

# The Cowboy Chronicles

William A. Davis

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DISCLAIMER: This is not a work of fiction. The wrongful conviction of Michael Toney actually happened. Some of the names in this story have been changed or disguised to protect the innocent, the guilty and actors who elected to not give the author permission to use their real names.

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To Hope and Christiane:  
Michael, we hardly knew you.  
-- Mr. Bill

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November 18, 2000: Letter to the editor of the *Fort Worth Star Telegram*

## Nightmare on Bush Street

I had a bad dream about the future. Dubya had been elected El Presidente. During Dubya's four-year reign of "compassionate conservatism," the following happened.

The rich got richer and the poor got poorer. Big corporations and inside traders reaped the benefit of the GOP's traditional incestuous love affair with big business. Wage slaves watched the gains reaped during the Clinton administration go down the toilet as their jobs were outsourced to Third World countries and as American wages stagnated.

Air standards were relaxed and ignored. The ozone hole over the North Pole spread to encompass the entire Northern Hemisphere and deaths from skin cancer increased exponentially. Manufacturers of portable air supplies and oxygen masks reaped obscene profits.

The national crime rate rose in spite of a record number of executions and increased prison population because the issues that produced the crime rate were not addressed by the "hang-'em-high compassionate conservatives."

Welfare was completely eliminated because all the eligible recipients died from starvation or disease...

(My dream ended at this point because my wife woke me up after my screaming roused her from a sound sleep.)

William A. Davis  
Azle

Mr. Bill: The *Fort Worth Star-Telegram* published my letter to the editor titled, "Nightmare on Bush Street." In this letter I expressed my rage over Bush Junior's stolen presidential election and prophesied that he would screw up America's economy just like he screwed up the economy of Texas. My "humorous" diatribe attracted the interest of death row inmate #999314 at the Polunsky Unit in Livingston, Texas.

November 24, 2000: Mr. Bill: Received a letter from death row inmate #999314. This letter started a curious nine year long relationship between an electronics engineer-computer nerd and a death row con.

November 20, 2000: Letter from Michael Toney to Mr. Bill

Dear William,

I hope this letter finds you and your family having had a wonderful Thanksgiving. I'm as well as my situation will allow. I have seen better days but I'll get to that in a minute.

First I would like to congratulate you for your honesty and courage in writing "The Nightmare on Bush Street" that was written to be humorous but the fact is it's the truth! By the time this letter reaches you, maybe the scandal will be over but I doubt it. The Florida Supreme Court's decision was great. I bet it caused Bush to mess his drawers and we know it caused a myocardial infarction for Cheney. I wouldn't wish a heart attack on anyone but this morning when I heard about Cheney I wasn't in the least surprised. In 1999 I said, "Bush is the Y2K problem!" Let's hope I was wrong!

I need to introduce myself and I hope you're not bothered by who I am and where I am. Please read what I say with an open mind. I assure you everything I say is the exact 100% honest to GOD truth! My name is Michael Toney and I'm on Texas death row. I was convicted and sentenced to death for the 1985 Lake Worth bombing in which 3 people were killed. I was convicted in 1999. I did not commit this horrible crime in fact I didn't even hear about it until June of 1997. I have never in my life even been to the place where it happened. I was convicted because my ex-wife and an old friend that I hadn't seen in 13 years lied. I was convicted because of nothing but a lie! I hope that you can see the above listed web pages so you can understand what I am saying and why I was convicted. I'm the first one to tell anyone that I'm not by any means of the word a perfect person. I haven't been a good person but I have never in my life even thought of taking someone's life. I will also admit that I have been slow to learn from my mistakes. A situation like the one I'm in will open the eyes of even the hardest of hard heads.

I'm telling you all of this because its people like you that can correct the problems within our government by getting the right ones in office. Its corrupt people like Bush that caused me to be sentenced to death for a crime I knew nothing about. The officials in our State, Local and Federal governments refuse to admit to mistakes. They want everyone to believe that our government and justice system is perfect. They would rather murder an innocent person and allow the guilty to remain free than they would admit to mistakes. They do anything to cover up the mistakes.

By the way, I believe the person that made the bomb that killed the Blounts lives in Azle. If you would like to know who I believe it is you can contact my friend Denise Wallenhurst by e mailing her. You can tell her I said you could get information regarding the bomb maker in Azle. If you don't already know about this character you will find the information very interesting. I hope you are not bothered by getting a letter from me. My intentions are good.

Sincerely and respectfully,  
Michael Toney

Mr. Bill: My initial "compassionate conservative" reaction to the return address on this unsolicited letter was not very favorable—I thought to myself, "Oh crap! What does this damn con want?" I am a sentient bleeding-heart liberal Democrat (by birth and nurture) so I came to a different conclusion after I read Michael's letter and I decided to be open and fair-minded and investigate his claims.

November 25, 2000: Michael's Story from defunct online web site

My full name is Michael Roy Toney. I'll be 35 years old or young whichever way you look at it on December 29, 2000. 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 1993. All of 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'm completely innocent of the crime that I'm on death row waiting 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.

Mr. Bill: Michael is a master of understatement. As I read the trial transcript to check his claims, I thought that I was reading the script for a *Twilight Zone* TV episode!

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 many times. Here in Texas if a person gets caught with property taken from a burglary--he's charged with burglary. I was serving a 5 year sentence and was to get out on August 31, 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 a 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 gone on a bench warrant because he and his friends 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 it's an unusual crime especially in Fort Worth, Texas. He went on to tell me that he and his friend (MFH) were suspects in a briefcase bombing. I asked him what it was all about and he said, "Someone put a briefcase on someone's 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 every day 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 hadn't 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 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 that 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 someone's porch and that it was rumored that the wrong people were killed. I then said "It's too bad you don't know anything about that because 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." Ferris replied, "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 Benny Toole told me. There is 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 a trustee and let me go in a couple of days." To make a long story shorter on December 4, 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. They never did allow me to take a polygraph. I read the indictment and saw 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 BATF or that it had been featured on the television shows *America's 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 any 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 went fishing at the Lake Worth Nature Center. She said that she, I and my friend Chris Meeks rode in my truck to Lake Worth. When we got there I allegedly dropped off a briefcase and then went to the Nature Center where we allegedly “hung out” for about 3 hours until sometime after midnight. She said that sometime during this period there was a splashing in the water and “Chris and Mike got their 22 caliber rifles out of the truck and Mike shot a beaver. Then we went home.” She also said that she saw the briefcase in the bed of the truck underneath the tool box before I allegedly dropped it off. The following is what is 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 caliber rifles weren't bought until December 18 and 19 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. Kim said that when the agents first questioned her, she didn't know anything and I never told her 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 Kim's 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 someone to corroborate what my ex-wife was saying so they found my old friend, Chris Meeks, which I hadn't seen in over 12 years. I know for a fact that the investigator told Meeks 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 it were a script. That's exactly what they were to him. I believe they coerced him to lie on the stand. I was convicted solely by the perjured testimony of an old friend that I hadn't seen in over 12 years and my ex-wife that I hadn't seen in 10 years.

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 their theories. Since the trial I 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 it but why. The real murderers will remain free to commit more murders unless the investigation is re-opened. The case may very 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 others lives could be in jeopardy because the real murderers are free.

I spent Thanksgiving Day 1985 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. She and I spent the entire night together at her apartment. Chris stayed at home with his parents. We didn't go fishing Thanksgiving night. 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 nutria rat. I know it had to be sometime after December 19 because that's 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 statement I realized that she knew was lying. I didn't even own a briefcase in 1985. She just flat out lied and the only reason I can come up with is the reward.

When I was accused of the bombing I thought it was ludicrous and defied common sense. The State of Texas and the BATF 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 their lying. My hands are clean 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 that 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 acknowledgment is usually accompanied by the argument—where there is smoke there's fire. Correct?

It's no secret that the authorities first look to known trouble-makers and known felons when investigating a crime. What most people don't know is that they also look at people that have pissed them off. Their definition of a trouble-maker is anyone that any cop, prosecutor, politician or big shot wants taken out and silenced. The main objective of any law enforcement system is to solve the crime. Cops get promoted, Chiefs and prosecutors are made heroes and get appointments, and 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 of low public standing, a poor person that doesn't have the resources to defend himself against prosecutors with unlimited resources.

Sincerely and respectfully,  
Michael Toney  
“An Innocent Man in Texas”

Mr. Bill: I was raised to have a healthy suspicion of government and to think critically instead of exhibiting the blind Pavlovian obeisance knee jerk submission to authority of the conservative element of America's populace. After I finished reading Michael's web page and cogitated on it, I came to the conclusion that his story was just bizarre enough to be true. I obtained the web page address for Michael's trial transcript and spent the next 5 days (after getting home from work) downloading 740 pages of trial transcript to my antique Packard Bell 486DX over an excruciatingly slow 49K dial up modem connection. After I downloaded the trial transcript and studied every line, I came to the following three major conclusions:

1. Michael Toney was the scapegoat of a BATF/Tarrant County DA kangaroo court.
2. There was no physical evidence that could directly connect Michael Toney to the bombing: None of the State's evidence (which consisted mainly of bomb fragments and debris) presented at the trial had Michael Toney's fingerprints or trace DNA.

3. The State's star witnesses, the vengeful ex-wife Kim Toney and the lying backstabbing weasel Chris Meeks were coerced to give perjured-prosecutor-prepared testimony against Michael Toney. The State's frame job was not successful because each star witness's testimony not only contradicted itself but also contradicted the testimony of the other star witness. The star witness performance was so pathetic that it was patently obvious even to a blind, retarded chimpanzee.

November 27, 2000:0600: Email from Mr. Bill to Denise Wallenhurst

Denise:

I recently received a letter from Michael Toney that he wrote to me in response to a letter to the editor that I wrote to the Fort Worth Star-Telegram. In Michael's letter to me he wrote that if I would like to know who he thinks made the bomb that killed the Blounts then I could send you a message. Michael also said that the bomb maker lives in Azle. I would very much like to know the name of this man because I may know the man since I have lived in Azle for 20 years. Interesting sideline, my wife knew a man in Azle that ran a second-hand junk shop and made bombs in the back room. This person got busted by the ATF about 15 years ago.

Mr. Bill

November 27, 2000:1200: Email from Denise to Mr. Bill

Mr. Davis,

The man Michael is referring to is Douglas Raymond Brown. He (Brown) sold a bomb he made to an undercover ATF agent, the same kind that killed the Blounts.

Denise

Mr. Bill: Denise's short answer to my question produced an OMG reaction in me because my wife knew Mr. D. R. Brown—she was a frequent customer in his second-hand junk store located on Main Street in Azle, Texas!

November 28, 2000:0600: Email from Mr. Bill to Denise

Denise:

I think that my wife knows this man. He used to own a junk shop in Azle and built bombs in the back. Last I heard he got busted by the ATF and went to prison. I wonder if he is still in prison or maybe he cut a deal with the ATF and is in the Witness Protection Program.

Mr. Bill

November 28, 2000:1200: Email from Mr. Bill to Denise

Denise:

I just did a check on Mr. Brown's criminal record using PublicData.com and guess what—he is not listed! This could be due to 3 factors:

1. He has no record. (Highly unlikely)
2. PublicData's database is not accurate. (Highly probable)
3. If Mr. Brown is on the Witness Protection Program then his criminal record would have been expunged.

I guess you will have to call the Texas Dept. of Criminal Justice and see if he is incarcerated in a Texas prison. This just gets curiouser and curiouser, doesn't it?

Mr. Bill Davis

P.S: I mentioned Cowboy to one of my neighbors and she says that she knows MH and allowed that if anyone committed the crime then it would have been him. (Her exact words were: 'MH was one mean son of a b\*\*\*h that would not have any compunction at all about killing someone.')

PPS: My wife told me to mention a man named Barry Sheck that does pro bono for men on death row. I do not have an address or anything on this man but he has been featured on several TV news shows like 20/20, etc.

November 28, 2000:1230: Email from Mr. Bill to Denise

Denise:

There is another possibility that my wife brought to my attention concerning Doug Brown: the guy might be dead because my wife says that in 1985 he was in his late 50s.

Mr. Bill

November 28, 2000:1245: Email from Denise to Mr. Bill

Well I guess I'll just have to check on that. I'll call to see if in fact he is in prison. Thanks for the lead.

Denise

November 28, 2000:1800: Email from Denise to Mr. Bill

That is strange!!!! I'm sure that Michael will be very interested in hearing this. Thanks for checking. I called Texas Board of Pardons and Parole and they do not show anyone with his name or age ever been in TDC.

Denise



November 30, 2000:0700: Email from Denise to Mr. Bill

From the information I have he was in his 40's but your right he might be dead. Sorry I didn't reply sooner. I was off work yesterday and drove down to see Michael. He said He was surprised you answered so fast. He was glad you did though. I'll call the health dept today to see if he passed away.

Denise

November 30, 2000:1200: Email from Mr. Bill to Denise

Denise:

I will be praying for Cowboy. From what I have seen so far I would have to conclude that he has been framed by the ATF in their quest for a solution to a 12 year old murder case. I would not be surprised if Mr. Brown turned state's evidence after he was busted for making bombs and made a deal with the Feds to pin this on Cowboy and let him (Brown) go into the Witness Protection Program. Who knows, he may also be a deep cover ATF agent that infiltrates these right wing terrorist groups that make bombs and blow up Federal buildings!)

Mr. Bill Davis

PS: President Clinton is reviewing cases that he might grant pardons or commute death sentences to life. Since the Feds were involved in Cowboy's conviction it might be worthwhile to flood the President with letters asking for mercy for the Cowboy.

November 30, 2000:1215: Email from Denise to Mr. Bill

Not a bad idea! How does someone write to Clinton? I could probably type up a form and just scan it to the internet and have everyone e-mailed so they could fill it out and send it in.

Denise

November 30, 2000:1230: Email from Mr. Bill to Denise

Denise:

You write to the President just like you would any other person:

President William Clinton  
1600 Pennsylvania Ave. NW  
Washington, D.C. 2003

You might post a model letter to the President on Cowboy's web page and urge people to write individual letters to the President about him reviewing Cowboy's case before he leaves office. Tell letter writers to not copy the model letter word for word but to phrase it in their own words.

Also, don't send electronic petitions—these are generally ignored and filed in the recycle bin without being read.

Mr. Bill Davis

December 1, 2000: Letter from Michael to Mr. Bill

Dear Mr. Davis,

I hope this letter finds you having a good day. I'm as well as my situation and this place will allow. Today is not a very good day because the Supreme Court arguments were depressing. I fear they will rule in Bush's favor. I'm afraid we've been “bushwhacked!!”

Denise sent me copies of your e mails. Now I have to tell you what I think. Keep in mind this is just what I think. I don't know but everything seems to point in this direction.

First of all Brown was sentenced to 4 years in Federal prison. I think he is living on ... road in Azle. I don't know any of these people but I've done a lot of investigative work since I was convicted. It's a very difficult thing to do from here. All I can do is write letters. (Mr. Bill: Michael could write letters. I have a file of his letters to me that weighs nine pounds.)

Here's what I think. I believe Brown made the bomb but I believe a man named Tommy Earl Davis (Tommy Earl Davis is not related to Mr. Bill!) picked MH up at Lynn's bar and drove him to Hilltop. I think H put it (the bomb) on the porch. I think Davis was supplying H with drugs. A man named Tortella says that he was seeing a married woman in Azle. Her husband was acquainted with Davis and Brown. Tortella says that the bomb was put on the wrong porch because the married woman would park her car at the Blounts when she would visit Tortella. Tortella says that this woman took a contract out on him through Davis. Tortella also says that just before the explosion he saw an 'old style' ice cream truck drive through Hilltop. Tortella said it caught his eye because it was so cold; it was unusual to see an ice cream truck. I don't know what he means by 'old style' ice cream truck but he says that Davis has this truck on some property he has in Brock, Texas. Tortella was in prison when he wrote me and told me all this. He was released months ago and hasn't had any contact with me since. I had a lawyer contact him but he refused to talk to him. You can see letters he wrote me on one of the web pages. Denise can tell you how to access trial transcripts so you can see how everyone was saying H did it. I just don't know anything for sure. I have such a bad record that it was easy for them to convict me of something I didn't do. It was really strange! I felt like I was observing someone else' trial. I have NEVER in my life been to that mobile home park! I didn't know any of those people that testified other than my ex-wife and the idiot Chris Meeks.

I've contacted Barry Sheck in New York but they only take cases where there is DNA evidence. I was convicted by the lies of two people saying two different things but NO evidence! I'm to the point where I just don't know what to do. I wish that I could talk to the Blounts. I've written her (Susan) but I know the prosecution told her and everyone else not to contact me. In the November 2000 issue of *Playboy* magazine there is a story called the great biker trial. It's about the Hell's Angels. When I read the story the names seemed very familiar to me. I went back

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