell and his own parents were devils and are to this day. Actually, according to Sam, they weren't devils, just devil worshippers. Sam was also beat on the head a lot, which caused some damage, making him a "slow learner." Because he was a "slow learner," his parents had another reason to torture him. When he would bring home bad reports from his teachers regarding his poor grades, he was subject to brutal beatings. Among the many injuries he sustained from these regular beatings include, his leg was broken three times, which is the reason he has an awkward walk now. His hand was stomped on and broke and his "head was cracked four times." I could go into much more detail about all of this, but I don't believe it is necessary, as I'm sure you get the point. To this day his mother hates him and wants him to be executed.

Now that I'm thoroughly depressed, I will tell you what Sam did to end up on Texas death row and why. Keep in mind that I'm not in any way condoning his behavior. However, even though I don't know him very well, I've been around him long enough to know without question that he has some serious psychological problems. Some days he seems perfectly normal, but in a split second he can become a completely different person. Considering his history, I think all of us can understand why he has psychological problems. During his good moments, the man has a kind heart and sincerely cares about others, but during his emotional outbursts it is clear he has endured much emotional and physical suffering in his life. I'm not comparing him to an animal, but I've seen the same thing in horses and dogs that have been beaten and otherwise terrorized. They can be very warm, giving and wanting affection, but as soon as painful memories surface, a protective mechanism takes over and they become cold, defensive and sometimes violent.

Sam cannot and does not deny his history of criminal activity, which to me is an admirable quality. I respect any man who accepts responsibility for his actions, even if I don't relate to him as a person.

On January 19, 1998, three men took Sam out on the town to do what they often did. This was Sam's first time going to do this. They would search for illegals (Mexican immigrants) who they would rob. This is a common thing in Texas and other border states, because everyone knows that "illegals" cannot call the police, because they will be arrested and deported. During the course of looking for an illegal alien to rob, they came across a man wanting a ride to his girlfriend's house. This man was wearing a cowboy hat, had on gold chains, a watch and a belt buckle and he had a mustache. Which according to Sam is exactly how his own father dressed and looked. Upon seeing this man jump into the back of the truck, Sam snapped into one of his defensive modes as if it really was his father. In his mind I doubt he could discern whether it was his father or a stranger. Keep in mind the abuse Sam suffered at the hands of his father. To make a long story short, Sam, while in what can only be described as a psychotic rage, stabbed the man to death. When the body was found lying in a ditch, he was still wearing the jewelry and had one hundred dollars in cash in his pocket. He was clearly not robbed; therefore the crime was murder, not CAPITAL MURDER. If he had been robbed and had Sam formed the specific intent to rob this particular man before he was murdered, it would be CAPITAL MURDER. However, Sam did not intend to rob this man. Had he intended to rob him, he would have.

You're probably wondering why he was charged with and convicted of capital murder. The answer is very simple and very typical of how things work in Texas. The other three men, who were with Sam, did what the prosecution wanted them to do. They testified that Sam intended to rob the man, but didn't. Why did they testify falsely? Again, very simple. None of them are sentenced to death or are even in prison. They negotiated their way out by doing what the State requested of them. They wanted Sam, because his history made him the most undesirable person of the four. He is not guilty of CAPITAL Murder and should not be sentenced to death.

As in almost all death penalty cases in Texas, where lawyers are court appointed and paid a limited amount for their services, they do a disgraceful job in defending their client. After all, that's not difficult to understand as the lawyers loyalty is with the people who are paying them, the State. Sam's lawyers effectively aided the State in obtaining a death sentence. The lawyers who have represented him on appeal haven't been any better until now. At this time he has a lawyer who has tried to help him by asking the court for the funds to hire an investigator, but the court has denied the request. I have read letters from the lawyer, in which he informs Sam that he may be able to save his life if they only had an investigator to gather the evidence proving Sam had not intended to rob the man that was murdered. It will cost approximately \$5,000 to hire an investigator to save his life. Is his life worth that much money? It seems like a small amount for a life, but on the other hand he is an "undesirable murderer." At least that's what the state of Texas believes.

Sam gets very little support from the outside. In fact, he gets so little that he uses almost all the funds he gets to buy postage and typing ribbons to write letters asking people for help.

If any of you know anyone who may be interested in helping this young man whose entire life has been hell to stay alive or maybe just offer some other kind of support you can contact him by post at:

Sam Bustamante #999380
3872 F.M. 350 South
Livingston, TX 77351
USA

For more information about Sam see: www.justiceforsam.co.uk . You can also email him at: sam@justiceforsam.co.uk .

The information used to write this about Sam Bustamante came from official court documents and Sam himself.

I have written enough for today, so I will close this email. I want all of you to know that I appreciate the love, friendship and support you give me. More than anything, I appreciate your belief in me. Thank you very, very much for everything.

PLEASE FORWARD THIS EMAIL TO ANYONE WHO MAY BE INTERESTED.

Peace and Love,

Michael Toney
3872 F.M. 350 South #314
Livingston, TX 77351

www.michaelaim.org
Email: innocentmanintx@yahoo.com

The CCADP offers free webpages to over 500 Death Row Prisoners
Contact us for more information.

"The Eyes Of The World Are Watching Now"

This page was last updated September 22, 2005 Canadian Coalition Against the
Death Penalty

This page is maintained and updated by Dave Parkinson and Tracy Lamourie in Toronto,
Canada

Michael Toney, Texas Death Row Prisoner, writes to Judge Everett Young

October 27, 1999

The Honorable Judge Everett Young

287th Judicial District Court

401 W Belknap St.

Fort Worth, Texas 76102

Dear Sir,

I'm writing this letter to request that you initiate a court of inquiry in regards to the tampering with witness Christie Klerk Meeks by investigator Charlie Johnson. I have received information that Mr. Johnson not only encouraged Mr. Meeks to falsely testify, but Mr. Johnson supplied the evidence to which Mr. Meeks testified.

In addition to the wrongdoing of Charlie Johnson, I over heard attorney George White telling his client (Charles Ferris Jr.) that he had an agreement with the state. If Mr. Ferris would refuse to testify, the state would help him resolve his current charges in Parker County. I believe that agreement amounts to misconduct by the state.

Sir, since my trial I have learned who really did the bombing and why. If something is not done - the real murderers will remain free to committ more murders. That is something, I am sure you would not want to happen. I will do everything I can to prevent that and to bring justice to those who murdered the Blounts.

I realize that you're not likely to take action in regards to this terrible miscarriage of justice, but I must relay this information to you and then make the fact that I've made this request of you, known to the public via the media and my WEB page.

If you don't take some action an innocent mans life may be taken and other innocent lives may be in jeopardy.

The investigation regarding the bombing needs to be reopened.

Sincerely and respectfully

(AN INNOCENT MAN)

Michael R. Toney

cc: file/ei/WEB/dp.

Return To Michael Toney's Homepage

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This page was last updated September 9, 2001 Canadian Coalition Against the Death Penalty

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Lamourie

This page is maintained and updated by Dave Parkinson and Tracy

<http://www.deathpenaltyinfo.org/michael-toney-recently-exonerated-death-row-texas-dies-car-crash>

Michael Toney, Recently Exonerated from Death Row in Texas, Dies in Car Crash

Posted: October 06, 2009

in What's New

Innocence

Michael Toney, who recently became the 136th person exonerated and freed from death row since 1973, died in a car crash on October 3 in East Texas. He had been released from jail one month ago on September 2 after the state dropped all charges against him for a 1985 bombing that killed three people. Toney's conviction was overturned on December 17, 2008 by the Texas Court of Criminal Appeals because the prosecution suppressed evidence relating to the credibility of its only two witnesses against him. The Tarrant County District Attorney's Office subsequently withdrew from the case based on the misconduct findings. In September 2009, the Attorney General's Office, which had been specially appointed to the case in the wake of Tarrant County's withdrawal, dismissed the indictment against Toney. He had consistently maintained his innocence. The case had gone unsolved for 14 years until a jail inmate told authorities that Toney had confessed to the crime. The inmate later recanted his story, saying he had hoped to win early release. The state said it is continuing its investigation into the murders. Toney was the 10th inmate exonerated from Texas' death row. The criteria for inclusion on DPIC's compilation of exonerated individuals is:

Defendants must have been convicted, sentenced to death and subsequently either-

a) their conviction was overturned AND

i) they were acquitted at re-trial or

ii) all charges were dropped

b) they were given an absolute pardon by the governor based on new evidence of innocence.

(A. Branch, "Man convicted in bombing dies in wreck 1 month after his release," Ft. Worth Star-Telegram, Oct. 4, 2009 (including picture); also email from J. Tyler, Texas Defender Service, Oct. 4, 2009). See Innocence.

<http://www.justicedenied.org/michaeltoney.htm>

Justice: Denied -- The Magazine for the Wrongly Convicted

Convicted by lies, Michael Toney tells his story with a plea for help to save him from being killed by the state of Texas. If you are persuaded that he is innocent, please help.
MICHAEL R. TONEY CASE ACCOUNT

As told to Justice Denied Magazine by Michael Tony

Edited by Clara A. Thomas Boggs

My name is Michael Roy Toney. I'm on Texas death row awaiting execution. I was convicted in May of 1999 of a bombing that occurred in Lake Worth, Texas on November 28th, 1985. This terrible crime took the lives of three people. Their names are Joe Blount, 42 years old, his 15-year-old daughter, Angela, and his nephew, Michael Columbus, who was 18 years old. This bombing happened on the evening of Thanksgiving 1985 and the crime went unsolved for 14 years. The crime is still unsolved but the case has been closed because of my conviction. To say my conviction and subsequent death sentence is a miscarriage of justice would be a definite understatement. I AM INNOCENT and can prove it!

Shouldn't every effort be made to keep an innocent man from being put to death? I don't like to use the word executed because it's not an execution when the person being put to death is innocent. It's MURDER! Shouldn't every effort be made to bring the true murderers to justice? I hope the things I'm going to tell you in this letter cause you to answer yes to both of these questions.

The crime I've been convicted of, and sentenced to death for, is a briefcase bombing on a home in Lake Worth, Texas. This crime was the longest running investigation in the history of the Bureau of Alcohol, Tobacco and Firearms. It was featured on the television shows "America's Most Wanted" and "Unsolved Mysteries." The reports say someone put a briefcase on the Blount family's porch and they carried it inside and opened it. When it was opened, it exploded and they were killed. There were two survivors, Joe's wife, Susan, and their son, Robert. During the long investigation, no motive was determined and no arrests were made. At least not until my indictment and arrest on December 4th, 1997.

During the charade of a trial, no motive was proven. I say charade of a trial because that's exactly what it was. The entire trial centered on lies. I'll get to that later. There were only theories as to why the bombing happened and no evidence to support any theory.

Since the trial, I have received numerous letters from people saying they know I'm innocent because they know who really did the bombing and why it was done. Yes, I have learned who really did the crime and why they did it. The real murderers will remain free to commit more murders if I don't somehow get people to listen to my pleas and get the investigation reopened.

I spent Thanksgiving 1985 at my friend, Chris Meek's, home in Keller, Texas. Present that day were Chris, his mother, his stepfather, his girlfriend and I. That evening I

received a phone call from my girlfriend, Kim, who I later married on March 4th, 1986. We divorced in 1989. Kim called to tell me she was leaving her family get together and was going to her apartment. We had agreed to meet at her apartment that evening. I got in my car and left Keller by myself. Chris stayed home with his family. Kim and I had just met less than a month prior so we were still in the phase of our relationship where we spent about every minute we could together.

I have to jump ahead to 1997 now. In June of 1997, I met a man named Bennie Joe Toole. This was actually the second time we had met. We first met in 1990 but we didn't realize that until we talked for a little while. Bennie was telling me about a polygraph test he had just taken regarding the Lake Worth bombing. I believe I asked him what that was all about. He said that he and his friend, Mikey Huff, were suspects in a briefcase bombing in Lake Worth. At this point, I'm all ears because I hadn't heard about any bombing other than the Oklahoma City bombing. Mr. Toole later said that he told me about it in 1990 when we first met. To this day, I don't remember him telling me about it prior to June of 1997. Toole went on to tell me that "someone had dropped a briefcase off on someone's porch in Lake Worth and that it exploded killing the whole family." He didn't give me any more details. It was all new to me. I hadn't heard about it on the news or read about it.

The following month, I told a man named Charles Ferris everything that Toole had told me. To make a very long story a little shorter, on December 4th, 1997, I was indicted for capital murder of multiple victims in regard to the bombing. When the ATF agent and the Texas investigators served me with the indictment, I told them the exact truth. I told them about what Mr. Toole had told me and that I didn't know anything other than what he told me. At that point, I was in shock and couldn't believe what was happening. I especially couldn't believe that I had been indicted of something another man told me about. I didn't even know where in Lake Worth the crime happened or that it happened in 1985. They asked me where I was on November 28th, 1985. I couldn't remember where I was 12 years prior. I wasn't even sure if I was in the state of Texas or if I was still working in Alaska. It took me a few days to put things together and get over the shock of being indicted for capital murder and the fact that I was facing the death penalty. I finally realized that I had returned to Texas in October of 1984. I had to find a major event in my memory that happened after I came to Texas and then organize dates around that. I knew it was around Halloween when I came back to Texas but I wasn't sure what year it was. I remembered the Delta flight 191 crash at DFW airport. That stuck in my mind because I was close by when it happened and it left a serious imprint on my memory. I knew it happened in the summer because it was really hot and it was my first summer back in Texas. I did a little research and found out the crash happened on August 5th, 1985 which meant I had come back to Texas in October of 1984. That made it clear that I was in Texas when the bombing happened.

When I told the investigators that a man named Toole told me about the bombing, it was obvious that they were surprised or angered by that information. I think back on it now and I believe they were surprised because of the fact that Toole had been a suspect. I told the investigators that I was willing to take a polygraph or whatever it took to prove I didn't know anything about the bombing.

A few days later on a Friday evening about 9 p.m., they brought Mr. Toole to the jail. When I saw him, I was happy and said, "Yes, I told you I was telling the truth. That's the

man that told me about the bombing." Mr. Toole looked at me, shook his head yes and said "Yeah that's him. I told him about it."

The following Monday evening, they took me to Dallas to a man named John Lehmon's office. He was a forensic psychologist and polygraph examiner. When we first got there, I met my attorney and filled out a questionnaire that asked me about my health, what medications I took and some other personal questions. After that, my attorney and I went into another office and went over the paper work that had to do with the test. It seemed like this took about two hours. I know it was getting pretty late. We waited for them to prepare the test. Finally, they came and took me into another office where the polygraph machine was. I sat down in the examining chair and Mr. Lehmon said he'd be right back, walked out and shut the door behind him. I sat there and looked around the room and realized they were watching me on closed circuit television. The camera was mounted in the corner. After about ten to fifteen minutes, Mr. Lehmon came back in and sat down like we were about to start the test. He said something like, "There's more to this than what someone told you" and went on to tell me all about his credentials and how he would get to the truth. I remember saying "I'm counting on that and I'm ready to take the test." These aren't exact quotes but they are close. The next thing he said was something like "I believe you'd be a fascinating subject and I would really like to get to know you but I'm sorry I can't test you." He then got up and walked out of the room. I never saw him again. The investigators told us they needed a doctor's release before they could test me. I got the release the next day but to this day, I've never been tested.

About 18 months later the trial started. During the eighteen months before the trial, I had investigators and my attorney try to locate my ex-wife, Kim, and my old friend, Chris Meeks. I hadn't seen Kim since 1989 and I hadn't seen Chris since the spring of 1986. I thought for sure if we could find them the whole matter would be resolved. I thought they would tell the truth and the whole nightmare would be over. Boy, was I ever wrong! Kim and Chris were the State's star witnesses. They were the entire case. Kim testified that when the ATF agents first questioned her, she didn't know anything about the bombing and just like me hadn't heard about it. She said, "Mike never mentioned it and I don't know anything." A few weeks after investigators questioned her, she went to the public library and read all the old news stories about the bombing. Kim said that while she was reading the newspapers she realized that the bombing happened within a couple miles of a place that we went fishing. She called the ATF back and told them about going fishing at the nature center in Lake Worth. I can't quote her exact trial testimony but it went something like this:

"On the night of Thanksgiving 1985, Mike and Chris came to my apartment and we decided to go fishing. We all got in the truck and went to Lake Worth. When we got there, we stopped at a propane place and Mike got out and got a briefcase from under the toolbox that was in the bed of the truck. He walked off with the briefcase and came back without it. We then went down the road into the nature center where we hung out for a few hours until after midnight. Just before we left there was a splashing noise in the water so Mike and Chris went and got their rifles out and Mike shot a beaver, then we left." Under cross-examination, she said that she didn't hear any sirens, see any emergency vehicles or hear an explosion; nor did she ever see a bomb. Why didn't she hear an explosion or hear sirens, etc? I'll tell you exactly why not!

1. We didn't go fishing on Thanksgiving.

2. We didn't even leave her apartment on the night of Thanksgiving.

What else is wrong with her testimony?

1. I didn't have the truck on November 28th, 1985. I didn't get it until December.

2. According to the National Weather Service, November 28th, 1985 was the coldest day of November. The high was 42 degrees and the low was 31 degrees with winds up to 15 miles per hour.

3. The two rifles weren't purchased until December 18th and December 19th, 1985, per ATF gun register records.

4. The toolbox that she said was on the truck was bought for my birthday on December 29th, 1985, per check records.

At this point, it's pretty clear what I'm getting at but I will explain anyway. We didn't go fishing on the night of Thanksgiving. I don't know anyone that would. It's not even possible for things to happen the way Kim said. We couldn't go to the lake in a truck that didn't exist at the time. I couldn't get a briefcase out from under a toolbox that was in the bed of a truck that didn't yet exist and I sure couldn't shoot a beaver with a gun that didn't exist yet. It just doesn't make sense for anyone to "hang out" at the lake for hours in the middle of the night when it's 30 some degrees.

We did go to Lake Worth Nature Center and go fishing one night but it wasn't on Thanksgiving. How can I be so sure about something that happened so long ago? It's simple. The records prove I'm telling the truth. When we did go to the lake, it was in the truck that we got in December. I did shoot a beaver with the Ruger model 10/22 that was bought on December 19th, 1985. I didn't know it was a beaver at the time. I thought it was a muskrat or a nutria rat.

Chris Meeks' testimony was different from Kim's but it did corroborate her testimony. They both committed perjury and got an innocent man sentenced to death for a crime another man told him about. Chris couldn't answer a single question without looking to one of his three statements as if they were a script. He didn't have any idea what was going on and he was scared to death. Somehow he was forced to testify falsely. By whom, I'm not positive but I have a good idea.

I was convicted of a crime another man told me about. I was convicted solely by the lies of two people. Perjured testimony got me sentenced to death.

If you're like most people, you're thinking why would someone voluntarily lie and get an innocent man sentenced to death. This is where I have to speculate on a few things. I have a few different theories but one of them seems to prove more correct than the others. I think Kim talked to her boyfriend after the ATF interviewed her and they went together to the library. I think they may have even gone to the scene of the crime to put a story together. I think the agents told her about the substantial reward and she relayed that information to her boyfriend and he talked her into lying for the reward. I'm speculating when I say that but that's the only thing that makes sense. Some of the things she said were absolute lies. For instance the briefcase. I didn't own a briefcase until 1988 or 1989 and everything she said about stopping at a propane place is a complete lie.

I've never in my life been to the place where this crime happened. I didn't even find out exactly where it happened until just before my trial. What really confuses me is why Chris Meeks lied. I don't understand that at all. The only explanation is that he just went along with whatever the investigators said. The only way I can see that happening is if he was somehow threatened.

After the trial and after I was sentenced to death, Kim brought my twelve year old daughter to the jail to see me. It was a very intense emotional experience for me because I hadn't seen her in ten years. I had tried everything to see her but couldn't ever find her. The first thing Kim said to me during the visit was "I don't love you anymore." I was thinking to myself, that's pretty obvious. She then said, "I know you're not a murderer. I just assumed you did it because they told me you were a suspect and we went fishing at Lake Worth. I could be wrong about the date we went to Lake Worth but there's nothing I can do about it now."

I think she justified what she did by the fact that I was such a terrible husband. I was abusive and ran around all the time. I was only 19 years old when we got married. I was way too young to get married because I was so naïve and immature. I came from a real small town and being in the city made me feel like I needed to run around all the time. THIS IS THE MOST IMPORTANT PART.

Since the trial, my family and I have received numerous phone calls and letters from people saying they know I'm innocent because they know who did the bombing and why it was done. I believe the fact that no one could ever determine the motive is the reason they couldn't solve the crime. I've been in contact with these people who wrote and called my family. They have told me what the motive was, who did it and why the motive was never determined. Yes, I have learned who the real murderers are but they will remain free to commit more murders unless the investigation is reopened. No one will listen to me because the case has been closed. The case has been closed but the crime was not solved. The people who committed this terrible crime live in the Fort Worth area. As far as I am concerned, no one is safe until the real murderers are brought to justice. I'm doing everything I can to try to make that happen. The Blount family deserves to know the truth and they deserve the real murderers to be brought to justice.

I've never in my life been to the scene of this crime. I didn't know the victims. I've never even seen a bomb. I told the exact truth but it didn't make any difference. I'm only 34 years old. In 1985, I would have been only 19 years old. When they first accused me, I thought it was absolutely ludicrous. It defies common sense. I believe the State and the ATF used me as a pawn to close a case they couldn't solve.

Well, I'm not going to sit back and let them murder an innocent man if I can help it. I will do everything I can to expose the TRUTH and bring the true murderers of the Blount family to justice, TRUE JUSTICE.

If there is anyone out there who cares enough to stop the murder of an innocent man, help expose the TRUTH and bring the TRUE murderers of the Blount family to justice, please join my struggle and help me.

I am in a desperate situation. I'm SCARED beyond description. I don't want to be put to death for a crime I knew nothing about.

Please help me. I may not be a perfect person but I'm not a murderer. I've been in a lot of trouble since 1989 but nothing like this. PLEASE HELP ME EXPOSE THE TRUTH.

Sincerely & respectfully,

Michael R. Toney

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<http://www.wild-side.com/darksorrow/michaeltoney.html>