

Between A Rock And A Hard Place

By Ronald Dalton

The Association In Defence of the Wrongly Convicted (AIDWYC) is a non-profit Canadian organization devoted to investigating cases of alleged wrongful conviction throughout all of Canada. AIDWYC is based in Canada's largest city, Toronto, and it has been involved in the exoneration of numerous people.

In June 2005 AIDWYC hosted a conference on wrongful convictions in St. John's, the capital of Newfoundland and Labrador. St. John's was chosen for the conference because a Public Inquiry is just now completing a two-year investigation of three wrongful murder convictions that occurred in its jurisdiction within a recent five-year time span.


The conference's title — "Wrongful Convictions: Between a Rock and a Hard Place" — reflected the reality of dealing with wrongful convictions and incorporated the unofficial nickname of the Province of Newfoundland and Labrador, known affectionately as "THE ROCK." The conference agenda included several panels dealing with the all too pervasive causes of wrongful convictions. Many of the panellists were drawn from the ranks of AIDWYC'S talented Board of Directors with an interspersing of local jurists, lawyers, media representatives, law enforcement officials, and wrongly convicted individuals and members of their families. The conference was well attended by individuals interested in the issue of wrongful conviction and included such diverse interests as academics, jurists, police officers (including a sizable contingent of cadets in training), journalists, government attorneys, and members of the general public.

In addition to the formal agenda of the conference, AIDWYC hosted a fundraising concert with local and nationally recognized musical and other talent donated to further the ongoing work of the group. Another fundraising banquet featured a keynote address delivered by AIDWYC director James Lockyer. The theme of Lockyer's talk was that while there is the need to accept the inevitability of serious errors in any justice system operated by fallible human beings, there is also the necessity of remaining vigilant in order to minimize those errors and to try and correct them.

As one of the local wrongly convicted individuals I was pleased to be invited to participate in the conference and was

particularly impressed with the paper presented by recently retired Justice William Marshall. He acknowledged the fallibility of our justice system and called for needed improvements. I consider it a privilege to have shared the conference stage with other wrongly convicted individuals, each and every one truly dignified men of exceptional character. I was equally impressed with the emotional sharing of painful experiences presented by members of our immediate families, those people who shared our suffering and continue to share our recovering lives.

JD Note: Ronald Dalton was wrongly convicted in 1989 of strangling his wife Brenda. Relying on a prosecution "expert" witness — a hospital pathologist whose knowledge of forensic pathology consisted of having taken a three-month course — the jury rejected Dalton's defense that she choked while eating dry cereal as they were watching television. The "expert" attributed bruises on her face and neck area to manual strangulation.

Dalton was sentenced to life in prison. After 8-½ years of imprisonment Dalton's conviction was overturned by the Newfoundland Court of Appeal and a new trial was ordered. He was released on bail. At his retrial in 2000, five renowned forensic pathologists testified that all the evidence indicated Brenda had in fact choked to death. Testimony established that cereal was suctioned from her throat and her bruises were consistent with those that would have been caused during the hospital personnel's frantic efforts — described as "organized pandemonium" — to revive her. Two forensic psychologists testified that Dalton's initial lack of candor with police about what happened and his failure to disclose that he had recently been involved in an extramarital affair was attributable to his state of mind, and "that at the time of his wife's death Mr. Dalton suffered from acute stress disorder, which was brought on by watching his wife die before his eyes. At the time he made the false statements, therefore, Mr. Dalton's judgment was severely impaired." Dalton was acquitted in June 2000. He 

Timothy Fonseca Update

Timothy Fonseca has proclaimed his innocence since his arrest in 1995 by Los Angeles police in connection with the shooting death of Arthur Mayer. After being found guilty by a jury he was sentenced to 35 years to life. (See, Two Victims From One Bullet - The Timothy Fonseca Story, *Justice: Denied*, Issue 27, Winter 2005, p. 12) Fonseca contends he was poorly represented by an attor-

Ohio Gov. Alludes To Innocence After Graft Conviction

By JD Staff


Ohio Governor Bob Taft was convicted on August 18, 2005, of four counts of failing to file state reports documenting the dollar value of golf outings, hockey tickets, meals and other gifts provided to him by several dozen influential Ohio corporate executives, lobbyists and politically powerful attorneys.

Ohio state law requires that all public officials, including the governor, must file an annual ethics report documenting the source and value of all gifts worth \$75 or more.

Taft was convicted after pleading no contest to failing to report about \$3,500 in gifts from 2001 to 2004. The charges were misdemeanors and Franklin County Municipal Judge Mark Froehlich fined Taft the maximum of \$1,000 for each count — a total of \$4,000. He also sentenced Taft to distribute an apology throughout Ohio. Judge Froehlich didn't sentence Taft to jail or probation, explaining that although it "would have been the popular thing to do," Taft seemed genuinely remorseful so it wouldn't have served any purpose.

After the hearing, Taft claimed he had no intent to violate the law, because he only became aware in the summer of 2005 that he had a legal obligation to report the source and value of the gifts. He took an *Alford* plea because it didn't involve admitting guilt for something that he made clear he considered a technical violation of the law. Taft characterized the unreported meals, and golf and hockey outings as "social events with friends."

After becoming Ohio's first sitting governor to be convicted of a crime, Taft said he would not resign. His current term ends in 2007.

Sources:
Taft Convicted, Fined, Sandy Theis and T.C. Brown, *The Plain-Dealer*, Cleveland, OH, August 19, 2005. 

ney with no experience in criminal cases, and whose specialty was civil and family law.

Dr. Louis Rovner is a nationally respected polygraph expert based in Woodland Hills, California. In the summer of 2005 Dr. Rovner conducted an intensive two-hour examination of Fonseca at Pleasant Valley State Prison in Coalinga, California. After analyzing the results, Dr. Rovner concluded,

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