

Righting a wrong

Local attorney secures acquittal on retrial after client spent nine years in prison, but the effects of wrongful conviction continue



Pictured: Mary Chartier (left) with Dennis Tomasik and his wife, Kim. In this screenshot from a WOOD-TV report. Click on the image to view the report.

Some days it is hard being a lawyer. Other days you are reminded why you get up in the morning. February 7, 2017 was one of those days for Mary Chartier, well-known locally as a criminal defense attorney.

On that February day, she retried a case for her client, Dennis Tomasik. He had been wrongfully convicted in 2007, but obtained the right to a retrial in 2016 after years of appeal.

Chartier represented Tomasik in his new trial. After spending nine years

in prison, it took the jury 19 minutes to render an acquittal verdict.

After the jury rendered its verdict, one juror reached out to Chartier to convey his gratitude for her representation of Tomasik. Their exchange is

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shared here to serve as a reminder to other attorneys why you keep going to work each day, and continue to fight for your clients – even when it seems like the system is against the client and, sometimes even against defense counsel.

The juror said to Chartier: “[T]hank you for doing the right thing in the Tomasik case. ... You and your team did the research, did the work, it showed, and it freed a good man.”

The juror offered condolences for the family of Tomasik, whose lives were equally impacted

when Tomasik was convicted and sent to prison.

It is so important to remember how wrongful convictions affect everyone –the person wrongfully convicted, their family, and society, to name a few:

- Tomasik sat in prison for nine years for crime he did not commit.
- Tomasik did not see his children for nine years because he had concerns for their safety when he was in prison. When he was released, he did not even recognize his daughter.
- Tomasik’s son had wanted to go to college. Though he certainly had the grades to do so, he started working right away to help support his mother and sister and never went to college.
- When Tomasik’s conviction was first reversed in 2016, the court set his bond at \$500,000. He could never pay that. His mother was dying and wanted to see her son one last time. Chartier’s firm filed a bond reduction motion, but the court refused to schedule the hearing sooner than 1 ½ months. Tomasik’s mother passed away without ever seeing her son again.

In spite of all the sadness and frustration, Chartier was quick to note the positives – the outstanding support Tomasik received from his family, friends, and neighbors. Tomasik’s wife worked on her husband’s case every night to try and free him. Chartier referred to Kim Tomasik as “her hero.”

Two attorneys fought pro bono for nine years to reverse the conviction.

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ABOUT THE
AUTHOR



Liisa Speaker

(517) 482-8933

lspeaker@speakerlaw.com

Speaker has become well known for her excellent written and oral advocacy. Her appellate skills have helped clients obtain victories in appeals ranging from custody disputes to no-fault automobile insurance litigation to real property case and to probate appeals.

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*Back row, from left: Lizzy Cary, Takura Nyamfukudza and Tony Palmer-Peterson.
Front row, from left Dennis Tomasik, Mary Chartier and Kim Tomasik.*

PROFILES IN LEADERSHIP

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When Tomasik’s public defender for the second trial was immediately handling the case the same way as the first attorney (by doing very little), one of the appellate attorneys called Chartier and asked for a favor.

He knew the Tomasiks could not afford Chartier’s firm, but he was certain of Tomasik’s innocence.

Chartier agreed to take on the case and says, “I’ve never regretted it.”

Chartier, noted in her exchange with the juror, “Please know that you and the other jurors righted a wrong that started in 2006, and you’ll never know how much we appreciate your willingness to do exactly what our Constitution requires – presume innocence and take the oath seriously. By doing so, you freed an innocent man.”

The Tomasik family also shared some thoughts with the juror.

“I can’t begin to tell you all of the blessings we have had in the last eleven years. Truly the verdict was the most emotional, wonderful, amazing end to the roller coaster of challenges we have faced. There have been many tears of joy since we heard those words, “NOT GUILTY.” We couldn’t be more grateful. Thank you for your compassionate email. We are truly blessed with so many wonderful people in our lives. We now have closure and can finally move on and once again enjoy life!” □