

The Book of Job
Chapter 12 – 14, 38
JSI at Beth Torah, December 15, 2011

Book of Job, chapter 12

Book of Job, chapter 13

By JENNIFER EMILY

Staff Writer

jemily@dallasnews.com

Published: 04 November 2011 11:15 AM

Dale Lincoln Duke won't bear false witness. Not even to help himself. That's why, he said, he went to prison 14 years ago rather than remaining free by falsely admitting he molested his 7-year-old stepdaughter.

State District Judge Susan Hawk exonerated Duke on Friday, saying his imprisonment was "unjust." He was freed after the Dallas County district attorney's office discovered a prosecutor withheld evidence that could have bolstered his claims of innocence. And his stepdaughter admitted in court that she lied about the abuse.

Duke, now 60, told reporters after his release that he didn't lie to remain free because the Bible preaches, "Do not bear false witness."

"I had to do something I could live with," he said standing in the courtroom next to his attorney Robert Udashen, who worked to free him since 1998. "I go to the Lord whenever I have a problem."

Duke said he feels "better, relieved" now that he is free but "weird" that so many friends and reporters, along with his elderly parents, showed up to see him go free.

Duke's stepdaughter recanted her claim of abuse in 1998, but a judge at that time apparently didn't believe her. In March, the district attorney's office found notes in their files that show that the prosecutor in the case, Kate Porter, withheld evidence from the defense that the child's grandmother thought the girl was lying and that an aunt influenced the false story. Porter has since died.

After Duke pleaded no contest to the aggravated sexual assault charges in 1992, he was placed on deferred adjudication probation. But a judge sent him to prison for 20 years in 1997 when he refused to admit the abuse as part of his therapy.

Udashen said Friday that Duke was also denied parole because he would not admit the crime.

Duke's case is at least the fifth Dallas County exoneration in recent years without the benefit of the testing of DNA evidence. An additional 22 men have been cleared through the testing of DNA evidence since the state began allowing post-conviction genetic testing in 2001.

Duke's case and those of at least three others involved the withholding of evidence from the defense. Prosecutors are required by law to release evidence that could benefit a defendant because of a U.S. Supreme Court ruling, *Brady vs. Maryland*, in the 1960s.

Duke said after being freed that he had no anger toward the girl who falsely accused him. But he expressed resentment about the girl's paternal aunt, who may have encouraged the lie because she wanted the child's mother to reunite with the girl's father.

"I felt kind of sorry for her," he said about his stepdaughter. "I'm more bitter toward the lady who incited her. I had a good relationship with my stepdaughter. She was trying to explain that we had good relationship, and it was twisted into something sexual."

The girl, now 26, and her family could not be reached for comment.

Hawk said when releasing Duke that it was wrong that he wasn't freed after the girl first recanted.

"It was unjust back in 1998 ... that you were not released at that time," Hawk said from the bench. "I can't apologize enough for someone wasting 20 years of a life. You are free to walk out of this courtroom today."

Many of those in the courtroom stood and applauded.

Hawk asked to shake Duke's hand before he left. Duke walked up to the bench and extended his hand and smiled.

District Attorney Craig Watkins also apologized to Duke.

"I'm sorry for what happened," Watkins told him, shaking his hand.

"Not a problem," Duke replied.

The district attorney's office agreed that Duke is innocent of the crime. If the Texas Court of Criminal Appeals concurs, Duke will be eligible for financial compensation due to all wrongly convicted inmates in the state. There is no timeline for the court to rule.

After talking with Watkins, Duke tightly embraced his father and mother, George and Phyllis Duke, as their eyes filled with tears. The couple, each walking with the aid of a cane, said that they would sometimes drive eight hours each way to visit their son in prison.

"I can't believe this," Phyllis Duke said, clutching a white handkerchief.

"This is a dream."

George Duke said he believed that God played a role in his son's release.

"This did not come about by the will of man, but by the will of God," George Duke said.

A friend of the family brought shrimp and cocktail sauce to the courtroom because it's Duke's favorite dish.

"I don't think we'll eat that here," Duke quipped.

He intended to have shrimp for lunch.

TIMELINE: Dale Duke's ordeal

1992: Dale Lincoln Duke is charged with aggravated sexual assault after his 7-year-old stepdaughter alleges he molested her. He is given deferred adjudication probation.

1997: Duke is sentenced to 20 years in prison after being kicked out of counseling for not admitting he is a child molester.

1998: The girl, now 13, recants her accusation after learning Duke was sent to prison. But after a court hearing, a judge does not recommend Duke's release.

March 2011: The Dallas County district attorney's office discovers notes in a file that indicate the girl's grandmother thought the child was lying and influenced by an aunt. This information was not previously given to the defense as required by law.

Friday: State District Judge Susan Hawk releases Duke, who is now 60.

SOURCES: Court records; *Dallas Morning News* research

Babylonian Talmud, Tractate Yoma page 69b

In the West they taught it thus: Rav Giddal said: [And Ezra praised...the] great [God]:¹⁹ i.e., he magnified Him by pronouncing the Ineffable Name. Rav Mattena said: He said: The great, the mighty, and the awful God.²⁰ The interpretation of Rav Mattena seems to agree with what Rabbi Joshua ben Levi said: For Rabbi Joshua ben Levi said: Why were they called men of the Great Synod? Because they restored the crown of the divine attributes to its ancient completeness.²¹ [For] Moses had come and said: The great God, the mighty, and the awful.²² Then Jeremiah came and said: Aliens are destroying²³ His Temple. Where are, then, His awful deeds? Hence he omitted²⁴ [the attribute] the 'awful'. Daniel came and said: Aliens are enslaving his sons. Where are His mighty deeds? Hence he omitted the word²⁵ 'mighty'. But they came and said: On the contrary! Therein lie His mighty deeds that He suppresses His wrath,²⁶ that He extends long-suffering to the wicked. Therein lie His awful powers: For but for His awesomeness, how could one [single] nation persist among the [many] nations! But how could [the earlier] Rabbis²⁷ abolish something established by Moses? Rabbi Eleazar said: Since they knew that the Holy One, blessed be He, insists on truth, they would not ascribe false [things] to Him.²⁸

(19) [On the variant given supra p. 327. n. 6, the reference is to 'great' mentioned in Neh. IX, 4.]

(20) Ibid. 32.

(21) The crown, I.e., the praise of the Lord. By re-embodying the attributes, which Jeremiah and Daniel had omitted.

(22) Deut. X, 17.

(23) Or, revel in.

(24) In his prayer, Jer. XXXII, 17f.

(25) In his prayer, Dan. IX, 4ff.

(26) So MS.M. cur. edd. He subdues his inclination.

(27) Jeremiah, Daniel.

(28) Since to them the circumstances indicated that He desired to hide His mighty or awful deeds.

ברוך אתה ידך וְאֶל-בָּנֶיך וְאֶל-הַבָּתִים. אֶל-הַיְצָחָק. וְאֶל-הַיְעָקָב. הַאֲלֵהֶגְדָּל הַגָּבוֹר וְהַנּוֹרָא אֶל-עָלִיוֹן. גּוֹמֵל חֲסִידִים טוֹבִים. וְקֹנוֹתָה הַכָּל. וְזָכוֹר חֲסִידִי אֶבֶות. וּמְבֵיא גּוֹאֵל לְבָנֵיכֶם לְמַעַן שְׁמוֹ בְּאַהֲבָה מֶלֶךְ עֹזֶר וּמוֹשִׁיעַ וּמְגַנֵּם
ברוך אתה ידך וְאֶל-מְגַנֵּן אֶבֶרֶם

Grace After Meals

ברכת המזון

נִעַר קִיִּיתִי גַּם זָקָנִיתִי וְלֹא רָאִיתִי צָדִיק נִעַזְבָּן וְזָרָעָן מְבָקֵשׁ לְחַטָּם: (תהלים פרק לז, כה)

Translation in pamphlet 'B'kol Echad' – I have been young and I have grown older, but I have never seen the righteous man forsaken nor his children begging for bread

Translation in the NCSY Bencher – I was young and I have become old, and yet I never overlooked a deserving man who was destitute, with his children begging for bread

Babylonian Talmud, Tractate Shabat, page 13

תלמוד בבלי מסכת כתובות דף טז עמוד א ודף יז עמוד ב

תנו רבנן: כיצד מරקדין לפני הכללה? בית שמאי אומרין: כליה כמוות שהיא, ובית הלל אומרין:
כליה נאה וחסודה.

Babylonian Talmud, Tractate Ketubot, pages 16b -17a

Our Rabbis taught: How does one dance before the bride? Beth Shammai say:
The bride as she is. And Beth Hillel say: Beautiful and graceful bride!

Verse 24 Why do you hide your face?

איוב פרק יג פסוק כד לִפְנֵי תִּסְתִּיר וְתִחְשְׁבְּנִי לְאוֹיֵב לְהָ:

See Devarim chapter 31, verses 17 – 18

Chapter 38

Verse 3 – compare to above chapter 13, verse 22b