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leagues of good repute and competency. Although the practitioner's conduct did not occur in medical practice, there is a sufficiently close link or nexus between her conduct and the profession of medicine for the conduct to be 'in a professional respect'. The practitioner is therefore guilty of 'improper conduct in a professional respect' within the meaning of s 13(1)(a) of the Medical Act.

The Administrative Tribunal rejected that Dekker's conduct was "infamous" because she immediately reported the incident to the police. The Tribunal did not consider there was no evidence Dekker could have done anything to have saved the injured woman from dying at the crash scene from her extensive internal injuries. A hearing to determine Dekker's penalty and costs was set for February 2014.

There was considerable reaction by medical practitioners in Western Australia criticizing the ruling in Dekker's case. It set the precedent that no doctor can leave the scene of a possible injury accident — even if they have no way to meaningfully assist an injured person — without facing the possibility of jeopardizing their medical career. One criticism was by Dr Sara Bird [who commented](#): "I think this is a very unreasonable decision. It is an extraordinary and an unrealistic expectation to place on doctors."

[Click here to read](#) the appeals courts ruling in *Dekker v The State of Western Australia* [2009] WASCA 72.

[Click here to read](#) the ruling in *Medical Board of Australia and Dekker* [2013] WASAT 182.

Sources:

[Dekker v The State of Western Aust.](#) [2009] WASCA 72
[Medical Board of Australia and Dekker](#) [2013] WASAT 182 (11-14-2013)

[Medical Board Of Western Australia](#) (Applicant), Leila Dekker (Respondent); SAT VR:127/2006 (6-8-2009)

[Medical Board Of Western Australia](#) (Applicant), Leila Dekker (Respondent); SAT VR:127/2006 (7-28-2006)

[Dr Leila Maria Dekker](#) (Health Practitioner), Australian Health Practitioner Regulation Agency, [www.ahpra.gov.au](#) (last visited 1-10-2014)

[Crash doctor decision 'unreasonable'](#), By Paul Smith, Australian Doctor, December 3, 2013

[Leila Maria Dekker](#) (Reg. No. 10635), Western Australian Government Gazette, List of Medical Practitioners Registered 30 June 2008, State of Western Australia Government Printer, July 31, 2002

[Leila Maria Dekker](#) (Reg. No. 10635), Western Australian Government Gazette, List of Medical Practitioners Registered 30 June 2008, State of Western Australia Government Printer, August 22, 2008

[Western Australia State Administrative Tribunal](#), Public Register (2005-2014)



Utah Supreme Court Acquits Barton Bagnes For Showing His Sesame Street Diaper To Two Girls

Barton Jason Bagnes [has been acquitted](#) by the Utah Supreme Court of charges related to showing the Sesame Street diaper he was wearing to two girls in White City, Utah. Bagnes had been sentenced to 15 years in prison. Under the Court's ruling Bagnes' activity was unusual but it wasn't criminal.

White City is about 15 miles south of Salt Lake City. Bagnes was 31 and living with his parents when in May 2009 he was walking in a White City neighborhood sucking on a candy binky. Bagnes is a small man, 5'-3" tall and weighing 100 pounds. Two nine-year-old girls riding their bikes saw Bagnes and greeted him. One of the girls saw the top of a diaper he was wearing, and asked him about it.

Bagnes was wearing shorts, which he partially lowered to show the girls the diaper, which had an image of the Sesame Street character Elmo on it. The diaper completely covered Bagnes' pubic area, and showed less skin than a skimpy swimsuit. The girls had found a paper airplane made from a piece of paper containing images of children and adolescents wearing diapers. Bagnes told the girls he made the airplane and they asked him for another copy of the flyer. The flyer included the address for two websites that weren't pornographic.



Elmo, the Sesame Street character shown on Barton Bagnes' diaper

One of the girls took the flyers home, where her mother found them several days later. The mother called the police to report finding the flyer.

The mother again called the police when several days later her daughter told her that she and her friend again saw Bagnes. Bagnes was arrested and charged with two counts of lewdness involving a child for showing his diaper to the girls, and one count of sexual exploitation of a minor for showing the girls the flyer depicting children and adolescents wearing diapers.

During Bagnes' trial in July 2010 the prosecution didn't introduce any evidence he exposed himself to the two girls, or any evidence the



Barton Jason Bagnes

girls had looked at the two non-pornographic websites listed on Bagnes' flyer. No evidence was presented the two girls who had approached Bagnes felt afraid or threatened by him.

Bagnes testified in his defense that he had an incontinence problem since childhood and he had been ridiculed because of it. He also testified he showed children his diaper to let them know adults "do indeed wear diapers," and to help children who might be struggling with incontinence or similar problems to be open about it. He acknowledged showing part of his diaper to the two girls, but he denied completely pulling down his shorts. Since Bagnes testified the prosecution was allowed to cross-examine him about his lewdness conviction in 2000 for showing his diaper to children.

The jury convicted Bagnes of all charges.

During his sentencing hearing in September 2010 Bagnes told Judge Terry Christiansen that kids who have an incontinence problem aren't allowed to be open about it. [Bagnes acknowledged](#) his approach to public education about diaper wearing "clearly wasn't working," but "I couldn't think of any other way that would work."

Bagnes' lawyer Kimberly Clark argued that he should be sentenced to no more than a year in jail and undergo court ordered mental health treatment.

Judge Christiansen followed the prosecutor's recommendation and ordered Bagnes to serve a sentence of up to 15 years in prison on his sexual exploitation of a minor conviction, and up to five years on his two convictions of lewdness involving a child. He ordered the sentences to be served concurrently, for a total sentence of up to 15 years in prison.

Bagnes appealed. On February 14, 2014 the Utah Supreme Court unanimously overturned his convictions on the basis "the evidence was insufficient to sustain convictions for lewdness or sexual exploitation of a minor." In *State of Utah v. Barton Jason Bagnes*, 2014 UT 4 (UT Sup Ct., 2-14 2014) [the Court stated](#):

¶1 Bagnes's conduct was strange, and socially inappropriate. But it did not fall to the level of criminal lewdness or sexual exploitation under the criminal defi-

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nition of those terms as clarified below.

Regarding Bagnes' lewdness convictions [the Court stated:](#)

¶26 A diaper is one of the most opaque, bulky articles of clothing one could imagine wearing as an undergarment. If virtual exposure is the question, we cannot deem the public display of a diaper to qualify unless we are prepared to also criminalize a range of other clothing that is much less opaque and far less obscuring (such as certain swimwear, or even athletic or workout attire). The difference between the former and the latter is social acceptability—not lasciviousness in the form of virtual exposure. And the statutory definition of the crime has nothing to do with the former and only to do with the latter.

¶27 ... the flyers are insufficient to transform a mere oddity (display of an adult diaper) into a criminal act of lewdness (by virtual exposure).

¶29 Finding no evidence of lascivious, virtual exposure, we reverse Bagnes's convictions for lewdness involving a child.

Regarding Bagnes' sexual exploitation of a minor conviction [the Court stated:](#)

¶36 Our Victorian past is well behind us. We no longer live in a society where our style conventions and social mores clamor for head-to-toe cover-up. The opposite is closer to the truth. Right or wrong, our society roundly tolerates—and often encourages—ever-less sartorial coverage of the human body. Whether at the gym, the pool, the beach, or even the public square, we routinely encounter those who would flaunt or manifest their (heretofore) private parts, including their pubic regions. And depictions of these sorts of “exhibitions” are peppered across the pages of our mainstream magazines, catalogs, newspapers, etc. (in print and online).

¶37 Purveyors of this material would hardly expect to face criminal charges for child pornography or sexual exploitation. And if they were so charged, they could undoubtedly maintain strong constitutional defenses under the Free Speech and Due Process Clauses.

¶44 We reverse Bagnes's sexual exploitation conviction ... Bagnes's flyers in no way depicted any exhibition of the pubic region. The children and adolescents depicted in the flyers were wearing diapers, and the diapers did not

make their pubic regions visible in any way. It completely obscured them.

¶45 ... Absent evidence of exhibition, there can be no child pornography and thus no basis for a conviction for sexual exploitation.

¶46 ... the evidence did not sustain the charges against him.

¶47 Some forms of antisocial behavior are simply beyond the reach of the criminal law. That appears to be the case here, at least insofar as the charges of lewdness and sexual exploitation are concerned.

The Court's ruling the prosecution introduced insufficient evidence bars Bagnes' retrial under double jeopardy.

[Click here to read the Court's ruling](#) in *State of Utah v. Barton Jason Bagnes*, 2014 UT 4 (UT Sup Ct., 2-14-2014).

Seann Odoms is a diaper wearing advocate from London, England whose [Facebook page](#) has many photos of him wearing a diaper in public. In September 2013, three years after *The Salt Lake Tribune* published its article about Bagnes' sentencing, Odoms [wrote a 900 word comment](#) to the article online in which he effectively accused Judge Terry Christiansen of being diaperphobic and prejudiced against adult diaper wearers for his harsh uncompassionate treatment of Bagnes. Odoms' comment states in part:

This is terrorism!

Let us look at the brass tacks here.

[Judge] Christiansen knows for a fact that 1 in 8 people in the USA suffer with chronic bedwetting sometime in their school years, because he will have read the OFFICIAL statistics whilst sitting this case.that is; if he is literate!

...

It wasn't the Law that saved gays from persecution, because, if Christiansen is an example, the Law is administered by politically-retarded bigots. Gays became accepted because, against their conservative nature, they started dressing in tight pink shorts and similar in public. It was only then that the moron majority realised that gay people are commonplace and consequently must be ok.

I am doing the same in the UK, walking about in public in diapers and explaining my incontinence awareness campaign, NappyzRNormL, to anyone honest enough to ask or challenge me. It seems fine in the eyes of authority, in the form of our ever-present Police, and I have only had one aggressive approach



Seann Odoms (middle) wearing his diaper in public, with his arms around two girls he met on Kings Road in London (Seann Odoms Facebook page)

in 2 months from a member of the public; in fact I get incessant requests for photographs from tolerant and creative-minded European citizens. Maybe education in the Mormon State is more dysfunctional than ours in the UK.

...

There was no abuse or exposure per se [by Bagnes]. Do you really think the children to whom he revealed his diapers were alarmed? I would bet my annual cache of Tenaslips that they all actually laughed themselves sick. What, may I ask, is criminal about making a laughing-stock out of yourself?

Flashing? Are you serious? If all the tarts & bimbos spawned by the USA's depraved culture, habitually exposing themselves from under pathetic short skirts and cut-off pants, were similarly charged and imprisoned, the tax bill would send most of you 320 million Americans into starvation.

Forget the diaper for a minute! It is an undeniable fact thatif Bagnes had persistently dropped his pants in front of children to reveal BOXERS or BRIEFS, he would not have faced trial and sentence at all. Therefore there is no legal “exposure” or “abuse” per se..... legal fact!

So, the only difference, the only pertinent factor in the warped, perverted mind of this Judge is ... THE DIAPER ITSELF.

Therefore this is clear proof that [Judge] Christiansen has sentenced Bagnes to 15 years imprisonment solely for wearing a

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Delaware P.D.'s Office Files Motions To Overturn Hundreds Of Tainted Drug Convictions

On February 20, 2014 the Delaware State Police [shut down](#) the Controlled Substances Lab inside the Delaware Medical Examiner's Office after it was discovered the lab had lax security, and drug evidence for criminal cases was missing and in some cases replaced with fake evidence. Within days the Delaware's Attorney General requested that all drug related criminal cases in the state be delayed, and Delaware Chief Medical Examiner Richard T. Callery [was suspended](#) pending an investigation of the lab's operation.

In early March 2014 the State Police [began a separate criminal](#) investigation into whether Callery misused state resources to run his private consulting business. Callery's state salary was \$198,500 a year, and he charged at least \$200 an hour as an expert witness — primarily for out-of-state defendants.

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diaper. That is abuse of the U.S. Constitution and is straight out of the Al Qaeda handbook!

No doubt, if this amoral dysfunctional found his next-door neighbour was incontinent, he would use his deviously attained license to bully minorities from public office to pressure the neighbourhood into persecuting the sufferer. Well, it is his only chance to justify his position as judge and chief witchfinder-general, because he is precluded by Law from targeting "niggers, Yids and queers";is that right, Christiansen?

...
Judge Christiansen appears to me to be a lot more latter-day Klansman than latter-day Saint!

[Click here to read](#) Seann Odoms' complete comment to *The Salt Lake Tribune's* article that is towards the bottom of the page.

Seann Odoms Facebook page with photos of him wearing a diaper all over London is, www.facebook.com/seann.odoms.

Sources:

[State of Utah v. Barton Jason Bagnes](#), 2014 UT 4 (UT Sup Ct., 2-14-2014)

[Utah court wipes 'Diaper Man's' record clean](#), *The Salt Lake Tribune*, February 14, 2014

[Judge sends "Diaper Boy" to prison](#), *The Salt Lake Tribune*, September 20, 2010



Delaware Chief Medical Examiner Richard T. Callery

The State Police investigation was triggered when during a trial in early February 2014 [a prosecutor recognized](#) the pills in evidence that were supposed to be Oxycontin were in fact blood pressure medication. The investigation discovered that lab surveillance cameras were disabled, drug evidence was missing, and there were numerous discrepancies between when police log notes showed drug evidence was submitted to the crime lab and when the lab recorded it as having been received — which allowed time for fake evidence to be substituted for drugs and logged in.

When the scandal was first reported Delaware Public Defender Brendan O'Neill [told reporters](#), "I don't think this is going to end soon. This is the tip of the iceberg."

In the first wave of an expected 9,500 motions to vacate tainted drug related felony and misdemeanor convictions between 2010 and February 2014, the Public Defender's Office filed motions on April 30, 2014 to overturn 112 cases. The [motions described](#) the state's crime lab was "an investigative arm" of the prosecutor's office. As of mid-May 420 motions to vacate drug convictions have been filed by the Delaware Public Defender's Office.

Sources:

[Drug scandal hits Medical Examiner's Office](#), *The News Journal* (Wilmington, Del.), February 22, 2014

[Delaware medical examiner suspended in drug probe](#), *The News Journal* (Wilmington, Del.), Feb. 28, 2014

[ME's side work under criminal investigation](#), *The News Journal* (Wilmington, Del.), March 12, 2014

[AG disputes ties to Medical Examiner's Office](#), *The News Journal* (Wilmington, Del.), May 2, 2014

[Attorney seeks to toss 420 drug convictions](#), *The News Journal* (Wilmington, Del.), May 13, 2014

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Back issues of *Justice: Denied* can be read, there are links to wrongful conviction websites, and other information related to wrongful convictions is available. JD's online Bookshop includes more than 70 wrongful conviction books, and JD's Videoshop includes many dozens of wrongful conviction movies and documentaries.

Trial By Perjury: Millionaire, Mania & Misinformation

Trial By Perjury by Nancy Hall is about how Celeste Beard Johnson was convicted in 2003 of capital murder in the death of her then husband Steven F. Beard, who died of natural causes in 2000. She was sentenced to life in prison.

While in bed at home in Oct. 1999, Steven was shot in his stomach with a shotgun. Tracey Tarlton, a woman who became infatuated with Celeste after they met in February 1999, admitted the shooting and she was charged with Injury to an Elderly Person. Steven recovered and was discharged from the hospital on January 18, 2000. The next day he was readmitted with a yeast infection and he complained of chest pains. Exams showed he had severe heart disease and other medical problems. He died four days later. Tarlton and Celeste were charged with murdering Steven. Tarlton agreed to plead guilty and testify against Celeste in exchange for a reduced charge and a 10-20 year prison sentence. Celeste was convicted even though medical evidence showed Steven died of natural causes — not murder.

In *Trial By Jury* author Nancy Hall cites extensively from the case record to explain how the the prosecution was able to convince the jury that Steven Beard's death was murder and that Celeste was involved in his shooting.

Trial By Perjury is only available as an Amazon Kindle e-book for \$3.99. *Trial By Perjury* is 252 pgs. [Click here to order](#) *Trial By Perjury* from Amazon.com.

