

Bryan Corbett Proponent Testimony for H.B. 277

My name is Bryan Corbett. My step-father in-law is Dale Johnston. His health is poor and he was not able to come today. I have been asked to speak for him.

In October of 1982, Dale's step-daughter, Annette Cooper-Johnston, and her boyfriend, Todd Shultz, were murdered. Their bodies were found in a corn field in Logan, Ohio. Almost immediately, Dale was suspected. The problem was, there was no evidence, just suspicion.

Dale was very cooperative with the investigation. He didn't think that he needed a lawyer. He was confident that the truth would ultimately win, and that the actual killers would be found. He came to regret being so cooperative and naïve.

The Logan Police asked Dale to come in and discuss a report he had made a few days earlier. Dale had reported the license plate number of a car with 2 young men acting suspiciously. It turned out that the police had little interest in Dale's report. Dale would spend 8 hours being interrogated. If there was ever a case where an interrogation should have been recorded, it's this one.

It would be 15 months later that the detectives would testify at trial about what was said, what was asked, and what was answered. The detectives said that Dale admitted to certain things. Dale said he did not. Truth is, we don't know for sure what was said. We weren't there.

But here's what we do know. We know they didn't record the interrogation even though recording equipment was available. We know they didn't take notes at the time, but waited over a year to write down notes from memory. Yes, over a year. And we know that some of things they testified to at trial were not found in their own notes.

Yet, Dale Johnston was convicted of a double homicide and sentenced to the death penalty.

Now, here's the good news. Dale's case was moved to Franklin County on appeal. It would eventually make its way to the State Supreme Court where Dale's conviction was set aside and a new trial was ordered. It was ruled that Dale's rights were violated by that detective and the new trial could not include the unrecorded interrogation. At this point, the charges were dropped and Dale was finally released after almost 7 years on death row.

You should also know, that in 2008, two men were caught, confessed, and were convicted for this double murder. They had absolutely no connection to Dale. He had never met them. In other words, Dale was innocent and now exonerated.

Perhaps, if that interrogation were handled correctly, and recorded, Dale might not have lost everything, including 7 years in prison, and almost his life.