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Female Texas Prosecutor Speaks Out About Alleged Sexual Harassment by Ex-DA

"He started by making these comments like, 'Run away with me,'" Angela Albers said about former Wood County Criminal District Attorney Jim Wheeler.

By Angela Morris | August 07, 2019



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The 12-year-old twin boys thought their mother had cancer.

When Angela Albers would come home from her job in the Wood County Criminal District Attorney's Office crying, the boys would ask, "What's wrong?" Albers, first assistant district attorney at the time, told her children she was sick.

The truth—too much for children to bear—was that her boss, then-Wood County Criminal District Attorney Jim Wheeler, had been sexually harassing her for months, Albers claimed. Desperate to keep her job, the recently divorced mother of three said she was trapped in a cycle of depression that explained her crying, sometimes so bad that she couldn't eat, leading to weight loss.

"The feeling was: This is never going to change. It's never going to get any better," she said.

Wheeler declined to comment, but his father and attorney, James Wheeler, told Texas Lawyer he believes Jim Wheeler was not guilty of any crime.

Meanwhile, Albers said two male allies helped end her predicament. Her colleague, investigator Jerry Hirsch, noticed that something was wrong. He then learned from Albers that Wheeler had allegedly been pursuing her for sex, and encouraged her to report the alleged conduct to law enforcement.

Another ally, Tyler solo practitioner Brandon Baade, was a close friend in whom Albers had confided early on, and who represented her in the investigation that would come.

Hirsch explained that he and Albers grew up in the same area in the Houston metroplex. While they didn't know each other in childhood, their common hometown sparked a connection.

"We've always been close because of that," Hirsch said, but declined to comment about the reasons he suspected Wheeler was acting inappropriately toward Albers.

Although Albers said the process of reporting her boss was excruciating, she said her resolve that her 8-year-old daughter should never have to go through sexual harassment is what gave her the strength and courage to report Wheeler and

cooperate with a criminal investigation.

Wheeler resigned as the district attorney in October 2018 to avoid being prosecuted for a Class A misdemeanor, said Upshur County District Attorney Billy Byrd, the attorney pro tem in Wheeler's case.

His resignation ended the investigation by the Texas Department of Public Safety Texas Ranger Division. It also saw Albers, who was then the first assistant DA, become acting district attorney after Wheeler's resignation. And in February, Gov. Greg Abbott appointed Albers to serve out Wheeler's term until 2020.

Related story: Report: Ex-Texas DA Jim Wheeler Was Under Investigation for Sexual Harassment When He Resigned

(<https://www.law.com/texaslawyer/2019/08/05/report-ex-texas-d-a-jim-wheeler-was-under-investigation-for-sexual-harassment-when-he-resigned/>)

Hirsch applauded the change, and said Albers is doing a wonderful job as district attorney.

"The biggest impact as far as office-wide is the morale of our office," he said. "It just seems much improved."

'The White Hat'

This is the first time that Albers has told her full story to anyone beyond her friends, Baade and Hirsch, she said.

She said she hoped that talking about it would bring her a sense of closure.

"The first thing you learn about prosecution is: The rule is to do justice. I just thought getting to wear the white hat and do the right thing when you come to work every day is a great way to live," Albers said. "I cannot think of any other profession I would want to have."

Albers and her husband of the time started their family with the birth of Seth and Tate, the twin boys, in 2006. Her parents, who had left the Houston area and purchased property in Wood County, offered to help care for the twins. That support

from the boys' "Nannie" and "Didah" was too good to pass up, so the family moved in 2007 to the East Texas Piney Woods town of Mineola.

It was then that Albers started as a prosecutor in Wheeler's office. With just three lawyers total in the office, they handled everything from misdemeanors to felonies. For a time, she worked alongside Baade, who prosecuted cases for about 18 months in Wheeler's office before returning to private practice doing criminal defense and family law.

Albers became the go-to lawyer for juvenile offenses and child sexual abuse cases, because typically, children feel more comfortable speaking with a woman than a man, she said.

Now that Albers has survived her own trauma from inappropriate sexual conduct, she said she can relate to these victims on a new level.

'Run Away With Me'

One of the puzzles in Albers' mind is why, when she had been working with Wheeler since 2007, he chose to start sexually harassing her in 2018, she said. She believes that her divorce in 2016 might explain the time discrepancy. Newly single, Albers speculates that Wheeler thought she was "available."

"He started by making these comments like, 'Run away with me,' and I'd be like, 'No,'" she said. "I was mainly confused. For all those years, he had not done anything or said anything to me, and then when it changed to that—it made me question: 'Why is he saying this to me? He's married, and I'm the same person I've been all these years.'"

Wheeler allegedly made his first sexual advance in either January or February 2018, and it became more frequent as the year progressed, especially after May, Albers said.

"It got to where it was pretty much every day," she said.



**Former Wood County
Criminal District Attorney
Jim Wheeler.**

For example, when she walked by, Wheeler would talk about her buttocks, she said. He'd call her into his office for long periods of time while making sexual comments, she said. Albers said she always rebuffed his advances, reminding him that he was married.

Albers said she visited a counselor, who advised her to stand up to Wheeler.

"In my mind, I was like, 'The minute I do, my kids are homeless. He can just fire me for any reason,'" she said. "I was just going to put up with it."

But Albers said she realized that at some point, his behavior might reach a level that she couldn't handle. That's why she said in August 2018, she began recording her one-on-one conversations with Wheeler, capturing many examples of his sexual harassment. She said seeing other stories of women who report sexual harassment, who then faced criticism, made Albers very afraid that if she reported Wheeler—a person of power—no one would believe her.

"I felt like if it came up, I'd have something to show, that I wasn't making this up," she said about her decision to record him.

Texas Lawyer requested the recordings through an open records request to the Department of Public Safety, which said those records pertain to an ongoing investigation and qualify for an exception to disclosure under the open records law.

But the Texas Ranger report by Investigator Richard Henderson confirmed Albers and her attorney gave him a thumb drive with 48 audio recordings. Texas Lawyer was not able to independently confirm the content of the recordings because the Department of Public Safety denied its open records request.

'Would You Want This to Happen to Ella?'

The lynchpin that changed Albers' trajectory is Hirsch, the Wood County Criminal District Attorney's Office's investigator. They had worked together for 12 years already.

One day in September 2018, Hirsch texted Albers to ask if she could come to the office early the next day to talk.

"I went in there and sat down and he said, 'Has Jim said anything or done anything that makes you uncomfortable?' I just broke down and started crying, and told him," Albers recalled. "After that, Jerry and Brandon just kind of took over, because I kind of fell apart."

Albers said her colleague Hirsch had urged her to report the alleged sexual harassment to law enforcement—a suggestion she said she had initially resisted.

Albers said that when the events unfolded, she feared her long career in the public sector might unravel. Her goal was to work in government service long enough to secure her full retirement benefits. She already had 18 years under her belt, and needed only seven more.

Plus, she said she was sole provider for her three children, which made her especially afraid to lose her job and income. The family was well established in the community, so Albers said it was unfathomable for her to think about moving for a new job.

Then one comment from Hirsch about Albers' daughter changed her mind about reporting Wheeler.

"He told me, 'Would you want this to happen to Ella?'" Albers recalled. "That's what made me agree to talk to the Rangers."

Baade is Albers' close friend who had previously worked alongside her as a prosecutor. Later, in private practice, he represented her in her 2016 divorce. He stepped in to represent her again during the investigation.

“It was a difficult case to maneuver through, to try to stop the harassment and protect her desired interests, which was to protect her job,” Baade said, noting that Albers also wanted to lessen the damage to Wheeler’s life, livelihood and marriage. “Additionally, it was difficult because it created a terrible emotional state for her, because of his behavior.”

Baade said he wouldn’t want to see that happen to anyone, but it was harder seeing it happen to a friend.

“She didn’t deserve that treatment,” he said.

The Investigation

In October 2018, Albers gave the Texas Rangers her recordings and did an interview outlining her allegations against Wheeler.

It was a tumultuous month.

With the criminal investigation in full swing, Albers said she had an emotional breakdown, still fearing the ramifications on her family. At one point, she decided to call off the probe.

In hindsight, she said her behavior back then reminds her about working with child sexual abuse victims, who struggle to grasp how the same parent who loves and cares for them could also violate them in horrific ways.

“Jim, who had been good to me and let me take care of my kids when I needed to, all of a sudden, he has turned to saying these horrible things to me. I couldn’t come to terms with that,” Albers said. “Dealing with victims all these years, I wasn’t prepared to be one. Even though I knew intellectually what they went through, I didn’t know emotionally what they went through.”

However, by this point, it was no longer Albers’ choice to call off the criminal case.

Byrd, who was appointed as an attorney pro tem to prosecute Wheeler, told Texas Lawyer that he had enough evidence to charge Wheeler with official oppression.

Regardless of Albers' feelings, Byrd said it was his job to do what was right for the citizens of Wood County. He called on Wheeler to resign Oct. 12, 2018, and Wheeler agreed to step down immediately. Byrd then decided not to bring formal criminal charges against him.

Wheeler came back to the office only once after his resignation, to retrieve his possessions, Albers said. She felt a sense of peace, no longer worrying about what he would say to her at work.

"I got better," she said. "I was safe. I was able to go on. I still struggle, if someone talks about it—it's still hard. It kind of sends me back to that place."

Albers has a message for women who are still stuck in cycles of sexual harassment or abuse.

There is always hope, she said.

"Someone will find some way to help you out of the situation you are in," she said. "It's not the end."

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