

Testimony of Bryan Corbett

Ohio Senate Judiciary Committee

Senate Bill 101 Proponent Testimony

December 4, 2024

Good morning, Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson and members of the committee. My name is Bryan Corbett and I am an associate pastor at Grove City First Baptist Church, here today representing my own views on the death penalty.

As a Christian pastor and a strong supporter of life, I do not see the death penalty as being compatible with the teachings of Christ. When asked about a death penalty crime in His day, He said, *“Let any one of you who is without sin be the first to throw a stone at her.”* And as the well-known story goes, no one from the crowd stepped up. They all walked away.

My connection to the issue of the death penalty is much more personal than most pastors. When a man named Dale Johnston began dating my mother-in-law in 1998, I admit that I was uneasy. In the town where we lived, his name had become synonymous with brutality, violence, and evil.

In 1982, the bodies of Dale’s stepdaughter, Annette Cooper and her fiancé, Todd Schultz, had been discovered in pieces along the Hocking River. The young couple had been viciously attacked and murdered, rocking the community to its core.

The community’s need for justice was strong, and the pressure was high to catch whoever had committed this atrocious crime. Because Dale was opposed to Todd and Annette’s engagement, he became a suspect for the murders. From the beginning, Dale denied any involvement, and there were other strong suspects. Yet officials zeroed in on Dale and tried to shoehorn the evidence to fit a theory that was shaky, at best. Dale was convicted of the murders and sentenced to death in 1984.

As the case wound its way through the appeals process, the courts began to see glaring mistakes – hypnotized witnesses, junk science, and failure to pursue credible suspects. One by one, the judges who examined Dale’s case found more reason to release him from prison. Finally, after 6 ½ years on death row, Dale Johnston’s case was set aside without prejudice. So they could have

re-tried him. But the hypnotized witness testimony was thrown out. The junk science was disallowed. And the clear Brady violations, where exculpatory evidence was not shared with the defense. This was found to violate Dale's constitutional rights to a fair trial. On May 10, 1990, he was released from prison.

Being free from prison did not mean that Dale was actually free, though. While wrongfully imprisoned, he had lost his reputation, his livelihood, his property, his family, and his community. The shadow of this ordeal followed him for decades. That's why I admit that, when it looked like Dale was going to become my step father-in-law, I had my doubts. Who could blame me? Everyone had pointed the finger at him for years. Officials were so sure they had the right guy and that he had gotten away with murder.

In 2008, two men, with no connection to Dale, confessed to the murders, and Dale was finally exonerated. But 26 years of people thinking you got away with murder can leave scars that do not heal.

As I reflect on Dale's story, I am deeply troubled at the way we sentenced this innocent man to death so easily. So many were so convinced that Dale Johnston had murdered his stepdaughter and her fiancé in cold blood. If we're going to own the responsibility of taking another human being's life, we better be sure we have the right person, beyond any doubt. And yet, they pursued and accused the wrong man for decades. How can we ever be sure that we get it right if Dale Johnston – the man so maligned for years and years – was innocent all along? And now, everybody knows it. The death penalty simply must not continue if we are prone to this kind of error.

In addition to being in Dale's family, as I mentioned, I am a Christian pastor. I would simply ask, who among us is qualified to flip the switch on someone's life? Instead, we could let the God who gives life, be the one who takes it. This, along with the practical failings of our system that I have personally witnessed, make me convinced that it's time Ohio abolishes its death penalty. I strongly support Senate Bill 101.

Thank you for allowing me to share Dale's story and I would be happy to answer any questions.