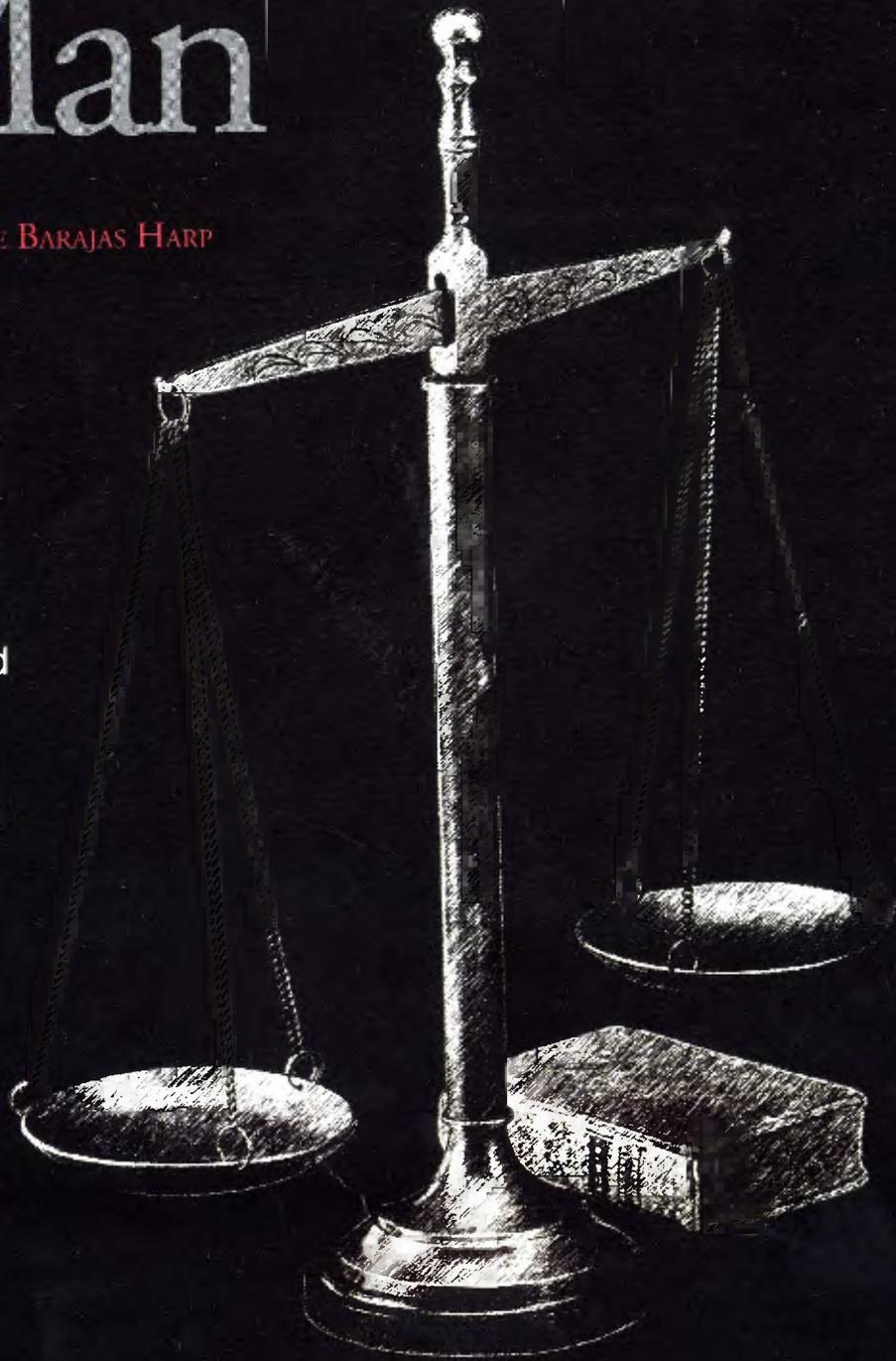


Freeing an Innocent Man

BY ANNE BARAJAS HARP

OU alumnus
Mark Barrett's fight
to exonerate
a wrongly convicted
Death Row inmate
is retold in
best-selling novelist
John Grisham's
first venture into
non-fiction.



The brutal rape and murder of Debbie Carter was like dominoes set into motion by a careless hand. By the time the events of December 7, 1982, finally came to rest, two innocent men had sacrificed a decade of their lives in prison—one saved only five days from the executioner's needle—best-selling author John Grisham had found inspiration in uncharted waters, and University of Oklahoma law graduate Mark Barrett had discovered his life's calling.

Barrett, a 1980 OU law graduate, was handling death-penalty appeals for the Oklahoma Appellate Public Defenders Office in September 1988, when he went to the Oklahoma State Penitentiary at McAlester to meet Ron Williamson, one of two men convicted in Carter's death.

Their conversation took many turns, including religion and scripture. "Ron could have gone on to the pulpit and made a good evangelist," joked Barrett, the son of a retired pastor. He found Williamson to be charismatic, intelligent and mentally ill.

Williamson also was that rarest of creatures on Death Row—an innocent man.

John Grisham's new best-seller, *The Innocent Man: Murder and Injustice in a Small Town*, follows the twisted path of Williamson's life, Barrett's role in freeing him from Death Row, and the remarkable friendship that resulted between attorney and client. Many details came from Barrett, whom Grisham said provided "a garage full of documents."

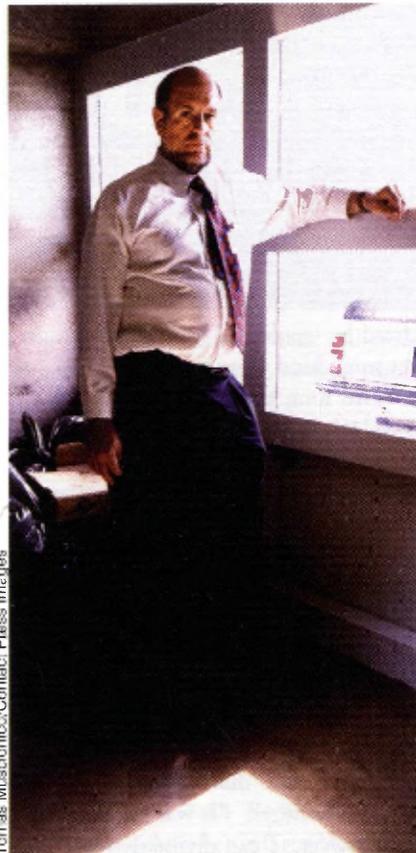
"The biggest challenge of writing the book was figuring out who Ron Williamson really was. Mark's assistance was invaluable," Grisham said in a phone interview from his Virginia office. The author, who has 225 million books in print worldwide, made numerous trips to Oklahoma and spent dozens of hours with Barrett. He even asked Barrett to edit the book before it went to the publisher.

"I knew right off the bat that this was a guy I could trust, and who could trust me," Grisham said. "I was flabbergasted by his ability to recall small details. He caught a thousand tiny mistakes that I missed. I've got to be dead-on accurate,

or the book loses credibility."

Although *The Innocent Man* is Grisham's first work of non-fiction, Williamson's story is beyond any author's wildest imaginings.

At 18, Williamson was the pride of Ada, Oklahoma, and the highest professional baseball draft pick ever to come out of the area. After six years of bouncing around farm teams for the Oakland A's and the New York Yankees, his baseball



Thomas Mustonico/Contact Press Images

Visiting his client at McAlester State Penitentiary's Death Row was a wrenching experience for attorney Mark Barrett as he fought to save Ron Williamson's life.

career was over. Alcoholism and depression had Williamson in their grip. He began a long, torturous descent into mental illness and was alternately labeled a sociopath, schizophrenic, paranoid and manic-depressive. Although family tried to help, Williamson's illness was outside their reach. He rotated between mental hospitals, clinics and 20-hour bouts of sleeping on his mother's couch.

Then Debbie Carter, a 21-year-old

waitress, was raped and killed in a garage apartment near the Williamson home.

Williamson and friend Dennis Fritz were considered prime suspects, though neither knew Carter nor were near the club where she worked on the night she died. Both had alibis. A bloody palm print at the scene failed to match either man.

In *The Innocent Man*, Grisham speculates that Williamson and Fritz were targeted because Williamson was known to be mentally ill and twice had been accused—and exonerated—of rape. Both men had reputations as hard drinkers. Police procured a "dream confession" from Williamson, who had been reading a true-crime book called *Dreams of Ada*. The book explored another local murder trial, in which a confession was based on the suspect's own dreams.

More than five years after Carter's death, Williamson and Fritz went to trial separately in 1988. Each trial relied heavily on testimony from jailhouse snitches and hairs found at the crime scene. Williamson's sole attorney, who was legally blind, was handling his first capital case. Potentially crucial polygraph evidence was withheld from both juries. And, Williamson's mental health and competency never were addressed.

In the end, Fritz was sentenced to life in prison. Williamson went to Death Row at McAlester.

Much had happened in the nine years since Mark Barrett first had met Williamson. All legal appeals had failed and, in 1994, Williamson had come within five days of execution. OU alumna Janet Chesley, an attorney with the former Appellate Public Defenders Office—now renamed the Oklahoma Indigent Defense System—had written a compelling petition to stay the execution. This led to an exhaustive, year-long investigation by the staff of Judge Frank Seay of the U.S. District Court for Eastern Oklahoma.

Seay, a 1963 OU law graduate, ordered a new trial for Williamson in a scathing opinion that closed, "God help us, if ever in this great country we turn our heads while people who have not had fair trials are executed. That almost happened in this case." *continued*

“The most important thing Mark Barrett did was believe in the innocence of Ron Williamson, and he was not going to be denied.”

Barrett, now director of the OIDS Capital Trial Division, had kept up with Williamson's case. But he was unprepared for the toll that mental illness and nine years of prison life had taken on his client. The man who Barrett once likened to a polished evangelist was gone.

“He was a very different person,” Barrett said. “He was skinny and very unkempt, kind of gaunt, and his conversation was rambling. He had difficulty making sense.”

OIDS investigator Kim Marks, another OU alumna, frequently visited Williamson and was alarmed at his physical and mental deterioration. “I was so frightened, not of him, but for him,” she told Grisham. “I was really afraid we were going to lose him.”

Barrett was confident he could win Williamson's freedom through advances in DNA testing. Until then, evidence previously gathered by OIDS colleague Bill Luker would demonstrate that prison was the last place Williamson should be. Barrett said Luker had uncovered “a mountain of mental health records. Every few days, Bill found new ones from places where he didn't realize Ron had been treated.”

In December 1997, Barrett arranged for Williamson to receive his first competency hearing since he had entered the criminal justice system. He soon was found incompetent and committed to a mental hospital.

With Williamson off Death Row, Barrett could focus on proving his innocence. Semen and saliva DNA from Carter's murder scene were tested and found not to match Williamson and Fritz. All that stood between them and freedom was DNA testing of the hairs found at the scene.

Barrett expected his client to be thrilled. “To me, the handwriting was on the wall. But it was after the biggest piece of good news that they got anxious. At

that point, they could taste the freedom, but they didn't have it yet. They thoroughly believed that someone was going to plant something.”

In fact, Barrett was told by doctors that Williamson was suicidal. Barrett grabbed at the nearest lifeline. He promised that if the DNA hair evidence failed, he would make sure Williamson got his day in court.

“It was totally to keep him alive,” Barrett said. “Even though I was convinced that Ron was innocent, I was afraid he would kill himself if he didn't get some kind of guarantee.”

Two long years after Judge Seay ordered the case reopened, the last piece of the puzzle fell into place. DNA testing of the hair evidence proved Williamson and Fritz were not Debbie Carter's killers.

On April 15, 1999, 17 years after Carter's murder and 11 years after their wrongful imprisonment, Williamson and Fritz stood in an Ada courtroom and were acknowledged as innocent.

Barrett said that moment will stay with him always. “It was a magical day for a lawyer. I can distinctly remember the emotion that came over me. Without looking around, you could feel the emotion of the crowd.”

Feelings ran even higher when it was announced that DNA evidence matched Glen Gore, the last person seen with Carter and a prosecution witness in both Williamson's and Fritz's trials. It also was announced that Gore, imprisoned for kidnapping and assault, had escaped the previous day.

Moments later, Williamson literally ran from the courtroom. “A storm of media” was on the courthouse steps to greet him, Barrett said, including national correspondents. Barrett, a former newspaper reporter, watched as “the most

quotable person I'd ever met” had his moment in the media spotlight. “He was charismatic, even through mental illness. Ron was a character.”

That night, the legal team, friends and family gathered at the Williamson home. There was plenty of food and music, and Williamson, an aspiring guitarist, led the group in childhood hymns. “It was an incredible evening. That was the start of some fun times,” Barrett said.

Barrett and Williamson soon traveled to New York at the behest of “Good Morning America.” During a subway ride, Williamson began loudly reminiscing in detail about a Death-Row inmate they knew. Barrett said their conversation was duly noted by fellow passengers. “It was like a sea parting; people went further and further away from us. The car was almost empty.

“Ron was a unique person,” Barrett said fondly. “He was a shade different because of a combination of charm, intellect and mental illness. He was like a hyper-intelligent child who was almost incapable of saying anything that wasn't the truth. It made him fun and charming.”

Barrett smiled. “It also made him hard to keep track of.”

“The thing that always struck me was the unique bond the two shared,” OIDS investigator Marks said of Barrett's and Williamson's friendship. “The secret of it, I think, was that Mark just let Ron be Ron. Mark demonstrated an incredible amount of respect for and patience with Ron, not just as a client, but as a person. In doing that, Mark completely gained the trust of a man who had absolutely no reason to trust anyone.”

In the years that followed, Barrett tried to keep track of his friend and client. Williamson's mental health started deteriorating, and alcoholism reared its head. He moved 17 times in five years, some-



From left: A jubilant Ron Williamson celebrates his freedom on April 15, 1999, with his attorney Mark Barrett, attorney Barry Scheck of the Innocence Project, co-defendant Dennis Fritz and Williamson's sister, Annette Hudson.

times to transitional housing or nursing homes. For a while, he lived in Norman and would visit Barrett's office, where they often played guitar and sang.

No official apology ever was offered for Williamson's and Fritz's imprisonment, and it stung. Barrett, now in private practice, joined Fritz's attorney in filing a \$100-million-dollar lawsuit on their clients' behalf. Although Barrett cannot discuss details, *The Ada Evening News* estimated the settlement at \$5 million.

Finally, Williamson moved into a nursing home in Broken Arrow, where he became sober and more balanced. Then, in the fall of 2004, he was diagnosed with cirrhosis of the liver and was given six months to live. He would not last that long.

After all the struggles he had survived, Williamson's family and friends were heartbroken. Barrett visited several times during his friend's final months, and they frequently discussed their mutual faith in life after death. "The only consolation to it," Barrett said, "was that Ron was talking about being ready to die."

Barrett's Norman office features a stack of hundreds of case files from prisoners who claim to be innocent and have no access to legal represen-

tation. In a very real way, the stack represents the legacy of Ron Williamson, whose friendship and will to survive transformed Barrett's life.

"It changed both the direction and tone of my work from that time," Barrett said of Williamson's case. "It definitely had an impact that I'm always aware of and affected by. It gave me both the desire and the opportunity to focus on cases of innocence."

To date, Barrett has helped free three clients from Death Row, including Williamson. Another is Greg Wilhoit, a Death Row neighbor of Williamson's who was wrongly convicted of killing his wife. Wilhoit was among Williamson's best friends and remains close to Barrett, who acknowledges that his relationship with both men has been unique.

"When the stakes are like that and you come out the other side, then we're co-survivors of the same war," he reflected.

The stakes are high again. Barrett is representing Karl Fontenot and Tommy Ward, the subjects of *Dreams of Ada*, the same book that influenced Williamson's own "dream confession." The men are serving a life sentence. Barrett—who is handling the case pro bono—believes they will be set free by

the same essential truth as Williamson.

"I'm proud of the work I did on Ron's case," he said simply. "But in the long run, what made the difference is that Ron was innocent."

Grisham, a practiced criminal attorney who spent 18 months researching and writing the story of Ron Williamson and Mark Barrett, states the case a bit differently.

"I can't say that Mark saved Ron's life; Judge Seay did that," Grisham said. "The most important thing Mark Barrett did was believe in the innocence of Ron Williamson, and he was not going to be denied." 

Editor's Note: Glen Gore was convicted of Debbie Carter's murder and is serving life without parole. In addition to Barrett, OU alumni from Williamson's OIDS defense team are Sara Bonnell, '82 jd; Janet Chesley, '77 ba, '80 jd; and Kim Marks, '79 ba journalism, '84 bfa music and '86 ma journalism. Actor/director George Clooney has purchased the movie rights to The Innocent Man: Murder and Injustice in a Small Town.

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