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Philadelphia Man Freed as Lying Eyewitness Recants

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Don Ray Adams served almost 20 years before acquittal in 1990 double murder

By Darlene White Natale

The Innocence Institute of Point Park University

In 2005, when the U.S. Supreme Court rejected a late-stage appeal on his 1990 double-murder conviction, Don Ray Adams resigned himself to life in prison for something he always maintained he didn't do, and told his family to forget about him.

"You all don't even have to come and see me no more. I said I am ready to go to the hole," Adams despondently uttered during a phone call with relatives.

But during that very call, his attitude was re-energized after a young grandson implored him to "Keep your head up!" which propelled him to eventually find a key witness who admitted she had falsely identified him to purge her own legal woes.

Sworn statements from that witness won him a new trial, which ended early this year with his acquittal and release after 19 years and 6 months of imprisonment.

While sitting on his porch in May, Adams reflected on how the system had failed him all the way to the Supreme Court.

"That was my darkest moment. Because every time they kept denying me, I used to wish that things would happen to the witnesses, you know – bad things. I used to ask God that. When I stopped asking God to hurt them and to guide them and tell the truth – things changed." He said that God did everything he asked.

"Praise be to God," Adams repeats as his mantra.

The Drug Killings

A few days before Christmas 1990, alleged drug dealers Darryl Patterson and Thomas Winn were killed in an alley behind Warnock Street in Philadelphia in a drug-deal that went awry. "Don Ray" was allegedly there to buy cocaine from the duo but instead decided to rob them. He opened fire on the two men and let Donna Benjamin, who wandered into the alley, go when he recognized her.

Several witnesses to the 1990 crime identified the shooter as a 5'9" – 6' tall, thin, light-skinned black man called Don Ray. Adams is a 5'4" dark-skinned black man with a stocky build. Adams said the police initially questioned another Don Ray from the neighborhood and released him. Both Don Rays lived on Warnock Street. Adams said he had been dubbed Muhammad by friends in the neighborhood and didn't think the street talk of a "Don Ray" being the shooter referred to him.

The investigation stalled for months until an eyewitness, Donna Benjamin, emerged saying that she was at the scene of the murders and that Adams spared her life after robbing and killing the alleged drug dealers.

Armed with that evidence seven months after the murders, police went to Adams' family home to arrest him. He was at his girlfriend's house and when Adams heard he was a suspect, he contacted his uncle – a police officer, and surrendered.

"I believed that when those cops came to my house that they would have shot me and killed me. I really believed it. That would have really been to close the case. They never found no gun or anything in my house. They never found no gun. So I believe they would have put a gun in my hand and say we already solved the case," Adams said of his rationale for surrender. He said he took a lie detector test and passed it.

He said he was home cutting hair the night of the murders and that they heard the shots. He said the two guys that he was styling couldn't come forward because there were bench warrants against them.

The witness who identified Adams was a crack-addicted felon with an extensive rap sheet.

Later, Adams said he received information that the District Attorney had withheld evidence that Benjamin was a mental patient.

Adams said they (police) bought her clothes and let her out of jail.

"Those witnesses they used against me all had open cases," Adams added.

Futile Efforts at Proving Innocence

Adams knew her tale wasn't true and steadfastly maintained his innocence. Adams pursued futile appeals through the courts and was turned down at every possible venue. One bright spot for him came when The Innocence Institute of Point Park University published a story in the Pittsburgh Post-Gazette that brought to light the discrepancy of a possible false identification.

"I was glad that they (The Innocence Institute) put my case in the paper because I wrote to everybody- I wrote to Oprah Winfrey Show, the Montel Show – every show that was on TV. I wrote to a lot of politicians about my case and my innocence, you know, and no one responded but you all (Innocence Institute)," said Adams, even though at the time he was being ignored by the courts.

"I just thought that the case was really sloppy from the beginning because all the original statements actually point to someone else. Then six months later, after two other detectives were assigned, then that's when you had people changing their stories," said Adam's Attorney Terry Pugh. "I think it is somewhat commonplace, unfortunately, that all stones are not looked under and turned to make sure the right person is being prosecuted."

After the Supreme Court rejected his appeal, Adams pressed on – buoyed by his grandson's encouragement. But Adams thought he had exhausted his legal options until a block party in his old neighborhood. There, an impaired Benjamin cried to Adams' friend that she needed to clear her conscience. She said that she couldn't take it anymore and wanted to tell the truth.

This wasn't news to Adams or his friend. Donna Benjamin had told others the same story but never legally recanted. This time, Benjamin approached Adams' attorney and agreed to speak on the record.

"I was so glad she finally came back and told the truth. She said she couldn't take it anymore. She said her conscience was bothering her and that she knew what she did was wrong and that she wanted to make it right," Adams said. He explained that the cops threatened her to implicate him and that she got out of jail. Armed with that revelation, Adams filed another appeal

and was granted a new trial the week of April 15, 2011. This time, Benjamin testified that Don Ray Bennett was at the scene of the murders – not Don Ray Adams.

“I have no idea why they let him(Don Ray Bennett) go. The jury asked the same question,” Attorney Terry Pugh said.

The jury deliberated only two hours and came back with a verdict of not guilty on all charges. Adams was released April 26. A spokeswoman from the Philadelphia District Attorney’s Office refused comment on any specifics of the trial and only said that they were disappointed with the outcome but respected the jury’s decision.

Free in Body, But Not in Mind

Adams said when he got home he praised God, hugged his family and then took a nice hot bath and put on colorful underwear. He said he took showers every day in prison for over 19 years and they forced him to wear only white underclothes. Adams is also thrilled with what is a mundane ritual for most people—to cook and eat what he chooses- when he chooses. Now he is intent on putting his life back together.

“I really can’t work. I really don’t leave my porch. But a really close friend of mine, he do houses, you know, he’s a contractor. So sometimes, I go with him just to get off the porch. I am too scared to get off the daggam porch,” said Adams, who says he has suffered from panic attacks. Sitting in his lounge chair, Adams’ front porch has begun to feel a little like his cell did.

“I don’t know. I’m just afraid-afraid of the cops,” he explained sheepishly when queried about his fear. He said he asked the doctor if he could see a psychiatrist since he has panic attacks that began in prison. He said he sought psychiatric counseling in prison and prayed.

Adams was a Muslim prior to incarceration and said he prayed five times a day while incarcerated. He said other things he did to avoid bitterness and retain his sanity while inside included lifting weights and taking classes to improve his reading and for the GED.

“I kept to myself. Mostly I tried to keep to myself and mind my own business. Out of 20 years, I had two fights. That’s not bad for a guy being in prison.”

Adams felt most of the convicts he befriended were innocent because when they traded their stories they seemed genuine and similar to his own ordeal.

“There is a certain thing that homicide (detectives) do in Philadelphia. You know. It’s a pattern of what they do,” said Adams.

He says that many guys in jail watch a TV program “The First 48” on which everything is videotaped. He said Philadelphia should have that system for interrogation rooms, “If you do it that way you can’t beat ‘em up or coerce that person to say what you want them to say because everything is on tape.” He suggests there should be a sensor that automatically turns on in the interrogation room so you “show that did you beat this person up to say what he said.”

Long term, he plans on getting his license to cut hair. He also plans to complete the GED since the test took place during his trial. But he has other things to take care of now.

He said he lost many things because of his imprisonment. His family owned two homes and is losing one because of back taxes and he’s dealing with that same issue on the house he is living in now. His family also owned a variety store that sold cheese steaks and hoagies and they had to sell that while he was locked up.

Adams personal tragedy wasn't limited to his wrongful incarceration. Last year, his brother was shot-to-death while escorting a female employee to her car. He operated a successful nightclub, Johnny Top Cat Club, that featured up-and-coming comedians and had been paying Adams' legal fees. He said they lost the club, too.

"I really miss him. I plan on starting this book I was gonna write," Adams said glumly. The book cover will show a picture of Adams' state prison boots and his brother's shoes.

The book about the Adams brothers' story has a working title, "Laithmiy(Arabic for Not Guilty): The story of two brothers. Do you dare to walk in our shoes?"

It is clear Adams will need sturdy shoes to walk the rugged road to reach normalcy in his life.

He has had to apply for public assistance to pay for medical care for his panic attacks. His attorney plans to seek a settlement for him. Pennsylvania is one of 23 states that doesn't have a compensation law to benefit the wrongly convicted.

"All I know is that you had an innocent man set in jail for almost 20 years- his whole adult life has been taken away from him. There should be some kind of compensation for that," added Pugh.

Darlene White Natale is a graduate assistant at the Innocence Institute of Point Park University. She can be reached at dmwhite1@pointpark.edu or 412-765-3164.