

Randall Dale Adams

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Randall Dale Adams

Personal details

Born December 17, 1948

Died October 30, 2010 (aged 61)
[Washington Court House, Ohio](#)

Randall Dale Adams (December 17, 1948 – October 30, 2010^[1]) was wrongly convicted of [murdering](#) police officer Robert W. Wood, and was subsequently [sentenced to death](#). He served more than 12 years in prison, at one point coming within 72 hours of being put to death.^{[2][3]} His death sentence was reduced through appeal to the [United States Supreme Court](#),^[4] and eight years later he was released when evidence was uncovered to prove his innocence. Adams' case is profiled in the [documentary *The Thin Blue Line*](#).^[5]

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[[edit](#)] Exoneration

In 1989, the [Texas Court of Criminal Appeals](#) in *Ex parte Adams*^[6] overturned Adams' conviction on the grounds of [malfeasance](#) by the prosecutor [Douglas D. Mulder](#) and inconsistencies in the testimony of a key witness, Emily Miller.^{[7][8]} The appeals court found that prosecutor Mulder withheld a statement by Emily Miller to the police that cast doubt on her credibility, and allowed her to give perjured testimony. Further, the court found that after Adams' attorney discovered the statement late in Adams' trial, Mulder falsely told the court that he did not know the witness's whereabouts. The case remained in limbo.^[9] In 1981, Mulder returned to practice private law in Dallas,^[10] and the new prosecution then dropped charges in 1989.^[11] The [Texas Court of Criminal Appeals](#) said, and Adams agreed, that "conviction was unfair mainly because of prosecutor Doug Mulder."^{[12][13]} Adams later worked as an anti-[death penalty activist](#).

Adams wrote a book about his story, *Adams V. Texas*, which was published in June, 1992.^[14]

[\[edit\]](#) Lawsuit over the story

After release from prison, Adams ended up in a legal battle with the director of [The Thin Blue Line](#), [Errol Morris](#), concerning the rights to his story. The matter was settled out of court after Adams was granted sole use of anything written or made on the subject of his life.^[15] Adams said of the matter: "Mr. Morris felt he had the exclusive rights to my life story. ... I did not sue Errol Morris for any money or any percentages of *The Thin Blue Line*, though the media portrayed it that way."^[16]

Morris, for his part, remembers: "When he got out, he became very angry at the fact that he had signed a release giving me rights to his life story. And he felt as though I had stolen something from him. Maybe I had, maybe I just don't understand what it's like to be in prison for that long, for a crime you hadn't committed. In a certain sense, the whole crazy deal with the release was fueled by my relationship with his attorney. And it's a long, complicated story, but I guess when people are involved, there's always a mess somewhere."^[17]

At a legislative hearing, Adams said:

“ The man you see before you is here by the grace of God. The fact that it took 12 and a half years and a movie to prove my innocence should scare the hell out of everyone in this room and, if it doesn't, then that scares the hell out of me.^[18] ”

[\[edit\]](#) Personal life

Adams married Jill Fratta, who was the sister of a death-row inmate.^[1]

[\[edit\]](#) Death

Adams died of a brain tumor in [Washington Court House, Ohio](#) on October 30, 2010.^[19] He had chosen to live a quiet life divorced from his past, and the death was reported only locally, according to his lawyer, Randy Schaffer. The death was first widely reported on June 25, 2011.^[1] His mother died in December 2010.^[1]

[\[edit\]](#) See also

- [List of exonerated death row inmates](#)

[edit] References

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Dangerous predictions: the case of Randall Dale Adams

by Bruce Gross

On November 28, 1976, shortly after midnight, Dallas Police Officer Robert Wood and his partner, Officer Turko, made a routine traffic stop of a car driving without headlights. Officer Wood approached the driver's side of the vehicle and was shot five times, dying on the spot. Officer Turko fired several shots as the car sped off, but she was not able to get the car's license plate number. She saw only the driver in the car.

Over the next few days, 300 miles away, 16-year-old David Ray Harris bragged to friends that he "off'd a pig," showing them a gun he claimed was the murder weapon. Within days of the murder, Harris was pulled over and arrested for driving a stolen vehicle. During the investigation, officers heard of Harris' boasting but, when questioned, he claimed he was just trying to impress his friends. Investigators soon learned that the stolen car matched the vehicle used in the Dallas murder and that the gun Harris was showing around (which he had stolen from his father) was the exact gun that killed Officer Wood.

When confronted with the ballistics report, Harris changed his story, claiming he was present for the murder but did not commit it. According to Harris, Officer Wood was killed by [Randall Dale Adams](#), a hitchhiker Harris had picked up on the afternoon of the offense. Having passed a polygraph, Harris was not charged and received immunity in exchange for his [testimony](#) against Adams.

On the afternoon of November 27th, Adams (a 27-year-old veteran with no prior record) was walking down a major Dallas street, having just run out of gas. He was offered a ride by Harris (who was driving the stolen vehicle) and the two ended up spending the afternoon together smoking marijuana, drinking beer, and pawning stolen items Harris had with him. That evening they went to an adult drive-in theater, and then Harris dropped Adams off at the motel where he had been staying.

After his release, Harris (then age 24) returned to Texas. Just before dawn on September 1, 1985, he broke into Mark Mays' apartment. Armed, he woke Mays and his girlfriend, Rosanne Lockard, ordered Mays to lock himself into a hallway bathroom, and led Lockard out to his truck in the apartment complex parking lot. In order to prevent the kidnapping, Mays grabbed his own gun, ran to the lot, and began shooting. Lockard escaped in the crossfire, Harris was wounded, and Mays was killed by multiple rounds from Harris' gun, one of which was shot from very close range while Mays was already down. Four days later, Harris was arrested for the murder. In April 1986, he was found guilty of capital murder and sentenced to death.

Final Judgment

This new evidence became the basis for Adams' motion for a [new trial](#). A 3-day hearing on the motion was held before District Court Judge Larry Baraka who, on December 2, 1988,

recommended the Texas Court of Criminal Appeals grant Adams a new trial. Going one step further, on January 30, 1989, Baraka wrote to the Texas Board of Pardons and Parole recommending Adams be immediately paroled, a recommendation the Board refused. However, on March 1, 1989, in *Ex parte Adams v. Court of Criminal Appeals of Texas*, 768 S.W.2d 281 (1989), the Court concurred unanimously with Baraka and essentially demanded Adams be retried. This, only after Harris (who was already on death row for the Mays murder) had attested to Adams' innocence and his own guilt in the 1976 slaying of Officer Wood during the hearing on Adams' writ of habeas corpus.

On March 20, 1989, three weeks after the Appeals Court's decision was made public, Randall Dale Adams was released on his own recognizance. Three days after that, John Vance, who had succeeded Henry Wade as Dallas' District Attorney, dropped all charges against Adams. Adams had come within 3 days of execution and served over 12 years on the basis of his predicted dangerousness. Subsequent to his exoneration, Adams wrote a book about his experience, *Adams v. Texas*, and became a passionate advocate for a moratorium on the death penalty.

Actuarial or statistical predictions, made by comparing factors in the case at hand with averaged data from prior "matched" offenders, includes both static factors (e.g., age, offense history, abuse history, etc.) and dynamic factors (e.g., attitude, interpersonal relationships, treatment progress, etc.). For example, if data suggest X% of released offenders with no employment and a history of childhood physical abuse will be detained for future crimes, the person in question (with the same characteristics) has the same X% chance of re-offending. The vulnerability in this approach is that the factors are not weighted, thereby not allowing for the fact that a single dynamic factor can often outweigh a multitude of static factors.

While research has shown actuarial predictions using only the client's history of violence are more reliable than clinical predictions, most courts seem to prefer clinical predictions of future dangerousness? In fact, neither approach--clinical or statistical--has proven accurate.

Associated Dangers

The only consistently proven factor for predicting future dangerousness is prior acts of violence. (4) Using that "soft indicator," the Canadian parole system found those rape, homicide, and assault offenders with three same or similar prior convictions had re-offend-rates of 17.6%; those with a history of five such offenses had repeat rates of 27.6%. In other words, even the most repetitive offenders only re-offended on release approximately one quarter of the time, with predictions being wrong 75% of the time. (5)

Significant moral, social, legal, and professional stakes are routinely placed on a "method" that has exceptionally poor reliability and validity. Despite the fact that many consider predicting violence nothing more than "junk science," there exists a tendency on the part of professionals to over-predict dangerousness. Failing to identify a dangerous individual will have stark social consequences and probable professional implications. A false positive prediction may have no consequences for the professional, but can result in confinement or detention (and perhaps execution) of the individual, a multitude of losses for significant others, and diffuse but definite social and economic costs for society at large.

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by Jim Fisher

Wednesday, February 1, 2012

Randall Dale Adams: An Innocent Man

Last June a 61-year-old man who had been living a quiet life in a central Ohio town, died without much notice. His name is Randall Dale Adams, and in the history of 20th Century criminal justice--or rather injustice--he is a towering figure. What happened to Randall Dale Adams in 1976 and beyond caused me to rethink just how just our criminal justice system is. The Adams case perfectly illustrates the doleful saying: "Any prosecutor can convict a *guilty* defendant, it takes a *great* prosecutor to convict an innocent one."

On November 27, 1976, Adams, an employed 27-year-old manual laborer with no history of crime or violence, while walking along a street in Dallas, Texas after his car had run out of gas, met 16-year-old David Ray Harris. Harris, a kid from Vidor, Texas who had already been in trouble with the law, and driving a car he had recently stolen, offered Adams a ride.

After getting into the stolen car with Harris, Adams and his new acquaintance drank some beer, smoked marijuana, and took in a porn flick at a drive-in theater. Shortly after midnight, on November 28, Harris, while driving his blue sedan with its headlights off, and Adams in the front passenger's seat, was pulled over by two officers in a Dallas patrol car. As patrolman Robert Wood approached the driver's side of Harris' vehicle, Harris, using a handgun he had stolen from his father, shot officer Wood five times, killing him on the spot. The dead officer's partner, Teresa Turko, fired at the car as Harris sped off. None of her bullets hit the fleeing vehicle. Officer Turko was certain the man who had shot her partner was the only person in the car.

After dropping Adams off at his place of residence in Dallas, Harris drove southeast 300 miles to his parents' house in Vidor. During the next several days, Harris bragged to his friends that he had "offed a pig" in Dallas. This drew the attention of the local police who recovered the pistol Harris had stolen from his father. Through ballistics analysis, a firearms expert identified this gun as the murder weapon. Detectives also gave Harris a polygraph test which he failed. At first, Harris denied any knowledge of the shooting, but after the ballistics report, and the lie detector results, he fingered Randall Adams, a hitchhiker he had picked up in Dallas, as the cop killer.

Following a police interrogation in Dallas in which Randall Adams identified David Harris as the police shooter, and passed a polygraph test with that account, the Dallas County District Attorney, Norm Kinne, decided not to prosecute Harris. Kinne didn't want to prosecute Harris because, at age 16, he was too young for the electric chair.

At Adams' May 1977 murder trial, prosecutor Kinne manufactured incriminating evidence in the form of three eyewitnesses who testified they had ridden by the

shooting scene just as officer Wood approached the blue car. Although it was dark, and the inside of the stolen car was unlit, the three witnesses identified Randall Adams as the driver of the stopped vehicle. These identifications were patently ridiculous, and obviously motivated by something other than the truth. Two of the eyewitnesses, a husband and wife team, were looking for a piece of the \$21,000 ransom. The other witness had a daughter in trouble with the law who, after the Adams trial, had the charges against her dropped. All three of these prosecution witnesses, bought for and coached, committed perjury. Officer Turko took the stand, and while admitting she hadn't seen the shooter clearly, said his hair was the same color as the defendant's.

Randall Adams took the stand on his own behalf, and proclaimed his innocence. The prosecutor and the defense attorney made their closing arguments, and the case went to the jury. Without taking much time to deliberate, the jurors found the defendant guilty of murdering officer Robert Wood. This led to the penalty phase of the trial which involved the determination of whether or not there was a probability that the convicted man would, if given a life sentence, commit future acts of violence.

District Attorney Norm Kinne put two expert (so-called) witnesses on the stand who testified that Randall Adams was still a dangerous man. The fact that Adams was innocent, and had no history of violence, proves that both of these psychiatrists were bogus prosecution hacks. The first of these thoroughly corrupt experts to take the stand, Dr. John Holbrook, had been the chief of psychiatry with the Texas Department of Corrections. (This alone should have disqualified him as an unbiased witness.) The second, a creepy shrink named Dr. John Grigson, after having spoken to Randal Adams fifteen minutes, told the jurors that this defendant was qualified to be electrocuted. Dr. Grigson's testimony was so predictably prosecution friendly--he had testified in more than 100 trials that ended in death sentences--defense attorneys around the state called him "Doctor Death." (According the American Psychiatric Association, then and now, future dangerousness is impossible to predict.)

Relying on corrupt and erroneous psychiatric testimony pertaining to an innocent man, the Dallas County jury voted to sentence Randall Adams to death.

In January 1979, the Texas Court of Crimminal Appeals affirmed Adams' conviction and death sentence. A judge sentenced Adams to die on May 8 of that year. On May 5, three days before his date with the electric chair, the U.S. Supreme Court ordered a stay of execution. The governor of Texas, Bill Clements, decided to commute Adams's sentence to life in prison.

While Randal Adams sat in prison, David Harris, the man who had murdered officer Wood, joined the Army. While stationed in Germany, Harris committed a series of burglaries that led to a stretch in the federal prison at Leavenworth, Kansas. After his release from Leavenworth, Harris moved to California where he committed several kidnappings and robberies. In 1985, Harris was back in Texas where, in Beaumont, he murdered a man. A year later, a jury sentenced Harris to death. Had Harris been convicted of killing officer Wood, he wouldn't have had the opportunity to kill the Beaumont man.

In 1988, producer Errol Morris made a documentary about the Adams case called "The Thin Blue Line." In the film, Morris exposed the prosecution's eyewitnesses as liars, and Dr. John Grigson as a courtroom fraud. A year later, following the airing of the documentary, Dallas District Court Judge Larry Baraka, following a 3-day hearing on the Adams case, recommended to the Texas Court of Criminal Appeals that Randall Adams be granted a new trial.

On March 1, 1989, the appeals court, in an unanimous 27-page opinion that cited gross prosecutorial wrongdoing, ordered a new trial. Three weeks later, the Dallas County District Attorney (not Kinne) dropped all charges, and Randall Adams, after 12 years behind bars, walked free. Because he had not been pardoned by the governor, Adams was not eligible for the \$25,000 he would have otherwise been awarded.

In 2004, the state of Texas executed David Harris for the 1985 murder. Before he died, Harris admitted shooting officer Wood to death. Now both men who were in the stolen car the night officer Wood died, are dead as well. Except for the occasional re-airing of "The Thin Blue Line," the Randall Adams case is almost forgotten. But it shouldn't be forgotten because it reminds us of how much damage "a great" prosecutor can do.

<http://joakers.tripod.com/holeswebquest/id9.html>

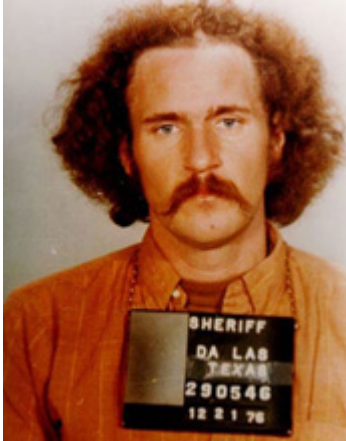
Randall Dale Adams (1976) - a case immortalized in the movie, *The Thin Blue Line* and the basis for several other movies, like *Kalifornia*, which involves a young man from the North traveling south through Texas who is picked up by a killer and gets wrongfully convicted for the killer's crimes. The innocent man signs a vague "confession" (I can't remember what happened after) and polygraph results intended to clear him are "inconclusive", so conviction results from pressure for retaliation and animosity against "drifters".

<http://www.law.northwestern.edu/cwc/exonerations/txAdamsSummary.html>

RANDALL DALE ADAMS

Filmmaker helped free innocent man

[June 26, 2011: Case Update](#)



Adams after his arrest in 1976.

Sentenced to death in 1977 for the murder of a police officer in Dallas, Texas, Randall Dale Adams was exonerated as a result of information uncovered by film-maker Errol Morris and presented in an acclaimed 1988 documentary, *The Thin Blue Line*.

Patrolman Robert Wood was shot to death during a traffic stop on November 28, 1976, by sixteen-year-old David Ray Harris, who framed Adams to avoid prosecution himself. Another factor in the wrongful conviction was the surprise — and partly perjured — testimony of three eyewitnesses whose existence had been concealed from the defense until the witnesses appeared in the courtroom. A third factor was a statement Adams signed during interrogation that the prosecution construed as an admission that he had been at the scene of the crime.

The day before the murder, Adams was walking along a Dallas street after his car had run out of gasoline. Harris happened by, driving a stolen car. He offered Adams a ride and the two wound up spending the afternoon and evening together, drinking beer, smoking marijuana, pawning various items Harris had stolen, and going to a drive-in movie theater to watch porn movies. Adams then returned to a motel where he was staying.

Shortly after midnight, Wood and his partner, Teresa Turko, spotted Harris driving a blue car with no headlights. The officers stopped the car and, as Wood approached the driver's

side, Harris shot him five times. Wood died on the spot. As the car sped off, Turko fired several shots, but missed. She did not get a license number. She seemed certain that there was only one person in the car — the driver.

Harris drove directly to his home in Vidor, 300 miles southeast of Dallas. Over the next several days, he bragged to friends that he had “offed a pig” in Dallas. When police in Vidor learned of the statements, they took Harris in for questioning. He denied having had anything to do with the murder, claiming he had said otherwise only to “impress” his friends. But when police told him that a ballistics test established that a pistol he had stolen from his father was the murder weapon, Harris changed his story. He now claimed that he had been present at the shooting, but that it had been committed by a hitchhiker he had picked up — Adams.

Adams, an Ohio native working in Dallas, was taken in for questioning. He denied any knowledge of the crime, but he did give a detailed statement describing his activities the day before the murder. Police told him he had failed a polygraph test and that Harris had passed one, but Adams remained resolute in asserting his innocence.

Although polygraph results are not admissible in Texas courts, the results provided some rationale for questioning Harris’s story. However, when a police officer is murdered, authorities usually demand the most severe possible punishment, which in Texas, and most other U.S. jurisdictions, is death. Harris was only sixteen and ineligible for the death penalty; Adams was twenty-seven and thus could be executed.

At trial before Dallas County District Court Judge Don Metcalfe and a jury, Turko testified that she had not seen the killer clearly, but that his hair was the color of Adams’s. She also said that the killer wore a coat with a fur collar. Harris had such a coat, but Adams did not.

Adams took the stand and emphatically denied having any knowledge of the crime. But then the prosecution sprang two surprises. The first was the introduction of Adams’s purported signed statement, which police and prosecutors claimed was a confession, although it said only — falsely, according to Adams — that when he was in the car with Harris, they had at one point been near the crime scene. The second was the testimony of three purported eyewitnesses whose existence had until then been unknown to the defense. One of these witnesses, Michael Randell, testified that he had driven by the scene shortly before the murder and, in the car that had been stopped by the officers, had seen two persons, one of whom he claimed was Adams. The other two witnesses,

Robert and Emily Miller, had happened by at about the same time, but claimed to have seen only one person in the car — Adams.

Because the eyewitnesses were called only to rebut Adams's testimony, prosecutors claimed that Texas law did not require them to inform the defense of their existence before they testified. The weekend after their surprise testimony, however, the defense learned that Emily Miller had initially told police that the man she had seen appeared to be Mexican or a light-skinned African American. When the defense asked to recall the Millers to testify, the prosecution claimed that the couple had left town. In fact, the Millers had only moved from one part of Dallas to another. When the defense asked to introduce Emily Miller's statement, Judge Metcalfe would not allow it. He said it would be unfair to impeach her credibility when she was not available for further examination.

The jury quickly returned a verdict of guilty and turned to sentencing. Under Texas law, in order for Adams to be sentenced to death, the jury was required to determine, among other things, whether there was "beyond a reasonable doubt [a] probability" that he or she would commit future acts of violence. To establish that Adams met that oxymoronic criterion, the prosecution called Dr. James Grigson, a Dallas psychiatrist known as "Dr. Death," and Dr. John Holbrook, former chief of psychiatry for the Texas Department of Corrections.

Although the American Psychiatric Association has said on several occasions that future dangerousness was impossible to predict, Grigson and Holbrook testified that Adams would be dangerous unless executed. Grigson testified similarly in more than 100 other Texas cases that ended in death sentences. After hearing the psychiatrists, Adams's jury voted to sentence him to death. Twenty one months later, at the end of January 1979, the Texas Court of Criminal Appeals affirmed the conviction and death sentence. Judge Metcalfe scheduled the execution for May 8, 1979.

Adams was only three days away from execution when U.S. Supreme Court Justice Lewis F. Powell Jr. ordered a stay. Powell was troubled that prospective jurors with moral qualms about the death penalty had been excluded from service, even though they had clearly stated that they would follow the Texas law.

To most observers — including, initially, Dallas District Attorney Henry Wade (of *Roe v. Wade* fame) — the Supreme Court's language meant that Adams was entitled to a new trial. But a few days later Wade announced that a new trial would be a waste of money. Thus, he said, he was asking Governor Bill Clements to commute Adams's sentence to life

in prison. When the governor promptly complied, Wade proclaimed that there now would be no need for a new trial. Adams, of course, thought otherwise, but the Texas Court of Criminal Appeals agreed with Wade. As a result of the governor's action, said the court, "There is now no error in the case."

In March 1985, Errol Morris arrived in Dallas to work on a documentary about Grigson — "Dr. Death." Morris's intent had not been to question the guilt of defendants in whose cases Grigson had testified but only to question his psychiatric conclusions. When Morris met Adams, the focus of the project changed.

Morris learned from Randy Schaffer, a volunteer Houston lawyer who had been working on the case since 1982, that Harris had not led an exemplary life after helping convict Adams. Harris had joined the Army and been stationed in Germany, where he had been convicted in a military court of a series burglaries and sent to prison in Leavenworth, Kansas. A few months after his release, Harris had been convicted in California of kidnapping, armed robbery, and related crimes.

After his release from prison in California, and five months after Morris arrived in Dallas, Harris tried to kidnap a young woman named Roxanne Lockard in Beaumont, Texas. In an effort to prevent the abduction, Lockard's boyfriend, Mark Mays, exchanged gunfire with Harris. Mays was shot to death and Harris was wounded. For the Mays murder — a crime that would not have occurred if Dallas authorities convicted the actual killer of Officer Wood eight years earlier — Harris was sentenced to death.

Meanwhile, Morris and Schaffer discovered that Officer Turko had been hypnotized during the investigation and initially had acknowledged that she had not seen the killer — facts that the prosecution had illegally withheld from the defense. Morris and Schaffer also found that robbery charges against the daughter of eyewitness Emily Miller had been dropped after Miller agreed to identify Adams as Wood's killer. The new information, coupled with the fact that Miller initially had described the killer as Mexican or African American, became the basis for a new trial motion.

In 1988, during a three-day hearing on the motion before Dallas District Court Judge Larry Baraka, Harris recanted. "Twelve years ago, I was a kid, you know, and I'm not a kid anymore, and I realize I've been responsible for a great injustice," Harris told Baraka. "And I felt like it's my responsibility to step forward, to be a man, to admit my part in it. And that's why I'm trying to correct an injustice."

On December 2, 1988, Judge Baraka recommended to the Texas Court of Criminal Appeals that Adams be granted a new trial, and two months later he wrote a letter to the Texas Board of Pardons and Paroles recommending that Adams be paroled immediately. The board refused, but on March 1 the Texas Court of Criminal Appeals unanimously concurred with Baraka that Adams was entitled to a new trial. Three weeks later, Adams was released on his own recognizance, and two days after that, Dallas District Attorney John Vance, who had succeeded Wade, dropped all charges.

Harris was never tried for the murder of Officer Woods. On June 30, 2004, he was executed for the Mayes murder. — *Researched by Michael L. Radelet*

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The Trials and Tribulations of Doug Mulder – Part II

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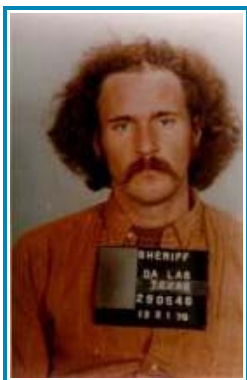
Doug Mulder graduated from Southern Methodist University with a Bachelor of Law degree in June of 1964. By October he was gainfully employed in the misdemeanour court for the Dallas County District Attorney Office under Henry Wade.

Wade had participated in the prosecution of Lee Harvey Oswald's killer, Jack Ruby, and was to also take part in the landmark case of [Roe v Wade](#). He was someone whom Mulder viewed as a mentor while working his way up to becoming Wade's first assistant within a few short years. Wade's bullish approach to prosecution was something not lost on a young, ambitious Mulder.

Described variously as flamboyant, irascible and even a con artist, Mulder's overzealous "win at all costs" style would earn him the moniker "Mad Dog". Melvyn Bruder, a high profile Dallas appellate attorney, remarked "He is one of the finest pure prosecutors I ever saw. He is thorough, he is heartless, and once the objective is made known to him, he pursues it at all costs".

This was more than evident in two particular cases which were to live in infamy. The first, as a prosecutor.

Randall Dale Adams



The case which was to haunt Mulder, was that of Randall Dale Adams. In 1977, Adams was sentenced to death for the murder of patrolman Robert W. Wood.

On November 28, 1976, Wood was shot to death by David Ray Harris during what began as an innocuous night time traffic stop on a Dallas street. Adams had only met the sixteen year old Harris the previous afternoon when he was offered a ride after running out of gas.

The car Harris was driving was in fact stolen, as were many items in the vehicle which were pawned that afternoon. One of those items, a .22 calibre handgun, was to be used in the commission of the crime.

The two spent the evening at a drive-in theatre before Adams returned to the motel where he was staying at around midnight.

At approximately 12.30am Patrolman Wood and his partner, Officer Teresa Turko, noticed Harris driving a blue car with its headlights turned off and proceeded to make a traffic stop. As Wood walked up to the driver's side of the vehicle, he was hit by a volley of shots and died at the scene.

As Harris fled, Turko fired off several rounds at his vehicle to no avail. She was unable to get the tag number but was to later state that the car had only one occupant. Turko's account of that morning was to be brought into question and cause much conjecture.

Returning to Vidor, from where he had attempted to escape his shady past, Harris soon proceeded to brag to friends about how he had "offed a pig" in Dallas. When police heard of his boasts, they took him to the station for questioning.

Harris claimed he had only made the comment "to impress his friends" and became nervous when told that the ballistic experts had identified a handgun he had stolen from his father as the murder weapon.

It was at that juncture that Harris' story began to change. While maintaining he had not shot Wood, he had

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placed himself not only at the scene but in the vehicle. The gunman, Harris said, was Randall Dale Adams.

Adams gave the police a statement in which he detailed the events of that evening, maintaining his innocence throughout. Unsurprisingly, the police advised him that he had failed a polygraph test which he had agreed to take. This is a ploy often used by police when short on leads and facts of a crime, ultimately resulting in wrongful convictions.

At a pre-trial hearing for Adams, assistant district attorney Mulder struck a decisive blow. He was able to convince Judge Don Metcalfe that Harris' criminal record ought to be kept from the jury. This ruling was to derail Adams' defense attorneys, Dennis White and Edith James', strategy.

Mulder had already earned the ire of White after a visit to Harris' hometown of Vidor to investigate the case; "Mulder had been there the week before I had and had told the people in Vidor that I was a ...eastern educated civil liberties attorney, and that I was down there to discredit David Harris".

Mulder's next coup was when he cunningly interpreted the statement Adams gave to police as a confession. In fact, all that Adams had stated was that he had been in the general area of where the crime took place when he and Harris were driving around Dallas the previous evening but not at the time of the murder.

Another act of Mulder's underhandedness which stymied the defense was the testimony of three alleged witnesses to the crime. These witnesses' accounts varied and were far from factual. Judge Metcalfe had ordered Mulder to avail the defense of a list of witnesses he had planned to call during the trial but noticeably omitted the names of rebuttal witnesses Emily and Michael Miller, along with that of Michael Randell.

Mulder claimed that under Texas law, he was not required to inform the defense of these witness statements because they were called only to rebut the testimony of Adams. Judge Metcalfe would not permit the defense to admit the testimony of one of those witnesses, Emily Miller, adding that it would be unfair to impeach her testimony because she had moved away from Dallas.

Unsurprisingly, this was far from the truth. Miller had merely relocated to another part of Dallas and not gone to Illinois as Mulder erroneously claimed. Therefore, she was indeed available to be examined by the defense after all.

In fact, the day Mulder managed to convince Judge Metcalfe of her unavailability, she was filmed by a local news crew standing outside her room at the Alamo Plaza Hotel. Regardless, Mulder had claimed yet another decisive victory.

Defense attorney Dennis White was unaware of Emily Miller's prior statement wherein she had identified the gunman as either "Mexican or light skinned African-American". Even more startling was Miller testifying to having picked Adams out in a police line-up. She had done no such thing but White missed this opportunity to pounce.

Filmmaker [Errol Morris](#) was later to discover that as part of the prosecution's investigation, Officer Turko had been hypnotised and denied having seen the shooter. This was conveniently suppressed by Mulder since it would have only served to harm his prosecution of Adams.

An internal affairs investigation of Turko was also kept from the defense but Mulder had never lost a capital murder case up until this point and he was determined that this would not be his first. Full disclosure of his office's investigation was not high on his list of priorities.

He even enlisted the dubious expertise of Dr. James Grigson, a forensic psychiatrist, to seal the conviction of Adams. Known as "Dr. Death", Grigson had testified in more than a hundred capital cases where he claimed the defendant would not only pose a threat to society, but kill again.

Grigson described Adams as "an incurable and extreme sociopath with no regard for the life or property of others and who would continue to present a danger to society". Given that Adams had no history of violence whatsoever, it was an extraordinary opinion to proffer.

It wasn't the first time Grigson was able to persuade a jury to accept his flawed diagnosis. One judge who sat on the Texas Court of Criminal Appeals [wrote](#):



“When Dr. Grigson speaks to a lay jury . . . about a person who he characterizes as a “severe” sociopath . . . the defendant should stop what he is doing and commence writing out his last will and testament—because he will in all probability soon be ordered by the trial judge to suffer a premature death.”

Grigson’s questionable ethics mattered not to Mulder and both sides rested on Friday, April 19. The following Monday, Judge Metcalfe sent the case to the jury for consideration, during which time several jurors sought clarification of the rebuttal witnesses’ testimony. Remarkably, Metcalfe denied them on each occasion.

The jury, after having deliberated for less than three hours, returned with their verdict. Guilty of capital murder.

Adams was subsequently sentenced to death. Not only had a satisfied Mulder condemned an innocent man, he had allowed Harris to walk free.

Six years hence, Harris would kill again.

Randall Dale Adams’ case was far from finished. His subsequent appeal of the verdict would give Doug Mulder many a sleepless night and will be examined in the next installment.

Written by Stuart Faulks
October 8, 2012 at 8:40 am

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MAD DOG MULDER

Is the man who sent Randall Dale Adams to Death Row and defends Walker Railey one lowdown, sleazy lawyer? Or a top-seeded gladiator who fights for the thrill of winning?

Sally Giddens Published 4.01.1989 From D Magazine APR 1989 PRINT EMAIL DISCUSS


STATE DISTRICT JUDGE LARRY BARA-ka's courtroom is packed with spectators. Most of them are media types-regular court beat reporters from the local papers and guys in suspenders and bow ties from national magazines who hold on to their overnight bags as if they're still in Manhattan. There's even a camera crew from "Entertainment Tonight." The group is a strange amalgam of West Coast film flash. Northeastern sophisticate snobbery, and at-home Dallas-but one factor binds them together: they are all waiting for the Main Event. They are waiting for Doug Mulder.

"Here he comes. I guess we should be playing the theme from *Rocky*" one Dallas reporter jokes. To say Doug Mulder's reputation precedes him is the understatement of the year. Mulder has always made sure he's in the center ring, ever since his days as Dallas District Attorney Henry Wade's first assistant, an achievement he earned before his thirtieth birthday. His mug graced many a front page while he was racking up the best conviction rate in the history of Dallas County as an assistant DA. But 1988 was a big year even for Mulder. Most people know the attorney's handsome face from more recent film clips of him ushering his sweaty client, Walker Railey, through a media mob to testify before a grand jury about the murder attempt on his wife. The clip from that scene has been shown so often that many Dallasites tie the now nationally infamous Railey with Mulder tighter than a shotgun wedding.

Doug Mulder doesn't exactly dislike the attention. After all, it brings him more business. Framed newspaper and magazine clippings from nearly twenty-four years of trial work pack the walls of his slick downtown office. His Ralph Lauren looks change little, though some of the clips are yellowed with age. And in story after story-of Mulder the prosecutor or Mulder the defense attorney-the theme, too, remains the same: Mulder wins, Mulder wins, Mulder wins.

But Mulder would just as soon dodge the attention he's getting in Judge Baraka's court today. After all, he's not getting paid. Mulder is the star witness for the state in a hearing that could help get a new trial for Randall Dale Adams, the man Mulder prosecuted for the 1976 shooting death of Dallas police officer Robert Wood. Adams's trial was the subject of Errol Morris's recent film *The Thin Blue Line*, which painted Mulder as a prosecutor out of control, an ambitious and unethical man willing to do anything to peg Adams with the crime and add another capital murder conviction to his formidable record. As an assistant DA. Doug Mulder sought the death penalty for the defendants he was prosecuting twenty-four times. Twenty-four times, he won. The film, which questions the credibility of witnesses who testified against Adams in the 1977

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trial, is the main reason that Adams is getting this hearing. In the movie, Adams's main accuser, David Ray Harris, recanted his testimony and virtually confessed to the shooting. Back in 1977, Harris had claimed that Adams shot officer Wood from the driver's seat of a car Harris had ripped off, using a gun Harris had stolen, while Harris sat by and watched. But today, Harris changes his story, saying that Adams wasn't even in the car when the police officer was shot, and that *he was alone*.

The Thin Blue Line has caused quite a stir, and Morris and his movie-making entourage know it. They are in the courtroom, too, part of the crowd waiting for the Main Event. Even though this is Adams's hearing, even though Harris's picture has been in the paper for the last few days, everyone knows that this circus is about Doug Mulder. He is the one on trial. Morris's movie was an indictment of Mulder's character, and Houston attorney Randy Schaffer, who represents Adams, is out to prove that Mulder didn't play by the rules, that he virtually framed Adams and sent an innocent man to Death Row. Mulder, not surprisingly, says that Schaffer is flat wrong. "I think we got the right man," says the man who did the getting. "And I think he should have been executed."

Doug Mulder hasn't seen *The Thin Blue Line*. But he says he's disappointed Morris didn't get Robert Redford to play his part.

He's not kidding.

Mulder is the kind of guy who says things like that with a straight face. He matter-of-factly declares that he could have won cases other attorneys have lost. He says things that some people might call self-serving and others would call unbelievably egotistical. His friends call this confidence, and they know Mulder has earned the right to more than the average share of it. But even if Mulder never opened his mouth to tell you how many hundreds of cases he's won, his confidence is apparent. As he walks into the courtroom, his movement is swift and deliberate. He's not tall, not overly muscular, but his fireplug frame still looks powerful. This is his arena, a place where he has dynamic presence and can wage war and win.

Mulder's opponent today is a young attorney with half his experience, someone who Mulder says is "trying to make a name for himself with Adams. And unlike many attorneys who are on opposite sides in the courtroom but walk through the door as friends at quitting time, Mulder keeps the fur raised on Schaffer's back all the time. Before the state calls Mulder to the witness stand, Schaffer tells a reporter, "I'm 100 percent convinced Mulder's going to lie."

Schaffer charges that Mulder was "off the Richter scale in propriety" during the Randall Dale Adams trial. And he's in Baraka's court to prove that the sleaze rap on Mulder is true. The Adams case has given a new twist to Mulder's old nickname, "Mad Dog." Now Mulder has been branded, rightly or wrongly, as an outlaw prosecutor. Defending Walker Railey—who has been convicted by popular opinion—only adds ooze to the sleaze. Yet time after time, the most colorful, renowned crime cases land in Mulder's lap. Why? Because, as Mulder puts it, he's the best.

Schaffer might not agree. But he knows he's up against one bright and skillful legal mind. From the moment Mulder takes the stand, Schaffer holds back nothing. As the battle begins, Adams's advocate fires this one-liner into a hushed courtroom: "Well, I guess today. Mr. Mulder, you return to the scene of one of your greatest crimes."

"I HIRED DOUG MULDER JUST AFTER HE graduated from SMU," says former District Attorney Henry Wade. He speaks slowly, thoughtfully, almost reverently, all the while chewing on his cigar, "And I guess of the thousand or so assistants that I hired, he is the only one that I know of that I hired the first time I saw him."

Wade admits he's biased when it comes to Mulder. He speaks of him as a father talks about a favorite son who can do no wrong.

Mulder came to Dallas from his home in Iowa to attend SMU law school. He started his job at the DA's office in October of 1964, straight out of school, just after Wade had finished the Jack Ruby trial and while the eyes of the country were still on the Dallas district attorney's office. Mulder began at the bottom like everyone else, in the misdemeanor court, but he rose quickly to the felony court and to first assistant.

"He showed a great deal of ability from the start," Wade says, his cigar disappearing. "All of the cases that I tried the last ten or fifteen years I was DA, I picked him to try with me, mainly because when he came in and said we were ready, we were ready."

"He is a very detailed man—and all business. He devotes all of his energies to the case at hand. Most cases are won in preparation prior to trial. That's what Doug is best at. I feel like he was the best prosecutor that ever prosecuted," Wade says.

That's some claim coming from a man who defined law and order in this town for thirty-six years. Wade only has one criticism of Mulder's abilities—he wasn't very good with the public. A first assistant needs to do quite a bit of hand holding, mainly with people whose cases the DA's office has dropped. But Wade says Mulder never had the patience to listen to the sob stories.

"He'd tell them they didn't have a case and to go on about their business," Wade says.

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Though Mulder does his share of hand holding with paying clients these days, he still ignores what he considers pointless social niceties. He's not a "social" type, not a party-goer. He has a few close friends and he includes his wife, Elyn, in that group. Mulder just doesn't have time for the hoopla. But he's not a man who shows passion for work only, Mulder loves golf, and he wins as often on the course as he does in court. Though he played nearly every Friday with Wade while he was an assistant DA, Mulder's present job as a highly paid defense attorney lends itself to even more time on the back nine. Now he plays not just at Tenison but anywhere he wants, whenever he wants, from Scotland to Scottsdale.

A winning record like Mulder's obviously requires discipline and devotion. He works about seventy hours a week, and he doesn't do breakfast, and he doesn't do lunch. Since he jumped the fence to become a defense attorney, more times than not Mulder has gotten a fat fee up front, and that has become his trademark. When he left the DA's office in January of 1981, Mulder was making \$60,000 a year. His first case as a defense attorney netted him a \$100,000 fee. And though that murder case never went to trial, Mulder cashed his check the day he left his office at the county courthouse.

Henry Wade says he had to talk Mulder into leaving and taking that first very lucrative case. Mulder had planned to stay on as first assistant as long as Wade was DA. Courthouse types speculate that Mulder would have waltzed into the DA spot if he hadn't crossed over to become a defense attorney, but that's not the way Wade tells it. He says that Mulder could have had the DA's job if he had wanted it-without even running for office.

"The governor wanted to appoint me to the Court of Criminal Appeals," Wade says. "And he said he'd appoint anyone I wanted to be DA. I asked Doug about it and he said, 'I don't want to be district attorney and you don't want to be a judge, so let's just go ahead like we are.'"

" NEARLY \$200,000 WORTH OF COCAINE is strewn in front of Doug Mulder as he stands before Judge Jack Hampton's bench. His client, Michael Ross, has been brought to trial for possession with intent to deliver that coke. The case looked like a loser from the beginning. The evidence was stacked against Ross-the most damaging clue being Ross's thumbprint on a plastic wrapper containing part of a kilo. And though the rest of the cocaine was found in a kitchen being cooked up into crack, one of the plates that held a cooling mayonnaise jar full of crack also had Ross's thumbprint on it. Ross was one of around ten people arrested at this residence where a couple of days earlier an undercover police officer bought a \$200 bag of cocaine. On that day, the officer gave his money to Ross.

This is the kind of guy Mulder used to put away for years when he was prosecuting for the district attorney's office. Unlike many in his field, Mulder made that transition to defense attorney smoothly and quickly. Wade surmises that the crossover was easy for Mulder because his approach to cases has always been singular, driven, and intense. He has always found the winning formula and then stuck with it. So what if Mulder plies that formula for the accused, even the unsavory accused, rather than for the state? Mulder says his job as a defense attorney is to make sure clients like Michael Ross are well represented,

And that he does. Unbelievably, Mulder is able to raise doubt by bringing in three witnesses who say Michael Ross walked into the townhouse just seconds before the police broke down the front door. "Michael had a fit," one of the women testified. "He was cussing and throwing stuff. He said, 'this ain't no crack house.'"

So, maybe, Mulder suggests, just maybe, those fingerprints showed up because Ross was tearing up the place. And maybe, since Ross had just walked into the kitchen moments before the police arrived, this bunch of crack belonged to someone else. Maybe someone else was in charge of the kitchen. Maybe the police had the wrong man.

Mulder raised enough questions to keep the jury out for more than seven hours. His client was pleased with his defense and optimistic that he would win. When the jury came back, though, Ross was found guilty. But in a small way, Mulder had still won. The jury had given Ross a break, convicting him of a lesser offense than charged.

Policemen sitting through the trial speculate that Mulder got \$50,000 to defend Ross on this charge. Ross was their biggest bust of the summer, the consummation of a special task force attempt to make a dent in the crack trade in southern Dallas. But with attorneys like Mulder around, the officers figure they'll be seeing Michael Ross on the street again someday.

So has Mulder hit a gold mine here, a customer who'll keep coming back? Mulder says he would defend the man again-if "the necessary arrangements can be made." Translation: if Ross can cough up the cash and get it to Mulder in a way that makes it clear he's not being paid with drug money.

ANDY SCHAFFER SPITS OUT DOUG Mulder's name, punctuating it with distaste. Raising his voice over the repeated objections by assistant district attorney Leslie McFarlane, Schaffer turns,

points to Adams, and yells: "He is shackled like a wild animal, but if you had your way, he'd be dead today, wouldn't he, Mr. Mulder?" Mulder agrees and says, ironically, that Adams would be dead today except for the fact that he had a *bad* defense, which has kept his trial mired in controversy.

But Schaffer's goal is to direct as much attention as possible away from his client and onto Doug Mulder, skirting around the issue of who killed officer Wood and concentrating on one thing: did Doug Mulder keep Randall Dale Adams from getting a fair trial?

For many people who have seen *The Thin Blue Line*, the answer is a resounding yes. Adams was convicted in the spring of 1977 for shooting officer Robert Wood to death after Wood had stopped a car for driving with its lights off. After losing state appeals, Adams was sentenced to death in 1979. But the next year, the U.S. Supreme Court reversed Adams's death sentence on grounds of improper jury selection. (Mulder did not participate in the jury selection phase of the trial.) At that time, then-District Attorney Henry Wade asked Governor Bill Clements to change Adams's sentence to life in prison and thus prevented a new trial.

But last November, after the release of *The Thin Blue Line*, Adams got another day in court. And despite Mulder's winning performance as a witness, in which he denied each of Schaffer's charges, Schaffer and Adams won. Baraka recommended to the Texas Court of Criminal Appeals that Adams be given a new trial. Baraka concluded that Adams had an inadequate defense and that Mulder withheld crucial information about the credibility of witnesses.

The most important of those witnesses had been Harris, who has now recanted his testimony. Schaffer argues that the jury in that first trial never knew that Harris, a juvenile, faced charges of burglary and aggravated robbery in Orange County. After Harris testified for the state in 1977, his charges in Orange County were dropped. Schaffer says that Mulder arranged that deal.

The state's most credible witness was Teresa Turko, officer Wood's partner. Turko had described the driver of the car that she and Wood stopped as having "bushy hair." In 1977, Adams had bushy hair; Harris's was straight. But Schaffer argues that Turko originally couldn't describe the driver's hair and told officers at the scene that "the windows were very dirty and I could barely see inside." Schaffer says Turko's description of the hair arose after she underwent hypnosis, and if Adams's defense attorney had known that, he could have objected to her testimony. Schaffer says Mulder didn't tell the defense that Turko had been hypnotized and that Turko had earlier been unable to specifically describe the hair of the driver.

The jury also wasn't told, Schaffer says, that Emily Miller, a passer-by, had picked out another man-not Adams-in a police lineup. Miller identified Adams in the courtroom as the man in that car, despite the fact that her initial statements to police described the driver as a "Mexican or a very light-skinned black man," while Adams is white. Schaffer says that Mulder was required by law to furnish those statements to the defense, which he did not.

But Mulder and the police maintain that Miller never saw a lineup. "Who knows why Emily Miller would lie about that," Mulder says. "But she still sticks by her original description." Schaffer also charges that Mulder made a deal with Miller to testify, too. Robbery charges against her daughter, pending at the time of the trial, were later dropped.

Following the November hearing, Dallas District Attorney John Vance maintained his position of standing behind Mulder and his office's claims that Adams was rightfully and legally convicted. But in a surprising move late in January, assistant DA McFarlane bucked her boss and backed Adams's retrial. McFarlane filed a one-paragraph brief with the Texas Court of Criminal Appeals that read in part. . . "the state has no objection to the trial court's. . . finding that applicant is entitled to a new trial."

Mulder says he also has no objections to Adams getting a new trial. He argues that it's no longer his role to be an advocate one way or another. "If Vance wants to cut him loose, that's fine with me," Mulder says, adding that Adams has served nearly enough time on his life sentence to be released anyway.

Bui Mulder doesn't waffle about Adams's guilt or innocence, He still believes he got the right man.

"What we had then were two people-Harris and Adams-telling the identical story," Mulder says, "except Adams claimed he couldn't remember what happened on Hampton Road, that he blacked out, and Harris could remember."

Mulder maintains that Harris, who is now on Death Row for later murdering a Beaumont man, is playing games with the media. In 1977, Adams flunked a polygraph, while Harris, telling his original story, passed. And even now, though Harris says his "hand was on the gun" that killed Wood, he always stops just short of confessing to the murder. And Mulder says he fully expects that Harris will flip-flop on his testimony again.

Mulder laughs at Schaffer's theory about a "deal" with Harris to testify against Adams. "Anyone who thinks I would make a deal with a kid is extremely naive," he says.

Though *The Thin Blue Line* does a good job of presenting its side of the case, answers from Mulder are glaring in their absence. Filmmaker Morris did interview Mulder, but Mulder

wouldn't sign a release that gave Morris *cane blanche* with the material. And Mulder's absence from the film makes the case for Adams stronger.

So is guilt or innocence determined on the big screen? DA John Vance will probably choose not to retry Adams, whose conviction was set aside on March 1. If there were a new trial, it would bear little resemblance to the first. Harris isn't the only one who has changed his testimony since 1977. Adams now says that he signed his statement under pressure and that investigator Gus Rose threatened him with a gun. Rose denies that that ever happened.

"If that is true," Mulder says, "it's curious that he waited ten years to tell us. Why didn't Adams ever tell that to the judge or the jury or even his own attorneys?"

And testimony in any new trial for Adams likely would revolve around his hairstyle at the time of the shooting. Did officer Turko see "bushy hair" or not? Today Adams is a balding, middle-aged man, a fact that somewhat comically underscores the difficulty the state would have if it retried this case.

"Every day that passes," says former DA Wade, "the state's case gets worse and the defense's case gets better."

Schaffer agrees. "How can the DA expect jurors to believe beyond a reasonable doubt admitted perjurers?" he says.

Mulder says that Schaffer can make fun of his witnesses and allege deals were made and still not change the fact that all of the witnesses described a man in the driver's seat with a dark complexion, bushy hair, and a big mustache.

"We can argue all night about whether you can make a positive identification of Adams at night from a moving car eight or ten feet away," Mulder says. "But there is no way you could have mistaken one for the other. Adams fit that description at the time. Harris was a baby-faced, pale blond kid."

Mulder says he's fed up with the Adams case. He wishes he could have handled the hearing for the state and put to rest what he considers a media-created circus. "It's a shame," Mulder says.

"But Adams isn't the first murderer to beat the system."

Mulder should know.

OUG MULDER SITS AT A TABLE IN A dark downtown bar and drinks another light beer This is not some stylish Dallas place, not a place to see and be seen. This is just a bar, nondescript except for the waitress whose dress has more zippers than material.

Mulder orders another round, giving him more time to talk about the profession he has mastered over twenty-four years.

"I just like to try cases. Really any kind of case. I like murders, drug cases. I like them all." But then he pauses and starts into another war story. This one is a child molestation case and it's clear, though Mulder won, that he didn't like this one. "I don't think I'll take any more of those," he says.

Mulder is comfortable with the customary criticisms aimed at his profession. Defense attorneys are often derided for doing their job, which is to defend people that society is trying to rid itself of. The job takes a strong stomach, and though Mulder has developed one, he seems pleased that he has the luxury to turn down cases that he finds distasteful. But some crimes, no matter how contemptible, will still beckon him because of the exhilarating challenge of the trial.

It's a touchy subject because Mulder, like most defense attorneys, is armed with a speech about the criminal justice system, about how everyone is innocent until proven guilty, about how each person-no matter what the crime-deserves not just a defense but a good one. Even Randall Dale Adams.

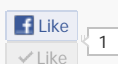
Mulder has taken it on the chin for this case. Much of the criticism is coming from competitors who say the case has lent credence to stories they've heard for years about Mulder's ruthless behavior as a prosecutor.

Sour grapes? John Hagler, a Dallas appellate lawyer who has worked with Mulder as both a prosecutor and a defense attorney, believes Mulder's colleagues are jealous "because they know that he gets first crack at every big case."

In the meantime, Mulder is willing to admit that the 1977 Randall Dale Adams trial was not an even match. When it was over and Adams had lost, his attorney, Dennis White, quit trying cases for good. But, Mulder says, "I didn't pick the sides."

And what if Mulder had not been the prosecutor? What if he had been the one defending Randall Dale the man he believes should have already been put to death?

"Oh yeah." Mulder says. "I'd have gotten him off. There's no doubt in my mind."





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Identifying and Advocating Best Practices in the Criminal Justice System. A Texas-Centric Examination of Current Conditions, Reform Initiatives, and Emerging Issues with a Special Emphasis on Capital Punishment.

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Monday, June 27, 2011

Randall Dale Adams, 1949 - 2010

The New York Times obituary is titled, "[Randall Adams, 61, Dies: Freed With Help of Film](#)." It's written by Douglas Martin.

Randall Dale Adams, who spent 12 years in prison before his conviction in the murder of a Dallas police officer was thrown out largely on the basis of evidence uncovered by a filmmaker, died in obscurity in October in Washington Court House, Ohio. He was 61.

Mr. Adams had chosen to live a quiet life divorced from his past, and when he died on Oct. 30, 2010, of a brain tumor, the death was reported only locally, said his lawyer, Randy Schaffer. The death was first widely reported on Friday.

The film that proved so crucial to Mr. Adams was "The Thin Blue Line," directed by [Errol Morris](#) and released in 1988. It told a harrowing story, and it had the effect of helping to bring about Mr. Adams's release the following year.

"We're not talking about a cop killer who's getting out on a technicality," Mr. Morris said when Mr. Adams was set free. "We're talking about an unbelievable nightmare."

And:

In March 1989, the Texas appeals court ruled Mr. Adams was entitled to a new trial because of the perjured testimony. Three weeks later, he was released on his own recognizance, and two days after that the Dallas district attorney dropped all charges.

Mr. Adams lived a peripatetic life afterward, first returning to his native Ohio, then moving to upstate New York, later returning to Texas, in the Houston area, and finally settling again in

THE STANDDOWN TEXAS PROJECT

The StandDown Texas Project was organized in 2000 to advocate a moratorium on executions and a state-sponsored review of Texas' application of the death penalty. To stand down is to go off duty temporarily, especially to review safety procedures.

STEVE HALL

Project Director Steve Hall was chief of staff to the Attorney General of Texas from 1983-1991; he was an administrator of the Texas Resource Center from 1993-1995. He has worked for the U.S. Congress and several Texas legislators. Hall is a former journalist.



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Ohio. Mr. Schaffer said Mr. Adams gave speeches against the death penalty and married the sister of a man on death row. He did not know if they were still married at his death.

Diane Jennings wrote, "[Early Dallas exoneree Randall Dale Adams died in Ohio last year](#)," for the Dallas Morning News.

Mr. Adams was "an ordinary guy caught up in extraordinary circumstances," said Randy Schaffer of Houston, Mr. Adams' former attorney. "I'm sure he never bargained for the role he played in American criminal justice."

Mr. Schaffer said he didn't hear about Mr. Adams' passing until several months later, though they usually talked about once a year.

An Adams relative confirmed his death from a brain tumor, Mr. Schaffer said.

"The reason there was no publicity was he had moved to some small town in Ohio where nobody knew who he was, and he liked it that way," Mr. Schaffer said.

Adams received no compensation from the state. He did receive apologies from Texas lawmakers. He testified at several legislative hearings in Texas, speaking on behalf of reform measures. Related posts are in the [exoneration](#) index.

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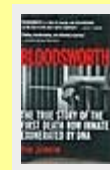
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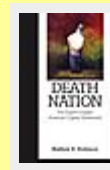
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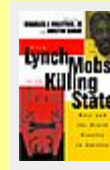
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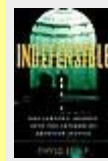
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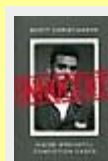
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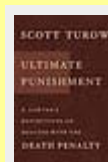
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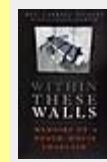
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June 25, 2011

Randall Adams, 61, Dies; Freed With Help of Film

By DOUGLAS MARTIN

Randall Dale Adams, who spent 12 years in prison before his conviction in the murder of a Dallas police officer was thrown out largely on the basis of evidence uncovered by a filmmaker, died in obscurity in October in Washington Court House, Ohio. He was 61.

Mr. Adams had chosen to live a quiet life divorced from his past, and when he died on Oct. 30, 2010, of a brain tumor, the death was reported only locally, said his lawyer, Randy Schaffer. The death was first widely reported on Friday.

The film that proved so crucial to Mr. Adams was "The Thin Blue Line," directed by [Errol Morris](#) and released in 1988. It told a harrowing story, and it had the effect of helping to bring about Mr. Adams's release the following year.

"We're not talking about a cop killer who's getting out on a technicality," Mr. Morris said when Mr. Adams was set free. "We're talking about an unbelievable nightmare."

The story began on Nov. 27, 1976. Mr. Adams was walking along a Dallas street after his car had run out of gas when a teenager, David Ray Harris, came by in a stolen car and offered him a ride. The two spent the day drinking, smoking [marijuana](#) and going to a drive-in movie.

Shortly after midnight, a Dallas police officer, Robert Wood, stopped a car for a traffic violation and was shot and killed. The investigation led to Mr. Harris, who accused Mr. Adams of the murder. Other witnesses corroborated his testimony, and Mr. Adams was convicted in 1977.

Sentenced to die by lethal injection, Mr. Adams appealed the verdict, but the Texas Court of Criminal Appeals refused to overturn it. His execution was scheduled for May 8, 1979.

Three days before the execution, the United States Supreme Court ordered a stay on the grounds that prospective jurors who had been uneasy about the death penalty were excluded during jury selection even though they had clearly said they would follow Texas law.

Gov. Bill Clements went on to commute Mr. Adams's sentence to life in prison. With the death penalty no longer an issue, the Texas appeals court ruled there was "now no error in the case."

In March 1985, Mr. Morris arrived in Dallas to work on a documentary about a psychiatrist whose

testimony in death penalty cases was controversial. The psychiatrist contended that he could predict future criminal behavior, something the American Psychiatric Association had said was impossible.

In Dallas, Mr. Morris met Mr. Schaffer, who had been working on the case since 1982. The two began piecing together a puzzle that pointed to Mr. Harris's guilt in the police shooting. Mr. Harris had by then accumulated a long criminal record and was on death row for an unrelated murder.

Mr. Morris and Mr. Schaffer knew from the records that Mr. Harris had bragged about killing a police officer after the shooting but had then recanted and blamed Mr. Adams, and that the pistol used in the killing had been stolen from his father.

Their own investigation revealed that three witnesses had been improperly sprung on the defense and that they had committed perjury in their testimony. Moreover, a statement that Mr. Adams signed during an interrogation was misconstrued as an admission that he had been at the scene of the crime.

With so much evidence seeming to suggest Mr. Harris's guilt, many Texans believed prosecutors had gone after Mr. Adams and not Mr. Harris because Mr. Harris, who was 16, was too young to be executed under Texas law. In the murder of a police officer, the theory went, prosecutors almost always seek the most severe punishment.

Mr. Schaffer said Mr. Morris gained access to witnesses and others related to the case. "They forgot the script they learned for the trial," he said. "They told the truth."

After the movie came out in 1988, the resulting outcry prompted a judge to grant another hearing, something Mr. Schaffer had not been able to accomplish. Mr. Harris recanted his previous testimony, without confessing. In 2004, Mr. Harris was executed for the other murder.

In March 1989, the Texas appeals court ruled Mr. Adams was entitled to a new trial because of the perjured testimony. Three weeks later, he was released on his own recognizance, and two days after that the Dallas district attorney dropped all charges.

Mr. Adams lived a peripatetic life afterward, first returning to his native Ohio, then moving to upstate New York, later returning to Texas, in the Houston area, and finally settling again in Ohio. Mr. Schaffer said Mr. Adams gave speeches against the death penalty and married the sister of a man on death row. He did not know if they were still married at his death.

Mr. Adams's mother died in December, and he is survived by at least one sister, Mr. Schaffer said.

Mr. Morris went on to make, among other films, "The Fog of War: Eleven Lessons from the Life of Robert S. McNamara" (2003), which won an Academy Award.

Mr. Schaffer said that if Mr. Adams were found to be wrongly convicted under today's law in Texas, he would get \$80,000 for each year of incarceration. At the time his conviction was thrown out, wrongly convicted prisoners could get a lump sum payment of \$25,000 if pardoned by the governor. But Mr. Adams

was ineligible for the money. He had not been pardoned; his case had been dismissed.

He also did not receive the \$200 given to prisoners when they are released on parole or on the completion of their sentences, Mr. Schaffer said. Again, Mr. Adams did not qualify.