Famous Trials
Can a “non-Fiction” book be a “real page turner” and remain “non-Fiction”?

Does the Author have any responsibilities?

Do the readers have any responsibilities?

The Book, “The Innocent Man”
Place: Ada, Oklahoma - - Pontotoc County

Small town of about 16,000
Home of East Central University – 4,000 students
Part of the “Bible Belt” area

Night Clubs are on the outskirts of town

The Scene
The Coach light - - a local night spot – not “high Class”

The Victim - Debbie Carter, 21, Cocktail Waitress at the Coach light - - Lived by herself in a 3-room apartment above a garage.
1982 - The Crime - December 7 and 8

Debbie Carter was working at the Coach light - has an encounter with Glen Gore.

12:30 AM she leaves the Coach light - seen talking to Gore.

Ron West drops Glen Gore off about a mile from Debbie Carter’s place.

2:30 AM Debbie Carter calls Gina Vietta about a visitor that she was uncomfortable with, but refused to name the person.

11:00 AM Donna Johnson, a friend, discovers the body, then runs and calls Debbie's mother.

Debbie's father races over and enters the crime scene and finds Debbie dead.

Then, the Police are called.

The Detectives - Denis Smith and Gary Rogers begin the Investigation

Ron Williamson’s named as vaguely involved mentioned by a former cell mate.
Ronald Keith Williamson, Born February 3, 1953 in Ada, Oklahoma

Baseball Player - Bats Left, Throws Right

1971 Picked by the Oakland Athletics, and started in the minors

1972 season was good, 1973 seasons was rotten.

Williamson's life went into drugs, alcohol, and mental illness - -

Williamson spends time in Jail, is charged twice with rape.

1982 Debbie Carter murdered

Williamson’s life continues with drugs, alcohol, mental illness, and some jail time.
Ron interviewed on several occasions

Fritz named as a known associate of Ron

Fritz tells police about a near rape involving he and Ron

Williamson and Fritz fail polygraph tests

Glen Gore interviewed and said that he had seen Williamson near the Bar. Never again any reason to be considered a suspect, until……..

Hair samples from Williamson and Fritz determined to be “microscopically consistent” with hair from crime scene.

A woman, Andrea Hardcastle, tells of a harrowing ordeal with Williamson

Jail Inmates agree to testify about hearing of the involvement of Williamson and Fritz in the murder
1987 Ron Williamson arrested for murder along with Denis Fritz

1988 Ron Williamson tried and found guilty, and sentenced to death in 1988.

1988 Denis Fritz Tried and found guilty, and given life.

William Peterson is the District Attorney and Prosecutor for both trials

1997 William Peterson starts the DNA process

1999 After, Williamson receives a last-minute stay of execution, 5 days before his scheduled execution.
1999 DNA results conclusively excluded both men as the source of the semen found in the victim's body, and

After 11 years on death row, Williamson & Fritz cleared by DNA testing, and set free.

Ron Williamson and Denis Fritz hearing news of case dismissal
The Frontline Story
Williamson and Fritz law suits are settled for undisclosed amounts

Williamson drifts around, spends some time with his sister, and abusing alcohol file

2004 Ron Williamson died in a nursing home of cirrhosis five years after being freed.

His obituary published in the New York Times
The Book Trailer
John Grisham, in his first nonfiction book, writes about the 1987 trial and sentencing of Ron Williamson for the murder and rape five years earlier of 27-year-old Debbie Carter. Mr. Williamson's appellate lawyer succeeded in getting his conviction overturned based on claims that his first trial lawyer was inadequate. While preparations for a new trial were being made, it was revealed in 1997 that newly available DNA testing established that neither Mr. Williamson, nor his friend and co-defendant, Dennis Fritz, was the killer.

In Mr. Grisham's novels, the characters usually divide into two groups: the good guys caught up in evil conspiracies and the villains who conspire. "The Innocent Man" is no different. Thanks to his abounding storytelling skills, the author delivers an account that is as vivid as the Grisham fictional fare sold at airport kiosks—but it is also, alas, just as over-the-top as his novels, and it distorts the justice system in the same way. Make no mistake. "The Innocent Man"—with its blustery subtitle ("Murder and Injustice in a Small Town") and its author's long-professed zeal to attack capital punishment—is not simply a legal thriller drawn from real life. It is a polemic.

Ron Williamson was a promising high-school baseball player who in 1971 was a second-round draft choice of the Oakland A's. His family and his hometown, Ada, Okla., shared Mr. Williamson's high hopes; he would be the franchise's new star. But Mr. Williamson flamed out in the minors for a few seasons before abandoning his dreams and beginning a slide into a life of drinking, drugs and crime. There were two formal charges of rape in 1979, neither of which resulted in conviction. In 1987, Mr. Williamson (by then known as Mr. Grisham) that Mr. Williamson and Mr. Fritz were in prison on other charges. Mr. Williamson and his co-defendant were freed in a highly publicized appeals decision in April 1999; the government agencies involved and settled in 2002 for an amount that was rumored to be in the millions of dollars. In the meantime, Mr. Williamson's co-defendant, Mr. Williamson's death was caused by medications that the author had prescribed or denied to Mr. Williamson while in custody.

You would hardly know it from "The Innocent Man," but the same district attorney's office that still viliifies for its eagerness to prosecute Mr. Williamson with shaky evidence ("it was one of the consequences of an official and the duty to them") went just as earnestly after Glen Coke for his role in the case. Prosecutors had to try Mr. Coke twice; the first conviction was overturned when a judge ruled that the defense should have been allowed to raise the possibility that Mr. Coke and Mr. Fritz had murdered Debbie Carter.

These attempts to bring Mr. Coke to justice failed, and even the murder of Debbie Carter itself is, as much as anything, a sideshow to the story. Mr. Grisham is more interested in depicting how the one-night stands of Ron Williamson were destroyed by police and prosecutors who were inept at best and more likely corrupt. By bringing together the Williamson affair and the 2001 drug conviction of an Ada police officer—Mr. Grisham was indeed interested in in the murder investigation—Mr. Grisham claims: "When will the good

The one-sidedness of "The Innocent Man" is a shame, for two reasons. First, because it feeds the popular perception that Hollywood is the real story more interesting than the one he delivers. The author is a journalist, and it shows. He doesn't maintain even a pretense of detached reporting. He didn't attempt to get Mr. Grisham's side of the story, though he seems to have realized that a responsible prosecutor might have been illuminating. Indeed, Mr. Grisham seems to have written only to the public and even to the judge in Mr. Williamson's case.

Opponents of capital punishment will point to "The Innocent Man" as vindication of their views, but it is not clear that this is true. After all, the end is well served by Mr. Grisham's heavy-handed proselytizing. The freeing of Mr. Williamson and Mr. Fritz was the result of the legal system's checks and balances, it is not minimized by Mr. Grisham's nasty attack on the defense attorneys who handled the case.
An Editorial from the Daily Oklahoman highlights problems with Grisham's book.

BIG names make for big book sales, which is why a famous author's name is in larger type than the title on a book's cover. No bigger name in American fiction exists than that of John Grisham. The novelist was the top-selling author of the 1990s, ahead of even Stephen King, with more than 60 million copies sold.

So when Grisham's anti-capital punishment zeal needed a new outlet, his name was all that was needed when he turned from fiction and became a journalist.

Except that Grisham doesn't know the first thing about journalism, especially the part about getting the other side of a story.

Grisham's foray into nonfiction centers on Ada. His 2006 book "The Innocent Man: Murder and Injustice in a Small Town" is less a piece of reporting than an anti-death penalty polemic. If a movie is made of the book, it will likely be even more so.

That was true of "Dead Man Walking," which was designed to make us hate the death penalty but in fact showed how a killer's denial of guilt was renounced only because he was made to pay for his crime.

The "hero" of Grisham's story was innocent, although he was convicted of the 1982 rape and murder of Deborah Sue Carter. The book is mainly Ron Williamson's story, but he's not the only character. Another is Pontotoc County District Attorney Bill Peterson, who prosecuted Williamson and remains in office.

The side of the story that Grisham refused to tell was Peterson's. In an October 2006 op-ed in The Wall Street Journal, Joshua Marquis, vice president of the National District Attorneys Association, slammed Grisham's one-sided "reporting." Peterson himself has started a Web site to tell the story Grisham ignored.

Peterson not only prosecuted Williamson but was among the voices calling for the DNA testing that would exonerate him (it wasn't available at the time of the trial). Marquis noted that the one-sidedness of Grisham's book "feeds the popular perception—nurtured by Hollywood and the news media—that death rows are teeming with wrongfully convicted men who just await DNA testing to set them free.

Grisham also played loose with the facts. In mail exchanges, Peterson confronted the author over mistakes the prosecutor found in the first few pages of the book. Grisham's flippant reply was that mistakes are "in the nature of nonfiction."

Yet the book is essentially about mistakes—the mistaken conviction, for starters. Given Grisham's attitude, how long would he last as a reporter at any of the major newspapers whose reviewers praised Grisham's book?

Here's a fact: No evidence exists that an execution in modern times has taken the life of an innocent man. Williamson and a codefendant were set free not despite the system, but because of it. Grisham should stick to fiction, no matter how stale and formulaic his work has become.

I just finished reading Grisham's book about Ron and Dennis and I am sick. Do you really think anyone wants anything to do with a community that allowed innocent men to be tortured for years for NOTHING? Shame on Ada... Peterson, get ready to find another job or better yet, another country. The outrage has only just begun.” Kathy, Boston, Mass.

So read the email sent to the Ada Area Chamber of Commerce recently, and it is typical of other emails from people around the country. You probably recognize what it's about, but in case you don't—“Grisham” is John Grisham, who wrote his first nonfiction book about Ron Williamson and Dennis Fritz, convicted of murder in Ada. Both were exonerated thanks to the new science of DNA testing after spending years in prison.

Kathy and others across America read the book and now they are experts on the case and ready to hang us all high because we live here.

Hold the phone, Kathy.

I struggled with whether or not to respond to this type of email. Sometimes it's better to just ignore things like this because no matter what you say it probably isn't going to be good enough. In their eyes we will still be bad people. After all, they've read the...

Again, I say, hold the phone. With liberal amounts of help from staff in the chambers of commerce, I scouted a response to Kathy that thanked her for her note and said, “...we understand Mr. Grisham’s book shed light on an error that unfortunately has occurred in many small and large communities across our nation, not just in Ada, Oklahoma. You may be interested to know that, according to the Innocence Project web site, a total of 190 innocent people have been exonerated (due to DNA testing), with nine of those being in Massachusetts, two from your area in Boston.”

I went on to tell her how grateful we are for the wrongfully accused have been set free and that justice was, in the end, prevail.

As I suspected, this did not satisfy her. She wrote back and said we obviously had not learned our lesson yet and that she would pray for us.

My response took the gloves off a bit more by pointing out that she was missing a very important point—that Mr. Grisham’s book may just have well centered on the two cases from her hometown rather than the one from ours. Before she starts examining the “mote” in our community’s eye, I told her she needs to check the log in her own community’s eye first.

I haven’t heard from her again, at least so far.

A total of 190 innocent people have been exonerated from 31 states thanks to DNA testing.

Should 190 district attorneys be ousted for doing what they are paid to do, i.e., convict those whom police present as suspects?

No — and neither should ours.
The Author’s Interview - - Comments

What inspired you to write a non-fiction book?
1988 He was the District Attorney who prosecuted Dennis Fritz and Ron Williamson.

1990 Named Outstanding District Attorney,

Started the first rural Victim Witness Center,
Helped start the first rural Drug Court in Oklahoma
Helped development of a new Domestic Violence Court.
Supported internship programs.

2006 Became the subject of much controversy after the release of Grisham’s book

2008, retired after 27 years as DA for the 22nd district of Oklahoma.
STATE OF OKLAHOMA,

Plaintiff,

vs.

NO. CRF-87-90

RONALD KEITH WILLIAMSON,

Defendant,

NOTICE

COMES NOW the State of Oklahoma, by William N. Peterson, District Attorney and

attorney for the State of Oklahoma, and gives Notice to the Oklahoma Indigent Defense System that on or after the 23rd day of May, 1997, evidence in the above styled and numbered case will either be destroyed or partially destroyed as a result of scientific tests to be conducted by the laboratory technicians at the Oklahoma State Bureau of Investigation. These tests are for the purpose of abstracting D.N.A. or other forensic evidence for the purpose of the re-trial of the defendant, Ronald Keith Williamson.

Unless an objection is filed by the 22nd day of May, 1997 said testing will be conducted on the evidence with the results being either destruction or partial destruction of the evidence to obtain scientific results.

TAKE NOTICE AND GOVERN YOURSELF ACCORDINGLY.

WILLIAM N. PETERSON, OBA #7086
District Attorney
P.O. Box 146
Ada, OK 74820

SIGNED

WILLIAM N. PETERSON, OBA #7086
District Attorney
P.O. Box 146
Ada, OK 74820
Scheck Motion 1999. The case was dismissed on April 15, 1999. The Book claimed Scheck started the DNA process -- he did not.
Grisham's first letter to Peterson's letter addressing factual issues in the Book

October 19, 2006

William N. Peterson
District Attorney
Pocatello County Courthouse
P. O. Box 145
Ada, OK. 74820

via fax [Redacted]

Dear Mr. Peterson,

If you've only read 28 pages, how do you know what I've written about Barry Schrock?

I'm sure you will find more than two errors. Such is the nature of non-fiction. Every effort was made to be as accurate as possible, but mistakes are inevitable.

No, I have not stated publicly that I expect to be sued, so your source is wrong. However, a lawsuit (or threat of one) per book is about the average.

Sincerely,

John Grisham

JC:ide
October 20, 2006

John Grisham
105 West Water Street
Charlottesville, Virginia 22902

Via fax: 434-245-0111

Dear Mr. Grisham,

I appreciate your prompt response. In response to your question about how I know what you wrote about Mr. Schect, did you not read the Wall Street Journal’s review of your book that I sent you? I have now finished your book and find it to be inaccurate in many areas, accurate in areas, misleading, slanted, and biased. A thought that crossed my mind upon reading the book that seems to apply to you and your ilk is a quote by Anais Nin: “We don’t see things as they are, we see them as we are.”

You state in your correspondence that my source regarding your expecting to be sued was wrong. My source is you. During your speech at the Virginia Law School in September of this year, which is available on the internet, you first speak of having to worry about being sued when you write about “real things”. You then state that you “really went after the dead”, because the dead cannot sue you. Later in the speech, you said that “the prosecutor, who is the real bad guy in the book” will probably be the first person to sue you in November, because the book comes out in October. Therefore, you are either forgetful or lose with the truth. There is very little doubt in my mind which one applies.

Having now finished the book, I do not believe your “mistakes are inevitable” claim can explain the total misrepresentation of some parts of this case. I will shortly follow up this letter to point out some of your “mistakes”.

William N. Peterson
District Attorney
October 25, 2006

William N. Peterson
District Attorney
Pontotoc County Courthouse
P. O. Box 146
Ada, OK 74820

Dear Mr. Peterson:

What a surprise! You find the book misleading and inaccurate. I expected nothing less.

I have no desire to re-hash the facts and bicker about who's right and who's wrong. I do not read reviews, fan letters, hate letters, and I will read nothing else from you.

Save yourself some time. Lose my address and fax number.

Sincerely,

John Grisham

JGr-de
William N. Peterson District Attorney - Comments

Grisham leaves out other very important facts which give a completely different meaning to what happened and when.

Grisham misrepresented how the DNA testing came about in 1997 before Mr. Scheck’s involvement in this case.

Grisham sets out certain facts and events, without saying when they occurred, and uses these facts to criticize Peterson’s actions.

Grisham did not interview any law enforcement officers involved in the case, and only interviewed Peterson for thirty minutes.
Grisham implies that Glen Gore should have been a suspect in Carter’s murderer, since he was a thug and a known criminal.

In 1982, Gore’s record included an arrest for DUI and resisting arrest, one assault and battery charge, and one misdemeanor charge.

In 1982, Williamson’s record was much worse, and included two rape charges.


Glen Gore was the murder - - it was confirmed after Williamson and Fritz were released.
William N. Peterson District Attorney - Comments

Barney Ward – Williams Defense Attorney

Grisham portrayed him as “past his prime.”

During the Williamson trial, he would have been in his mid to late fifties.

Barney Ward died in 2005 in his mid to late seventies.
William N. Peterson District Attorney - Comments

Williamson’s incompetence

Being criminally insane and being incompetent to stand trial are completely different.

Competency to stand trial is whether you can understand the nature of the charges against you, and are you capable of assisting your counsel in your defense.

Criminal insanity is where you admit that you committed the crime, but were insane at the time. Being “crazy” is not being “criminally insane.”
William N. Peterson District Attorney - Comments

Hair analysis

Grisham contended that microscopic hair analysis had been known to be unreliable long before the prosecution of Fritz and Williamson.

In the early eighties, hair identification was considered state of the art.

The defense hired a hair analysis expert, Mr. Bisbing, to redo hair analysis, not to refute the science as unreliable.

When Grisham wrote his book, hair analysis was passé.
Williamson within 5 days of execution

The setting of an execution date is used by the Attorney General’s office not to have an execution, but to force the appeal.

This is exactly what happened in this case.

In Grisham’s book - - - William’s attorney said, “Look, they’re not going to execute you, okay?  But I’m not going to file an appeal until the last minute. That’s the way we do things, so the federal judge has no choice but to give you a stay.”
Comments from Denis Fritz - - Regarding his book
The Suit filed: Tuesday, October 2, 2007

Plaintiffs: Pontotoc County District Attorney Bill Peterson and Gary Rogers, a former OBI agent.

Defendants:
John Grisham, author of "The Innocent Man",
Robert Mayer, author of "The Dreams of Ada",
Dennis Fritz, author of "Journey Toward Justice“, (one of the innocent men)
their publishers, and
Barry Scheck, co-director of The Innocence Project.

Damages: at least $75,000 compensation and demands a jury trial.
**The Claims:** Part of the lawsuit claims:

The defendants conspired to commit libel against the plaintiffs and intentionally inflicted emotional distress upon them.

The defendants used speeches, interviews and simultaneously published three books in October of 2006.

The Innocent Man contains false and malicious statements, knowingly and recklessly made to cause harm to the plaintiffs.

Grisham, in a September 2006 speech, referred to Peterson as "the number one bad guy in this book."
Peterson's Attorney stated:

The lawsuit was filed because what was supposed to be a nonfiction book was turned into more of a fiction book.

Parts of the evidence that would put a totally different light on Bill Peterson was omitted.

The Grisham book contains many, errors, inconsistencies, misrepresentations, invented dialogues, speculations, event sequences taken out of order, and assertions as to who or what should have or could have been known.

It's probably somewhat difficult for someone to write fiction for years and then write nonfiction.

Particularly if they have a motive in mind, which we believe the evidence will show, to impact the issue of the death sentence.
Request for Dismissal: November 29, 2007

Author John Grisham asked an Oklahoma federal court to dismiss a libel lawsuit

Claims for dismissal:

Grisham’s book is core political speech protected by the First Amendment and representing the highest order of public service by raising awareness about important social and political issues and bringing to light issues of public concern about the performance by government officials of their public duties.

Long-established Oklahoma law forecloses any civil liability for criticism of the acts of public officials, except for any statement that “falsely imputes crime to the officer so criticized.”

Grisham’s book amounts to constitutionally protected opinion
How do you think the case was decided?
What the Judgment said about free speech and criticism of public officials

Where life and liberty are at stake, the chilling effect of litigation decisively outweigh any potential harm caused by caustic statements critical of government officials.

For the public officials involved, public criticism is a small price to pay in order to protect and preserve the first amendment freedoms of expression.

While the plaintiffs may feel the sting of criticism, because of the constitutionality of political speech, they do not plausibly assert any statement entitling them to relief.

The tone of *The Innocent Man*, by John Grisham, is one of righteous indignation toward the unfairness in the criminal justice system and the death penalty.

The plaintiffs allege that the defamatory attacks are motivated by the defendants’ desire to “further efforts to abolish the Death Penalty.”
The Dismissal: September 18th, 2008
Federal Judge Dismisses Libel Lawsuit Against John Grisham

What the Judgment said about the Responsibility of the readers –

Where the genre of a book is criminal justice non-fiction and the author’s tone is one of moral outrage and takes a position critical of the public officials involved, ---

the reader is put on notice to expect imaginative expression, rhetorical hyperbole, exaggeration, speculation and personal judgment by the author.

In other words, the reasonable reader is notified by the subject, format and tone of the book to expect a substantially true, yet biased account.

In this regard, this court’s reasoning is that these books concerning our criminal justice system garner the highest federal and state constitutional protection because they are rationally connected to the authors’ quest for political change. They are political speech
The Dismissal: September 18th, 2008
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Books have been published and speeches/interviews have been given about this case and about death penalty litigation and its aftermath.

Those books and those speeches/interviews have in turn given rise to the present lawsuit.

The present lawsuit has prompted motions to dismiss for failure to state a claim.

What two words best describe a claim for money damages by government officials against authors and publishers of books describing purported prosecutorial misconduct?

Answer: Not plausible.
Plaintiffs ask court to reinstate Grisham suit

Plaintiffs in a libel lawsuit filed against best-selling author John Grisham are asking a federal appeals court to reinstate their case. U.S. District Judge Ronald White dismissed the case in September, but the plaintiffs have appealed to the 10th U.S. Circuit Court of Appeals in Denver.

As Of February 23, 2009, there has been no ruling

In 2006, the New York Times published an article written which discussed the release of the wrongly convicted which concluded that 99.9 % of the felony convictions were proper.