

## Brief History

**Tony Ford** was the driver for two brothers, Van and Victor Belton, who went to a house in El Paso to collect a drug debt in December, 1991. After knocking on the door, the brothers forced their way in. Finding that the man they were looking for was not there, they demanded money from the woman who owned the house, her two young adult daughters, and her seventeen-year-old son. They then shot each of the family members, killing the son, and seriously wounding (and permanently disabling) the mother, though not seriously injuring either daughter.

Van Belton was arrested because one of the daughters had gone to school with him and recognized him. Van told the police Tony was the other assailant (even though Tony remained outside in the car). Tony was arrested and his photo was put in a suggestive photo array that did not include Victor Belton. Both daughters identified Tony as the second person and as the shooter. Victor Belton and Tony looked remarkably similar, were nearly the same age, nearly the same height, and nearly the same weight. The shooter wore a stocking-type cap down to his ears. The victims are Mexican American. Tony and the Beltons are African American. There was no other evidence that put Tony in the house that night.

At trial, the defense asked for funds for an eyewitness identification expert to help them challenge the daughters' identifications of Tony. The court denied the request. The case went to trial without such an expert. Tony was convicted and sentenced to death, despite his testimony that he was not involved in the home break-in and murder.

During federal court review of Tony's case, he was provided funding for an eyewitness identification expert, Roy Malpass, from the University of Texas-El Paso. With that funding,

Tony was able to show how an expert would have helped: **(1)** explaining the great risk of erroneous identification in cross-racial crimes like this one, **(2)** explaining that witness certainty in the accuracy of the identification bears no relationship to accuracy (especially where a gun was used and the glimpses of the assailant were brief, under great stress, and obscured by a cap worn by the assailant), **(3)** conducting empirical studies that showed that Victor Belton and Tony Ford looked much more like each other than anyone else in the photo array and that Tony looked much more like the described assailant than anyone else in the photo array, and **(4)** explaining how one of the identifications was preordained by that witness seeing Tony's photo in the newspaper (identified as a suspect) before she saw the photo array.

## Problems of Eyewitness Error

.....URGENT.....URGENT.....URGENT.....URGENT.....URGENT.....URGENT.....

## Call prison authorities now and demand that

### Tony Ford retains his right to regular Visitations!

On November 2nd, Tony started protesting his unjust sentence to death by doing peaceful sit-ins. He was retaliated against by being denied recreation, showers, access to his personal property and by having his visitations reduced to **two a month**.

*As a result, twice already his mother came all the way from Detroit only to be turned away. A close friend and supporter flew in from Italy and was not able to see him either.*

**This is an extreme punishment that is also disproportionate to Tony's non-violent actions, with him we demand that all death row prisoners retain the right to regular visitations, hygiene and recreation.**

Tony's sit-ins are actually part of a larger protest that is taking place amongst inmates of the Polunsky Unit, such as **Kenneth Foster, Robert Will and Gabriel Gonzalez**. They have organized, prison style, to jointly express their objection to the appalling conditions and neglect they are submitted to: violent handling from guards, isolation, insufficient medical care, foul, mildewed, polluted, infested cells, poor quality and sparsity of food etc etc. For more information, please go to:

**[www.drivemovement.org](http://www.drivemovement.org)**

**In the words of Gabriel Gonzalez,**

**"Prison is supposed to take away your physical freedom, not your human dignity."**

#### **Warden Massey**

Polunsky Unit  
3872 FM 350 South  
Livingston, TX 77351  
936-967-8082 (ask for warden's office)

#### **Kathy Cleere**

Ombudsman Coordinator, TDCJ  
P.O. Box 99  
Huntsville, TX 77342  
936-437-8035 or 936-295-8712

#### **Doug Drekte, Director**

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#### **Melinda Bozarth**

TDCJ, General Counsel  
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Capitol Station ~ Austin, TX 78711  
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**We demand that all abuse, violence and inhuman treatments  
by PRISON AUTHORITIES in charge of Death Row be stopped and investigated.**