


JUSTICE DENIED

\$3
Retail

The Magazine for the
Wrongly Convicted

NORFOLK FOUR SEEK PARDONS FROM FALSE CONFESSIONS

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**Issue 30
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In February 2000, my husband Bob Dorotik and I lived in Valley Center, which is a rural area about 35 miles north of San Diego, California. Bob was a marathon runner and he went jogging on Sunday afternoon, February 13, 2000. I watched him put on his running shoes and lean over to tie them as he was watching a basketball game. He said, "I'm going out for a run." I was on my way to the upper foaling barn on our property to tend to our foaling mares, so I said to him, "Stoke the fire before you go." Those were our last words with each other, because it was the last time I saw Bob alive.

Shortly after 5 p.m. I returned to the house from the barn (a distance of several hundred yards) and Bob hadn't returned from running. I became alarmed because it was getting dark and Bob never ran after dark. [JD Note: According to the website of the U.S. Naval Observatory in Washington D.C., San Diego's sunset on Feb. 13, 2000 was at 5:32 p.m.] I drove around within a few miles of our house looking for Bob. When I didn't find him I went home and called the San Diego County Sheriff's Department.

That night a search for Bob was begun that involved sheriff deputies, friends, a civilian search and rescue team, and a scent tracking dog. Bob's body was found the following morning at 4:36 a.m. near a wooded intersection 3-1/2 miles from our home. His head had been bashed in to the point of being "pulpified." The rope used to strangle him, that cut 1/4" deep gashes into his neck, was still around his neck. Two sets of shoeprints were identified near his body. Bob's jacket was found along his jogging route a half a mile from where his body had been found.

Sheriff deputies guarded my husband's body, for over 12 hours until the coroner arrived Monday afternoon at 5 p.m. However, during the crime scene examination the coroner did not conduct a liver temperature test to pinpoint Bob's time of death.

During Bob's autopsy the coroner found "black

Husband Seen Jogging The Day After His Wife Allegedly Murdered Him — The Jane Dorotik Story

By Jane Dorotik

foreign particles" embedded in his skull which he determined to be black paint. Presumably these particles were from the unknown murder weapon since it was never found. The rope used to strangle Bob was not tested for possible DNA traces left by his killers' hands.

Two eyewitnesses independently provided the sheriff's office with information that they saw Bob after he left the house to go jogging that Sunday afternoon. However, the existence of those witnesses was not disclosed to my lawyer or me, and detectives didn't pursue investigating those leads. In fact, the eyewitness who saw Bob between two men in a small black pickup truck parked where his body was found, was specifically told by a homicide detective that "her information was irrelevant."

Two eyewitnesses independently came forward to provide the sheriff's office with information that they saw Bob after he left the house to go jogging that Sunday afternoon.

The first witness volunteered her information to a sheriff deputy the morning Bob's body was found. She reported seeing Bob at approximately five p.m. She said *he was "slumped over" between two Hispanics or American Indian men in a small black pickup truck just a few feet from where his body was found the following morning.* (See accompanying Interview of LS, p. 33.)

The second witness reported to a sheriff's investigator that she saw Bob jogging at approximately four p.m., less than a mile from where his body was found. That witness also saw a small black pickup truck being driven erratically along that road at the time she saw Bob jogging. She said "there were two men in

the truck who looked to be Hispanic or Indian." She was positive about seeing the truck and its occupants, because she said it "almost ran me off the road." (See accompanying Interview of SN, at bottom of page.) That witness is the last person known to have seen Bob alive — other

than his murderers. Both witnesses also described the small black pickup truck as being an older model with the old style California license plate.

Although I didn't learn it until two years later, on the morning Bob's body was found the first witness gave a short interview about what she saw to a reporter with San Diego television station KUSI that was broadcast later that day. A third witness contacted the sheriff's office to provide the information that on Sunday afternoon (Feb. 13) in the area where Bob was found, he saw two Hispanics in a small black pickup truck being driven so erratically that it crashed into some trash cans by the side of the road.

So the San Diego Sheriff's Office had independently corroborating evidence from three eyewitnesses suggesting two Hispanic or American Indian men in a small black pickup truck were involved in Bob's murder. However, I was neither notified about these witnesses, nor about the information they provided, and the sheriff's office didn't pursue investigating those critical eyewitness leads into Bob's murder. In fact, the eyewitness who saw Bob between two men in a small black pickup truck parked where his body was found, was specifically told by a homicide detective that "her information was irrelevant."

Consequently, when I was targeted as my husband's murderer I couldn't raise a public storm about the failure of the homicide detectives to focus their investigation on identifying the small black pickup truck and the two Hispanic or American Indian men that they had substantial reason to suspect were the perpetrators of Bob's murder.

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INTERVIEW OF SN *

On March 5, 2005, SN was interviewed by a private investigator working on Jane Dorotik's behalf. *The woman's initials are being used by *Justice: Denied* in place of her name to provide a measure of protection for her family that lives in a rural area, since she is a witness and the men responsible for Bob Dorotik's brutal murder have not been apprehended.

Excerpts of Interview:

On February 13, 2000, at around

3:45 to 4:15 p.m., "not long before dark" she was going west on Woods Valley Road on her way to the market ... She saw a man ... jogging east on the road, on the opposite side she was going. The man jogging smiled at her, she smiled back and was able to get a good look at him. ... She then proceeded to the store, and stayed in the store for no more than 10 to 15 minutes. On her way home, she noticed that the man was now running in the same direction she was going ... he was still going east on Wood Valley Road ... She knew it was the same

man she saw a few moments before because he looked the same and was wearing the same jogging clothes.

... After she had turned right on N. Lake Wolford Road SN saw a black truck coming at her at a fast rate of speed. This black truck was in the same lane she was in, and the truck was coming at her head on. There were two men in the truck who looked to be Hispanic or Indian. ... She stated, "They both looked really scary. They reminded me of kids on a joy ride, but they were older than kids." She got out of the way just in time to avoid an accident,

and she indicated she had concern for the jogger because of the high rate of speed the truck was going.

SN ... described the [black] truck ... was a very old truck with the old licensed plated that was "black and yellow."

SN indicated that she had seen a photo of the man on February 14, 2000 on the news and recognized it as the same man she saw jogging. ... SN indicated that she has not seen the men in the black pickup truck since February 13, 2000.

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The Prosecution's Theory of Bob's Murder

The detectives based their suspicion of me on a small amount of blood found in the master bedroom of our home. I told them it was residue from a nosebleed Bob had a week earlier. The detectives relied on that small amount of blood to construct the following scenario to neatly "solve" Bob's murder:

- I murdered Bob in our bedroom on Saturday, February 12, 2000.
- I then conducted an intensive operation to clean the bedroom of the significant amount of blood Bob lost from his extensive head wounds.
- I then carried Bob's body out of the bedroom, across a sixty foot porch, down a flight of stairs, lifted him into our truck, which was a *full-size white Ford F-250* and *not* a small black pickup truck, transported him to where he was found, and unloaded him.

The Prosecution's Theory Was Contrary To The Facts

Their scenario is ludicrous for the following reasons:

- The observable rigor mortis at the time Bob's body was found was inconsistent with a Saturday night death.

- There was no trace of blood in any of our home's sinks, the shower, or the tub in the master bathroom. In addition, our small household carpet cleaner wasn't capable of cleaning the significant amount of blood Bob lost from his injuries.
- In spite of the severity of Bob's head wounds, no brain matter or bone fragments were found in our master bedroom, elsewhere in our house, or outside from the house to the driveway.
- None of Bob's tissue or blood was found on any of my clothes.
- None of Bob's tissue or blood was found in the path from our bedroom to the outside door, on our deck, the steps, nor on our driveway.
- On the Sunday evening of Bob's disappearance, sheriff deputies, search and rescue team members, and a scent dog, were all in our bedroom and not a single person saw any blood, nor noticed that it looked like it had been shampooed within the previous 24 hours, nor that it was damp from having been cleaned and shampooed recently. Neither did the scent dog detect Bob's blood. The next evening after Bob's body was found, homicide detectives came to the house and interviewed family members, and did not notice any indication it was the crime scene. However, on February 16, and 17, the day I was arrested, there was a wind and rain storm that knocked out power in the area of our home and also caused rainwater

to leak around the window above our master bedroom and around the exterior sliding glass door in the master bedroom. The area dampened by the rainwater was in the same area where Bob had cleaned his nose-bleed the previous week. When interviewed by a private investigator *after* my conviction, our landlord "confirmed that there was leakage in the window above the master bedroom that caused leakage ... The leakage ... resulted in damp carpet. The sliding glass door area in the master bedroom also leaked to the storage rooms below and he admitted ... there was also dampness there." (See accompanying, Interview of RB, p. 34) [JD Note: According to the wunderground.com website, there was above average winds, high wind gusts, and nearly 2/3rd of an inch of rain on February 16 and 17, 2000 in the area of Valley Center, CA. This information was obtained by JD on October 22, 2005]

- I am not physically capable of carrying Bob's body out of our bedroom, across a sixty foot porch, down a flight of stairs and lifting him into our truck. I was about 40 pounds overweight and unfit, I have an arthritic back, and a serious motor vehicle accident left me with a fractured hip repaired with metal. I couldn't even lift the water bottle onto the cooler, much less lift and carry the dead weight of my husband's body across any distance. Yet the

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INTERVIEW OF LS *

On February 23, 2005, LS was interviewed by a private investigator working on Jane Dorotik's behalf. *The woman's initials are being used by *Justice:Denied* in place of her name to provide a measure of protection for her family that lives in a rural area, since she is a witness and the men responsible for Bob Dorotik's brutal murder have not been apprehended.

Excerpts of Interview:

LS lives [near] where the victim's body was found. She ... is very familiar with the area and its residents.

LS related ... 4 or 5 weeks before February 13, 2000, her young teenage daughter came home from school after getting off the school bus ... As she was walking home she saw a black truck parked ... and there were two men inside the truck.

When LS went to pick her daughter up at the bus stop the next day she noticed the black truck with the two men inside just as her daughter had told her the previous day. LS observed that the truck was an older model small pick-up that was rather beat up. The license plates were old.

They were black and gold like the type California once used. ... [The men] ... could have been Hispanic or American Indian. ...

On Sunday, February 13, 2000 LS was driving her husband to visit a sick grandfather between 4:00 p.m. and 5 p.m. She noticed the same black truck that she had seen previously. ... However, this time there was another man between the two men. This man was Caucasian, and was sitting between the two men whom she had seen several times. ... She described him as looking out of place. He had a medium sized mustache, his eyes were open and he was staring straight ahead, but his eyes didn't appear to be focused, it was like he wasn't seeing. ... He wasn't moving at all. The men on the two sides of this man seemed to be looking around a lot. She had no problem getting a good look at them because she could see all three men through her front windshield window and this gave her a frontal view because of the way the vehicle was parked. Since the above date LS has not seen the two men that were originally in the black truck.

The next day February 14, 2000, LS was driving to her grandfather's when she passed by the same location where she had seen the three men the

previous day. This time ... there were "news people and police" at the same location where she saw the men and the truck. LS approached a newsman and asked him what had happened and he told her that the body of a man had been found. Just as he told her this he also showed her a picture of the man that was found. LS related, "My God, that's the same person I saw sitting in the truck."

She was shocked when she looked at the picture, and she then related that cameras came toward her and filmed her. ... [T]he cameraman (KUSI - San Diego) started filming her as she was relating to the reporter that this was the same man she had seen the day before sitting between two men in a black pickup truck.

She went over (still at the scene) and told the Sheriffs what she had seen. ...

She related that the officer took her name and address and told her someone from their department would be contacting her to question her further.

LS said that afternoon and evening she saw herself, "all over the news" being described as an eyewitness. She said she felt afraid that the two men in the black pickup truck might

try and come after her or, even worse, one of her children. ... She ... called the sheriff and the news and told them she did not want her name or face being shown on television at all ... She said the media did not air anything about her again after that evening. She said even so, she still feared for her safety ...

LS said no one contacted her for the next fifteen months until she got a call from an investigator for the defense ... (May 28, 2001). ... She said that shortly after the initial contact from the defense investigator, she got a call from homicide Detective Ryzdzinski (May 31, 2001) telling her that her information was irrelevant...

LS related that she was subpoenaed to court by the defense... LS testified in court that she still believed the two men in the black pickup truck to be the real murderers of the victim ...

LS said the case bothered her a lot at the time, and still bothers her. She said she was absolutely certain that the man she saw in the truck on Sunday, February 13, 2000, was the victim. ... She said she felt detectives had not taken her seriously from the start and had more or less tried to talk her out of what she said she saw. LS said again, "I know what I saw."

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prosecution's scenario had me doing the impossible feat of carrying him down stairs and lifting him into and out of our truck.

- I am not strong enough to create the 1/4" deep gashes in Bob's neck caused by the rope. In addition, my hands showed no traces of cuts or marks that would likely have been caused from the exertion necessary for me to have inflicted his extensive injuries.
- My foot size and none of the many pairs of shoes seized during a search of our home matched either of the two sets of footprints where Bob's body was found.
- Bob's jacket was found a half-mile from his body on the other side of the road. Interestingly, there was no blood visible on his jacket.
- I had no motive to want Bob dead. We had a loving relationship. As all couples do, we had our differences over the course of our thirty-year marriage. However neither of us was contemplating divorce and there was no history of violence by either of us. At the time of Bob's death my lifetime police record consisted of two speeding tickets.

Compounding the impossibility of the detective's scenario is what was seen by the eyewitnesses. One witness saw my husband alive on Sunday afternoon at about 4 p.m. jogging on a public street, and at about that same time on that same road was almost run "off the road" by two Hispanic or Indian men in a small black pickup truck. Another wit-

INTERVIEW OF RB*

On March 23, 2005, RB was interviewed by a private investigator working on Jane Dorotik's behalf. *His initials are being used by *Justice: Denied* in place of his name since he is a witness who undermines part of the prosecution's case against Jane Dorotik, and the men responsible for Bob Dorotik's brutal murder have not been apprehended.

Excerpts of Interview:

RB was Jane Dorotik's landlord, and he knew about the condition of the house prior to Jane and her husband Robert Dorotik renting the house from him.

RB confirmed that there was leakage in the window above the master bedroom that caused leakage during a prolonged rainy season. The leakage went into the wall and also on to the flooring which resulted in damp carpet. ...

The sliding glass door area in the master bedroom also leaked to the storage rooms below and he admitted to this investigator that there was also dampness there.

RB related ... the persons responsible for the damage to the house were the ... former owners of the house. When RB bought the house ... he took possession in the damaged condition and didn't repair it prior to renting it to the Dorotik's.

ness saw Bob within the next hour "slumped over" between two Hispanic or American Indian men in a small black pickup truck. A third eyewitness said that on Sunday afternoon an erratically driven small black pickup truck with two Hispanic appearing men inside was near where Bob's body was found.

The San Diego County DA would be expected to know the following:

- Multiple eyewitnesses implicate two Hispanic appearing men in Bob's murder.
- Eyewitness evidence supports that Bob was likely either injured or dead while in a small black pickup truck parked where his body was found.
- Two sets of shoeprints were found by Bob's body, and my shoeprint was excluded as matching either of those crime scene shoeprints.
- The Hispanic who worked for us didn't show up for his regularly scheduled work the Sunday of Bob's death. He owed us money, drove a small black pickup truck and lived with his brother and other family members about half-a-mile from where Bob's body was found. It is also suspicious that he and his brother told wildly different stories to the detectives who questioned them about their whereabouts that Sunday.

The Prosecution Relied On A Shoddy Investigation, Perjury, And Speculation To Convict Me

Yet in spite of those facts, and that there was no eyewitness or physical evidence of my guilt, I was convicted and sentenced to 25 years to life in prison. So how was I convicted?

- The homicide detectives testified they found a large amount of blood in our bedroom that was not seen or detected by sheriff's officers, search and rescue workers or a scent dog on the evening of Bob's disappearance, or by the homicide detectives who were in our house and interviewed family members the next day after his body was found.
- The prosecution's forensic "expert" testified to an elaborate hypothetical scenario involving me bludgeoning Bob in our bed. This same forensic "expert" had been rejected as an expert by the San Diego County D.A. in other cases because of errors he had made. However neither I nor my attorney were aware of his lack of expertise at the time of my trial, and the prosecution did not disclose it to us.
- Based on nothing but his visual observations, a homicide detective testified that the rope used to strangle Bob – which was a common type of all-purpose rope – was identical to rope found on our property. No forensic tests were conducted to substantiate the detective's assertion.

- There is a hair very clearly depicted in two close-up autopsy photographs of Bob's right hand. Yet to my knowledge that crucial hair, which one could reasonably presume was from one of his killers, was neither collected as evidence nor analyzed.
- The Hispanic who worked for us, drove a small black pickup truck and lived a half-a-mile from where Bob's body was found, told detectives a radically different story than his brother about their whereabouts on that Sunday. He invoked his Fifth Amendment right against self-incrimination, so the judge didn't allow the jury to hear any of the circumstantial evidence suggesting that he and his brother could be my husband's murderers. We still don't know what he knew, or what he did, that he thought was incriminating.
- The homicide detectives and prosecutors did not disclose the existence of the eyewitnesses to my lawyer and me. We became aware of the first witness — who saw Bob "slumped over" between two Hispanic or American Indian men in a small black pickup truck no later than 5 p.m. — when she came forward to provide us with the information at the end of my trial. She did that in spite of expressing fear from knowing the killers were still at large. The judge allowed the jury to hear her testimony. However, her assertion that she "believed the two men in the black pick-up truck to be the real murderers" was so totally contrary to both the prosecution's theory of the crime and my lawyer's defense strategy, that the jurors didn't allow it to influence their decision. For them to have done so, they would have had to accept that my trial was nothing more than an elaborate, staged lie. We found out about the second witness, who saw Bob jogging about 4 p.m. on Sunday, when she called my lawyer *after* the jury had begun deliberating. The judge *did not* allow the jurors to hear her testimony that was consistent with the testimony of the other eyewitness. If the jurors had heard her testimony they would have been faced with considering the fact that my husband was seen jogging on a public road more than 12 hours after the prosecution claimed that I had killed him on Saturday the 12th.
- We have statements as to what both of those witnesses saw on the day Bob disappeared and was murdered. We have also obtained a video from a February 14, 2000, news report in which the first witness describes what she saw.

The flimsiness of the prosecution's case is indicated by the speculation of the prosecution's wound expert — who was a dentist — that the most likely murder weapon was a hammer. Yet he acknowledged on cross-examination that he knew of no hammer whose head would be

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painted black, and that it is unlikely a painted hammer even exists. He speculated as to what the murder weapon was, because it was not found. [JD Note: JD examined the hammers for sale at a Home Depot and a Loews Home Center on October 24, 2005. None of those hammers had a head painted black.]

The prosecution relied upon connecting some disconnected things to hide that there was no proper investigation and the detectives failed to follow leads, and that tests had not been conducted on physical evidence such as the rope found around my husband's neck. The prosecution built the case against me backwards. They began with the conclusion that I was guilty and then excluded everything that did not fit their theory, including ignoring the three eyewitnesses who saw the small black pickup truck the afternoon of Bob's murder.

My Lawyer's "Trial Strategy" Was To Accuse Our Daughter!!!

The plain and simple truth is that I am innocent of my husband's brutal murder.

Unfortunately, my lawyer failed to conduct even a cursory investigation to undermine the prosecution's case or expose the absurdity of the prosecution's theory. My lawyer didn't even challenge the prosecution's contention that our bedroom was the crime scene! Instead he presented the absurd theory that our daughter was the murderer!

That idea is beyond ridiculous because late on the Saturday morning before Bob's disappearance our twenty-four year-old daughter, who was temporarily living with us, had left to spend the weekend with my sister in Long Beach. My sister has the credit card receipt from their dinner on Saturday night at the Queen Mary, and our daughter didn't leave to return to Valley Center until after 7 p.m. on Sunday night. When I protested my lawyer's strategy of accusing our obviously innocent daughter of killing her father, he said it would force the prosecution to defend her and they would undermine their case against me when they did that. I reluctantly, and in retrospect foolishly, allowed myself

to be browbeaten into believing his strategy was my best hope to win an acquittal.

The weakness and inconsistencies in the prosecution case is reflected in the jury's deliberation for four days before finding me guilty. My conviction was upheld on direct appeal. I have exhausted my financial resources, and so I prepared and filed a *pro se* state habeas petition. On August 1, 2005 my petition was denied by my trial judge, and I have appealed to the state Court of Appeals.

If you have any information about my husband's murder, or investigative or legal expertise that can help me in my quest to overturn my conviction and gain my freedom, I can be contacted at:

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He remains in custody based on his confession.

January 12, 1998: Norfolk police arrest Williams' housemate Dick as a second suspect in the case. Dick is in the Navy, and he tells detectives he was on duty the night Moore-Bosko was murdered. Dick confesses under intense pressure from detectives. (*Time* magazine verified Dick's alibi while researching a December 12, 2005, article about the Norfolk Four titled, "True Confessions?")

January 15, 1998: Ballard found guilty of raping the 14-year-old girl on July 18, 1997.

February 10, 1998: Ballard pleads guilty and is sentenced to five years in prison for the June 24, 1997, assault on the young girl in Moore-Bosko's apartment complex.

March 1998: Report provided to Norfolk police that DNA test result excludes Dick. He remains in custody based on his confession.

March 23, 1998: Ballard sentenced to 100 years in prison for the July 18, 1997 rape of the 14-year-old girl. Fifty-nine years of the sentence is suspended.

April 8, 1998: Wilson is the third suspect arrested by the Norfolk police. He confesses after intense interrogation.

May 1998: Report provided to Norfolk police that DNA test result excludes Wilson. He remains in custody based on his confession.

June 18, 1998: Tice is arrested as a fourth suspect after Dick implicates him under interrogation pressure.

June 25, 1998: Tice confesses during intense interrogation by Norfolk Detective R.G. Ford, and eventually implicates three additional men: Geoffrey A. Farris, John E. Danser and Richard D. Pauley, Jr.

Late June 1998: Report provided to Norfolk police that DNA test results exclude Tice, Pauley, and Farris. Tice remains in custody based on his confession, and the others because of Tice's statement.

July 1998: One year after Moore-Bosko's rape and murder, seven men had been charged in her death. Pauley, Farris, and Danser were charged based on Tice's information.

January 22, 1999: Williams, admittedly infatuated with Moore-Bosko, pleads guilty to avoid the death penalty.

February 1999: Report provided to Norfolk police that DNA test result excludes Danser. He remains in custody based on Tice's statement.

February 1999: Ballard confesses to Moore-Bosko's murder in letter to an acquaintance named Karen. The letter states in part (with spelling and grammar uncorrected):

"And one last thing *you remember that night I went to mommies house and the next morning Michelle got killed guess who did that, Me HA, HA. It wasn't the first time. Im good aint i. I don't give a f*** about nobody, if i was out i would have killed that bitch down the*

street from you too. Tell the police, tell the FBI, tell anybody who gives a f***, not me. You thought you knew me, you don't Karen, trust me yall don't. Nobody knows me." (emphasis added) Ballard becomes a suspect after the letter is provided to Norfolk police.

March 4, 1999: Ballard confesses to Norfolk police that he alone killed Moore-Bosko. Ballard is already imprisoned for the two violent attacks against young women, one involving a rape, that he committed in the vicinity of Moore-Bosko's apartment within three weeks of her rape and murder.

March 8, 1999: Police charge Ballard, the eighth and final suspect in the case.

March 11, 1999: Ballard makes a second confession to Norfolk police that he alone raped and killed Moore-Bosko.

March 18, 1999: New tests establish that Ballard's DNA is the only one of the eight suspects whose DNA matches crime scene evidence. The Virginia Bureau of Forensic Science determines that Ballard's DNA matches sperm fractions recovered from Moore-Bosko's vaginal swabs and the blanket covering her body. No physical, forensic, or independent eyewitness evidence links any person other than Ballard to the crime.

April 13, 1999: Ballard's third confession to committing the crime, and his claim he committed it alone, is filed in court papers.

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