

Expanded Background Summary
In re Ronald Lee Bell on Habeas Corpus (S105569)

Ronald Lee Bell was convicted and sentenced to death for the murder of Raymond Murphy during a robbery of Wolff's Jewelry Store in Richmond in 1978. Bell shot Murphy, the store manager, and another employee and fled with more than \$30,000 worth of jewelry. Bell was identified as the killer by Dorothy Dorton, then aged 13, and by Dorton's 14-year-old aunt, Ruby Judge, both of whom had been in the store at the time of the robbery-murder. Judge's adult sister and Dorton's aunt, Ernestine Jackson, was waiting in her car outside the store and also identified Bell.

Bell's defense at trial and in post-trial proceedings was that the eyewitnesses erred in their identifications and that his brother, *Larry Bell*, was the real culprit. Almost ten years earlier, Ronnie Bell had killed eyewitness Dorothy Dorton's father, Alcus Dorton, and had been convicted of manslaughter. Bell contended that Ernestine Jackson told the police (falsely) that she saw him (instead of Larry Bell) commit the crimes in retaliation for his having killed Alcus Dorton, and that Jackson convinced her sister and niece to corroborate her false account.

After Bell's conviction was affirmed on appeal by the Supreme Court of California, Bell petitioned the court for a writ of habeas corpus (one procedure for overturning a criminal conviction), claiming that he was actually innocent of the robbery-murder, that his brother Larry Bell had actually committed the crime, and that the eyewitnesses — Dorton, Judge, and Jackson — had testified falsely at trial. These allegations were supported by (1) declarations from two longtime acquaintances of Ernestine Jackson, stating that Jackson had subsequently recanted her trial testimony; (2) a declaration from Leroy Kelly, who knew both the Jackson family and the Bell family and who said Jackson wanted to punish Bell for having killed Alcus Dorton; and (3) a declaration from Dorothy Dorton, who recanted her trial testimony identifying Bell. The Supreme Court asked a lower court judge (a "referee") to hear witnesses and answer a number of questions relating to the truthfulness of the eyewitnesses' trial testimony and the truthfulness of the declarations Bell had submitted. During the course of that hearing, Bell withdrew all of the declarations except the one from Leroy Kelly. After the hearing, the referee found that Jackson had not recanted her trial testimony, that Kelly's contrary testimony was not credible, that Jackson had not instructed Dorton or Judge to falsely identify Ronnie Bell, and that Dorton and Judge had not recanted their trial testimony identifying Ronald Bell.

The Supreme Court must decide whether the prosecution presented false testimony at Bell's trial and whether Bell is actually innocent of the robbery-murder. The court ordinarily gives great weight to a referee's findings but does

not have to accept them. The court's decision will determine whether Bell's conviction and death sentence should be overturned.