

# Anne Danaher Worked For 9 Years To Free Terry Harrington

By Hans Sherrer

When an exonerated person walks out of a courthouse or a prison into the glare of video camera lights and the flash of cameras, their lawyer or family members are usually by their side. Off to the side you can usually see one or two people who are happily looking on, although few people know why. Those are the people who actually did the grunt work, often laboring for years in the shadows, and without whose efforts there wouldn't be the joyous moments of the person's release that are shown on the 5 o'clock news and in the next morning's newspaper.

Anne Danaher is one of those people. In 1993 she was employed by the Iowa Department of Corrections as a prison barber. She talked with the prisoners whose hair she cut, and Terry Harrington was one of those men. Harrington was convicted in 1978 of the 1977 murder of security guard John Schweer at a car dealership in Council Bluffs, Iowa. Also convicted was his co-defendant Curtis McGhee. Both men were sentenced to life in prison.

Danaher was 37 in 1993, and she thought something didn't sound right about the case against Harrington and McGhee so she began investigating it in her spare time.

The more she learned the deeper she dug until by 2002 she had amassed 27 boxes of information and new evidence. Danaher interviewed numerous people and three of those were the prosecution's star witnesses. They all recanted their testimony to Danaher.

Kevin Hughes testified that he, Harrington and McGhee had planned to go to the dealership to steal a car. He told Danaher that was a lie and that he made-up the story to collect a \$5,000 reward.

Harrington's alibi defense was he was at a concert at Omaha, Nebraska's Peony Park with his girlfriend and another friend the night Schweer was killed in Council Bluff, and they testified that is where he was. Two prosecution witnesses rebutted Harrington's alibi defense. They both told Danaher they lied during Harrington's trial; one because Hughes was her boyfriend at the time and he wanted her to lie to support his story, and the other said he was pressured by the prosecu-



Anne Danaher and Terry Harrington while he was imprisoned.

tors and police to lie. Danaher was also able to discover the new evidence that the prosecutors committed a Brady violation by failing to disclose to Harrington and McGhee's trial lawyers seven exculpatory police reports pointing to another suspect as the murderer. During the nine years Danaher investigated Harrington and McGhee's case she logged around 500,000 miles on her car.

Based on the new evidence Danaher discovered she was able to get Mary Kennedy, a Waterloo, Iowa lawyer, to take Harrington's case pro bono. After Harrington's post-conviction motion for a new trial was denied by the trial court and the Iowa Court of Appeals, on February 26, 2003 the Iowa Supreme Court vacated Harrington's conviction and ordered a new trial. The Court stated:

"Under the circumstances presented by the record before us, we cannot be confident that the result of Harrington's murder trial would have been the same had the exculpatory information been made available to him. We hold, therefore, that Harrington's due process right to a fair trial was violated by the State's failure to produce the police reports documenting their investigation of an alternative suspect in Schweer's murder." *Harrington v. State*, 659 N.W.2d 509 (Iowa 02/26/2003), ¶97

Harrington was released from prison on April 18, 2003 when Iowa Governor Tom Vilsack signed a reprieve and the charges against him were subsequently dismissed. McGhee was released in September 2003.

Harrington and McGhee filed separate federal civil rights lawsuit against Pottawattamie County and the prosecutors for their actions as investigators in the case prior to the men being charged. The prosecutor's defense against the lawsuit was they had prosecutorial immunity, and after the US Court of Appeals ruled the prosecutors were not immune from the allegations in the complaint of the investigative work they did prior to Harrington and McGhee's indictment. The U.S. Supreme Court accepted the case and heard arguments on November 4, 2009. On December 31, 2009 it was announced the two men and Pottawattamie County reached a settlement. Harrington was to receive \$7.03 million, and McGhee

Jr. was to receive \$4.97 million. The case was dismissed and the U.S. Supreme Court removed the case from its docket.

During a December 20, 2010 interview Danaher said, "I worked and lived and breathed this case. You can ask any of my friends or relatives. I was relentless. I just thought someone had to do this. Someone had to be his voice. He didn't have a voice in prison. Throughout this process, this journey, doors opened. It was miraculous the doors that opened. I discovered police reports had been suppressed for 22 years."

Danaher also explained that although there was no way to know if her efforts would result in Harrington's conviction being overturned, he told her that if he was released he would share any money he was awarded with her. In the year since Harrington's case was settled Danaher has not only not received any money, but she has been told by his lawyers that she will not receive any of the settlement money.

The pictures of Harrington's release from prison in 2003 show him surrounded by his family, but Danaher is nowhere to be seen, and whatever her motivations in helping him, she is not sharing in the compensation that neither Harrington nor his civil lawyers would have received without her relentless digging for years to find the truth of his case.

Danaher and Kennedy also worked together to discover the new evidence of concealed FBI reports that resulted in a Polk County, Iowa judge overturning David Flores' conviction and life sentence for a 1996 murder. The new evidence casts doubt on the reliability of the testimony by seven prosecution witnesses. The State's appeal of the judge's December 23, 2009 ruling is still pending. Danaher and Kennedy became involved in Flores' case after his father read an article in 2006 about their work on Harrington's case.

## Sources:

- Harrington v. State*, 659 N.W.2d 509 (Iowa 02/26/2003)
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- "Terry Harrington Owes His Liberty To Anne Danaher; His Lawyers Should Share Jackpot With Her," pattisblog.com, February 7, 2010.
- "New Trial Ordered In DM Murder Case," kcci.com, December 23, 2009.



Anne Danaher in December 2010 (WDAF-TV, Kansas City, MO)