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**BEFORE THE GOVERNOR OF THE STATE OF TEXAS  
AND  
THE TEXAS BOARD OF PARDONS AND PAROLES**

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In re:

**Timothy Wayne Adams,**

Petitioner.

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**SUPERSEDING  
APPLICATION FOR COMMUTATION OF SENTENCE  
AND 120-DAY REPRIEVE**

**AND**

**REQUEST FOR HEARING PURSUANT TO**

37 Texas Administrative Code § 143.43(f)(3) and  
Administrative Procedures Act § 2001.001 et seq.,

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“...The Lord does not look at the things people look at. People look at the outward appearance, but the Lord looks at the heart.”

--1 Samuel 16:7

In 2002, Timothy Wayne Adams shot and killed his 19-month-old son, Timothy Wayne Adams, Jr. during a standoff with Houston police. After a fight with his wife escalated out-of-hand, in a state of distress, Mr. Adams decided to take his own life and the life of his youngest son, Tim, Jr. Mr. Adams did not take his own life on that tragic day due to the intervention of his family and friends, who spoke to him over the phone and convinced him that his life was worth saving. Unfortunately, it was too late to save Tim, Jr. One of Mr. Adams's friends convinced him to speak to a Houston Police Department (HPD) negotiator, who persuaded Mr. Adams not to kill himself and to turn himself in. Mr. Adams left his apartment and surrendered peacefully to police a few hours after the ordeal began.

From the moment Mr. Adams was taken into police custody, he accepted responsibility for his actions. To this day, he has difficulty discussing that devastating February day; he is still coming to terms with the fact that he hurt one of the few people in this world who relied upon him for protection, care, and love. Mr. Adams realizes that it is nearly impossible for the members of this Board to understand what could lead a father to kill his own son, his namesake. Mr. Adams has never tried to justify his actions; what he did was wrong, plain and simple.

What Mr. Adams and his family request today is that the Board take a moment to hear his life story, something that the jury did not hear at the time of his trial. Mr. Adams's defense counsel did not present crucial mitigating evidence to show why Mr. Adams's life should have been spared. Even though numerous family members and friends were eager and able to testify on his behalf, defense counsel told the family that only one family member could testify during the punishment phase of his trial. Counsel failed to return calls placed by Mr. Adams's life-long friends, who were consequently prevented from testifying at trial. The jury learned almost no information about Mr. Adams's background and character, which would have helped them understand that Mr. Adams, who had always been a religious, hard-working and well-liked family man, was not a danger to society and was worth saving.

Without this crucial mitigating evidence, it is perhaps not surprising that the jury sentenced Mr. Adams to death. Having learned information about Mr. Adams's character and background, jurors Rebecca Hayes and Ngoc Duong now urge the Board to recommend a commutation of Mr. Adams's death sentence. They believe that the powerful evidence of Mr. Adams's solid upbringing, deep religious convictions, and compromised mental state at the time of the crime, would have caused them to stick with their initial decision during deliberations, which was to sentence Mr. Adams to life in prison.

With this petition, Mr. Adams seeks to show the Board that February 20, 2002, was an aberration in his life. Before that day, Mr. Adams had never been arrested, much less convicted of a crime. In his eight years on death row, Mr. Adams has not had a single disciplinary write-up. Mr. Adams and his family want to share his life story to show the Board that, before committing this crime, he was a religious, hard-working individual who suffered from extreme anxiety, but who loved and provided for his family and who was in turn admired and well-respected. Since his incarceration, Mr. Adams has had the opportunity to reflect on his actions, which has brought him even closer to God and has deepened his devotion to Jesus Christ.

In telling his story, Mr. Adams wants to give his family the opportunity to speak on his behalf, something they were unable to do at trial. In this case, the defendant's family is also the victim's family—Mr. Adams's parents lost their grandson, his siblings lost their nephew, and his oldest son lost his half-brother. Mr. Adams's family members were not all able to stand up in front of the jury to describe the hurt and heartbreak they endured as a result of Mr. Adams's actions. Nor were they able to explain that, despite their pain, they still supported and loved Mr. Adams, and did not want to him to this tragedy as well.

This Board has the power to help ease the suffering that Mr. Adams's family, Tim Jr.'s family, has experienced over the past nine years. The void left by Tim Jr.'s death has been a great one for the family. By recommending a commutation of Mr. Adams's death sentence, this Board can prevent an even greater void from opening up in the hearts of the Adams family. Speaking for the family, Mr. Adams's mother cites Hebrews 11:1: "Now faith is the substance of things hoped for, the evidence of things not seen." The Adams family has faith that this Board will answer their prayers, that the Board will examine the previously unseen evidence described in this petition and conclude that the actions of Mr. Adams were aberrational, that he is not a

future danger to society and that his life is worth sparing despite his inexcusable mistake.

Mr. Adams and his family respectfully request that this Board recommend to the Governor that his death sentence be commuted to a sentence of life in prison.<sup>1</sup> In the alternative, Mr. Adams requests that this Board recommend a 120-day reprieve, so that he has the opportunity to secure the evidence necessary for this commutation request.<sup>2</sup>

### **Legal Background**

Timothy Wayne Adams was convicted and sentenced to death in the 182nd District Court of Harris County, Texas in March 2003. His conviction and sentence were affirmed on direct appeal by the Texas Court of Criminal Appeals (CCA) in November 2004.<sup>3</sup> In state habeas proceedings, the CCA adopted the trial court's recommendations and denied habeas relief.<sup>4</sup> In the federal habeas proceedings, the federal district court denied all claims for relief, and the Fifth Circuit affirmed the denial in a brief opinion.<sup>5</sup>

During appellate proceedings, the central issue was the ineffectiveness of trial counsel. Mr. Adams's trial attorneys did not adequately prepare for the sentencing phase of trial, even though they knew that Mr. Adams was going to plead guilty. His attorneys did not present mitigation evidence to show that his life deserved to be spared. His attorneys informed Mr. Adams's family that only one family member could speak at trial; consequently, his father, brother, sister, and fifteen-year-old son did not testify on his behalf, though they were eager and available to do so. His attorneys never collected the photographs and videotapes that Mr. Adams's family wished to offer into evidence. His attorneys never spoke to Joseph Washington, who was Mr.

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<sup>1</sup> Mr. Adams specifically requests that the sentence of death be commuted to life without parole if possible.

<sup>2</sup> Present counsel was appointed to represent Mr. Adams on January 12, 2011. Because of the unique nature of this case, counsel believes that an additional 120 days would allow her more time to discover additional information that this Board would find relevant to its important decision whether to recommend that mercy be granted to Mr. Adams.

<sup>3</sup>*Adams v. State*, No. AP-74,610 (Tex. Crim. App. 2004).

<sup>4</sup> *Ex parte Adams*, No. WR-65,598-01 (Tex. Crim. App. 2007).

<sup>5</sup> *Adams v. Quarterman*, No. 08-CV-1216 (S.D. Tex. Feb. 13, 2009).

Adams's best friend for over fifteen years and a former soldier on the front lines in Desert Storm, despite that fact that Mr. Washington left messages with them offering to testify on Mr. Adams's behalf. They did not contact Mr. Adams's childhood friend, Roger West, who is a recipient of the Purple Heart and currently scheduled to depart for his fifth tour of duty in Iraq in the coming weeks. The lawyers did not speak to Verlene Edmond, who had been Mr. Adams's Sunday school teacher and knew of his deep devotion to Jesus Christ. Instead, Mr. Adams's attorneys called convicted criminals (who attended a Bible study led by Mr. Adams in jail) and casual work acquaintances to plead on Mr. Adams's behalf. Jurors Rebecca Hayes and Ngoc Duong both commented that these decisions did not go unnoticed to the jury and played a significant role in their decision to acquiesce to a death sentence for Mr. Adams.

Furthermore, Mr. Adams's attorneys did not properly utilize the defense expert in psychiatry, Dr. Seth W. Silverman, who could have presented evidence that Mr. Adams suffers from a severe anxiety disorder. Dr. Silverman, an adjunct professor at the University of Houston Law Center, reported that his calls to both trial attorneys were never returned and that they only made themselves available for preparation once during the week prior to Dr. Silverman's scheduled testimony at trial. At the attorneys' insistence, this meeting took place in a bar and lasted less than 75 minutes.<sup>6</sup> Dr. Silverman noted that he had worked on many legal cases over the years, but that Mr. Adams's case was "exceptional" in the extent to which the attorneys failed to properly utilize him and the other members of the defense team, including the mitigation specialist and private investigators.<sup>7</sup>

Mr. Adams understands that the proper forum for his legal arguments is the judicial system. He therefore does not seek to press these arguments before the Board today. Rather, Mr. Adams and his family want the opportunity to present his life story to the Board, something that he and his family and friends were unable to do before the jury. Mr. Adams's story is not offered to lessen his culpability or justify his actions. As is evidenced by Mr. Adams's admissions to police immediately after the event, as well as his plea of guilty at trial, Mr. Adams accepts responsibility for his actions on February 20, 2002. He reflects on those actions every day in prison and wishes he could take them back.

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<sup>6</sup> Affidavit of Seth Silverman, M.D., October 5, 2004.

<sup>7</sup> Id.

Mr. Adams simply wants to show the Board that those actions were an aberration. He wants to describe how he has strengthened his relationship with God and Jesus Christ in the years since that day. And, most importantly, he wants to allow his family and friends an opportunity to speak about what they have experienced since that tragic day nine years ago. Both Mr. Adams and his family sincerely thank the Board for taking the time to hear his story.

### **Timothy Adams's Early Life: A Typical Upbringing**

Timothy Adams, called Tim for short, was born in Houston, Texas on August 22, 1968. Tim had a typical childhood growing up in the Fifth Ward and then east Houston with his parents, Columbus and Wilma, and his two younger siblings, Stacey and Chadrick. For the first two years of Tim's life, Tim's father Columbus served in Vietnam with the 23rd infantry. After his return from service, Columbus worked for the Houston Fire Department, attaining the position of fire marshal over the course of his thirty-plus year career. Tim's mother Wilma was a stay-at-home mom, or "domestic engineer" as she likes to call it. His parents were married on October 28, 1968 and celebrated their 42nd wedding anniversary this past year.



Growing up, Tim's mother Wilma made sure that her three kids always had a warm meal on the table and someone to watch over them. Tim's family home was often the gathering spot for the neighborhood children, because Wilma was the best cook in the neighborhood. Tim loved his mother's sweet potato pie, cheesecake, potato salad, and chicken and dressing, items that Wilma still makes on the holidays in Tim's honor. To teach her children the value of hard work, Wilma assigned each of her children household chores, with Tim receiving yard work and trash duty. Eventually, Tim was also called upon to make the family beds, because Tim's younger sister Stacey just could not quite make a bed like Tim. Wilma instilled a sense of responsibility in her children, and Tim developed a strong work ethic using his parents as an example. Joseph Washington, Tim's best friend, recalls that Tim's "family structure was great, and the kids in the neighborhood learned from the Adams family's example."

As a child, Tim was known as a quiet, gentle person who preferred to be alone or with his family. Although Tim's family was unaware of any

problems, Tim struggled with severe anxiety from a young age, which made it difficult for him to be around people he did not know well. To this day, he speaks quietly and holds his head down when talking, a sign of his still-debilitating anxiety. Tim's father Columbus notes that Tim was never in trouble as a child, either at school or in the neighborhood. Both Tim's sister Stacey and brother Chadrick recall that Tim was a "typical big brother." Tim would make Stacey go inside the house if there were only boys playing outside in the street. Tim also helped care for his cousin, Sannita Parker, who at times lived with the Adams family. Sannita recalls how Tim would play with her and was kind to her, despite the fact that he was a lot older than she was. Tim made Sannita leave the room when he was watching BET, because he thought it age-inappropriate for her. Perhaps taking a cue from his father, he also warned Sannita and Chadrick about the dangers of matches when he once found them playing with them in the house.

Tim's brother Chadrick recalls Tim's peaceful nature through his love of animals. As a child, Chadrick sometimes threw rocks at the chickens in the neighborhood, something that Tim chastised him for doing. One time, Chadrick took some baby birds out of their nest and placed them in a shoebox at home. When Tim returned from school, he explained to Chadrick



that the birds would likely die if they were not returned to their mother. Tim convinced Chadrick that he should do the right thing, and he helped Chadrick return the birds to their nest. Throughout their childhood, Tim taught Chadrick how to make good choices and "not cause harm." Because Columbus Adams often worked an extra job or two when he was off duty to provide for his family, Tim became a father figure to his siblings.

Although Tim's anxiety caused him to keep mostly to himself, he did set an example for other children in the neighborhood by choosing civility over violence. Tim's father Columbus, and best friend Joseph Washington, relate

that Tim broke up fights in the neighborhood and taught others that they should not resort to violence to solve a problem. In one instance, a neighborhood kid stole Tim's bicycle, and Tim's friends encouraged him to fight the thief to get the bicycle back. Tim refused to fight and his patience was rewarded when the child's father returned Tim's bike to him a few days later.

Tim's family notes that he "chose his friends carefully." He had two best friends, Joseph Washington, who was the best man at Tim's wedding, and Roger West, who was with Tim so much growing up that they were referred to as "salt 'n' pepper: when you see one, you see the other." Roger recalls that Tim was not the "back-talking" sort; he took verbal abuse from the other kids in the neighborhood without ever retaliating. Roger also remembers that Tim's parents were pretty strict—they wanted to make sure that their children succeeded in life, despite growing up in a tough neighborhood. Both Roger and Joseph recall that Tim always followed his parents' guidance and that he was someone whom "everyone in the neighborhood looked up to as the guy doing right."

One of Tim's favorite things to do with his friends was play sports, especially football and basketball. At Bruce Elementary School, he got involved in the band, playing the bass guitar and violin. However, Tim's worsening anxiety prevented him from becoming involved in extracurricular activities when he began at Kirby Middle School. His friends always encouraged him to join the basketball and football teams; despite his best efforts, he was unable to overcome his anxiety to become more involved. Even though Tim's struggle with anxiety kept him from participating in activities, Tim's passion for music and sports inspired his younger siblings and eldest son to get involved in extracurricular activities. Based on Tim's example, Chadrick played in the band throughout his school years and eventually earned a scholarship to college. His sister Stacey also played in the band at school, and joined the church choir while she was in high school. Tim's son, Terell Adams, followed his father's example and played defensive end at Eisenhower High School in Houston.

Despite his father's demanding work schedule, Tim developed a strong bond with his father through fishing. The solitary and reflective sport suited Tim's personality well, and his father recalls that they fished in Baytown, Texas City, Galveston, and most anywhere else that the saltwater fishing was decent. For Father's Day one year, Tim bought his father a fishing rod, which Columbus still proudly hangs in his work shed at the family home.

Because his brother Chadrick never could understand the joys of fishing, this sport became something that Tim and Columbus shared together, even into Tim's adulthood. Tim passed on his knowledge of fishing to his best friend Joseph, who recalls fondly the hours they spent fishing in the small pond in their east Houston neighborhood.

Looking back on his childhood, Tim describes himself as "square"—he never gave in to peer pressure, stayed away from the trouble that other kids in the neighborhood were making, and didn't experiment with drugs or alcohol like so many of his classmates. In fact, Tim began working in high school for his neighbor, Clifford Stoots, by mowing lawns. From a young age, Tim had a strong work ethic, a value that he passed down to his younger siblings. His brother Chadrick followed in Tim's footsteps in the lawn-mowing business, and then the security business, earning money to pay his tuition for college at Prairie View A&M. Chadrick earned a bachelor's degree in sociology and a master's degree in counseling. He currently teaches fifth grade math in the Houston area. Chadrick believes that Tim "made a path" that allowed Chadrick to succeed in higher education and in his career.



Tim struggled in high school in large part due to his worsening anxiety. When he arrived at school in the morning, he went straight to his classroom and sat in his desk so as not to be around other children. Tim did not eat in the cafeteria with the other students, choosing instead to spend his lunch hour outside the library by himself. Tim also had a learning disability, which made it even more difficult for him to do well in school. He could read by the time he entered high school, but he had trouble comprehending the meaning of words and committing facts to memory. Because he was an extremely private person, Tim never told his parents or teachers that he had problems learning. Tim overcame his

academic struggles and earned his high school degree from M.B. Smiley High School in 1986.

While Tim acknowledges that his parents did many things for him growing up, Tim is most appreciative to them for introducing him to religion. Tim grew up in a religious home, and the family attended church every Sunday.

After moving to northeast Houston in the early 1980s, Tim's family became members of the New Pleasant Grove Missionary Baptist Church. Tim's mother remembers joining the church with Tim on Mother's Day in 1984. Tim's Sunday school teacher, Verlene Edmond, remembers how "quiet" and "polite" Tim was as a sixteen-to-eighteen-year-old boy. He was one of the few students who seriously studied his lessons, discussing them with his parents and siblings when he got home. Following the example of his parents and church family, Tim began a life devoted to God and Jesus Christ. Christianity became the rock on which Tim tried to build the foundation of his adult life.

### **Tim's Military Service & Birth of His Son, Terell**

During Tim's senior year of high school, his father Columbus encouraged him to join the military after graduation. Columbus served in Vietnam as a member of the 23rd infantry from 1968–1970, and he was able to save money to buy the family's first home during his time in the service. Columbus knew that Tim would learn valuable lessons in the military and would have the extraordinary opportunity to serve his country. Following his father's advice, Tim began basic training in December 1986 and was stationed outside Nuremberg, Germany at Herzo base in April 1987.



As a soldier, Tim worked in the arms room, a position that he enjoyed because it did not require him to interact with many people throughout the day. Tim recounts that because of his anxiety, he stayed mostly in his bunkroom or the arms room during his time in the service. He did not travel on the weekends like other soldiers, and he regrets that his disorder kept him from taking in a new culture.

While serving in the military, Tim stayed out of the trouble that other soldiers sometimes got into. Tim later told his Sunday school teacher, Verlene Edmond, that her teachings had kept him centered even after he left home. He remembered everything that he had learned at Sunday school and still modeled his behavior accordingly, even after leaving his church family to serve in the military. Roger West, Tim's good childhood friend, affirms that Tim was always operating "by the rules." Roger, now a Sergeant in the United States Army and a Purple Heart recipient, wishes he could have "a whole platoon of guys like Tim."

Part of Tim's commitment to success in the military undoubtedly originated from his new role as a father. Soon after reaching Germany, Tim received word from his high school girlfriend, Cynthia Brown, that she was pregnant with their child, Terell. Tim found it extremely difficult to be abroad when his first son was born. He still vividly recalls coming home on leave and meeting eight-month-old Terell for the first time. Tim opened the door to Cynthia's apartment to see Terell crawling around on the floor. He immediately picked Terell up and spent the rest of his two to three weeks on leave by his son's side. His brother Chadrick remembers how the family teased Tim about spending all of his time on leave with his infant son and spoiling him with gifts, such as stuffed animals and ARMY t-shirts. Tim was a proud father, though his service to his country prevented him from being with his son during the first years of Terell's life. Cynthia Brown remembers regularly sending Tim pictures of their young son while he was in Germany. Tim was always ecstatic to receive news and follow Terell's progress as a toddler.

After three years in the service, Tim decided to return home to his family, even though his superiors had encouraged him to remain in the service. Tim wanted to make a home with Cynthia and Terell so that they could be a proper family. Joseph Washington, Tim's best friend, recalls that Tim's "commitment to parenthood became his primary focus in life." After returning from the military, Chadrick recalls that Tim had difficulty finding work, because his military skills did not transfer well to a civilian workplace. This was difficult for Tim, because it was so important to him to provide for his young family. Tim's father encouraged him to join the fire department, but his anxiety prevented him from following in his father's footsteps. Eventually, Tim's father helped him get a position at Boss Furniture, where Tim worked for a couple of years before moving into the security business. One of Tim's goals after leaving the military was to take advantage of the GI Bill and obtain a college education. He believed that an education would

allow him to better provide for his family. Unfortunately, he found that it was too difficult to go to school, work, and continue to be a good father. He never completed college, something he always regretted.

Tim, Cynthia, and Terell lived as a family until the couple grew apart. In particular, Cynthia found it difficult to be tied down to a stable relationship, as she was not yet twenty-five years old. Tim and Cynthia had begun dating when they were very young, and it became difficult to sustain their relationship as they matured. Eventually, Cynthia decided to move out of the apartment that she shared with Tim, taking Terell with her. Roger West, Tim's childhood friend, recalls that the separation crushed Tim. Tim wanted desperately to be a good father to Terell. He had seen kids without fathers in their neighborhood growing up, and he did not want his son to grow up in a broken home. The failure of this relationship and Tim's inability to make a stable home for Terell affected him in the years to come.

### **Adulthood: Work and Career**



After Tim and Cynthia Brown's relationship ended, Tim withdrew from his family and friends and tried to focus on his career. Tim's brother Chadrick recalls that Tim moved across town after the break-up, but it "felt like he had moved out of the state." Tim found it difficult to deal with his anxiety, so he tended to go to work and immediately return home to be alone. His family members and ex-girlfriend Cynthia recall that Tim was never a socially outgoing person; he did not go out with friends to dance clubs, nor did he drink alcohol. His childhood friend, Roger West, moved in with Tim for a year in 1994, and recalls that Tim was career-driven and responsible. He always went to work on time and was never late paying rent. During

this time, Tim considered re-joining the military but decided that he could not leave his son, Terell.

After working a couple of different jobs, Tim finally settled on security work as his career. He first worked at Pacific Southwest Bank in Houston and then was hired at a Stop N' Go in 1994, where he worked until 1997. In this position, Tim became close to Sergeant Kent Kincaid of the Houston Police Department, who regularly stopped by the store. Sergeant Kincaid encouraged Tim to apply for a position at the Department, and brought both

his daughters and his elderly mother by the store to meet Tim. Sadly, Sergeant Kincaid was killed during a traffic stop in 1998, which was a terrible blow to Tim.

After he left his position at Stop N' Go, Tim began working for ACSS Security and was assigned the night shift at Greenway Plaza in Houston, right next door to the Houston Rockets' former stadium. In this position, Tim interacted with fewer people and was able to do his job without experiencing the anxiety he had to cope with daily at Pacific Southwest Bank and Stop N' Go. Each night, Tim checked buildings to ensure that they were secure and reported to a dispatcher that everything was clear. Tim recalls that the dispatcher used to tease him because he was the only employee working the night shift who took his work seriously. Tim was not the typical nighttime security guard who slept on the job. His superiors respected him as a professional who was responsible and reliable.

Because he worked the night shift, Tim rarely left his home during the day. He often chose to get take-out from his favorite fast food restaurant for dinner. Tim analogizes his situation during that time period to that of the professional football player, Ricky Williams. Tim retreated from human interaction almost completely and had no one to confide in. He even fell away from the church, preferring to remain home alone rather than interact with others in group worship. This was painful for Tim, because it conflicted with his deep belief in Christian fellowship. His inability to worship was for Tim the most depressing side effect of his anxiety.

Tim's brother Chadrick, who has a master's degree in counseling, believes that it was difficult for Tim to be unable to discuss his feelings with others. Tim was close to no one outside of his immediate family until he met his future wife, Emma Turner.

### **Tim's Marriage & The Birth of His Son, TJ**

Tim met Emma in 1999, and the couple began dating soon afterward. Tim was enchanted with Emma, as she was outgoing and different from him. Because Emma wanted to have a social life, she asked Tim to stop working the night shift at his job. He complied. In his new position, Tim not only patrolled an office building and adjacent parking lot, but he was also responsible for overseeing all of the security shifts for the building. He was suddenly forced to deal with his anxiety on a daily basis again.

Although Tim was initially very happy with his new relationship, he and Emma began having problems even before they got married. Tim introduced Emma to his family, because he felt that their relationship was special. However, Emma never really opened up to them, and they never had the opportunity to get to know her well, even after her marriage to Tim. Tim and Emma discovered that they were pregnant with a boy in the fall of 1999. After learning the news, they began planning a wedding so that they could be a real family. Tim's brother Chadrick recalls that his family was shocked when Tim announced he was getting married. Tim had become so distant after his separation with Cynthia that the family had not realized how serious his relationship with Emma had become. Tim's father Columbus recalls that Tim and Emma's relationship was already rocky. In fact, the wedding was called off for a couple of weeks in the spring of 2000 so that they could think about their decision before rushing into anything. Eventually, Tim and Emma reconciled, and they were married on March 4, 2000.



After the marriage, Tim moved in with Emma and her eleven-year-old son, Andrew. They had very little time to adjust as a family before Timothy Wayne Adams, Jr. entered the world in July 2000. Tim was ecstatic that he was able to be present at Tim, Jr.'s birth, since his military service had prevented him from

attending the birth of his eldest son Terell. Tim's mother Wilma waited at the hospital while Emma was in labor. She was so excited to learn that the baby was going to be named after Tim. Wilma suggested that the family call Tim, Jr. "TJ," and the nickname stuck.

When they returned home from the hospital, TJ became Tim's priority. Tim was determined to be a good father to TJ, and raise him in a loving home. He often felt like he had let down Terell, and he did not want to make the same mistakes with TJ. Terell stayed with Tim and Emma a few times, and he fondly remembers playing with TJ and his step-brother Andrew. However, as the relationship between Tim and Emma began to deteriorate, Tim

decided that it was best for Terrell not to stay with them anymore. Tim had been able to hide his marital problems from Terrell, and did not want his son to be exposed to the arguments that the couple were beginning to have on a regular basis.

Tim believes that his marriage partially fell apart due to his anxiety. Emma was an outgoing and social person, but Tim preferred to stay home alone with his family. He also had difficulty communicating, because he was not used to opening up about his feelings. Many times, Emma would ask him whether he loved her—she found it difficult to believe that he had feelings for her when he did not express them to her explicitly. They both felt insecure about the other, Tim because Emma was so vivacious and Emma because Tim was inexpressive about his feelings. This insecurity led both of them to make unfounded adultery claims, which greatly contributed to their marital difficulties.

Tim and Emma also had very different parenting styles, which led to further conflict in their home. On the one hand, Tim was very protective of TJ. He had not had the opportunity to parent his son Terrell during infancy, so he had no experience raising a young child. Emma, on the other hand, was a more relaxed parent. At times, Tim thought Emma was not caring for TJ properly, but, in actuality, her parenting style was almost certainly a product of her having already successfully raised a son. She had been through the infancy and toddler stage with Andrew and was therefore calmer than Tim when it came to raising TJ. Still, Tim's perception of Emma as a mother contributed to his emotional turmoil and put further strain on the couple's relationship.

It was very important to Tim that his family remain together, despite the issues that he and Emma were having at home. Because of his anxiety, Tim did not have close friends and others he could confide in. His small family represented the totality of his world. Consequently, he was afraid of losing his wife and young son, something that he had already experienced with Cynthia and Terrell a decade earlier. Both of Tim's siblings recall that, to Tim, the situation seemed to be repeating itself. He "had his back against the wall," and tried desperately to make his relationship work. Emma began to drift away from Tim, while Tim struggled to keep them together. These cross-purposes caused an enormous strain on their relationship and family. Because Emma recognized the futility of their relationship, she began sleeping in a separate room. Emma began to distance herself from him, and Tim felt like she was keeping him away from his young son. He again found

himself in the position of feeling like he was not doing enough for his child and for his family.

When the tension and strain at home became too much to bear, Tim began throwing himself completely into work. Although he worked the day shift from 7:00am to 3:00pm, he began staying until 6:00pm or later on most days. Diane Garcia, Tim's supervisor at work, recalls that Tim came to her to discuss his marital problems. Diane had just come through a divorce herself. Heather Adams, an ACSS employee who reported to Tim, recalls that Emma called Tim at work at least once a day. She overheard an argument between Tim and Emma and knew that things at home were not going well. Heather once relayed a message from Emma to Tim, in which Emma requested that Tim call her back or she and their son would be gone when he got home.

Despite the difficulties he was having at home, his co-workers remember that he continued to excel at his job. Lakeisha Fontenot, an employee at an engineering firm located in the building that Tim patrolled, recalls that Tim never missed work. He was a "nice person, warm-hearted, caring, concerned," and he enjoyed discussing TJ and showing off pictures of his young son. To Lakeisha, it was obvious that he loved his son. Diane Garcia remembers that Tim was an excellent employee, and she always received positive comments relating to Tim's work.

Though Tim tried to hide from his marital problems by burying himself in work and focusing on his young son at home, he and Emma eventually reached a breaking point. Tim and Emma briefly separated, and he went home to live with his parents for a week. Tim's father Columbus remembers that Tim had a sad look on his face for quite some time, even before this separation. Tim seemed to feel like he was less of a man when his marriage and family began to fall apart. Tim's mother Wilma recalls that, while Tim was always neatly dressed growing up, he had lost interest in his appearance over the course of his marriage. He became profoundly depressed.

Tim's parents and siblings knew that Tim and Emma's marriage was not good from the outset. However, they did not want to interfere with his life and risk alienating him when they sensed that he so obviously cared for Emma. Tim did not have a car, which made it difficult for him to leave the tense situation at home when things escalated. His entire family believed the couple should separate, but Tim did not want to give up on his family. Although Tim had fallen away from religion during his marriage, Tim prayed about their situation and decided to return home to his wife and son.

Unfortunately, the couple's relationship was beyond repair. Emma left their home permanently on February 16, 2002, taking TJ with her.

Five days later, on February 20, 2002, after a dispute with Emma escalated out of control and left Tim feeling distraught and hopeless, Tim, fearing that he had lost everything that mattered to him, resolved to kill himself and his son. After taking TJ's life, and before he could take his own, Tim was talked down by friends and family. Tim surrendered peacefully to police a few hours after the ordeal began.

Tim's family arrived at the apartment complex before his surrender, but the police kept them away from the scene. After it was over, the police told his parents and sister Stacey that Tim was being taken to jail and that TJ was going to the hospital for observation. The police encouraged them to return home, and his family complied. His family found out that their grandson and nephew had died only after watching the nightly news that evening. Tim's mother Wilma collapsed, and the entire family spent the night in the hospital with her, completely distressed and heartbroken. Tim's son Terrell learned the news from his mother that evening, and cried himself to sleep that night over the loss of his brother.

None of Tim's family or friends could believe what had happened. Tim had never been in trouble with the law before. He had been a quiet, religious man who loved his family and adored his son. Everyone was in complete shock. Tim's father Columbus recognizes that Tim must have snapped, because "that was not Tim." Tim's sister Stacey acknowledges that she knew Tim and Emma were having problems, but "not of that apparent magnitude." She believes it must have been an almost out-of-body experience, because Tim had never shown any indication that he was capable of such a horrible act. Tim's brother Chadrick describes Tim as a bottle of soda: he was shaken by his anxiety, his tumultuous relationship with Emma, and the prospect of losing his son forever. He just burst. Tim's act was situational and completely out of character.

February 20th was a painful day for Tim and TJ's family; they could not understand why Tim had done what he did. They had refrained from intervening in Tim and Emma's marriage and began questioning whether they could have prevented the tragedy. They were overwhelmed with grief at TJ's funeral, where they had to say goodbye to the toddler, whose life had been cut short by another member of their family. Coping with the loss of their grandson, nephew, and brother was difficult enough. Finding the

strength to forgive Tim and support him while he was in jail was even harder. Only their faith in God and Jesus Christ allowed them to persevere.

### Trial

Tim's trial began in March of 2003 in Harris County, Texas in the 182nd District Court. Tim took responsibility for his actions and pleaded guilty before the jury at the initiation of the guilt/innocence proceedings.

Tim's defense counsel allowed the prosecution to present their entire case in spite of his guilty plea. Juror Rebecca Hayes remembers that the defense was unprepared to counter the prosecution's case. She states: "they should have asked certain questions but did not." In particular, Juror Hayes remembers that the defense counsel did not adequately explain how the relationship between Tim and Emma impacted his mental state. Juror Ngoc Duong recalls that the defense did not present Tim's side of the story effectively. During deliberations, many of the jurors questioned why Tim's side had not been told. Juror Duong recalls that she "felt like she did not get to hear exactly what happened."

Despite the fact that Tim's defense counsel knew he was going to plead guilty, they did not adequately prepare for the punishment phase of the trial. Dr. Seth Silverman, an adjunct professor at the University of Houston Law Center, served as the psychiatric expert for the defense. However, defense counsel did not return 20 phone calls made by Dr. Silverman, nor did they adequately prepare him for trial testimony. Dr. Silverman did not meet with Tim's defense attorneys until a week before trial; they had one meeting, which lasted only 75 minutes and took place, on trial counsel's insistence, at a bar. Tim remembers that Dr. Silverman came to meet with him, but that his lawyers had not explained the significance of the doctor's role to Tim. Tim did not feel comfortable speaking with Dr. Silverman, especially because he did not realize that his lawyers were not going to be present at the meeting. Tim's anxiety and unfamiliarity with Dr. Silverman kept him from opening up about his emotions. Consequently, Dr. Silverman did not complete a full analysis of Tim, nor was Dr. Silverman able to effectively testify at trial. Upon learning this information, Juror Ngoc Duong noted that it would have been very helpful for the purposes of sentencing deliberation to hear "why a normal, religious person might snap."

Perhaps the most concerning flaw in the punishment phase was defense counsel's selection of character witnesses to testify to the jury about who

Timothy Adams was. Tim's family remembers that defense counsel told them that only one family member could testify on Tim's behalf. The family elected Tim's mother Wilma to testify for the family. Tim's father Columbus, siblings Stacey and Chadrick, and son Terell, were all eager and able to testify, but were not called. Juror Ngoc Duong recalls that many of the jurors discussed the fact that Tim's son Terell did not testify. They took this to mean that Tim was a bad father. Juror Rebecca Hayes did not even remember that Tim had an older son until she was recently reminded. Juror Duong felt that it would have humanized Tim to hear from his other family members. It would have shown the jury that "he was a good human being, who had done something horribly wrong, but completely out of character." Juror Hayes thought that Tim's family would have given them the best insight into his character and religious background. This information would have been useful to the jury in deciding whether Tim's life ought to be spared.

In addition to family, Tim had two best friends from childhood, Roger West and Joseph Washington, who were willing to testify on his behalf. The defense never contacted Roger West, who is a recipient of the Purple Heart and currently stationed at Fort Hood, awaiting his fifth deployment to Iraq. Joseph Washington, the best man at Tim's wedding, and former soldier who served on the front lines in Desert Storm, called Tim's defense attorneys numerous times. Tim's attorneys never returned those calls to arrange for his testimony. Consequently, neither of these longtime friends was able to testify on Tim's behalf. Tim also had two close friends from the time of his military service, Marlon Chambers and Bradrick Harris.<sup>8</sup> Defense counsel did not attempt to contact these men, even though they could have testified to Tim's exemplary service to the country.

Instead of utilizing these character witnesses, defense counsel called casual work acquaintances and inmates accused of crimes against children (who were in a prison bible study group led by Tim). Even if the jury had not been able to pick up on this error, the prosecution made sure that the significance of this selection of character witnesses did not go unnoticed.<sup>9</sup>

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<sup>8</sup> At the time of this petition, present counsel has not been able to locate these witnesses. If given a reprieve, she will continue her search for these witnesses in hopes of gaining insight to that important period in Tim's life when he served in the United States military.

<sup>9</sup> During closing argument, the prosecution told the jury:

Think about who they brought in here to testify about the defendant. These acquaintances who were really a true friend, who was really

Although they were not permitted to testify, Tim's brother Chadrick and his other family members presented pictures and videos cataloguing Tim's life to defense counsel.<sup>10</sup> Tim's family hoped that these photographs would present a visual display of Tim's life—his normal and happy childhood, his relationship with the mother of his son, Terell, his graduation from high school, his service in the United States Army, and his role as a father to his two sons. The photos were not presented to the jury. Chadrick believes that only one or two were actually shown at some point during the trial.

Ultimately, given the lack of information about Tim's background and character presented to the jury, it came as no surprise that the jury sentenced Tim to death. Although she initially believed Tim deserved a life sentence, juror Ngoc Duong eventually gave in to the pressure from other jurors, who led her to believe that Tim was a "cold-hearted" man. Now that she knows more information about Tim's background, Juror Duong supports a commutation of his death sentence to a sentence of life. Similarly, juror Rebecca Hayes always believed that Tim should get a life sentence, but she relented under extreme pressure from other jurors. She would have held fast to her belief that Tim's life deserved to be spared if she had realized that it would not result in a mistrial but a life sentence; she did not want to put Tim's family through the agony of another trial. Juror Hayes believes that the information that was not presented to them would have helped convince other jurors to vote to spare Tim's life. Juror Hayes supports a commutation of Tim's death sentence to a sentence of life.

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somebody he confided with, went to lunch with as opposed to eating lunch at the same time in the same room with. Really we all work at jobs. How are you doing? How was your weekend? Had a good time. Went to the rodeo this weekend. It was great. Kids had a good time. Bought a pair of boots. Those people don't know you. Those people don't know you. Those acquaintances you see at work smile and stand on the elevator, talk to you. They don't know you. The people who know you are the people that you live with, the people you lie down with at night, the people that you are responsible for taking care of, the people that have brought you up in this world. Those are the people that know you. Acquaintances at work don't know anything. We can all carry a facade at work, but the true person is what goes on in the home, the true person is what goes on in the home.

S.F. Vol. 25:45.

<sup>10</sup> Some of the pictures offered to trial counsel are contained in this petition.

## **Tim's Life in Prison: A Renewed Devotion to Christianity**

Since his incarceration in 2002, Tim has not had a single disciplinary write-up. Tim still struggles with his anxiety, but has taken this time to reflect on his situation and renew his devotion to Christianity over the past nine years. Tim still receives letters from his Sunday school teacher, Verlene Edmond, as well as other parishioners from the New Pleasant Grove Missionary Baptist Church, like Sisters Brown and Gibson. This connection to his church family has helped him to grow spiritually and to re-direct his life so that it serves God and Jesus Christ. Before the prison rules changed, Sannita Parker, Tim's cousin, took her daughter to visit Tim. Even though she is no longer able to visit, Tim still corresponds with her via letter, most recently sending her a new prayer to learn. She knows that prayer by heart.

To further develop his spirituality, Tim reads Christian novels exclusively. He likes these books because they demonstrate how people can work through bad situations and become better. His commissary account is partly maintained by his former supervisor, Diane Garcia, who still corresponds with him and ensures that he is able to continue his spiritual growth through reading. Tim often shares these Christian stories with his family and friends, highlighting portions of books and sending them with messages written in the margins. Recently, Tim sent a book to his oldest son Terell, highlighting the following quote: "Learn from your mistakes, but don't let your mistakes define you."

Both Tim and Terell have found it difficult to communicate since Tim has been incarcerated. Tim wants Terell to "stop the cycle," so he prefers that Terell not see him in his current situation. He is afraid it will negatively impact his son's development. Terell wants to see his father, but understands why his father is reluctant for him to visit. They both believe that, if Tim's sentence is commuted, they will be able to breach this barrier and re-establish their relationship, knowing that they will have many more years during which Tim will be able to be there for Terell, and help guide him into adulthood.

Tim is extremely appreciative that his family comes to visit him at least twice a month. Their support has meant everything to him, though he worries about how they will handle his execution. They have maintained a strong bond with him from the day he entered prison. Tim's siblings note that Tim has really opened up in the past couple of years, making their relationships

with Tim even stronger. Tim used to talk only about news and world events, but now reminisces with Stacey and Chadrick about good memories. His reflection on his terrible act has led him to open up about his anxiety and has allowed his family to understand how it has impacted him throughout his life.

Tim's parents also visit him twice a month. Tim's mother Wilma is unable to drive, but she still visits Tim at least twice, or more when she is able to convince her neighbor to make the three-hour, round-trip journey with her. Every time she visits him, she crosses her arms over her chest, points to her eye, and then points to her heart. Tim reciprocates. This is the way that Wilma and Tim continue to hug one another and say "I love you." It hurts Wilma deeply that she has not touched her son in nine years. She is incredibly thankful that God is able to go places and touch people that she cannot.

### **A Plea of Mercy from Tim's Supporters**

Tim deeply appreciates that he has had family and friends who have continued to support him over the past nine years. Tim realizes the effect that his actions have had on his family and others, and takes full responsibility for the pain and suffering that his and TJ's family has endured. He sincerely wishes that he could take back his actions that horrible day, when he stepped outside of himself and, for a few hours, became unrecognizable.

Tim's family sincerely wishes that they could have their grandson, nephew, and brother back. They still feel the pain and sense of loss from TJ's death every day, even though nine years have gone by since his passing.

Tim's family's pain has been compounded by the prospect that they could lose their father, son, and brother to this tragedy as well. Not only do they wish that they could turn the clock back to save TJ, but they also wish that they had been afforded the opportunity to speak on Tim's behalf at trial eight years ago. Because they were unable to speak to the jury then, to explain their pain and hardship, they want to explain now, in their own words, the impact that TJ's death has had on their family and why, in the face of that pain, they still believe that Tim's death sentence should be commuted.

Those speaking on Tim's behalf below include his son, mother, father, brother, sister, his son's mother, two best friends, Sunday school teacher, and

cousin. Two of the jurors from his trial have also made statements on Tim's behalf, requesting that his sentence be commuted to a life sentence. Each and every one of these people are standing up for Tim because they believe he does not deserve to die for his crime, as terrible as it was. They hope that this Board will agree that Tim still has the capacity to be a good, productive Christian, and that mercy should be shown and his life spared.

**Terrell Adams, Tim's 23-year-old son, applying to serve in the Navy:**



“I cried myself to sleep the night that I found out that TJ had been killed. I didn't even go to TJ's funeral, because I was in too much pain. I can't put my finger on why my father would do something like that. Yet, my father was very loving and taught me right from wrong when I was growing up. He was a good father. He is not a bad person. I wish I had had the opportunity to say something in support of my father at his trial. If there's any chance for a second chance, please let him have it. He deserves it. If he does not get a second chance, I know I will be affected in a bad way. I will miss my father dearly.”

**Wilma Adams, Tim's mother, devout Christian:**

“Our family has already suffered a loss by losing TJ. That was my grandson. Losing Tim would be another huge loss to this family. Since that day, our family has felt locked up just like Tim is. Many people comment on how a mother could not possibly stand what I am dealing with. I visit Tim in prison twice a month, more often when I can get a ride. I can see the pain that Tim is in; the same pain that our family feels. It is very difficult to walk away from him after visits. I take comfort in the fact that the Lord can go places and touch people that I cannot touch. I cannot imagine losing my son to this tragedy. Tim is still good, he's still a human being, and he deserves to be treated as one, even though what he did was really bad. I pray every day that his life will be saved.



I still have hope.”

**Columbus Adams, Tim's father, veteran of the Houston Fire Department, devout Christian:**



“The whole incident with TJ’s death and Tim’s punishment tore me up so much that I couldn’t function in any capacity. I was not able to participate in the Brotherhood at church for three years after the incident. Losing TJ was especially hard for me, because I loved spending time with him and spoiling him, like I did with my only other grandchild, Terell. However, I

cannot imagine losing my son to this tragedy as well. I visit him in prison at least twice a month, and it has become too difficult to look back when I leave. I do not know what I will do if we lose Tim. I pray to God to save his life every day.”

**Chadrick Adams, Tim's brother, college graduate, 5th grade math teacher:**

“It’s hard to explain why Tim did what he did, because his background shows no indication of violence. When I tell anyone who knew Tim what happened, they are completely shocked. It was totally out of character for Tim. To me, his act was bad. Selfish. I lost my nephew. However, I visit my brother twice a month. I still have a strong relationship with him. I often break down when I leave the prison after our visits. I cannot imagine losing my brother. He was a good brother and a good role model. I would not be where I am today without him. I want the Board to save his life.”

**Stacey Adams, sister, bank employee:**

“I never thought our family would face something like this. This whole experience has been so hard for me, because Tim is a good man. He can still help others. It’s going to affect my family in a bad way if he is executed. I would never wish this on anyone, even my worst enemy. It will take a long time to recover. This would just be another huge loss to our family. I only hope that I can stay strong for my parents. I hope the Board will spare Tim’s life.”



**Cynthia Brown, mother of Tim's Son, Terell, telephone company employee:**

"I started taking sleeping pills after I found out that Tim's execution had been scheduled. I do not think that I could sleep at night if he was executed. It would be extremely disturbing for me and absolutely devastating for Terell. I believe that Tim still has the capacity to have a relationship with our son. I want him to have the chance to have that relationship with Terell. I want the Board to save his life."

**Roger West, best friend, Sergeant in the U.S. Army, recipient of the Purple Heart and two Bronze Stars, awaiting his fifth deployment to Iraq:**

"I could never imagine Tim committing this crime intentionally. I know that he loved his son. His family members are good people, and they have had to suffer more, because Tim was rushed through the system. He is an honest man with a loving heart, loving family, and outstanding military record. I consider Tim a brother. I pray that Tim's life will be spared."

**Joseph Washington, best friend, former soldier in the Gulf War, awarded for valor on the battlefield, local musician:**

"I still have no idea how this situation happened. I know that it was not really Tim that day. He was a good person and very giving. Tim's family structure was great, and I know that his family has suffered terribly. I have known Tim for almost thirty years, I was best man at his wedding, and I looked at him as a brother. I hope that the Board will spare Tim's life."

**Verlene Edmond, Tim's Sunday school teacher, former school nurse:**

"I was so surprised when I heard what had happened with Timothy that it took my breath away. I did not see him as the type of person who would deliberately kill anyone. I continue to write Timothy and encourage him. I believe that God is a forgiver and that Timothy should get another chance to be a productive citizen. I believe Timothy has already repented. Everyone at our church is praying for him. Timothy is a part of my heart, and I hope that he will get a second chance at life."

**Sannita Parker, cousin, employee of the City of Houston:**

“I could not believe it when I heard what happened with Tim. The person who he was when he committed the crime is not the person who he is. Tim still has the ability to impact others’ lives positively. He has corresponded with my 6-year-old daughter and taught her new prayers. He was like a big brother to me, and I hope his life will be saved. His family will be devastated if his sentence is not commuted.”

**Rebecca Hayes, juror at Tim’s trial, high school administrator:<sup>11</sup>**

“I served as a juror during Timothy Adams’s capital murder trial in 2003. . . . During jury deliberations, I initially voted to spare Adams’s life, even though I had a four-year-old son at the time of the trial and found it difficult to imagine how a person could commit such a crime. . . . I felt pressured by the other jurors to change my vote, even though I did not believe that Adams deserved a death sentence. Those deliberations were the most emotional experience of my life, and I have carried the guilt around for years knowing that I sentenced Adams, a man who had done wrong but who was otherwise a good, religious, and hard-working person, to death. . . . After the trial, I learned additional information that confirmed my conviction that Adams should not have been sentenced to death. . . . To this day, I do not believe that Timothy Adams deserves to die for his crime...I strongly urge the Texas Board of Pardons and Paroles, as well as the Governor, to not repeat my mistake and instead recommend a commutation of Adams's sentence from death to life imprisonment.”

**Ngoc Duong, juror at Tim’s trial, public school teacher:<sup>12</sup>**

“I served as a juror during Timothy Adams’s capital murder trial in 2003. . . . During jury deliberations, I initially leaned toward sparing Adams’s life, because I felt like the death penalty was too harsh for him. Adams was so remorseful during the trial, and I could tell that he was hurting a lot. It was difficult for me to imagine that such a quiet, guilt-ridden man could commit such a crime. Eventually, I made the decision to vote for death, because other jurors pressured me into believing that Adams was a cold-hearted man. . . . Since the trial, I have learned new information that would have made me fight for Adams’s life. . . . I do not believe that Timothy Adams deserves to die for his crime.”

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<sup>11</sup> See Rebecca Hayes, Declaration for her full statement of support.

<sup>12</sup> See Ngoc Duong, Declaration for her full statement of support.

## Conclusion

Tim exhibits such remorse for his unforgiveable action. Despite his struggle to understand, he still has not completely come to terms with what he did, and it pains him to know that he hurt a person who relied on him for care, protection, and love. He loved Tim, Jr. with all his heart, and for nineteen months, TJ was one of the most important people in his life. Tim was determined to be a good father to TJ. Every day he wishes he could have lived up to that promise, instead of failing in the most horrifying way. Tim understands that it is too late for him to go back and choose a different path. He did not save TJ's life when he had the chance, and he accepts responsibility for his actions.

Tim and his family humbly request that this Board look beyond Tim's crime, and into his heart, to see the man that he was, as well as the man he aspires to be. Tim asks for the opportunity to continue his attempt to understand what caused him to commit an unspeakable act and to make himself right with God and Jesus Christ, something he strives toward every day. Tim's family asks that this Board help save them from another loss.

To that end, Timothy Wayne Adams and his family and friends respectfully request that this Board recommend that his death sentence be commuted to a sentence of life.

If there is anything in this petition that the Board wishes elaborated, Mr. Adams respectfully requests a 120-day reprieve to further develop the material in and support for this petition.

Respectfully submitted, this 7th day of February, 2011.

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