

“Re-examining the Case”

Directions: Complete the questions below as you watch Chapter 5: “Re-examining the Evidence” from the FRONTLINE film *Death by Fire*. Then discuss the questions that follow with your group.

During the years after Todd Willingham was convicted of arson, there had been dramatic change in the science of arson investigation. ... The change in arson science began when scientists set their own fires and studied how they burned. ... Fire scientist Dr. Gerald Hurst concluded the original investigators had not eliminated accidental causes. He had come to believe Todd Willingham was not guilty.

1. In the opinion of John Lentini, what was the problem with having firefighters serve as the primary investigators of a fire, as was the case in the Willingham fire?

2. How do fire scientists investigate fires? How does this lend credibility to their investigations of fire?

3. According to fire science investigators, how had the state’s initial fire investigators misread the burn patterns?

4. How was the re-examination of the liquid accelerant on the threshold door explained by the fire scientists?

5. According to fire science investigators, how did the nature of a flashover fire explain Todd Willingham’s lack of injuries or burns to his feet?

6. What explanation and evidence did the fire scientists present that the fire might have been started accidentally?
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7. What was Dr. Gerald Hurst's conclusion as to whether Todd Willingham was responsible for the fire?
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Subsequent Events:

- Willingham's appeals attorney Walter Reaves filed a series of emergency last-minute appeals to stay Willingham's execution and have a court re-examine the new evidence.
- Stacy Willingham told reporters that she now believed her husband had murdered their children. The statement was made after she and Todd quarreled over his request to be buried with his children.
- One day before the execution, prosecutors filed an affidavit signed by Stacy's brother claiming that, according to Stacy, Todd Willingham had allegedly confessed to starting the fire at his final meeting with Stacy.
- Texas Gov. Rick Perry would not use his authority to delay the execution.
- On Feb. 17, 2004, at 6:20 p.m., Todd Willingham was executed by lethal injection.

Discussion Questions:

- How credible do you think fire science is in investigating the cause of a fire? Do you think fire investigators who use these techniques are more, less or about the same in their accuracy as firefighters who are at the scene of a fire?
- According to fire science investigators, the state's initial fire investigators had misread the burn pattern on the floor. Explain why this discovery was important.
- According to fire science investigators, the nature of a flashover fire explains why Todd Willingham's feet weren't burned. How does this evidence affect the initial fire investigators' assumption about the cause of the fire?
- According to fire science investigators, there were signs that the fire might have been started accidentally. How might this evidence have changed the way the initial fire investigators viewed the fire?