



## Rickey Dale Thomas

On New Year's Day, 1991, 27-year-old Rickey Dale Thomas was stopped by police in Chula Vista, California for a traffic violation. A records check showed he had violated parole by leaving his home state of Arkansas where he had been convicted of two burglaries.

Police also said there was an outstanding warrant for his arrest. He was wanted for the strong-armed robbery of an 89-year-old woman in Sulphur Springs, Texas.

Thomas had moved to in Chula Vista in April 1989 and soon was hired as a cook at a Fuddruckers restaurant. He was still employed there on the day he was stopped.

On October 20, 1989, Pauline Kirkland told police that three men came up behind them as she and her 89-year-old mother, Ina LeMaster, were getting out of their car. One robber grabbed the older woman's purse containing \$27 and all three fled.

At the time of the robbery, the victims were unable to identify the robbers, but said all three were black men.

Not long after the robbery occurred, a highway patrol officer pulled over a Ford Bronco for speeding outside of Sulphur Springs. Inside were three black men—two of whom had identification showing their names as Darrell and Anthony Carter. The third man had no identification and said his name was Richard Thomas.

Two months later, the trooper was helping out with the purse snatching case because police suspected the men he had stopped might have been the robbers. In researching the criminal records of the Carter brothers, police learned that Anthony Carter had been convicted of a burglary in Arkansas with Rickey Dale Thomas.

The trooper looked at a photo lineup and identified Rickey Dale Thomas as the man in the Bronco who said his name was Richard Thomas. A warrant was issued for the arrests of Thomas and the Carter brothers.

After his arrest, Thomas returned to Arkansas to finish serving his time there and gathered payroll sheets from the Fuddruckers to show that he was at work, more than 1,000 miles from Sulphur Springs at the time of the robbery. He then agreed to extradition and pushed for a speedy trial.

By that time, Anthony Carter had already been convicted of taking part in the robbery in Sulphur Springs and had been sentenced to 80 years in prison. Darrell Carter had been extradited to Arkansas where he was facing a federal cocaine distribution indictment. In 1992, he was convicted and sentenced to 13 years in prison.

In October 1992, Thomas went on trial on a charge of robbery in Hopkins County Criminal District Court. The trooper identified Thomas as the man in the Bronco. Witnesses said the robbers were black men.

**State:** Texas

**County:** Hopkins

**Most Serious Crime:** Robbery

**Additional Convictions:**

**Reported Crime Date:** 1989

**Convicted:** 1992

**Exonerated:** 1993

**Sentence:** Life

**Race:** Black

**Sex:** Male

**Age:** 25

**Contributing Factors:** Mistaken Witness ID, Inadequate Legal Defense

**Did DNA evidence contribute to the exoneration?** No  
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On October 24, 1992, despite his payroll records, a jury convicted Thomas. Jurors later said the records were unconvincing because the computer printout showed Thomas working 6.2 hours on October 19, 1991—leaving enough time for him to be in Sulphur Springs on the evening of October 20.

Because of his criminal record, he was sentenced to life in prison with eligibility for parole in 2015.

After Thomas was sentenced, friends and family members began a campaign to expose the case as a wrongful conviction, writing letters to the media and to Gov. Anne Richards and other Texas officials.

They pointed to numerous employees at Fuddruckers who were never called as witnesses, but could have verified that Thomas was at work on the day of the crime.

In February 1993, Thomas appeared via satellite television on the “Donahue” talk show and new evidence began to surface. A woman who owned a dry cleaning business in Chula Vista produced a record from October 20 showing that Thomas brought in a sweater to be cleaned that day. The woman said she recalled Thomas coming in because he mentioned that he had been up until 3 a.m. that morning after going to a Rolling Stones concert in Los Angeles on the night of October 19.

A Fuddruckers employee came forward to explain that the payroll record showing Thomas worked 6.2 hours was incorrectly recorded as being on October 19 when in fact the hours were worked on October 20. The employee produced a handwritten record that was also kept at the time verifying Thomas’s presence on October 20.

Not long after, Thomas asked the CBS News program “Street Stories” to feature his case. At the request of CBS, Thomas took and passed a polygraph examination.

Clinton “Scrappy” Holmes, a Texas defense lawyer, offered to represent Thomas without pay. A review of the trial evidence turned up a photograph of Darrell Carter that was taken by the FBI on the day of the robbery. The FBI had Carter under surveillance that day, but lost contact with him prior to the robbery.

Evidence showed that on October 19, 1989, the day before the robbery, Dallas police began following Carter’s Ford Bronco because they suspected he was involved in a series of robberies in Dallas, about 80 miles east of Sulphur Springs. The police were joined by the FBI, which also was investigating Carter for narcotics trafficking. However, they lost track of the Bronco before Carter and his two companions arrived in Sulphur Springs, although the FBI managed to take a surveillance photograph of Carter and the two other men.

When CBS aired its story on Thomas, the photograph was shown and CBS suggested that one of the men in the photograph with Carter was one of the robbers.

A viewer recognized the man with Carter as Ricky L. Knox and called police to report that Knox was Salt Lake City, Utah. Knox was arrested on April 18, 1993 and during questioning admitted that he was involved in the robbery with Darrell and Anthony Carter and that he had given the name of Richard Thomas to the officer who stopped the speeding car the night of the crime.

When the new evidence was brought to the Hopkins County District Attorney’s office, District Attorney Frank Long, who had prosecuted Thomas, dismissed the charges on April 29, 1993, and Thomas was released.

– *Maurice Possley*

Report an error or add more information about this case.

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<http://www.deseretnews.com/article/222230/KEARNS-MAN-ARRESTED-AFTER-TV-SHOW-FEATURED-HIM.html>

## KEARNS MAN ARRESTED AFTER TV SHOW FEATURED HIM

By Brian T. West, Staff Writer

Published: Tuesday, April 21 1992 12:00 a.m. MDT

A Kearns man whose photograph was featured on a national TV show was arrested in West Valley City over the weekend after a viewer tipped off police to his location.

Ricky Lawrence Knox, 22, 4287 S. 3960 West, was subsequently charged in a 1989 armed robbery in Texas for which another man is currently serving a prison sentence. Last Thursday, a CBS program "Street Stories" profiled Rickey Dale Thomas, 29, of Chula Vista, Calif., who was convicted in October in an armed robbery in Sulphur Springs, Texas, and was sentenced to life in prison. He is currently being held in the Hopkins County Jail in Texas, but he has repeatedly denied committing the crime.

Knox's photograph was also shown during the program, and it was suggested that Knox may have been responsible for the robbery, said FBI spokesman Ron Van Vranken.

Utah Crime Solvers received an anonymous phone call from a viewer who recognized Knox and told authorities where he could be found. He was arrested without incident Saturday morning on an outstanding bench warrant for shoplifting.

After his arrest, agents questioned him about the Oct. 20, 1989, robbery. "He provided information that was passed on to Texas authorities," Van Vranken said.

Authorities there issued an arrest warrant for that robbery, and Knox was booked into the Salt Lake County Jail for investigation of being a fugitive from justice.

Thomas' sentence was based on his past criminal record and on a provision in Texas law that more harshly penalizes criminals whose victims are senior citizens. Attorney Clinton "Scrappy" Holmes, who represents Thomas, said he would immediately file a motion for a new trial if Knox did make incriminating statements.

Thomas claims he was not one of the men who robbed Ina LeMasters in Sulphur Springs. In support of that claim are records from his job as a cook at a California restaurant showing that he worked more than six hours the day of the crime. There also is a paycheck issued to Thomas and cashed that day and a log from a dry cleaning store showing he dropped off a sweater in the late afternoon.

In addition, more than a dozen people say they spoke to Thomas that day. Many of the witnesses did not go to Thomas' trial, either because they could not afford to go or because they were not aware their former co-worker had been charged.

The state's case rested on testimony by Texas highway patrolman Henry Sibley, who stopped a Bronco with three men in it about 15 minutes after the robbery. He identified two men from their drivers' licenses, both of whom were residents of Hot Springs, Ark., Thomas' hometown.

The third man produced no identification and simply told the trooper his name was Richard Thomas. A month later, Sibley picked Rickey Dale Thomas out of a photo lineup.

Family and friends of Thomas previously identified Knox as the man in a FBI surveillance photo taken on the day of the robbery. That photograph was shown last week on the television program.

- The Associated Press also contributed to this story.

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[http://www.chron.com/CDA/archives/archive.mpl/1992\\_1050415/civil-rights-advocates-urge-convict-s-release.html](http://www.chron.com/CDA/archives/archive.mpl/1992_1050415/civil-rights-advocates-urge-convict-s-release.html)

Civil rights advocates urge convict's release

SCOTT ROTHSCHILD Associated Press

TUE 04/21/1992 HOUSTON CHRONICLE, Section A, Page 11, 3 STAR Edition

AUSTIN -- A California man sentenced to life in prison in Texas for a 1989 purse snatching should be released quickly now that another man has been charged in the robbery, civil rights advocates said Monday.

Members of the Texas chapter of the National Association for the Advancement of Colored People, Texas Civil Rights Project and others said the conviction of Rickey Dale Thomas was another example of a black man being wrongly accused in a racially biased judicial system.

Group representatives said they also feared officials were going to drag their feet and delay Thomas' release.

Thomas, 28, of Chula Vista, Calif., and numerous witnesses have maintained that he was not in Texas when an elderly woman in Sulphur Springs was robbed of \$27.

Thomas is currently in the Sulphur Springs Jail awaiting transfer to a state prison. He was sentenced to life in prison because he had previous convictions.

Thomas' case has been the topic of several national broadcasts.

Over the weekend, just days after his plight was televised again, authorities arrested Ricky L. Knox, 22, of Salt Lake City and charged him in connection with the robbery, FBI Special Agent Ron Van Vranken said.

In Texas, civil rights advocates who had been working on the case demanded that Gov. Ann Richards appoint a task force to investigate what they said are convictions and sentences based on race.

According to a report presented last week to the Texas Punishment Standards Commission, the incarceration rate for blacks rose from 683 per 100,000 black adult population in 1985 to 1,414 in 1991.

The incarceration rate for whites in 1991 was 167, up from 122 in 1985; and for Hispanics, 293, up from 173. The report was prepared by the Texas Criminal Justice Policy Council.

Gary Bledsoe, president of the Texas NAACP, said, "A number of persons are in prison who do not belong there. These persons are there simply because they are African-American."

John Boston Jr., who has been working to get Thomas freed, warned minorities who travel near Sulphur Springs that "you might want to keep your windows rolled up, your doors locked and your feet on the accelerator. Because they might just invite you to stay for a while."

Boston said racial slurs were made by people testifying in Thomas' trial, and that Hopkins County District Attorney Frank Long was more interested in getting Thomas convicted than making sure the right man was imprisoned.

Long denied race played a part in the case. "We presented the facts of the case to the jury, and they made their determination."

He said he is eager to have Knox questioned. "If Mr. Thomas is not guilty he will be released as soon as possible," Long said.

James Harrington, legal director for the Texas Civil Rights Project, criticized Richards and Texas Attorney General Dan Morales for not getting involved in the case.

"Where is her voice, and the voice of the attorney general? It is shameful that we have not heard anything from them," Harrington said.

Spokesmen for both officials said there was little either could do in the case, and that the battleground was in the courts.

The prosecution's case rested on testimony by Texas Department of Public Safety Trooper Henry Sibley, who stopped three men about 15 minutes after the robbery. Two of the men produced driver's licenses, while the third man simply told the trooper his name was Richard Thomas. A month later, Sibley picked Rickey Dale Thomas out of a photo lineup.

Thomas claims he was not there, and provided records from his job as a cook at a California restaurant showing that he worked more than six hours the day of the crime.

There also is a paycheck issued to Thomas and cashed that day, and a log from a dry cleaning store showing he dropped off a sweater in the late afternoon.

In addition, more than a dozen people say they spoke to Thomas that day in Chula Vista. Many of the witnesses did not go to Thomas' trial, either because they could not afford to go or because they were not aware their former co-worker had been charged.

Two notable Texas cases in recent years have resulted in wrongly accused defendants being cleared of all charges:

Clarence Lee Brandley was convicted in 1981 in Conroe for the rape-slaying of a Bellville student and was subsequently cleared of the crime in 1990.

Lenell Geter was convicted of committing a 1982 armed robbery in Greenville, but was cleared of that crime two years later. Geter was freed after a man arrested in Houston confessed to the robbery.

Both Brandley and Geter are black.

[http://articles.latimes.com/1992-04-30/local/me-2109\\_1\\_chula-vista](http://articles.latimes.com/1992-04-30/local/me-2109_1_chula-vista)

## **Thomas Freed From Texas Jail and Heading Home : Justice: His life sentence and wrongful theft conviction wiped out, the Chula Vista man tastes freedom, along with a few beers.**

**April 30, 1992** | J. MICHAEL KENNEDY and MARK PLATTE | TIMES STAFF WRITERS

SULPHUR SPRINGS, Tex. — Rickey Dale Thomas walked out of the Hopkins County jail Wednesday morning to freedom and a new life.

All that prodding from the outside had finally worked. All the effort had finally paid off. And then, of course, there was the matter of luck.

The life sentence that had hung over his head for so long was wiped out in a few minutes as Dist. Atty. Frank Long requested that the theft conviction be overturned.

Then, after almost a year, Thomas was out, standing in front of the jail as the cameras rolled.

"It feels good," he said, holding his daughter, Simone, 2. "I'm happy just to be free again."

Of Sulphur Springs, the town of his nightmare, he said: "I don't have no bitterness about this town."

In a moment, he was gone, headed first for a South Dallas cafeteria, where Thomas ordered a steak. Then it was on to Austin, where he and some friends stopped at a liquor store and Thomas swigged at least six Coronas, his friend Dave Bump said. He'll be back in San Diego on Friday, where he will start over.

In the parking lot of the Texas jail Wednesday, his sister, Linda Booker, wept.

Thus ended the latest chapter in a story that brought together the stuff of high drama: a young black man's treatment in an East Texas town; the people in San Diego who did not believe Thomas committed the crime and stood by him; an Austin man who took up his cause in Texas; a surprise confession by someone else, and, finally, freedom.

The case also brought charges of blatant racism, not uncommon for this region of the state, as well as accusations that the county prosecutor was more interested in convictions than in who actually committed the crime.



Those who have followed the case closely say Thomas should never have been tried at all, and that the trial itself was a mockery, a perfect example of what happens to a black man with no money in East Texas.

The core of this story is a purse snatching. On Oct. 20, 1989, 89-year-old Ina LeMasters of Sulphur Springs was jumped from behind and her purse, containing \$27, was stolen from her. Witnesses said three black men were the thieves. At the later trial, they were referred to as "three niggers."

Later that evening, highway patrolman Henry Sibley pulled over a Ford Bronco for speeding. Inside were three black men, two of whom produced identification that said their names were Darrell and Anthony Carter. The third young man, who had no identification, claimed his name was Richard Thomas.

Two months later, Sibley was helping out with the purse snatching investigation because of the theory that the three men he had stopped might be the thieves. Flipping through mug shots, Sibley picked out the picture of Thomas and said he had been the third person in the Bronco that night. A warrant for his arrest was issued.

The catch, though, was that Thomas was not in Texas on the day of the robbery. He was flipping hamburgers at the Chula Vista Fuddruckers. Even though he later produced proof of that, it would do him no good.

Rickey Dale Thomas brought much of the suspicion upon himself. He had been in trouble with the law for a good bit of his young life. In Hot Springs, Ark., where he grew up, Thomas, 29, hung with the wrong crowd, including the Carter brothers. In 1983, he burglarized an Arkansas pawn shop and received a suspended sentence.

In 1986, he and two other men stole some tires and a briefcase containing a gun. His parole was revoked and he spent 16 months in jail. He was twice arrested in Tennessee for drunk driving. And he violated the conditions of his Arkansas parole by moving to Chula Vista in 1989.

There, by all accounts, Thomas stayed clear of the law. He got a job at Wendy's and later at Fuddruckers. He had a girlfriend, Debbie Lopez, who was soon pregnant with Simone. One of his bosses, Ted Felber, called him "probably one of the most hard-working kids I've ever been associated with in my entire life."

Everything was moving along nicely until that fateful day--New Year's Day 1991--when a policeman pulled him over because of a broken headlight. A routine check showed that Thomas was wanted in two states--Arkansas for parole violation and Texas for robbery. He knew, of course, about the first one. The Texas warrant took him by surprise. Rickey Thomas went to jail.

The van filled with prisoners, including Thomas, being extradited from San Diego to other states criss-crossed the West in the winter of last year. Back in an Arkansas prison, Thomas worked the pea patch and picked cotton. Convinced he could beat the robbery charges in Texas, he agreed to be extradited.

Then came the Texas trial, which ended in what James Harrington, the director of the Texas Civil Rights Project, called "another bad conviction in East Texas."

In his commentary last month in Texas Lawyer magazine, Harrington upbraided the system for not making justice fair for people like Thomas.

# **Hero's Welcome for Newly Freed Man : Vindication: Falsely jailed in Texas, Rickey Dale Thomas enjoys jubilant homecoming.**

May 02, 1992 | JOHN M. GLIONNA | TIMES STAFF WRITER

Hey, Rickey Dale Thomas, you're finally back in San Diego after almost an entire year of false incarceration in a no-name Texas jail cell. You've got your jubilant family and friends screaming your name, your 2-year-old daughter, Simone, cradled lovingly in your arms.

So, what are you gonna do?

"I'm going to Sea World," came the response from the skinny man basking in the light of television cameras. "I'm going to take my little daughter to see the fish."

With those words, uttered moments after he stepped off a plane at Lindbergh Field on Friday, the 29-year-old Chula Vista man whose case inspired an outpouring of community support and sympathy arrived back home to a hero's welcome--back to a world of free thought and free decisions.

Gone are the days of slumming in some dusty central Texas jail cell for a crime he didn't commit. Now history is the monotonous diet of baloney sandwiches, corn dogs and ravioli that caused him to drop 30 pounds faster than he would a bad habit.

Thanks to friends and family who came to his aid after he was falsely charged with a purse-snatching in little Sulphur Springs, Tex., Thomas was finally back home, free at last.

"I have to admit, when the plane touched down in San Diego, it felt good," he said. "This big smile came to my face. I would just like to thank everybody for all that you've done for me. It feels so good to be back. And you all know that I wouldn't be here without you. I survived because of the three F's--friends, family and freedom."

Thomas had been charged in the 1989 purse snatching of an 89-year-old Texas woman. Trouble was, at the time of the crime he was back home in Chula Vista flipping burgers at a local Fuddrucker's, where he worked as a chef.

But Texas authorities, who said Thomas had been identified in a photo lineup as one of three men involved in the crime, pressed on with the case. A warrant was issued for Thomas' arrest. He was returned to Texas to stand trial for a crime that he, his friends and family, insisted he didn't commit.

Thomas was nonetheless convicted of the crime, thanks to a prosecutor many say was looking more for a notch in his belt than finding justice. Because of the strictness of Texas law involving the robbing of the elderly, he was sentenced to life in prison.

He went to jail as his supporters went to work trying to convince authorities that they had the wrong man.

On Friday, Thomas looked more like an accountant than he did jail inmate, with his light-blue dress slacks and a pen shoved into the breast pocket of his white shirt.

"They did a hell of a job," he said of the efforts of friends and family to gain his release. "Without them, I would still be back in jail eating baloney sandwiches."

But Thomas' feelings were muted on a day in which Los Angeles remained under siege by angry mobs still seething over the verdict in the infamous Rodney King case, in which not-guilty verdicts were returned for four white police officers in the beating of a black motorist.

Because both, Thomas says, were black men wronged by a jury.

"A 12-person jury convicted me, despite all the evidence in the world that I was innocent," he said. "And I feel bad for what the jury did to Mr. King. And, as a result, a lot of people have been hurt and a lot have died because of what those four police officers did that night. Justice was not done in that trial, either. Look at the tape. You can see it for yourself."

Christopher Reeber, an attorney who represents Thomas in San Diego, said his client's case was different than that of King.

"The difference is that this man spent a year in jail for a crime he just didn't do," he said. "I think that President Bush should be called in to investigate the justice system in Texas to make sure this doesn't happen again."

Also on hand for Thomas' return was Chula Vista Mayor Tim Nader. "I can't say I've ever met Rickey Thomas," he said. "I'm just here to welcome an innocent man back home."

The gaggle of supporters who met Thomas at noon Friday as he stepped through the Southwest Airline gate had more on their minds. They were ready to P-A-R-T-Y.

They clapped. They applauded. They jumped up and down. Wearing their Rickey shirts bearing Thomas's countenance behind bars, they even did the chant made famous by the audience on the "Arsenio Hall" show: "Woo, woo, woo, woo!"

Immediately, they thrust a bunch of balloons into Thomas' hand. And a red rose. And best of all, they rented a white limousine to meet Thomas outside the airport. The plans? According to his sister, Debbie Thomas: "We're just going to party. We're going to party here, there and everywhere."

Walking through the crowded airport--reporters, friends, family and curious onlookers in tow--Thomas was greeted with cheers from passersby. One woman shook his hand. They called out his name: "Yeah, Rickey."

Thomas said he was just eager to spend some time with his family, become a father again to his daughter. And there was talk of marriage between him and his girlfriend.

And he had some lingering thoughts about Texas, mostly that he will miss some of the men he met in jail--guys like Howard and Zack, and that they will always have a place to stay in San Diego when they're done doing their time.

But, as for leaving Texas, well, there were no regrets there.

"The state of Texas never has to worry about me ever coming through there again," he said. "They've got a sign there that says, 'Don't mess with Texas.' Well, they sure made a believer out of Rickey Dale Thomas."

Now that he's home, there's talk of a lawsuit against the state of Texas for his treatment there. There's been mention of a movie deal, as well as a trip to New York to appear on the Phil Donahue show.

And, he's on the job hunt again. Heck, he said, he would even return to Fuddruckers to flip burgers again.

But all that could wait Friday. Thomas was ready to do what any red-blooded American would do in his shoes. He hopped into the limousine, popped his head through the sunroof and gave San Diego a fat, juicy kiss on the cheek.

And then he was whisked off into traffic.

Moments before, he donned a pair of Rayban sunglasses a friend had lent him.

"I'm back in California now," he said.



<http://www.dallasobserver.com/1998-10-01/news/the-lie-detector/>

# The Lie Detector

**From the mayor of Atlanta, who was unjustly accused of graft, to a California man wrongly sentenced to life in a Texas prison, polygraph examiner Eric Holden found the truth that helped set them free**

[A A A Comments](#) (1) By [Ann Zimmerman](#) Thursday, Oct 1 1998

On the surface, [William Campbell](#), [Ricky Dale Thomas](#), and [Adonis Baxter](#) have little in common. Campbell is the mayor of Atlanta; Thomas is a California short-order cook and onetime petty thief; Baxter is a [Richardson High School](#) graduate who was charged with capital murder in the shooting death of a milk-truck driver in South Dallas.

What these three men share is an abiding appreciation for the work of [Eric Holden](#), a [Richardson](#)-based polygraph examiner who hooked them up to his lie detector and profoundly altered the course of their lives.

William Campbell, for instance, credits Holden for saving his first mayoral bid, which was threatened by rumors, circulated by his opponent, that a federal grand jury was investigating him for taking a bribe from an airport concessionaire. On the eve of the 1993 election, Campbell surreptitiously flew to Dallas in the middle of the night, and Holden examined him until daybreak. By the close of the following day, Campbell held a news conference announcing that "one of the most prominent polygraph examiners in the country" found he was truthful when asked whether he had accepted a bribe. He won the election handily and won re-election last year.

Several years ago, CBS' Street Stories hired Holden to give a polygraph to Ricky Dale Thomas, who was serving a life sentence in a Texas prison, convicted of mugging two women in [Sulphur Springs](#). Thomas insisted he was the victim of mistaken identity. The women did not get a good look at their assailant, and work records showed that Thomas, a cook at a California [Fuddrucker's](#) restaurant, was on the West Coast the day of the crime. But a Texas state trooper testified that he was certain Thomas was the man he had stopped for speeding the night of the attack. The driver identified himself as [Richard Thomas](#), and in an effort to help find the mugger, the trooper checked criminal records and discovered that a Ricky Dale Thomas had spent time in a Texas prison on two theft convictions. The trooper identified a picture of Ricky Dale Thomas as the man he stopped that night.

CBS agreed to investigate Thomas' claim of innocence, provided he first pass a lie-detector test administered by Holden. CBS eventually found the real assailant--the driver of the speeding car and a career criminal who frequently used the alias Richard Thomas. After spending almost three years in prison, Ricky Dale Thomas was released.

An eyewitness account almost put Adonis Baxter on death row also. In late January 1997, a milk-truck driver making a delivery to the Borden plant in South Dallas was shot to death. Schepps Dairy offered a \$25,000 reward for information leading to the arrest of the killer. A convicted thief and drug addict with the street name Kitty Cat told police she saw the men who committed the murder. Kitty Cat gave the police two names: Baxter, a recent graduate of Richardson High who briefly rented a room from Kitty Cat's friend, and [Reginald Wheeler](#), a [Pleasant Grove](#) man with a record of felony drug possession. No physical evidence linked them to the murder, and the two

men claimed they didn't even know each other, but a grand jury nonetheless indicted them on capital murder charges. Kitty Cat collected \$10,000 of the reward money.

With bail set at half a million dollars, the two men were destined to remain in jail until the trial. Baxter's mother hired veteran criminal defense attorney Mark Troy to represent her son. Troy believed his client was innocent and hoped to persuade the Dallas County District Attorney's Office to drop the charges. He immediately retained Holden to test both his client and his alleged accomplice, who had a court-appointed attorney with limited funds.

Both men passed. The police, however, were not interested in reopening the investigation. So [Troy](#) dispatched a private detective to find the person witnesses saw fleeing the murder scene. The detective tracked down the suspect--a 17-year-old doing time in a juvenile facility on an unrelated offense. Within 20 minutes, he confessed to participating in the murder--though not as the shooter--and gave a sworn statement that Baxter and Wheeler were not involved.

Prosecutors dismissed the charges against Baxter and Wheeler, who had spent eight months in jail.

"Holden's work in this case was instrumental," says Troy. "He's one of only a few polygraph examiners everyone trusts."

Trust--the whole issue of polygraph tests revolves around it. Do you trust the science? Can you trust the examiners? Are the results trustworthy enough to be used in court? Holden makes a convincing argument that the field has advanced to the point that it can--and should--be trusted in a courtroom.

But not everyone is buying that, and for good reason.

A former prison psychologist, Eric "Rick" Holden is equal parts grand inquisitor, compassionate counselor, and savvy student of the human psyche--qualities that are essential to the delicate and complex task of detecting deception. After 24 years in the business, he has become one of the most respected members of a profession that still struggles for respect.

"I never encountered anyone with a better reputation in this field," says [U.S. Attorney Paul Coggins](#), who used Holden's services frequently when he was in private practice, defending white-collar criminals. "He spends a lot of time preparing for the exam, understanding the narrative of the case, so he can ask fact-specific questions. And he spends a lot of time giving the test--a half a day and sometimes more."

"He's straight up and honest," adds Mark Troy. "If you pass an Eric Holden polygraph, you're innocent. If you have a client that fails, he'll extract a confession from him. He's probably had more confessions than passing people."

Located in a nondescript office park in Richardson, Holden's company--Behavioral Measures and Forensic Services--has the hushed, carpeted ambiance of a doctor's office. In glassed-in laboratories, subjects are hooked up to elaborate machines and questioned by one of four full-time and five part-time examiners, whose sessions Holden can monitor from a closed-circuit television in his office. No doubt it is the only office in the park with its own sally port, a secured area into which police cars transporting people in custody can drive. The business even maintains a toll-free number: (877) LIE-GUYS.

His large enterprise is a testament to both his skill and the growing demand for the services in general. Lying, apparently, is a growth industry.



In recent years, polygraph examinations have gained a certain degree of credibility, thanks to technological advances in the machinery, efforts to standardize the process of administering the tests, studies attesting to their efficacy, and recent court cases that have cleared the way for their limited use in court proceedings.

In spite of all this, the profession still battles to be taken seriously as a science and is still sorely misunderstood. "There's a lot of myth-information out there," Holden says. "[Veteran criminal-defense attorney] [Mike Gibson](#) recently told me he believes 80 percent of the criminal bar is misinformed about the polygraph's accuracy and validity."

Troy, a 35-year lawyer, says the polygraph profession still has too many shady operators willing to pass anyone for the right price. "But I still think they should be used more," he says. "Lawyers and prosecutors waste a lot of time on dog cases where the person should never have been indicted. We could get rid of a lot more cases if they were used more."

Coggins agrees. "I think they can be more effectively used in law enforcement," he says. "But I don't have Holden's degree of confidence in them."

Holden insists that, done properly, a polygraph examination can detect deception at least 95 percent of the time. When a computer is used to analyze the polygraph data, the accuracy rate climbs to more than 98 percent, he adds, citing recent studies conducted by several universities, including Johns Hopkins.

The science works, Holden says. It's the examiners who make the errors by not asking the right questions or misinterpreting the data. "When physicians make mistakes, we don't say medicine doesn't work. And when a lawyer makes a mistake, we don't blame the law; we say it is ineffective assistance of counsel."

In short, the exam is only as good as the person giving it, and therein lies the problem.

Holden frequently likens polygraphs to X-rays. Instead of taking a picture of disease or injury inside the body, the exam captures a picture of truthfulness or deceit about a given issue. "And just as with an X-ray, you need a clear picture and someone skilled to read it," he says.

In the polygraph profession today, however, it's as if only a handful of technicians and doctors were properly trained to operate and evaluate X-rays, but everyone is allowed access to the machinery. Ensuring that whoever reads the exam has the necessary skills is the problem.

The industry has gone a long way toward developing professional standards for administering polygraph exams, but it has been lax in ensuring that its practitioners are properly educated, licensed, and regulated. In other words, it hasn't taken the steps necessary to clean up the business and reduce the chances of examiner error.

Half the states don't require polygraph examiners to be licensed, and those that do have weak licensing requirements at best. In Texas, for example, examiners do not even have to have a high school diploma, nor do they have to attend an accredited polygraph school. And none of the states requires continuing education for license renewal.

As a past president of both the Texas Association of Polygraph Examiners and the [American Polygraph Association](#), Holden has fought and lost many battles to instill quality control. "It's very political, but I assure you, professional and competent examiners want it.

"We have to do better at bringing people into the field who are students of human behavior, who understand crime and the interviewing process," he adds. "We've done such a poor job regulating ourselves and in setting up stringent standards demanding quality education, continuing education and training, and a demonstration of capability."

He thinks the profession will improve once examiners have to start defending their work in court. But the profession's detractors think Holden has it backward.

Eric Holden never intended to detect lies for a living. After obtaining a master's in psychology from [Baylor University](#), he went to work as a staff psychologist in the Texas prison system, where he heard more than his share of lies.

When his mentor--famed forensic psychiatrist [Dr. John Holbrook](#), who evaluated [Jack Ruby](#) for the state--left the prison system, he took Holden with him, first to Bryan, where they set up a community-based mental-health-care system, then to Dallas, where [Holbrook](#) was about to embark on an exciting new project.

Federal [Judge Sarah T. Hughes](#) wanted to start a classification system in the Dallas jail in order to separate violent and nonviolent offenders. In preparation for the project, which was to be funded with federal grants, Holbrook thought it a good idea if Holden, who by now was also his son-in-law, became a licensed polygraph examiner.

A dispute between the judge and the Dallas County sheriff held up the funds indefinitely, but Holden wasn't too disappointed. He had found a new career to pursue, and he learned about criminal law from some of the best defense attorneys in town.

"Lawyers taught me that the best criminal-defense lawyers never want anything but the best professional opinions," Holden says. "They want to know the truth to prepare the best defense or get their client the best possible deal."

In time, Holden's reputation for integrity grew, and he became one of a handful of polygraph examiners respected by defense attorneys and prosecutors, one of even fewer whose test results can make prosecutors re-evaluate their cases.

"I don't always take Holden's word, but it can mean a lot," says [Norm Kinne](#), first assistant district attorney of Dallas County.

In fact, a Holden polygraph helped convince the district attorney's office last year that prosecutors did not have enough evidence in the murder case against [Maria Perez](#). An [Irving](#) mother, Perez lost two children in an apartment fire that raged while she was having coffee at a neighbor's. The Irving police found an empty gas can in the house and traces of what they believed was gasoline on the children's pajamas. They arrested Perez on suspicion of murder. Perez's attorney found that the woman had used some homemade carpet cleaner made from detergent and a degreaser, which might have caused the fire to spread more rapidly. That fact, coupled with Holden's polygraph results, which an examiner hired by the district attorney's office replicated, led prosecutors to drop the case against Perez.

Holden's reputation extends beyond Dallas. A few years ago, [Gary Graham](#), a death-row inmate from Houston, became a national cause celebre, with stars such as [Danny Glover](#) calling for the state to reopen his case. Convicted of killing a man in 1981, Graham claimed he had four alibi witnesses who could vouch for his whereabouts on the night of the murder, but his lawyers did not call them to testify. Only two of them testified in an appeal hearing. In 1993, all four had submitted to polygraph tests, and an examiner concluded they were telling the truth about being with Graham the night of the murder. At the request of the Houston Chronicle and the Texas

Attorney General's Office, Holden and the Department of Public Safety looked at the examiner's charts to see whether they came to the same conclusion.

Neither Holden nor the DPS examiner agreed with the examiner's finding that the witnesses were truthful. Miffed, the polygraph examiner defended his conclusions, saying that he based his opinion, in part, on what he observed while he was giving the test and that the others hadn't witnessed what he had during the examination.

"Everyone is entitled to their opinion," Holden countered. "Except, in a polygraph examination that opinion has to be based exclusively on data from the charts. If it comes from anything else, it is a human opinion, not a professional opinion."

One gets the sense that Holden stores a treasure trove of secrets about some of Dallas' sexiest crime stories and most elite citizens. "Oh, I have files that would turn this county on its ear," he says tantalizingly. "You can't imagine the people who come here after hours." But Holden won't part with a one, which is understandable. He no doubt got this far, in part, by being discreet.

Demand for polygraph services has exploded in the last decade, Holden says, with the advent of sexual harassment and child abuse cases, in which there is frequently no physical evidence.

Holden also has been instrumental in helping to develop new arenas for his work, most notably in the burgeoning area of sex-offender probation monitoring. Polygraphs are now frequently given to pedophiles on supervised probation. Examiners determine their truthfulness on subjects ranging from whether they still fantasize about molesting children--which sexual abuse experts believe is the first step to re-offending--to whether they've violated any terms of their probation. Ironically, a procedure that wouldn't be accepted as evidence in a criminal trial can help determine whether an offender goes back to prison.

Polygraphs operate on the principle that when a person is lying, and is afraid he's about to be exposed, he exhibits measurable changes in his heart rate, breathing cycles, and the amount of perspiration. To capture a reading of those changes, a subject is fitted with pressure cuffs around his upper arms, breathing and heart monitors around his stomach and chest, and electrodes on his fingertips. The data from the monitors is recorded on the charts simultaneously; in the newer machines, it is stored electronically then printed out later.

Despite conventional wisdom, polygraph examiners claim that sociopaths cannot inherently beat an exam, provided it is properly given. "They may not have a conscience or feel any guilt about their behavior," says Holden, "but we're not measuring guilt. We're measuring fear of exposure."

Nervousness is not an impediment either. Examiners want their subjects to be somewhat nervous. But that doesn't affect the results of a polygraph, because when a person lies, his reactions, as captured on the polygraph charts, differ from the reaction caused by nervousness.

A polygraph compares a person's reaction to questions an examiner knows the subject is lying about with questions an examiner is not sure about. The most crucial part of the exam takes place in the lengthy pretest interview. During this segment, Holden gains the subject's trust, discusses the facts of the case, formulates test questions with the subject, and alternately puts the subject at ease and makes him acutely aware of the consequences of the test. It is important that the examiner stay neutral: "If you accuse, you lose," Holden tells the classes he teaches at the Department of Public Safety's Law Enforcement Polygraph Academy, where he is on the teaching faculty.

Next, he hooks the subject up to the polygraph machine and asks a series of questions. One set of questions is neutral and nonthreatening, designed to cause little physiological reaction. The

second set, called control questions, is designed to get the subject to purposely lie about something significant. This is tricky but crucial to obtaining accurate test results. Finally, Holden asks between two and five carefully honed questions pertaining to the issues in a case he's helping to resolve.

It is imperative that the questions not be ambiguous or open-ended, and not leave any loopholes or room for interpretation. (You can bet if Holden were questioning [President Clinton](#) about having sexual relations with [Monica Lewinsky](#), he would have nailed down the definition of sex with Clinton first.)

After carefully evaluating and scoring the charts showing a subject's reaction pattern to the questions, Holden renders an opinion about whether a subject is being truthful or not. Sometimes the results can be inconclusive. Before sending the results to a client, he shows the charts to one or two other in-house examiners as part of routine quality control. In particularly high-profile or controversial cases, he sends the data--minus his conclusions--to top experts around the country to corroborate his findings.

Do two reputable examiners ever look at the same results and come to different conclusions? "Yes, it happens," Holden admits, "but if it is a disagreement among professionals, it means there is a mistake in the data, and we'll find it. Maybe it is a bad test question or an improper interview."

Holden is asked whether he has ever seen a case in which someone is examined by two reputable examiners who follow standardized procedures and ask the same questions, but who come up with different conclusions.

"Never," he says.

Even if the procedures are followed to the letter, however, a polygraph is only as worthwhile as the questions asked. Nothing illustrates that point better than the lie-detector test [Darin Routier](#) failed last spring.

A jury convicted Routier's wife, Darlie, of murdering their two sons in the couple's Rowlett home, but many people, including [Waco](#) businessman [Brian Pardo](#), refused to believe she was guilty. In an effort to help get her conviction overturned, Pardo asked Darin Routier to submit to a polygraph in order to exclude him as a suspect.

Without seeing videotape of the testing session and a copy of the polygraph charts, Holden has no way of knowing if the test was administered properly. But even a layperson could tell that the questions the examiner put to Routier--a copy of which was obtained by the Dallas Observer--weren't specific enough to determine what, if any, role he had in the boys' murder.

Routier was asked the following: Were you involved in any plan to commit a crime in your home in June 1996? Did you, yourself, stab Darlie on June 6, 1996? Do you know exactly who left the sock in the alley? (A blood-stained sock from the home was found in an alley nearby. Police believe it was placed there to make it appear as though the boys' killer fled the house.) Can you name the person who stabbed your sons?

The examiner reported that Routier was deceptive when he answered "no" to each question. Beyond indicating that Routier knew more about what happened that night than he ever let on--which the prosecutors have suspected all along--the only additional information the test suggests is that Routier stabbed his wife. It's a juicy tidbit, but what does it mean? Did he stab her as part of an attempt to cover up the murder? Could he have stabbed her while she was sleeping without her knowledge?

The exam is ultimately useless, for it raises far more questions than it answers--a cardinal polygraph sin.

For most of this century, the judicial system's prevailing view of lie detector tests was that they existed in the twilight zone of scientific acceptance. That was the conclusion a federal court of appeals came to in 1923. That opinion kept polygraph-examination testimony out of the courtroom until 1989, when the 11th [U.S. Circuit Court of Appeals](#) concluded that lie detectors had gained general acceptance in the scientific community. The decision allowed for them to be entered as evidence in trials in a few, limited circumstances.

In 1993, the [U.S. Supreme Court](#) concluded that the test for polygraph testimony is governed by the rules for all scientific evidence--that it must be both credible and relevant.

Today, 26 states have allowed polygraph exams into evidence in some form--either when both sides agree to allow it, or only in front of a judge, or for appeals purposes. But in Texas, thus far no polygraph examiner has convinced a judge that lie detectors are reliable enough to allow him to testify in front of a jury.

As far as prosecutor Norm Kinne is concerned, that's as it should be. While he believes polygraph examiners provide a useful tool in the investigative process, he doesn't think they have any place in a jury trial.

"I know the examiners are going to jump up and down and get mad at me, but I think it's still an art, not a science," he says. "If the testing were truly scientific, different examiners should be able to obtain the same result when testing a defendant. But we have cases where someone fails one exam and passes another."

He points to the high-profile case of [Walker Railey](#), the infamous Methodist minister who was acquitted by a jury in 1993 in the attack on his wife that left her severely brain damaged. According to Kinne, Railey took three different polygraphs; he passed one and failed another, and the third was inconclusive.

"Doesn't sound real scientific to me," Kinne says.

Holden says he is aware of the Railey polygraphs and says there is a professional explanation for every one of those test results, but he refuses to discuss them in detail. He will only say, "Someone said he passed or failed, but that is not necessarily what the data really show."

Such equivocating is precisely what Kinne sees as the problem with considering polygraph examinations a science. "To me, a layman, science means you get the same results no matter who is giving the test. For example, either you have a 0.10 blood alcohol level or you don't, and it doesn't matter who's administering the test."

What Kinne fears most is the inevitable prospect of "courtroom swearing matches between polygraph examiners" if they were allowed to testify.

"How is that different from disagreements between two psychologists or two handwriting analysts?" Holden retorts. He claims studies show that polygraph exams are far more reliable than eyewitness testimony, which is used all the time--frequently with dire results. "Just ask Ricky Dale Thomas," Holden says. "The state trooper believed in his heart that Thomas was the man he stopped on the highway that night."

It is interesting to note that local prosecutors have no qualms about using the expert testimony of psychiatrists who are quick to label defendants sociopaths and to predict their future

dangerousness with a degree of certainty the psychiatric profession says is impossible and unethical.

Lawyers need to learn how to cross-examine polygraph examiners, Holden says. Once they do, they'll be able to expose faulty tests, and juries will be able to determine which expert's work is most believable.

The debate that rages in legal circles is not fueled by questions about the reliability of polygraphs, defense attorneys say, but by prosecutors' and jurists' fear of the impact polygraph testimony may have in the courtroom.

It's one thing if experts disagree about peripheral issues concerning evidence--a defendant's state of mind, handwriting, etc.--but polygraph examiners are dealing with the absolute heart of a case: Did the defendant commit the offense?

"The argument is that the jury is supposed to judge a defendant's believability, and introducing the results of a lie-detector test substitutes a machine for the intuition of the jury," attorney Troy says. "The fear is that they'll be unreasonably swayed by this expert testimony, in part because it will take the burden of deciding guilt or innocence off of them."

Kinne adds: "If these examinations were that good, you could do away with juries, grand juries, DAs, defense attorneys. And that's not going to happen."

Holden and his colleagues would never argue that polygraphs should be used in place of other evidence, only that it should be considered with it. "I think we should be allowed to testify," Holden says. "We meet the standards of scientific reliability. When we're held accountable for our opinions, when we have to produce our data and charts and files and hold them up to scrutiny, it's going to make us better and better."

Can the crucial interview component of the exam ever be controlled enough to minimize examiner error?

"The proof of the test is the outcome," Holden says. "If we do what we're taught properly and have the skill to understand the subtleties of human interaction and communication, I think we can. It's a goal I'll shoot for till the day I die."

There is something decidedly intriguing--and more than a little scary--about the possibility of polygraphs playing a bigger role in deciding guilt and innocence. But Holden is certain that day is not too far in the future.

"I think the science of polygraphing is ready for court and would make a significant contribution in court. We have an enormous contribution to make. Just ask Ricky Dale Thomas and Adonis Baxter.



Eric J. Holden

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Mr. Holden is President of Behavioral Measures & Forensic Services S.W., Inc. and the Behavioral Measures Institute in Dallas, Texas. He has been a Texas licensed polygraph examiner for 34 years, and is licensed in other states as well. Mr. Holden received his M.A. degree from Baylor University and B.S. degree from Texas A&M University, both in psychology, and is a Licensed Professional Counselor (LPC) in Texas. He is Past-President of the American Polygraph Association (APA) and the Texas Association of Polygraph Examiners (TAPE). He is active in the American Association of Police Polygraphists (AAPP), the Society for Psychophysiological Research (SPR), and other professional associations.

He began his career as a psychologist with the Texas Department of Corrections and served as a psychometrist for the Texas Rehabilitation Commission. He is a frequent consultant throughout the criminal justice system.

Mr. Holden chaired the committee that drafted guidelines for Post-Conviction Sex Offender Testing (PCSOT) in Texas and is instrumental in developing post-conviction (PCSOT) guidelines in other states and for the APA. Currently, he holds the position of Adjunct Faculty-special programs, with the Academy for Credibility Assessment (DoDPI), Ft. Jackson, South Carolina, and teaches professionals throughout the United States and other countries. He has qualified for expert testimony in State and Federal Court. Mr. Holden is published in the fields of polygraph and criminal behavior, and has been the recipient of many state and national awards for his contributions to his field, including twice the APA's President's award; twice the APA's Leonarde Keeler Award; The John E. Reid Award from the APA for distinguished achievements in polygraph research, teaching, and writing, and the Max Wastl Award from the AAPP for significant contributions to the polygraph profession. In 1996 TAPE

honored him with the President's Award for outstanding achievements and long term contributions to the polygraph profession. Currently he serves on an International Committee of the APA charged with re-drafting Standards and Principles of Practice for the polygraph profession.