

Federal Court Dismisses Defamation, Fraud Claims Against Producers and Spotify for “Son of a Hitman” Podcast

By Reid Pillifant

In 1982, a young lawyer named Chrys Lambros was the lone eyewitness placing the hitman Charles Harrelson at the scene of federal Judge John Wood Jr.’s murder in San Antonio.

Nearly 40 years later, inside a federal courthouse named for Judge Wood, attorneys for Lambros (now Chrys Parker) argued she had been defamed and defrauded by a recent podcast that re-examined Harrelson’s life and crimes.

The podcast, “Son of a Hitman,” explores the claims made by Harrelson’s sons – including, most notably, the actor Woody Harrelson – that their father may have been innocent of Wood’s murder.

Parker’s lawsuit claimed the 10-part series had “irrevocably damaged her reputation” by insinuating she had schemed with the F.B.I. to convict Harrelson, and that producers had fraudulently induced her participation in the podcast when they failed to disclose that Harrelson’s son, Brett, served as an executive producer.

On Nov. 1, three days after hearing oral arguments, Judge David Alan Ezra dismissed all of Parker’s claims, holding that the podcast “would not lead a reasonable listener to believe that [Parker] was complicit with the FBI,” and that producers had no duty to disclose Brett Harrelson’s involvement in the series.

Background

In “Son of a Hitman,” producer Jason Cavanagh delves into Harrelson’s life as a womanizer, gambler, and hitman—examining his ties to two prior murders, and, most notably, his conviction for the killing of Judge Wood. On May 29, 1979 Wood became the first sitting federal judge to be assassinated in more than 100 years, when he was gunned down with a high-powered rifle while fixing a flat tire outside his San Antonio townhouse. Wood’s killing was seen as a direct assault on the federal judiciary, and it prompted a massive FBI investigation that eventually came to focus on Harrelson and an El Paso drug trafficker named Jamiel “Jimmy” Chagra. Chagra had been set to appear before Wood—known as “Maximum John” for his history of harsh sentences—on the morning the judge was killed.

In the podcast, Cavanagh interviews law enforcement officials who participated in the investigation and prosecution of Harrelson, detailing the extensive evidence that Harrelson had been paid \$250,000 by Chagra to kill Wood.

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Cavanagh also speaks to members of the Harrelson and Chagra families—including Harrelson’s sons, Brett and Jordan, and two of Chagra’s daughters—about the evidence in the case, and whether federal authorities may have railroaded Harrelson and Chagra to secure a conviction for Wood’s murder.

Parker recounts her own brush with Harrelson in the sixth episode of the podcast, titled “A Very Unusual Witness”—taken from prosecutor Ray Hahn’s description of Parker as a “very unusual witness and very, very effective witness.”

In an interview with Cavanagh, Parker says Harrelson purposefully bumped into her outside the judge’s apartment building on the morning of the murder. After contacting the F.B.I. and working with agents to produce a sketch of the suspect, Parker says “it didn’t quite come together,” and the next step was “to start working with the hypnotist.” Before playing a clip of one of Parker’s hypnosis sessions, Cavanagh calls this “a display of questionable judgment” on the part of the F.B.I., and Parker acknowledges there was controversy over the use of hypnosis, even at the time. But, she says, the importance of Wood’s case meant that the admissibility “was stretched to its absolute limits.”

Parker also tells Cavanagh that, in the years after the murder, she participated in an episode of the television show *FBI: The Untold Stories*, directed by the actor Christopher Walken, who she describes as exceptionally nice. But Cavanagh explains on the podcast that representatives for Walken and the show deny he was ever involved with such a project. Pondering this bit of misinformation, Cavanagh calls it an “unusual mistake for Chrys Lambros to make” and admits at the end of the episode that he’s “not sure how to feel about it.”

Parker’s Claims

The podcast was released in weekly installments beginning in May of 2020. In February of 2021, Parker filed suit in the Western District of Texas alleging defamation and fraudulent inducement by Cavanagh, production companies High Five Content and Tradecraft Alternative, and Spotify, which exclusively distributed “Son of a Hitman.”

Parker objected to the description that she had been “found” by the F.B.I. after an exhaustive search, and to the characterization of her as both a “very unusual witness” and a “star witness” in the case. She alleged the podcast led listeners to believe she “was either complicit or actively participated in manufacturing evidence to perpetuate an unfair trial” of Harrelson.

Parker, a licensed attorney with multiple health care degrees who often testifies on the effects of post-traumatic stress disorder, claimed the podcast damaged her credibility, and “could” cost her employment opportunities to appear in court as an expert witness on PTSD.

Parker also asserted a claim of “fraudulent inducement,” alleging that producers purposefully withheld the involvement of Brett and Jordan Harrelson in order to secure her participation in the podcast. Parker stated she was familiar with “the Harrelson’s crusade to cast doubt on their father’s conviction,” and she “would never have agreed to be interviewed had she known that Brett and Jordan Harrelson were involved.”

Court Ruling

On Nov. 1, just three days after hearing oral argument, Judge Ezra rejected all of Parker's claims in a 36-page opinion, finding that a reasonable person would not conclude from the podcast that Parker was complicit with the F.B.I. in railroading Harrison.

Many of Parker's own statements undercut her claims that she was unfairly portrayed in the podcast. The court held that describing Parker as being "found" by the F.B.I. did not suggest complicity, in part because the podcast also included Parker's own statement describing how she immediately contacted the F.B.I. after hearing of the murder.

Referring to Parker as the trial's "star witness" was also not defamatory, the court held, because it is "substantially true." The court's opinion notes that Parker *was* the only eyewitness at Harrelson's trial, and that Parker described herself as "a principal witness" on the podcast.

The court also ruled that the description of Parker as an "unusual witness" was presented in the context of her hypnosis by the F.B.I., and that she herself acknowledged the controversy, and questionable admissibility, of such testimony. Ultimately, the court held the "unusual" descriptor to be "nonactionable opinion," because it is "impossible to verify."

Judge Ezra noted that, throughout the podcast, when Cavanagh presents his doubts about witnesses or evidence in the case, "he does not present it as fact," and instead specifically encourages readers to draw their own conclusions. "While it is possible that stating someone is an unreliable witness could injure her reputation as a reliable witness or for truthfulness, expressing an opinion that injures someone's reputation for truthfulness does not amount to defamation," the judge wrote.

The judge also held that the complaint failed to adequately plead the fraudulent inducement claim under Texas law, since it failed to demonstrate why defendants owed a duty to disclose Harrelson's involvement to Parker. The complaint also failed to show why such disclosure was material – that is, why "disclosure of the [Harrisons'] involvement would induce a reasonable person not to participate," the judge wrote.

Judge Ezra dismissed Parker's claims without prejudice, giving Parker 30 days to file an amended complaint. But the judge cautioned against "[s]imply changing the words of the complaint without facts to support the change."

Reid Pillifant is an associate with Haynes Boone in the Austin office, and a former reporter and editor at the New York Observer, Politico and Slate. Laura Lee Prather and Catherine Robb of Haynes Boone represented Spotify USA, High Five Content, Tradecraft Alternative, and producer Jason Cavanagh.