After 17 Years on Death Row, Texas Inmate Walks Free

By MAUREEN BALLEZA

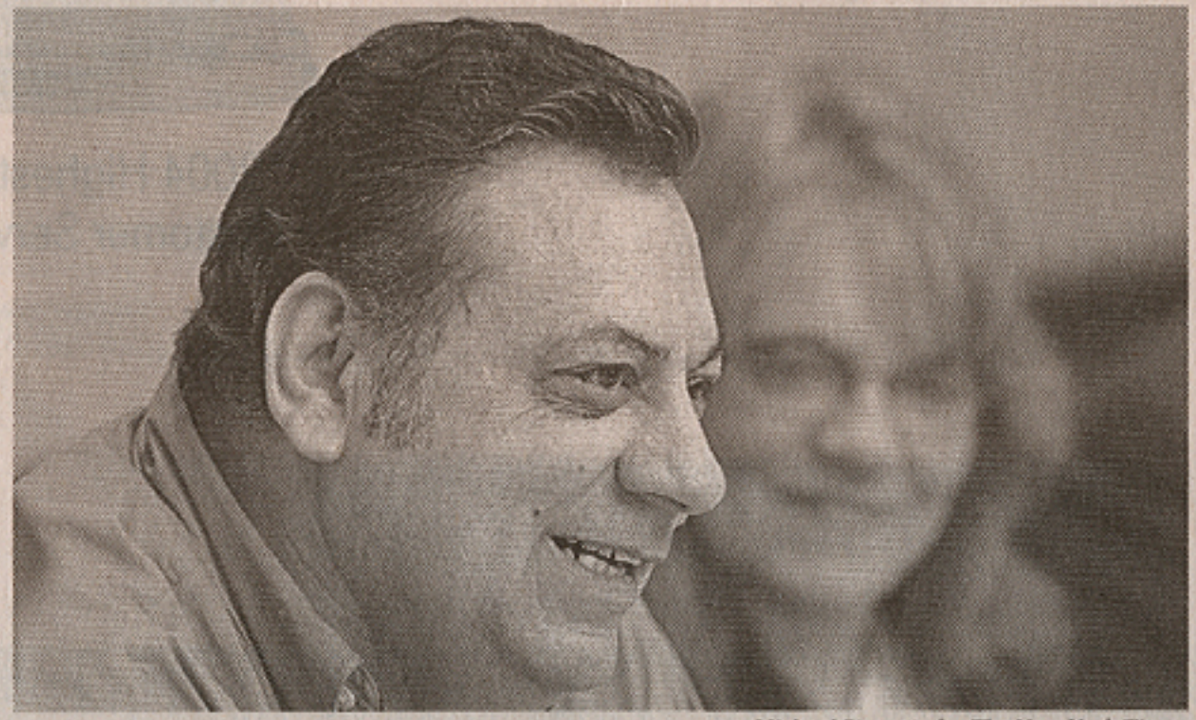
HOUSTON, Oct. 7 — On Aug. 4, 1987, Ernest Ray Willis was sentenced to death. On Wednesday afternoon, he stepped out of prison a free man and into the arms of his wife, Verilyn, touching her for the first time, on their fourth wedding anniversary.

"It's great to be free," Mr. Willis said at a news conference Thursday morning, flanked by his wife and lawyers. "I can't even describe my emotions. It was the most wonderful day of my life."

His time on death row, 17 years, is believed to be the longest of the eight death row inmates who have been exonerated in Texas since executions resumed here in 1982. Since that year, the state has executed 328 inmates , the most recent on Wednesday, hours after Mr. Willis's release.

Mr. Willis met his wife through one of those executed inmates, Ricky McGinn, who was her brother. Mr. McGinn was executed in 2000 following his conviction on rape and murder charges.

In 1986, Mr. Willis, unemployed and with chronic back problems, was living with a cousin in a small west Texas town when a fire engulfed the home. The men survived but Elizabeth Belue and Gail Allison, who were also living there, were killed.



Michael Stravato for The New York Times

Ernest Ray Willis and his wife, Verilyn, at a news conference yesterday.

Investigators said the fire had been caused by arson and Mr. Willis was convicted of capital murder.

In 2000, Judge M. Brock Jones Jr., who presided over the trial, held a hearing that determined that Mr. Willis had been given powerful antipsychotic drugs while in jail that rendered him impassive at trial, a condition the prosecutor drew attention to in painting him as a remorseless killer.

The judge also found that Mr. Willis had received ineffective counsel from a lawyer who was trying his first capital case and who spent less than three hours with him before the trial. The hearing also found that a psychological report concluding that Mr. Willis was not dangerous, a condition required for the death penalty, had never been given to the defense.

Judge Brock recommended that the conviction be set aside, but the Texas Court of Criminal Appeals refused to do so. Mr. Willis pursued his case and in August Judge Royal Furgeson of Federal District Court in the Western District of Texas ordered the state to retry Mr. Willis by Nov. 18 or set him free.

Ori White, the district attorney for the 112th District in Pecos County, then determined that "the facts in this case exonerate Mr. Willis."

J. W. Johnson, the original prosecutor, was unavailable for comment on Thursday.

Mr. Willis said that he might speak out on the death penalty but that for now just wanted to live his life.

"There's so much catching up to do," he said, "but we're going to catch it up a day at a time, hour by hour, minute by minute."