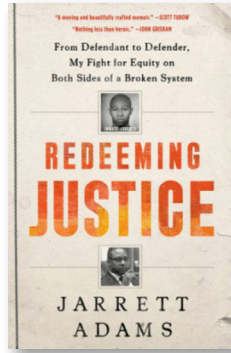


# Defiance, Redemption and One Man's Search for Justice

BY STEPHEN ROHDE

Jarrett Adams

REDEEMING JUSTICE: FROM DEFENDANT TO DEFENDER, MY FIGHT FOR EQUITY ON BOTH SIDES OF A BROKEN SYSTEM  
New York: Convergent Books, 2021



**In 1998, I was falsely accused and ultimately wrongly convicted of rape. I was sentenced to prison for twenty-eight years<sup>1</sup>**

IN HIS EMOTIONALLY WRENCHING yet hopeful book, *Redeeming Justice: From Defendant to Defender, My Fight for Equity on Both Sides of a Broken System*, Jarrett Adams has written an all-too-familiar but poignantly personal story of the injustices he suffered as he struggled not only to survive and prove his innocence but ultimately to become the “kind of lawyer I wish I had.”

Combining the passion of Bryan Stevenson with the storytelling of John Grisham, Adams has written an indictment of institutionalized racism in the American criminal injustice system. With wit and honesty, he has woven together a deeply intimate autobiography exposing a cruel and fatally flawed system riddled with human and institutional errors and distorted by racism, poverty, and incompetence. One shudders to think how close Adams came to being just one more unknown victim lost in a broken system, had it not been for his own courage and perseverance as well as the help of some very good people along the way.

In June 2021, the National Registry of Exonerations reported a grim milestone: Measured from when the organization began its reporting in 1989, a total of 2,795 exonerated defendants had collectively served over 25,000 years in prison for crimes they did not commit — on average more than 8 years and 11 months in prison per defendant. Dozens had been wrongfully incarcerated for more than 25 years. It is shocking but not surprising that innocent Black defendants have served most of that time — a total of 14,525 years lost to unjust imprisonment.<sup>2</sup> “Unfortunately, the 2,795 exonerations we know

about,” the National Registry noted, “only begin to tell the story of wrongful convictions and the toll they take. Many exonerations remain unknown to us, though we keep looking. The vast majority of false convictions go uncorrected and therefore are never counted.”<sup>3</sup>

Jarrett Adams’ story is an excruciatingly painful first-hand account of how this flawed system nearly destroyed the life of a bright young Black man. As a consequence of police misconduct, the disparities in legal

representation based on lack of financial resources, the inequities of money bail, ineffective assistance of counsel, and arcane legal rules and unreasonable delays in the judicial system, Adams lost ten years of his life.

In September 1998, after graduating from a Chicago high school, Adams and two friends, Dimitri Henley and Rovaughn Hill, drove to a freshman party on the campus of the University of Wisconsin–Whitewater. Adams got into “a fierce video game competition” with the only Black kid he saw, Shawn Demain. Later two young white women dropped by and one of them suggested that everyone go up to her dorm room. Ten minutes later, after Adams won the video game, he joined them. “I see three people in the room — the young woman, Dimitri, and Rovaughn. What happens over the next few minutes has altered my life forever. Each one of us has a consensual sexual encounter with the young woman.”<sup>4</sup>

At one point, the door burst open and the young woman’s roommate appeared, furious that the couple had used her bed. “You’re having sex on my *bed*? That’s my bed. You’re a *slut*,” she screamed. As the roommate storms out, the young woman says, “Act like nothing happened, okay?” She repeats, “If anyone asks, just act like nothing happened.”

Adams and his friends met Demain outside in the smoking area. They passed around a joint and soon the young woman joined them. “We all make small talk,” Adams wrote. “Nothing seems strange, or strained, or off, in any way. We talk. We laugh, we smoke. A bunch

them are Ronnie Long who was wrongfully convicted of rape in 1976 in North Carolina, following a trial marred by official misconduct, mistaken eyewitness testimony, perjury, and false forensic evidence. He served almost 44 years before being exonerated in 2020. Clifford Williams Jr. and his nephew Hubert Nathan Meyers spent more than 42 years in a Florida prison (several of which Williams served on death row) for a murder they did not commit before their exonerations in 2019. Their trial was marred by prosecutorial misconduct, mistaken eyewitness testimony, and an inadequate legal defense.

3. *Ibid.*

4. Adams, *Redeeming Justice*, 30.

1. Jarrett Adams, *Redeeming Justice: From Defendant to Defender, My Fight for Equity on Both Sides of a Broken System*, New York: Convergent Books, 2021, 5.

2. See <https://www.law.umich.edu/special/exoneration/Documents/25000percent20Years.pdf> (as of Feb. 25, 2022). Among

of people mingling at a party, passing the time.” Then the roommate arrived with another girl. Pointing, she said “There she is. Right there. And those are the Black guys she was with — having sex on my bed. Unreal. She’s a *slut*.” The young woman stood and announced, “I’m leaving. I’m done. I’m not gonna stay around this,”<sup>5</sup> and she left. Adams and his friends eventually headed back to Chicago.

After starting classes at a junior college, Adams was interviewed by law enforcement officers from Chicago and Wisconsin without giving him his *Miranda* warnings. “Why would this *white girl* from up in Wisconsin, the first time she meets you guys, three Black guys from Chicago,” one officer stated — “Why would she *consent* to have sex with you?”<sup>6</sup>

In late September, Adams was arrested. Adams, Henley, and Hill were each charged with five counts of first-degree sexual assault, facing 25 years in prison on each count and a sixth count of false imprisonment.

At the preliminary hearing, the young woman testified that during a party she was in her dorm room when “all of a sudden” these “three Black guys” “forced their way into my room” and “began to sexually assault me.”<sup>7</sup> All three were bound over for trial. Hill’s family put up their house, posted bail, and hired Gerald Boyle, an experienced trial attorney. Henley’s family was also able to post bail. But Adams’ family couldn’t, and so he remained in custody. The trial was set six months away but in the interim, he met with his court-appointed lawyer only twice. Each time the lawyer asked a few questions but didn’t probe thoroughly into what happened on the night in question.

At trial, the judge was a white woman and all the jurors and alternates were white.

After each side rested their case, the prosecutor announced that he wanted to reduce the charges from first degree to third and fourth degree. Boyle raged, accusing the young woman of changing her story, calling the trial a sham, and asking for a mistrial with prejudice. Instead, the judge declared a mistrial without prejudice. Adams was confused. Have they won? No, the lawyers explained. The prosecutor has the option to refile the charges.

And that’s exactly what he did. A month later, Adams was back in court. He spotted Henley but not Hill. Adams’ lawyer explained that Boyle had filed a motion in the appellate court arguing that in light of double jeopardy protections, his client shouldn’t be tried again. Adams suggested that his lawyer make the same argument. Instead, his lawyer said that Adams and Henley were “good boys,” Hill’s argument on appeal might not succeed, they have “a slam-dunk case,” and “we’re getting

5. *Id.* 31.

6. *Id.* 37.

7. *Id.* 54.

a jump” by “getting everything over with as soon as possible.” Adams asked if they could talk more about it, but his lawyer said, “It’s too late to join his motion.” Adams’ lawyer had made a crucial decision without consulting his client. “So what *is* our strategy?” Adams asked. His lawyer assured him they were “sitting pretty.” The young woman’s story was “so full of inconsistencies that the best strategy is to go with a no-defense strategy.”<sup>8</sup>

The second trial was again before an all-white jury and a white female judge. Seated next to his lawyer, Adams felt a chill in the courtroom:

The cold brings a feeling of icy inevitability. A litany of clichés rushes through my head; the fix is in, it’s rigged, and most of all the all-white jury will *inevitably* convict a Black boy if a white girl claims he raped her — every single time. Clichés are born from the inevitable.<sup>9</sup>

A new prosecutor took over. The new trial gave him a second chance to fill in the holes. Now the young woman testified that one or two of the Black men brought her into the room, “holding her down, grabbing an arm, another, a leg.” Adams’ lawyer asked some irrelevant questions, which only served as an opportunity for her to repeat her new accusations. Adams concluded that his lawyer was unprepared and incompetent. Moreover, the prosecutor didn’t “even attempt to hide an undertone of racism” in his closing argument, describing how “These three Black cologne salesmen from Chicago . . . drove all the way up here to stalk their prey . . . , [t]his innocent college student. They found their prey, went up to her room, and sealed the deal.”<sup>10</sup>

In less than two hours, the jury returned a guilty verdict on all five charges against Adams and Henley. At the sentencing hearing, Henley was given 20 years, but the judge found that Adams showed no remorse and tacked on eight more years — 28 years in prison.

Adams writes vividly about how he kept himself from going crazy in prison, awaiting his appeal. At one point he got a new cellmate everyone called Pops, who ran the law library and urged him to research *Strickland v. Washington*<sup>11</sup> and the related law concerning constitutionally ineffective assistance of counsel. Having learned that Hill had lost his double jeopardy arguments on appeal and was facing a retrial, Adams also wrote several letters to Boyle. In one he identified Shawn Demain as a potential witness. Boyle hired an investigator to thoroughly interview Demain. At Hill’s second trial, Boyle called Demain and the jury came back with an 11–1 verdict *to acquit*. The investigator’s inquiries concerning Demain had led to a bombshell: Demain revealed that

8. *Id.* 77.

9. *Id.* 79.

10. *Id.* 77.

11. (1984) 466 U.S. 668.

when he was questioned by the Wisconsin sergeant, he had handwritten a three-page statement that was never turned over to the defense. The sergeant subsequently showed up in Boyle's office with Demain's statement. "I must have misplaced this," she told him. "Guess it fell through the cracks."<sup>12</sup> The prosecutor promptly dismissed all charges against Hill but continued to fight Adams' appeal, while he remained in custody.

And it got worse. Despite the *Strickland* argument (that the result in Adams' first trial was infected by constitutionally inadequate representation by his court-appointed counsel) and despite new evidence, like Demain's written statement, the Wisconsin state courts rejected Adams' appeal on the ground that his lawyer had reasonably chosen to present a "no-defense trial strategy," simply calling into question whether the prosecution had met its burden of "proof beyond a reasonable doubt." Adams was facing 28 years in prison because an incompetent lawyer failed to adequately investigate his case, failed to identify a key defense witness, the prosecution failed to disclose key exculpatory evidence, and then, without having all the relevant facts, defense counsel had chosen to present no affirmative defense.

Five years in, Adams was nearly at a dead end. His only chance was a petition for a writ of habeas corpus. He wrote letters to any lawyer he could find until one day, he heard from attorney Rob Henak offering to help with his pro se filing to the federal district court. Thrilled, Adams sent Henak a draft petition that he thought was pretty good. A few weeks later Henak sent back a marked-up draft. "The page looks blood splattered. Rob has gutted my habeas, torn it apart, shredded it, red lined every word. The only two words he hasn't red lined are 'Jarrett Adams.'" This went on for months until Henak wrote: "We're good."<sup>13</sup>

Meanwhile, Adams wrote scores of letters seeking someone to represent him *pro bono* in federal district court. With only one month to go, the Wisconsin Innocence Project stepped in; Keith Findley, a law professor, agreed to take his case. Looking through the file Adams organized, Findley said, "I've never seen anything like this. You're so prepared." He added, "We only take on the cases we're confident we can win."<sup>14</sup>

One day before the filing deadline, the Project filed a habeas corpus petition on behalf of Adams arguing that his case reeked of racism and that he received ineffective assistance of counsel. Although the federal district court denied his petition, the United States Court of Appeals for the Seventh Circuit did grant a certificate of appealability and set the case for oral argument in Chicago. From prison, Adams listened by phone as one of the judges

asked the prosecutor incredulously, "I want to know why counsel didn't call Shawn Demain as a witness."

On June 30, 2006, Adams learned that he had won relief on habeas corpus. The court had unanimously vacated his conviction. The state had 120 days to either retry him or dismiss all the charges. He was transferred back to jail, where he met John Rhiel, his new court-appointed lawyer, "more knowledgeable, focused, and passionate than the other court-appointed attorneys." But Rhiel had bad news. "It looks like the state might be planning to retry you," he told Adams.<sup>15</sup>

Rhiel was subsequently able to win a bond reduction, allowing for Adams, now 26, to be released. In midsummer 2007, he got the news he had been waiting for but dreading. Rhiel called:

"You sitting down? It's over. The prosecutor agreed to dismiss the charges. Officially. Everything. Your record will be totally expunged."<sup>16</sup> A few days later, after a Wisconsin judge dismissed the case, Adams vowed, "I'm going to come back here as a lawyer. They're going to remember who I am. If it takes the rest of my life."<sup>17</sup>

Adams closes *Redeeming Justice* by describing how he spent the next ten years rebuilding his life. It is a remarkable story of tenacity, hard work, and genuine achievement. He completed college after winning highly selective scholarships and then was hired by the Federal Defender Program as an investigator.

For his work as an investigator, Adams won the National Defender Investigator Association's Investigator of the Year Award. What he saw in the field confirmed the harsh realities he has known all his life. "So many Black men "have been ripped from their families and their neighborhoods and thrown away for no good reason, or no reason at all. They are now gone, lost, rotting in prison. I was fortunate. I fought my way to a second chance. Sadly, that rarely happens. . . . Of the 2.3 million people who are incarcerated, 750,000 are Black men. . . . That has to change."<sup>18</sup>

In the summer of 2016, after graduating Loyola University Law School, Adams took a job with the Innocence Project in New York City, working on cases of people who claimed they were wrongly convicted. He drew a case as co-counsel for Richard Beranek, then serving a life sentence for rape at Green Bay Correctional Institution, where Adams himself had been incarcerated ten years earlier. He's vowed not to "set foot in this state again" except "as an attorney."<sup>19</sup> In 2017, he won his first case: Based on new DNA evidence, the Seventh Circuit reversed Beranek's rape charges and released him.

15. *Id.* 177.

16. *Id.* 215.

17. *Ibid.*

18. *Id.* 268–69.

19. *Id.* 277.

12. Adams, *Redeeming Justice*, 115.

13. *Id.* 153–54.

14. *Id.* 157.

When Adams left the Innocence Project later that year to open his own law practice, the families of inmates in Wisconsin reached out to him for representation.

The message of *Redeeming Justice* is both inspirational and sobering: The system for too long failed Jarrett Adams — but it also failed to break him. He took control of his own fate. He was the one who realized that Shawn Demain was a vital witness. He initiated his own habeas corpus petition that attracted the attention of the Wisconsin Innocence Project. He turned his resentment with the criminal legal system into defiance and found the will and the tenacity to become the “kind of lawyer I wish I had.”

But Jarrett Adams is the exception. As a society, we shouldn't have to depend on the victims of injustice to reform the entire system. According to a 2018 study by the Vera Institute for Justice, Black men comprise about 13 percent of the U.S. male population but represent nearly 35 percent of all men who are under state or federal jurisdiction with a sentence of more than one year. One in three black men born in 2001 can expect to be incarcerated in his lifetime, compared to one in six Latino men and one in 17 white men, and Black people are incarcerated in state prisons at a rate 5.1 times greater than that of white people.<sup>20</sup> As civil rights lawyer and author of *Just Mercy*, Bryan Stevenson noted, “people of color in the United States, particularly young black men, are burdened by a presumption of guilt and dangerousness.”<sup>21</sup>

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20. Elizabeth Hinton, LeShae Henderson, and Cindy Reed, *An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System*, Vera Institute of Justice, May 2018, <https://www.vera.org/downloads/publications/for-the-record-unjust-burden-racial-disparities.pdf> (as of Feb. 25, 2022).

21. Bryan Stevenson, “A Presumption of Guilt: The Legacy of America’s History of Racial Injustice,” Angela J. Davis (ed.),

As this nation tries to reckon with institutional racism, police violence, mass incarceration, and a lack of funding for criminal defense, Americans must demand that systemic injustices are met by systemic solutions, beginning by enacting several bills pending before Congress and making other necessary reforms.<sup>22</sup>

The goal of redeeming justice rests with each one of us. That is the lasting lesson of *Redeeming Justice*. “In this country,” Adams says, “we have two criminal justice systems — the one you can afford and the one you can’t.” Out of pain, he has forged strength. He vows “to litigate and to educate. This is my life after justice.”<sup>23</sup> ★

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*Policing the Black Man: Arrest, Prosecution and Imprisonment*, New York: Pantheon, 2017, 4–5.

22. Erwin Chemerinsky outlines over a dozen other reforms, including expanding liability standards for police officers and the departments that employ them; outlawing particularly dangerous police practices; mandating data collection on policing; and increasing policing transparency. See Chemerinsky, *Presumed Guilty: How the Supreme Court Empowered Police and Subverted Civil Rights*, New York: Liveright, 2021, 282, 295–306.

23. Adams, *Redeeming Justice*, 7.