KAFKA (AND GRISHAM) IN OKLAHOMA

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"I asked myself what was the reason for my birth when I was on death row, if I was going to have to go through all that. What was even the reason for my birth? I almost cursed by mom and dad–it was so bad–for putting me on this earth. If I had it all to do over again, I wouldn't be born."–Ronald Keith Williamson (1953-2004), an innocent man wrongfully convicted of murder who spent nearly 12 years in prison, including nine years on death row, before his DNA exoneration.

"What an error! What a disaster!"–Victor Hugo

Since 1973, 123 innocent persons awaiting execution in 25 states have been exonerated and released from death row. A list of these individuals, in chronological order of exoneration, is available from the Death Penalty Information Center at < www.deathpenaltyinfo.org/ >. Exoneree number 80 on this list is Ron Williamson, whose strange and tragic tale is told in John Grisham's first nonfiction book, *The Innocent Man: Murder and Injustice in a Small Town* (Doubleday, New York, 2006). (At a separate trial conducted a week before Williamson's, a friend of his, Dennis Leon Fritz, another innocent person, was also erroneously convicted of the same murder as Williamson but received a life sentence rather than death. After almost 12 years in prison, Fritz, like Williamson, was exonerated by DNA and released.)

On Dec. 8, 1982, 21-year old Debbie Carter was raped and then choked to death in her apartment in Ada, an old oil town, population 16,000, in Pontotoc County, Oklahoma, about 80 miles southeast of Oklahoma City. One of numerous suspects was a local, Ron Williamson, once a promising professional baseball prospect, who all his adult life suffered from psychoses and other serious mental illnesses. On May 8, 1987, after his strongest alibi witness had died, Ron Williamson was arrested for the Carter murder. His trial, at which he was represented by a court-appointed attorney being paid a measly $3,600 who was not only inept but blind, began on Apr. 21, 1988. The prosecution's entirely circumstantial case was palpably weak, but it kept rebounding as defense counsel repeatedly committed colossal blunders–never challenging, for example, the oral confession police alleged they had extracted from Williamson, and not even introducing into evidence a videotaped confession to the Debbie Carter murder made to police by a man named Ricky Simmons. Six days after the trial began the jury found Williamson guilty. The next day, Apr. 28, at a punishment phase at which his abysmally ineffective attorney failed to introduce any evidence whatsoever, Williamson was sentenced to death. "Ron Williamson," the prosecutor had solemnly announced in his closing argument, "you deserve to die for what you did to Debra Sue Carter." (Previously, at the punishment phase of co-defendant Fritz's trial, in an unsuccessful bid to have Fritz sentenced to death, the same prosecutor had told the jury, "Dennis Fritz, you deserve to die for what you and Ron Williamson did to Debra Sue Carter.")

Incredibly, in affirming Williamson's death sentence on direct appeal, the Oklahoma Court of Criminal Appeals, a death penalty-friendly court in a overwhelmingly pro-death penalty state, opined that at his trial there had been "overwhelming evidence" of Williamson's guilt. "The

court spent little time discussing exactly what evidence had been so overwhelming," Grisham acidly comments. And none of the judges of the state court "detected the obvious–an innocent man was wrongly convicted." Oklahoma courts, compromised due to their relish for capital punishment and their determination to facilitate executions, appeared to have lost their ability to identify possible miscarriages of justice in trials resulting in a death sentence.

"Since 1990," Grisham starkly notes, "Oklahoma has executed more convicts on a per capita basis than any other state."

In 1997, the federal courts, finding that Williamson's trial violated his constitutional rights, ordered that Williamson be retried. Before the retrial could be held, however, Williamson was exonerated.

At one point avoiding execution by only five days, Williamson remained in custody until Apr. 15, 1999, when the trial court vacated his conviction and set him free. His exoneration was the result of efforts by Barry Scheck's famed Innocence Project. DNA tests conclusively showed that both Williamson and Fritz were innocent of murdering Debbie Carter and that the actual killer was a man named Glen Gore, who had been a star witness for the prosecution at Williamson's trial. (After Williamson's exoneration, Gore was tried and convicted of murdering Debbie Carter but received a life sentence. Weirdly, therefore, an innocent man had been sentenced to death for Carter's murder, whereas the real murderer received a lesser penalty.)

Less than six years after his release from prison, prematurely aged, not yet 52 years old, Ron Williamson died of natural causes, his life, he thought, now bereft of meaning, his hopes and expectations dashed, his mind and body ruined, and his spirit extinguished. His cruel destiny had been a horrible tragedy, his fate unbelievably surreal.

Williamson's wrongful conviction resulted from some of the problems traditionally associated with erroneous convictions: subnormal legal representation by an underpaid, uncaring, unskillful defense attorney; prosecutorial misconduct, including suppression of exculpatory evidence; police misconduct, including either extracting a false confession from the defendant or fabricating a claim that the defendant had verbally confessed during custodial interrogation; perjurious testimony by shameless jailhouse snitches breathlessly claiming that they overheard the defendant make incriminating statements while he was imprisoned prior to trial; and what Barry Scheck calls "White Coat Fraud"–fraudulent or misleading scientific evidence presented by so-called experts from the state crime lab bent on helping the prosecution achieve a conviction.

In his essay "Kafka in Oklahoma," journalist Robert Mayer aptly describes what befell Williamson and Fritz (who also was the victim of misconduct by prosecutors, police, crime lab experts, and jailhouse snitches) as "Kafkasque"–an adjective variously defined to mean "incomprehensibly complex, bizarre, or illogical," "marked by a senseless, disorienting, often menacing complexity," or "characterized by surreal distortion and a sense of impending danger." Unlike Gregor Samsa, Franz Kafka's famous fictional character, Ron Williamson did not metamorphosize into a human-sized cockroach. However, for over a decade, by insisting that an innocent man was a rapist-murderer, demanding that he be put to death, denying him a

fair trial, and subjecting him to the inhuman conditions of confinement detailed by Grisham, the state of Oklahoma did, a la Kafka, treat Williamson as if he was a human cockroach. In the end, therefore, whether intentionally or not, Ron Williamson's terrible demise was an extermination, the fumigator being the pitiless juggernaut we call government. If Franz Kafka could have authored a short story based on the Williamson case, he might well have ironically entitled it "Pest Control in Pontotoc County."