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THE WILLINGHAM RESIDENCE FIRE: “THE SMOKING GUN”

By Richard Schulte

On May 2, 2006, the Innocence Project submitted a request to the Texas Forensic Science Commission that the Commission review the evidence from the fire investigation used in the conviction of Cameron Todd Willingham for capital murder involving a fire at the Willingham residence in Corsicana, Texas on the morning of December 23, 1991. The statement released to the press by the Innocence Project included the following excerpts:

“Today’s filing marks the first time in the nation that scientific evidence showing an innocent person was executed has been submitted to a government entity that is legally obligated to investigate cases, reach conclusions, and direct system-wide reviews to determine the extent of the problem.”

“The Willingham and Willis cases point to a broader national problem, said Barry Scheck, Co-Director of the Innocence Project. “These two cases in Texas are just the tip of the iceberg. Across Texas and around the country, people are convicted of arson based on junk science that has been completely discredited for years. Our criminal justice system must be held to the highest possible standard of solid science and reliable evidence, whether it’s in arson cases like this or in other cases where DNA evidence can help prove guilt or innocence,” Scheck said.”

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In addition to the above, Barry Scheck, one of the attorneys involved in the defense of O. J. Simpson in the “trial of the century” back in 1995, also had this to say about the conviction and execution of Willingham:

“Whether our criminal justice system has executed an innocent man should no longer be an open question. We don't know how often it happens, but we know it has happened. Cameron Todd Willingham's case proves that.”

Are the statements that the State of Texas prosecuted and executed an innocent man made by the Innocence Project and Barry Scheck actually true, or is this just an attempt by Scheck and the Innocence Project to recreate the “circus” at the Simpson trial as a means of overthrowing the death penalty sentence in the State of Texas?

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Other articles on this website have provided excerpts of the testimony of the witnesses at the trial and analysis of the “Beyler Report” submitted to the Texas Forensic Science Commission. The excerpts from the transcripts of the testimony at Willingham’s trial should have been more than enough for most to conclude, as I have, that Willingham murdered his three young children by setting fire to their home, but just in case any doubts linger, excerpts from two recent statements made by Willingham’s former wife, Stacy Kuykendall, should be the “smoking gun” in the case.

Willingham’s wife did not testify in the “guilt-innocence” phase of the trial, but if evidence from the fire investigation presented at the trial can be questioned 18 years later, then it only seems fair that recent statements made by Stacy Kuykendall should also be considered for purposes of determining guilt. If new evidence of innocence is going to be introduced 18 years after the trial, then new evidence of guilt should also be admitted for consideration by the people of the State of Texas.

The statements above clearly show that the Willingham conviction and execution are being tried in the press and, hence, the rules of evidence in a court of law should no longer be applicable.

The following excerpts are from an article titled “*Stacy Kuykendall's statement about the 1991 fire*” which appeared in the Fort Worth Star-Telegram on Sunday, October 25, 2009:

The statements above clearly show that the Willingham conviction and execution are being tried in the press and, hence, the rules of evidence in a court of law should no longer be applicable.

“On December 23, 1991[,] I was taken to the hospital and told that my three daughters had died in a house fire. Cameron Todd Willingham, the girls’ father, was at the hospital alive. When I saw Todd after having been told about my daughters, the first thing I asked him was if he could tell me why I was just told that my babies were dead and he was still alive. . . .”

“Todd said that the fire was so bad that he got out of the room and made his way to the front door. He said that the front door was on fire so he had to kick and keep kicking the door down so he could get out of the house. Todd’s feet were not burnt at all. . . .”

“When Todd told me that he wasn’t going to testify on his own behalf I could not believe it. How could someone say he is innocent and not testify on his own behalf? . . .”

“Twelve years after Todd was sent to death row I went to visit with him. I believe it was two weeks before his execution. . . .”

“. . .I asked him why wouldn’t an innocent man testify on his on [own] behalf? Todd said it was because he told different stories about what happened that day and once you have said it you can’t take it back. . . .”

“. . .Todd said that they [the prison guards] would be coming for me in ten minutes that our time was up. He seemed to be a bit nervous and put his head down and started to cry again.”

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“He asked me if I remembered the last time we had gotten into a fight and he hit me. I told him yes when I was holding Amber. He asked if I remembered what I had told him that I was going to do after the first of the year. I said that I was going to divorce you. He said the night before the fire we got in to an argument and you had said it again that you were going to divorce me. I told him yes I did say that. He told me that he believed I was going to but he couldn’t let that happen. Todd told me that it was stupid but it was like an obsession. He said if I didn’t have my girls I couldn’t leave him and that I could never have Amber or the twins with anyone else but him. He told me he was sorry and that he hoped that I could forgive him one day. . . .”

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“I did witness Cameron Todd Willingham’s execution. Todd set our house on fire then stood outside and watched it burn. He knew our three daughters were inside this home taking there [their] last breath. He watched them die. I felt like the only thing I could do is watch their murderer die. I wasn’t there for closure. My closure was when he told me what he had done. . . .”

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“Governor Rick Perry called Cameron Todd Willingham a “monster” and indeed he was. . . .”

On October 6, 2010, Stacy Kuykendall released a statement through her attorneys, Ashcroft Sutton Ratcliffe. This statement included the following excerpts:

“I am here today to stand up one last time on behalf of my daughters. After today I hope that you will leave me in peace and let me deal with my grief the best that I can.”

“My ex-husband murdered my daughters, and just before he was executed, he told me he did it-he stood and watched while their tiny bodies burned.”

“. . .He burned them, he admitted he burned them to me, and he was executed for his crime.”

“I am here today to stand up one last time on behalf of my daughters. After today, I hope that you will leave me in peace and let me deal with my grief the best that I can.”

There’s not really much more to say based upon Stacy Kuykendall’s recent statements on the matter, other than to say “case closed”.

Simply because the technical evidence from the fire investigation and the fire investigator’s testimony regarding the evidence may have been flawed, it does not logically follow that Todd Willingham must be innocent of the crime of which he was accused. While Manuel Vasquez’s investigation of the fire may have been flawed, there is no doubt that Vasquez came to the correct conclusion-the fire was arson and Todd Willingham murdered his three young daughters.

There’s not really much more to say based upon Stacy Kuykendall’s recent statements on the matter, other than to say “case closed”.

While we can argue about whether or not the death penalty is moral or inhumane, common sense dictates that it is the people of the State of Texas, through their legislative representatives, who should make the decision whether or not execution is an acceptable form of punishment in the case of murder. This case should be about whether or not Willingham was guilty or innocent of the crime, not the death penalty.

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It's my opinion that a travesty of justice occurred at the O. J. Simpson trial and that Barry Scheck is up to his "old tricks" once again in the Willingham matter. That much should be obvious.

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