

# How to beat a heavy sentence — years later

By Jesse R. Pitts  
special writer

**T**HE ODDS are rather good that Gary Dotson, who received a 25-to-30 year sentence for rape and kidnapping in 1979, will be a free man within a few weeks after serving six years of his sentence.

His case has been retried in the media which, with a few exceptions, have described him as a victim. Gov. James Thompson of Illinois has received telegrams and telephone calls and has invited lawyers for Dotson to petition him for clemency.

This often happens in crimes which draw heavy "public" sentences, after years have cooled the passions and clouded the memories.

I remember Perry Johnson, Michigan's ex-director of corrections, stating, in a debate on the death penalty, that 25 percent of those who had been given life sentences for Murder I were acquitted in retrials. That, to him, was a telling argument about the finality of the death penalty. In his mind, acquittal in a second trial meant "innocence."

FOR PEOPLE who know the criminal justice system, however, acquittal means that witnesses are dead, have forgotten, have moved too far away.

It also means that evidence which has been accepted in the past as legally obtained has now been declared un-receivable because of new interpretations by the higher courts.

Other evidence may have been lost, lost, tampered with or misplaced by the state laboratories.

It means that the judicial system, if the convict has already served a substantial amount of time, is ready to let him go and is looking for a legal excuse to do so.

Dr. Sam Shepard was acquitted in a new trial 10 years after the one that convicted him, but his second wife let escape some remarks about his violent character that did not seem to reflect a burning conviction of his innocence.

A GOOD LAWYER is helpful of course, but even more important is a dedicated mother. No prison has yet been built that will hold a person guilty

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of a heinous crime if his mother will fight for him, harass and beg the victims, the witnesses, the Parole Board and the governor and, last but certainly not least, manipulate the media.

The process does not even require huge sums of money (beyond let us say \$30 to \$40,000 seed money). Mothers will mortgage their homes, skip and save to finance their campaign to get their sons out of prison. Such admirable devotion will often paralyze critics who think more generally of society's interest in the proceedings.

When the case involves a victim's recantation, the mass media, which relish stories of "miscarriages of justice," will create a theater where the actors and their lawyers have their moment of fame. As lawyers go, Warren Lupel and McClario have now become famous, which is money in the bank.

Furthermore, there may be movie or TV rights for a docudrama, where the prosecutors will be "persecuting" and where the foster parents of the recanting victim will be making to look bigoted and mean, creating the climate which will explain how the victim would go to any lengths to avoid their harsh judgment.

Changing the names of the protagonists permits any distortion of the facts and means, creating the climate which will make the story more catching. Meanwhile there is a story for People Magazine, perhaps another one for Parade or Playboy.

MANY in the public believe that if the victim took a lie-detector test and "passed," it certifies that she is now telling the truth. It is more complicated than that.

There are private polygraph operators who will give tests for a fee. They are of varying competence and honesty. I believe that lie detector tests have

an 80 percent reliability (which is less about the same as for eyewitness evidence), but they have to be given by professionals of proven competence and integrity who use the numerical system of evaluation.

They have to be preceded by a urine test to check for the use of drugs which the subject may use to flatten his effect so that he will not respond too obviously to "W" questions.

I would be willing to trust the results of a lie detector test if I knew that it had been given by a professional operator mandated by the prosecuting attorney and had used a series of questions devised by the prosecution rather than by the defense attorney. Remember that the late Peter Lazaros, of the Pontiac numbers racket, had "passed" a lie-detector test.

Furthermore there are people who can "beat" the lie-detector test, people precisely whose right hand does not know what their left hands are doing. Fanatics can also give deceptive answers.

If you ask a person who now believes that her attacker was possessed by the devil whether the man was innocent, she can answer with utter sincerity that he was indeed innocent since "the devil made him do it." A lie-detector test should be framed to test this possibility.

When Illinois prosecutor Peggy Frossard interrogated the recanting victim in order to establish her state of mind

and motivation, her attorney blocked the questioning at every step.

DOTSON HAS been in prison for six years. In Michigan the majority of people convicted of criminal sexual conduct, first degree, do not stay in prison more than four years.

Granted that the crimes for which Dotson was convicted were particularly heinous. He tried to run down his victim with his car before he kidnapped her. The rape was not a 10-minute affair, but lasted two hours, and then he scratched letters on her belly with a broken bottle. The victim had a big bump on the back of her head and cuts in her vagina (she could not recall how she inflicted these wounds upon herself).

She had semen stains on her panties that reached to the elastic on the back. (She remembers now, eight years after the event, that she had lifted a heavy object that day and it made her expel the semen she had received from intercourse with her boy friend several days earlier.) She was found at 10:30 p.m. on July 9, 1977, by a Glenwood, Ill., police officer "staggering dazed and bleeding through a wooded area," but she claims this was all a staged event by a 16-year-old, afraid of being pregnant. Anyway six years imprisonment is no picnic. Why not show compassion which, beyond its own virtue, makes one feel morally superior to those who want vengeance?

THE CONDITIONS of the (likely) pardon will probably not increase the respect of the citizens for the judicial system nor increase the morale of the judges, jurymen and prosecutors who have seen the media's thirst for sensationalism override their hard work and professional dedication.

Prosecutors will be even less eager to prosecute rape cases than they are now. People close to the case are more

likely to think that the culprit "beat the system" rather than recovering his innocence.

Could not a plea for pardon, with the concurrence of the victim, have been made without what many professionals think was elaborate charade? Would not a confession of guilt and true contrition be a better background for release, than lies and more lies, even backed by the media?

It is conceivable that Dotson will lead an exemplary life from now on. His friends will throw a big party for

him when he comes out. Miss Crowell will slip back to obscurity. McClario and Lubel will defend more clients than before, perhaps even better paying ones.

Will justice have been accomplished?

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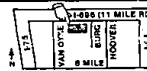
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## Oakland's auction is Saturday

Oakland County's annual spring auction will be Saturday, May 4, behind the County Central Garage on the service center site, 1200 N. Telegraph, Pontiac.

Gates will open at 8 a.m. for inspection. The public may inspect vehicles May 2 and 3.

The auction will feature stolen property recovered by the Sheriff's Department and other property no longer used by the county. Included will be 60 late model vehicles, 85 bicycles, 40 office machines, IBM typewriters, more than 100 pieces of office furniture, and commercial land and grounds equipment.

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## Schoolcraft newspaper 2nd best

The Campus Globe, student newspaper at Schoolcraft College, shared second-place honors for best overall newspaper in the annual Michigan Community College Press Association competition.

The Lansing Community College paper took first place, and the Grand Rapids Community College paper tied with Schoolcraft for second.

Campus Globe staff members won nine other awards — one second, three thirds and five honorable mentions.

Carlo Coppola, culinary arts student from Rochester, won second place for best review (of cook books) and a third for best ad creation.

Jan Conrad won a third place for a story on the opening of the Radcliffe Center in Garden City. The Globe received a third place for overall layout.

Honorable mentions went to the Globe for front page design; Tod Whitman for a soccer photo; Orlando Watkins for a news-feature photograph on an outdoor rock concert; Bob Frank for his review of Bordeaux wines; and Bernadette Czeryba of Canton for overall advertising layout.

Globe adviser is Patrick Newman, the college's student activities counselor. Newman, adviser for four years, will take a 23-week sabbatical during the fall semester and part of the winter semester.

## Gallery of Mother's Day Gift Ideas.

Featured: Flower Print by Oosterlo... \$7.99  
Porcelain Frame... \$21.99  
Matching Vase... \$36.99  
Set of Six Mugs... \$36.99  
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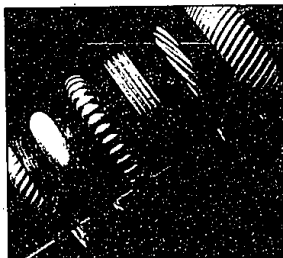
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## Mother's Day is May 12th!

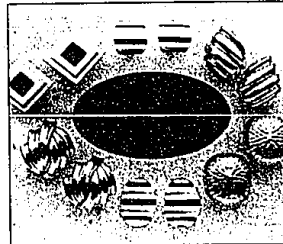
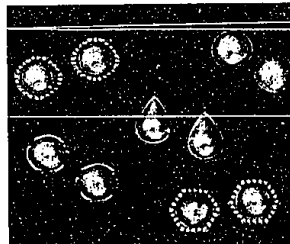
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Our bejeweled gold bugs, set with diamonds and other precious stones are priced from \$200.

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Our collection of Mabe Pearl earrings features over 15 styles, many set with diamonds. (Also available with pearls). Prices begin at \$160.

above right:  
Our 14k gold bangles for any occasion in a wide array of styles and sizes. Prices begin at \$165.

below right:  
Our gold earring selection, over 100 styles, pierced and clip-on, are priced from \$5. Styles pictured above begin at \$210.

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