

Bryan Corbett

My name is Bryan Corbett. My step-father in-law Dale Johnston went through one of the worst nightmares anyone could imagine. Although innocent, Dale was wrongfully convicted of killing his stepdaughter and her fiancé in Hocking County, Ohio in 1982, and was sentenced to death. Dale's health is declining, and he is not able to speak to you today, so he asked me to speak to you on his behalf.

Dale spent seven years on death row until it was revealed that the prosecutor in his case illegally withheld evidence that pointed to the actual murderers. He was released from prison in 1990, but he will never be the same.

I first met Dale 20 years ago at First Baptist Church in Grove City, where Dale had been a long-time member and where I came to serve as a minister. I heard he had been in prison but didn't know any of the facts behind it. Was he guilty, innocent? What was the crime? I didn't know and wasn't sure I needed to know. I was a minister and he was a church member. That was our relationship.

One day I came home and Dale was in my kitchen having coffee with my mother-in-law, who lived with me. Over the next few weeks and months we saw that they were getting serious about each other, and I realized that I needed to know more about this man.

I went to the library and read every news-article I could find. I asked church members who knew his story to tell me what they could. And eventually I sat down with Dale, loaded with questions. All of this happened in 2000.

I found that before Dale was sentenced to death, he had a wife, kids and owned 53 acres of land without any debt.

I found that after his conviction and sentence, Dale spent the better part of a decade of imprisonment in appeals and hearings that ultimately disclosed he was convicted not because of guilt, but because the State withheld evidence showing that others were responsible for the murders. I learned that under our Constitution, the due process right to a fair trial requires the government to provide any evidence of innocence to the defense, and that in this case the Ohio Supreme Court found the failure was "outcome determinative" – meaning that if the State had disclosed the evidence of his innocence, Dale would have been acquitted rather than convicted.

I found that after, Dale's conviction was set aside, and the State dismissed the charges against him, Dale left prison in 1990 with nothing. No family. No live-stock. No farm. Nothing. Although the Courts determined Dale was denied a fair trial, and the prosecutor finally dismissed the case due to lack of evidence, the cloud of suspicion hung over him. For example, in 1990, after being granted a new trial, and after the case was dismissed against him for lack of evidence, Dale tried and failed to get state compensation. In 1993 the court rejected his claim, saying that he hadn't proved actual innocence because although there was no evidence pointing to him, he could have been guilty. At that time, no one knew for certain who committed the murders. Dale

knew he was innocent, but there were many loud voices still suspecting him. He was constantly afraid that they would come again and arrest him, put him on trial again, and sentence him to die, again. Dale felt that unless the State found the real killers, they would always suspect or believe he was guilty. You can probably not understand the burden that was on him for over 25 years.

Then in 2008, another person, Chester McKnight, confessed, was convicted, and sentenced to life imprisonment for the murders, and a second person, Kenneth Linscott, was convicted of helping McKnight dismember and dispose of the bodies. There could no longer any doubt that Dale was and is innocent.

Some people act like Dale WAS guilty, and now he may be innocent. Wrong! Dale was innocent all along. The court system convicted an innocent man. They sentenced an innocent man to die in the electric chair.

This innocent man had a family. He owned live-stock. He owned the farm. Today that farm land has been developed with nice houses. It is probably worth much, much more.

But the law only allows one claim based on actual innocence. Dale's only hope was to get compensation under the new "errors in procedure" passed by Representative Seitz. Dale filed another claim in 2008, but he's been rejected again under the court's interpretation of the law, since the prosecutor withheld the evidence *before* his sentencing.

Dale's wrongful conviction cost him everything. And, in addition, that cloud of suspicion hung over him until 2008 when the real killers confessed. Dale has done his best to rebuild his life. I have found him to be a gentle man, and a man of Christian character. He left prison to live with his mother. He cared for her until she passed away. He became involved in church. He worked as a carpenter and handy-man. He has been a good husband for my mother-in-law for almost 18 years now. His story has been straight and consistent, and unchanging. However, Dale continues to struggle with this injustice and the fact that he's never received an apology or gotten a dime from the state that almost took his life.

I am a pro-police, law-and-order type of person. The police are our friends. I respect them. But this case, like some others I have discovered, is a case where law enforcement zeroed in on a suspect, neglected evidence pointing to the true perpetrators, and the prosecution failed to disclose that evidence to the defense as required by our constitution. This erodes confidence in our criminal justice system. That is very dangerous to a society. In cases like this, where there was a failure in the system, it's better to take the medicine and say, "You know what? This was a mistake. Let's correct it. Let's restore the confidence in our system." That's what H.B. 411 attempts to do.

Dale's memory is now fading, and he doesn't have much time left. He has no money to pay for his care and depends on my wife and myself to support him. Dale has suffered so much in his life, and he deserves some sense of justice and peace. Please support this bill to help Dale and other wrongfully convicted people.