



RONALD RYAN

Hanged Innocent in Australia



Ronald Joseph Ryan, age 41, was the last man hanged in Australia.

It was 8:00 AM on Friday February 3, 1967 at Pentridge Prison in Melbourne.

Today, five decades later, serious doubts still remain whether Ronald Ryan was guilty of murder beyond all reasonable doubt.

Only ONE single shot was heard - Who fired this ONE single fatal shot ???

Despite a total lack of scientific ballistic forensic evidence, 'alleged' missing pieces of vital evidence that would have cleared Ryan, serious ambiguities in the capital case, widespread inconsistencies of all fourteen eyewitnesses evidence for the prosecution, testimony from a prison officer that he fired the one and only single shot heard by hundreds, odd angle of fatal shot, unsigned unrecorded unproven allegations of verbals/confessions said to have been made by Ryan to police/others, Ryan was found guilty of the shooting death of prison officer George Hodson during a botched escape from Pentridge Prison in Melbourne. Later, seven of 12-male jurors changed their mind and campaigned against Ryan's hanging.

Ryan was a small-time criminal with no history/police record of violence. Fact! The events surrounding the prison escape would result in many unexplained incidents, which were to cast serious doubt on Ryan's wrongful conviction.



Ronald Ryan's guilt was based solely on the unsigned unrecorded unproven verbal confessions, said to have been made by Ryan. The typewritten accounts of these alleged verbals/confessions were never recorded by police, and never shown to Ryan, and naturally, did not bear Ryan's signature.

These alleged verbal confessions were 'memorized' by police and typewritten afterwards. According to police, Ryan made the verbal confessions after a prior statement, which Ryan had signed stating that he would not be saying anything to anyone before seeking legal counsel.

Ryan always denied making any verbals or confessions to any person at anytime and claimed he had been 'verballed' by the police. Under Australian Law, the police have to record all interviews they carry out in connection with a crime. Why didn't they get a recorded confession? How about a signed confession? Police testimony without evidence is sly !!!

Ryan always maintained that he did not fire a shot at all. Ryan had intentionally kept the M1 carbine rifle that he stole from prison officer Hulmut Lange, to prove his innocence in the event of recapture. Ryan (a small-time career criminal with no history or police record of violence) knew that scientific forensic examinations on the rifle including ballistic forensic microscopic markings on the spent bullet, would prove his rifle had never fired a shot - that the fatal bullet that killed Hodson must have been fired from another rifle.

Every prison officer was issued with the same M1 carbine prison-authorized rifle. Each rifle contained eight rounds of live ammunition. Scientific ballistic forensic examination and testing would have proven without doubt, whose rifle fired the fatal shot. Indeed, Ryan was recaptured, but instead of Ryan's rifle being subject to careful storage for scientific ballistic forensic testing, it had been inadequately stored in the boot of a police officer's car where it was subject to contamination by dirt and dust. For unknown reasons, Ryan's rifle was never examined at all by scientific forensics for evidence.

Mysteriously, neither the fatal bullet nor the spent cartridges were ever found despite extensive search by police. Therefore, were never scientifically tested by ballistic forensic experts. Ballistic experts know that each and every firearm leave 'unique microscopic markers' on the fired bullet as it travels through the barrel of the firearm. This vital scientific examination would have provided the forensic evidence - it would have determined without doubt, of whose rifle fired the fatal shot.

The Victorian Premier Henry Bolte, was the key figure in the hanging of Ryan. Since 1951, the Victorian government had commuted every death sentence passed to life in prison - thirty-five capital cases in all. Premier Bolte, facing an upcoming State election was determined Ryan would hang. He wanted to be seen to take the 'tough on crime' stance and had insisted that a hanging would win him the State elections by boosting votes around ten percent. Premier Bolte ignored that fact that there was no scientific ballistic forensic evidence to prove Ryan guilty beyond all reasonable doubt. He insisted Ryan would hang.



Ryan's execution created a massive public angry outrage, and the biggest public protests ever seen in the history of Australia. Approximately 18,000 people publicly protested against the hanging, mainly because there was no forensic or other reliable evidence to prove Ryan guilty of murder.

At the time, there were at least four Victorian state cabinet members who opposed capital punishment but Premier Bolte was determined to prevail. Premier Bolte never explained why he 'chose' Ryan to hang and not the others. He never explained why he made Ryan the exception, even though Ryan's crime was considered nowhere as vicious, cunning or premeditated as were the crimes of the previous thirty-five murderers whose death sentences were commuted to life.

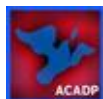
On March 1, 2004 in one of his final interviews with the Australian Coalition Against Death Penalty (ACADP) Dr Philip Opas QC, (Ronald Ryan's defence attorney - also one of Victoria's most renowned and highly experienced Queens Counsel), said to Dorina Lisson (ACADP) ...

"... I want to put the record straight. I want the truth told about Ronald Ryan - that an innocent man went to the gallows. I want the truth to be made available to everyone, for anyone young and old, who may want to do research into the Ronald Ryan's case or research on the issue of capital punishment. I will go to my grave firmly of the opinion that Ronald Ryan did not commit murder. I refuse to believe that at any time he told anyone that he did ..."

The following information surrounding the shooting death of prison officer George Hodson, the trial, the conviction, the death sentence and execution of Ronald Ryan, was provided to ACADP by Dr Philip Opas QC, with copy of Trial Transcript – *Supreme Court of Victoria: Queen v. Ronald Joseph Ryan & Peter John Walker, March 15-30, 1966.*

On Sunday December 19, 1965 at approximately 2:00 in the afternoon, Ryan and another prisoner Peter John Walker made a prison break for freedom. Both Ryan and Walker were serving prison sentence for robbery. Ryan had planned to escape from prison after being informed that his wife was filing for divorce. He had plans to take his wife and three daughters and live in Brazil where there was no extradition treaty with Australia. However, things were to go so terribly wrong. As prison officers were taking turns attending a staff Christmas party in the prison officers' mess hall, Ryan and Walker scaled a five-metre prison wall with the aid of two wooden benches a hook and blankets.

Running along the top of the prison wall they approached overpowered a prison officer Helmut Lange who was on duty in a watchtower. Ryan stole Lange's prison-authorized M1 carbine rifle. Ryan quickly pulled the cocking lever of the rifle with the cocking-lever switch on, and then released it. This faulty operation of the rifle would have forced a live round of ammunition to spill onto the floor of the watchtower. (This vital incident later became a significant issue at trial).



Ryan threatened Lange to pull the lever that would open the watchtower gate to freedom. Lange deliberately pulled the wrong lever. Ryan, Walker and Lange then proceeded down the steps of the watchtower, but the gate would not open.

Ryan quickly realised Lange had tricked him so Ryan jabbed the rifle into Lange's back and marched Lange back up the watchtower stairs and threatened Lange to pull the correct lever, which he did so. The two escapees ran down the prison watchtower steps, exited the gate and ran out onto the usually busy overcrowded street where they planned to siege a getaway car.

Lange raised the prison alarm and it began to ring loudly, indicating a prison escape. Armed prison officers quickly appeared on prison watchtowers and came running outside the prison's main gate and onto the heavy-traffic street.

Meanwhile, chaos, confusion and noise were gaining strength around the usually busy street, vehicles and trams were banking up and people running between cars. Eyewitnesses testified seeing Ryan waving his rifle around trying to siege a getaway car, while Hodson armed with an iron pipe was seen running, chasing after Walker. Ryan, shouting at motorists for a getaway car, bungled another attempt to cock the rifle, which caused the magazine to fall out of the rifle.

Armed prison officers were seen aiming their rifles in the direction of Ryan, Walker and Hodson. Ryan was not the only person holding a rifle. In this crowded scene of chaos, confusion and noise, one single loud whip-like crack was heard and prison officer Hodson fell dead on the ground. A single bullet had struck Hodson on the right shoulder, travelling from front to back in a downward trajectory angle, suggesting the shot had been fired from a distance at an elevated position. The bullet had exited through Hodson's back, an inch lower than the point of entry. (The issue of the mysteriously missing fatal bullet, and, the lack of scientific ballistic forensics on the fatal bullet would become yet another significant issue at trial.)

Ryan and Walker successfully escaped using a car they stole outside the prison. A massive Australia-wide manhunt immediately went into action. Whilst on the run, the escapees made daily front-page national media and television news stories, claiming that Ryan had shot and killed a prison officer - Ryan was already guilty!

The mass media controversial stories caused public alarm and widespread community fear. A Melbourne newspaper reported a prison official as saying that a shot had been fired from a prison watchtower. Another Melbourne newspaper reported; *"Ronald Ryan, serving time for burglary, seized a prison officer's rifle and shot him three times, twice in the chest and once in the back."*

There were many daily conflicting media reports on the two prison escapees. The nineteen days of front-page media hype over various articles and stories on the prison breakout and the escapees had virtually convicted Ryan of murder. The constant 24-hour media hysteria caused widespread public anxiety and so, The Victorian government announced a \$10,000 reward for information leading to their capture. Mass media reports had already been implanted in jurors' minds.



The Victorian Attorney General issued a public warning to the escapees over the media to give themselves up; *“that the killing of a prison officer during the prison escape is the worst Victoria has known and that the Hanging Act is still in force.”*

The two escapees drove to New South Wales - straight up the main Hume Highway between Melbourne and Sydney. They stopped at a petrol station to re-fuel their stolen car when a police car pulled up next to them. Two police officers approached and chatted with Ryan and Walker, asking them if they had seen the two prison escapees who were considered the most dangerous wanted criminals in Australia. Incredibly, the two police officers failed to recognise Ryan and Walker as the two prison escapees. After they had all finished chatting, both cars drove off in separate directions.

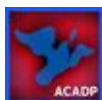
After nineteen days on the run Ryan and Walker were recaptured in Sydney, after being betrayed by a high-profile ex-criminal, Lennie McPherson. They had gone to him for help with obtaining passports to Brazil and cash money. Unknown to Ryan and Walker, McPherson was also a top-secret long-time police informant. McPherson contacted the police. With help from McPherson, police set up a trap.

Arresting police detectives, Ray (aka Gunner) Kelly (later found to be one of the most corrupt police in Australia), Brian Harding, Keith John Kelly and Nelson Chad would years later have their names and careers permanently destroyed by the Wood Police Royal Commission’s findings into police corruption and misconduct.

Subsequently, Ryan charged with the shooting death of Hodson. Ryan and Walker were extradited back to Melbourne. It was during this extradition that police claim Ryan verbally confessed that he had shot Hodson. Ryan denied ever making any such verbals or confessions to any person, especially the police. Ryan only signed official statements stating that he would not be saying anything to anybody before seeking advise from a defence attorney. Dr Philip Opas QC, a brilliant high-profile experienced solicitor, barrister and Queens Council) was assigned to the Ryan case. At the time, Opas was a supporter of capital punishment.

Ryan always maintained that he did not fire a shot at all. Ryan had intentionally kept his firearm to prove his innocence in the event of recapture, because he knew that scientific forensic examinations of his rifle including ballistic forensic microscopic markings of the fatal bullet and spent cartridge would prove his innocence - that his rifle had never fired a shot. Scientific ballistic forensic tests would have proven without doubt whose rifle fired the fatal shot.

However, for reasons unknown, Ryan's rifle was never scientifically examined. Mysteriously, neither the fatal bullet nor the spent cartridge were ever found despite extensive search by police, and therefore, these items were never scientifically tested by ballistic forensic experts. Before trial, Ryan had no reason to assume that there would be a total lack of scientific ballistic forensic evidence, which would have proven him innocent of the shooting death of Hodson.



The trial began on March 15, 1966 at The Supreme Court of Victoria. Justice John Starke instructed the 12-man jury to look at the realities of things and ignore all they had read and heard about Ryan or the crime in the media. He requested that if a juror was unable to fairly try the case due to the mass media publicity, to let him know. All jurors remained silent. The trial proceeded.

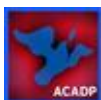
The prosecution's case was weak with no scientific evidence whatsoever. The fact that ballistic forensic experts never scientifically tested Ryan's rifle was of significant concern. The prosecution relied heavily upon testimony that Ryan had verbally confessed to shooting a prison officer, even though Ryan did not sign any of these alleged verbal confessions. The prosecution also tried to convince the jury that Ryan was a violent criminal by the manner in which he escaped from prison with the stolen rifle. Yet the fact is, that Ryan had no history of violence and no police record of violence - Ryan had been strictly a small-time thief.

Police testified at trial that Ryan's rifle ... **"looked as if"** ... it had been fired, but there was no scientific ballistic forensic evidence that it had been fired at all. All fourteen eyewitnesses for the prosecution testified contradictory evidence. Each of fourteen eyewitnesses testified different accounts of what they saw. There were widespread discrepancies. All fourteen eyewitnesses testified they saw Ryan armed and waving his rifle to siege a getaway car.

Only four of the fourteen eyewitnesses testified that they saw Ryan fire a shot. If Ryan had fired a shot, a spent cartridge would have had to spill on the ground, but despite extensive search by police a spent cartridge was never found. One eyewitness testified of smelling smoke. Two eyewitnesses testified they saw smoke coming from Ryan's rifle and two eyewitnesses testified they saw Ryan recoil his rifle. (However, a ballistic expert on firearms later testified at trial that type of rifle was coil-less and it contained smokeless cartridges). There were also significant contradictions by all eyewitnesses of whether Ryan was standing, walking or squatting and whether Ryan was to the east or west of Hodson when a single shot was heard. The inconsistencies in evidence of each of the fourteen eyewitnesses for the prosecution were substantial, wide-ranging and so contradictory that little store could be placed on them. Utmost implausible!

Prison officer Robert Paterson, admitted, signed a statement attaching his spent cartridge, and later testified at trial that he fired one single shot in the direction of Ryan, Walker and prison officer Hodson. All persons heard this one single shot fired. None of the hundreds of people heard two shots fired. Remarkably strange and bewildering, Paterson changed his story on several separate occasions. To complicate matters, a newspaper report the next day had said that prison officer William Bennett in No. 2 watchtower, also fired a shot. Bennett later denied it.

At trial, Paterson was questioned about how, and why, he used his rifle during a hazardous chaotic crowded crime scene when he fired the one single shot. Paterson replied; *"I was doing my job, a man can only do his job. I took aim, I took the first pressure that you take on the trigger and I was beginning to squeeze the trigger when a woman got into my sights, and I could not withdraw my pressure from the trigger, so I had to let the shot go in the air. I don't know where the woman came from, she just appeared in my sights."*



Paterson had contradicted in several statements he made to police about what he saw, heard, and did on that day. Prison officer Paterson's first statement given to Detective Sergeant Carton, on December 19, 1965 (the day he fired the shot) Paterson said; *"I did not hear a shot fired other than the one I fired."*

In a second statement given to Senior Detective Morrison on January 12, 1966 Paterson changed his story, and said; *"Just as I turned into the entrance to the garden I heard a shot."*

In a third statement on February 3, 1966 Paterson said; *"I ran back inside and asked for a gun, I went to the main gate and I received a gun and ran back outside, as I was running on to the lawn I heard the crack of a shot."*

Paterson changed his story, also, about who was in the line of fire when he aimed his rifle. In his first statement Paterson said; *"I sighted my rifle at Ryan and was about to fire when a woman walked into the line of fire and I lifted my rifle."*

In his second statement Paterson said; *"I took aim at Ryan but two prison officers were in the line of fire so I dropped my rifle again."*

In his third statement Paterson said; *"I took aim at Ryan and I found out I had to fire between two prison officers to get Ryan, so I lowered my gun again."*

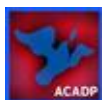
Prison officer Robert Paterson committed suicide shortly after Ryan's hanging.

All the bullets in Ryan's rifle would be accounted for if Ryan cocked the rifle with the safety-catch on. This faulty operation (conceded by prison officer Lange, assistant prison governor Robert Duffy, and confirmed by ballistic experts at trial) would have caused an undischarged bullet to be ejected, spilling onto the floor of the prison watchtower. Ballistic experts established that a faulty operation of the cocking-lever would jam the rifle and any attempt to clear the jam would result in a live round being ejected.

Prison officer Lange testified that he did not find a live round on the floor of the watchtower. Two years later, in early 1969 the authorities informed Lange that he had been awarded a commendation for a 'bravery award' for his actions during the prison escape. Lange was asked to attend Government House to receive the bravery award. But Lange refused to attend - he did not want to accept the bravery award. According to Lange's wife, family and friends, he had become deeply troubled by Ryan's execution.

Prison officer Helmut Lange committed suicide shortly after Ryan's hanging.

Lange might have had evidence to prove Ryan was innocent but producing the evidence would have jeopardised his future and those of his fellow prison officers. Lange had become deeply troubled and worried about the evidence he had given, which had contributed to Ryan's guilt and execution. Lange may have taken vital evidence pointing to the innocence of Ronald Ryan to the grave. It is alleged that a close friend of Lange telephoned Ryan's defence attorney Dr Philip Opas QC, after Lange committed suicide by shooting himself in the head whilst on duty.



Lange's friend claimed that Lange told him of finding the missing bullet cartridge in a prison watchtower. Lange picked up the bullet cartridge made a written report, which he handed to his Superior. At that time an inquiry was being conducted in the prison to see whether any prison officers had helped Ryan and Walker to escape.

About two weeks after the prison escape, while the escapees were still being hunted, Lange was called before his superior and asked to make another report, omitting all reference to finding any bullet cartridge. Lange refused at first, but he was threatened with being charged with conspiring with the prisoners to help the escape. Fearing for his job, Lange made a new report. Opas advised the caller to inform the police but it is unknown whether in fact the caller did so. Police refused to comment.

With no scientific ballistic forensic evidence of Ryan's rifle, nor the missing fatal bullet, nor the missing spent bullet-case, Ryan's defence attorney Dr Philip Opas QC, produced a human skeleton as a visual aid to explain the downward trajectory of the fatal bullet. The medical autopsy report of Hodson's fatal injury, verified by ballistic expert evidence at trial, indicated the fatal one single shot was fired from a distance, at an elevated position, in a downward trajectory angle. The path of the fatal bullet became an important issue.

Monash University mathematics professor Terry Speed, testified that Ryan, 5 feet 8 inches (1.73 m) tall would have had to have been 8 feet 3 inches (2.55 m) tall to have fired the fatal shot at that downward trajectory angle. These calculations were based on Ryan being twenty feet from Hodson and Hodson was standing perfectly upright. The bullet would enter Hodson's body 62 inches from the ground and exit 61 inches from the ground. Terry Speed calculated that the bullet could only have come from the No. 2 prison watchtower, where prison officer Bennett was standing and aiming his rifle – this was much further than from where Ryan was.

If the shot was in a downward angle the bullet would have hit the road forty feet from where Hodson was hit, it also suggested that Hodson could have been shot from another elevated position. This crucial evidence cast doubt that Ryan had fired the fatal shot. But the prosecution argued that Hodson (6 feet 1 inch (1.85 m) tall could have been running after Walker in a 'stooped' position, thus accounting for the bullet's fatal downward trajectory angle. But, no persons among the hundreds saw Hodson running in such an unusual 'stooped' position.

A prison guard testified that Ryan was to the left of Hodson at the moment he was shot. This would have made it impossible for Ryan to have fired the shot, which entered Hodson's body from right to left. If Ryan had been standing, the shot could have come either from prison officers' Bennett or from Paterson.

Opas argued that Paterson would only have to miss Ryan by about half a degree to have hit Hodson, "*in the very way that in fact Hodson was struck*". This theory was even stronger given that all persons, except Paterson, said they only heard one shot.



On the eighth day of the trial Ryan was sworn in and took the witness stand. Ryan denied firing a shot, denied making alleged unsigned and unrecorded verbal confessions to anyone and denied ever saying to anyone that he had shot a man. Ryan testified he had been 'verballed' – he claimed some people were after the reward money by making false allegations against him.

Ryan testified; “I did not discharge the gun. I have never fired that gun. At no time did I fire a shot. My freedom was the only objective. The rifle was taken in the first instance so that it could not be used against me.”

Medical physician McQueen Thomson, examined Hodson's dead body immediately after the shooting. The medical report was known to police, but for unknown reason it was not provided at the trial. The autopsy report of the fatal injury and confirmed by ballistic expert evidence, indicating that the fatal bullet was shot from a distance at an elevated position in a downward trajectory angle.

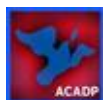
Police found a mark on the western footpath of the main street that appeared to be a bullet mark. This mark lined up with the southwest corner of the prison, which was the situation of two prison watchtowers. This matched testimonies from witnesses that a shot was heard from that particular spot.

Opas argued that there was too much doubt to convict Ryan. The mathematical evidence about the trajectory of the bullet was indisputable, and there was a distinct possibility that another warder could have killed Hodson.

Opas, also pointed to the fact that Ryan retained his rifle. That the normal course of a person who has shot another is to quickly dispose of the weapon, because it is well known that guilt can be proven by scientific ballistic forensic tests, which would establish the fact that the bullet was fired by a particular weapon.

Despite a total lack of scientific ballistic forensic examinations, testing and evidence, dire inconsistencies of all fourteen eyewitness' evidence for the prosecution, serious ambiguities in the case, mysterious missing pieces of vital evidence that would have cleared Ryan and prison officer Paterson's testimony that he fired one single shot, Ryan was found guilty by a 12-man jury, based solely on unsigned unrecorded unproven verbals/confessions said to have been made by Ryan to police. The jury decided the police were telling the truth.

During the long hours that the jury members were considering their verdict, legal professionals could hear constant arguing and shouting between jury members inside the jury room. At one point, Justice John Starke called on the jury to ask if they had any questions concerning the case and if they needed more time to consider their verdict. The jury foreman replied by saying they just wanted to reach a verdict as soon as possible because they were all tired and wanted to go home. At 10.27pm the jury finally decided the verdict was guilty. Of the 12-man jury, two members who thought Ryan was guilty convinced the others to bring in a guilty verdict. Apparently, they had not even discussed the issue of capital punishment, even though the State Attorney-General made it publicly clear over the media that if Ryan was convicted of murder he would receive the mandatory death sentence – that the 'Hanging Act' was in force.



Ryan was convicted of the murder of George Henry Hodson. Justice Starke wasted no time in passing the sentence of death. Justice Starke asked Ryan if he had anything to say, Ryan stated; *"I still maintain my innocence. I will consult with my counsel with a view to appeal. That is all I have to say."*

Without further delay, without the right of plea by the defence, and without the usual adjournment prior to sentencing, Justice Starke wasted no time in sentencing Ryan to death;

... "Ronald Joseph Ryan, you have been found guilty of murder of George Henry Hodson, it is the sentence of this court that you be taken from here to the place from where you came (Pentridge Prison) and on a day and hour to be fixed, you shall be hanged by the neck until you are dead, and may God have mercy on your soul." ...

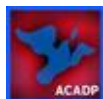
In a surprising, unusual, and never before heard-of action by jurors, most of the 12-man jury members who months earlier had found Ryan guilty of murder, later campaigned against the hanging and signed separate petitions urging government authorities not to hang Ryan.

The bizarre, rare and unheard of actions taken by most of the jury members can only suggest they were later 'unsure' of Ryan's guilt. According to the jury members, they evidently thought the death sentence would be commuted to life, claiming they never thought Ryan would be executed and they never discussed the issue of making a recommendation for mercy along with their guilty verdict. The jury members went to the media claiming; "We didn't want the rope".

When it became evident that Ronald Ryan would be executed, most of the jury members pleaded with the government not to execute Ryan, stating they would never have convicted Ryan had they known he would in fact be executed. Mystifying, unethical, startling, odd, unprecedented ???

Unbelievable as it seems, these were the same jurors that only months earlier had convicted Ryan of murder - the same jurors that knew very well via front-page media reports that Ryan would be hanged if convicted of murder. Everyone knew this was a mandatory death sentence. The State Premier and State Attorney-General made it very clear to the public via the media, that Ronald Ryan would be hanged if convicted of murder - that the '*Hanging Act*' was still in place and would be used.

Opas, convinced of Ryan's innocence, decided to appeal against the murder conviction. The first appeal was to the Victorian Court of Criminal Appeal, a bench consisting of three judges of the Supreme Court. His ground was that the verdict was against the weight of the evidence. He argued that as a matter of law that the inherent inconsistencies and improbabilities and even impossibilities in the evidence. The appeal was dismissed on June 8, 1966. In October 1966, a second appeal is rejected. Two months later after a state government cabinet meeting Premier Bolte announces that Ryan's death sentence will not be commuted.



Ryan had a 'right' to increased free legal assistance for expert forensics analysis, to hire expert witnesses, and to present a series of appeals and recourses that were available to those facing execution by the government.

The Full Court of Australia agreed that it was '*unthinkable*' that a man should be executed before he had exhausted his ultimate right of appeals.

Opas decided to apply appeal to The Privy Council in London. The appeal is a vestigial remnant of an appeal to the sovereign in person. The Privy Council gives an opinion always ending with; "*and we shall so humbly advise Her Majesty*" - on the decision of whether the appeal has been allowed or dismissed.

With all legal avenues yet to be exhausted, the Bolte Government cut legal aid to Ryan. Premier Bolte then directed the Public Solicitor to withdraw Opas' brief, as the Victorian Government was not going to fund the petition to the Privy Council. Bolte was determined Ryan would 'swing' before the upcoming state elections - this would boost votes by proving to the public that Bolte was tough on crime.

Opas, convinced of Ryan's innocence, agreed to work without pay. Opas consulted the Ethics Committee of the Bar Council to seek approval to make a public appeal for a solicitor prepared to brief him, as Opas was prepared to pay his travel, other expenses and appear without fee. The Committee said that this would be touting for business and was unethical.

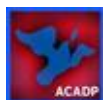
Opas argued that a man's life was at stake and he could not see how he would be touting when no payment was involved. Opas defied the ruling and on national radio sought an instructor. Opas was inundated with offers and accepted the first application, being from Ralph Freadman.

An Australian solicitor Alleyne Kiddle, was in London at the time whilst completing a Master's degree. She agreed to take a junior brief at a fee of two-thirds of nothing (eg. work for free).

Opas then flew to London to present Ryan's case to the highest judges in the Commonwealth. Ryan's execution was reluctantly delayed by Premier Bolte to await The Privy Council's decision. However, Bolte took no chance of the possible that Her Majesty might give a decision contrary to the advice of the Judicial Committee.

The Victorian Premier Henry Bolte, was determined to see Ryan executed prior to the upcoming Victorian State elections. He scheduled Ryan's execution for Friday morning February 3, 1967 before Ryan's 'unfunded' final appeal to The Privy Council had been heard to make a decision.

On the evening prior to Ryan's execution, a former Pentridge prisoner Allan John Cane, arrived in Melbourne from Brisbane in a new bid to save Ryan. An affidavit by Cane, which was presented to Cabinet, stated that he and seven prisoners were outside the prison cookhouse when they saw and heard a prison officer fire a shot from the prison watchtower on the day Hodson was shot. Police had interviewed these prisoners, but none were called to give evidence at the trial.



Also, police had interviewed several other members of the public who witnessed the shooting, but none of these were called to give evidence at the trial.

Cane was immediately rushed into conference with his solicitor Bernard Gaynor, who tried to contact Cabinet Ministers informing them of Cane's arrival.

Gaynor immediately telephoned Government House seeking an audience with The Governor Sir Rohan Delacombe. However, a Government House spokesman told Gaynor that nobody would be answering calls until 9:AM in the morning (one hour after Ryan's scheduled execution.) Gaynor conceded that Cane's mission had failed.

When it became apparent that Ryan would hang, some of the jury members that had convicted Ryan of murder made yet another amazing attempt to halt the execution. They made a secret eleventh-hour plea for mercy, but Premier Bolte denied all requests to commute Ryan's death sentence to life.

In the eleventh-hour prior to his execution, Ryan maintained his innocence in handwritten letters on toilet paper inside his cell. Individual handwritten letters were addressed to his attorney, various high-profile individuals, to his family members and to The Anti-Hanging Committee.

In the most popular documentary film, *The Last Man Hanged*, Ryan's letter to the Anti-Hanging Committee is read out loud. In this final handwritten letter just moments before his execution, Ryan wrote; *"I state most emphatically that I am not guilty of murder."* Ryan had neatly folded his handwritten letters and asked prison chaplain Father John Brosnan, who had become his close friend and confidante, to deliver the letters to the addressed individuals after his execution.

Ryan had not yet exhausted all right of appeals when he was hanged SEVEN days before his 'unfunded' final appeal to The Privy Council had been decided. The decision of The Privy Council was made on February 10, 1967 - SEVEN days after Ryan had already been executed.

The hanging of Ryan aroused widespread loud public protests ever seen in the history of Australia. An estimated 18,000 people participated in street protests and 15,000 signed a petition against the hanging. For more than a week the public vigils and protests continued.

The night before the hanging, more than 3,000 people gathered outside Pentridge Prison in protest against the hanging. There were 200 police to manage the crowds. The protesters, many with placards, mainly remained peaceful with the occasional loud calls to 'Hang Bolte'. Churches, universities, unions, and large numbers of the public and legal professions opposed the death sentence. Most of the public were against the hanging due to no scientific evidence to prove guilt.

Ryan refused to take a sedative drug prior to being hanged, but had a nip of whisky. For unknown reasons, Ryan was not permitted or given a chance to make a last verbal statement to the people who had gathered to witness his execution.



Ryan walked from the condemned cell next to the gallows. The heavily disguised hangman wasted no time pulling the trapdoor lever - with a loud crash Ryan fell through the trapdoor to his death.

Father Brosnan gave Ryan the Last Rights in accordance with the Catholic religion. According to prison physician Dr Allen Bartholomew, Ryan's heart continued to beat for some time, which left a troubling thought for Bartholomew; *"He's not dead - what do I do now? – he should be dead – but his heart is still beating – what went wrong and how do I fix it? – he should be dead."*

A nation-wide three-minute silence was observed at the exact time Ryan was hanged. There was quietness around Australia as if the world had stood still for three minutes. His body was later buried and covered with quicklime in an unmarked grave within the prison grounds. It was prison ritual to pour bags of quicklime over an executed person – a final token of insult, abuse and humiliation to the criminal. Premier Bolte had denied previous requests by Ryan's elderly mother to release her son's dead body to his family members for a proper Christian burial.

Prison inmates staged a protest of their own – they refused to get out of bed, staged a sit-in, refused to work and to obey orders. There was an eerie silence throughout the prison. The silent but angry inmates had prepared authorities for a possible prison riot.

Ryan's execution was an opportunity for Premier Bolte to re-assert his political authority. Premier Bolte was receiving anonymous death threats and hate mail. Almost every Australian media were opposed to the hanging. The media deserted Premier Bolte on the issue and ran a campaign of spirited opposition on the grounds that capital punishment was barbaric. The Australian Broadcasting Commission (ABC) suspended radio broadcasts for three minutes as a protest.

One media journalist asked Premier Bolte, what he was doing at the time Ryan was hanged. It was reported that Bolte replied; *"Oh I don't remember, I suppose I was having one of the three S's - either a shave, a shit or a shower."*

Ryan's family members were not permitted to visit the prison graveyard until forty years later.

Forty years after Ryan's hanging, the Victorian Government granted permission to Ryan's family members to have his body exhumed and cremated. The family members wanted to place Ryan's cremated remains beside their mother's cremated remains and memorial plot at Portland Cemetery in rural Victoria.

However, there were angry bitter protests from Hodson's daughter Carole Hodson Price, claiming it would be sacrilege if Ryan were reburied in consecrated ground. She demanded to know who was funding the exhumation. At the time that her father was shot dead, Hodson had been separated from his wife and thirteen-year-old daughter for some years.



Hodson had already moved out of the family home and rented a flat in the red-light district suburb of St. Kilda – a notorious area for street prostitution, drug traffickers, substance addicts, and awash with crime and illegal narcotics.

Carole Hodson Price sought, and was given permission by authorities, to visit Ryan's unmarked grave at the Pentridge Prison grounds. A Melbourne newspaper reported that she then danced and jumped on the 40-year-old unmarked grave.

Carole Hodson Price pleaded with Premier John Brumby to ensure that Ryan's body remain behind the prison's bluestone walls. But Premier Brumby backed Ryan's family, claiming that it had been a long forty years, that he had remembered the case very well, and that Ryan's innocent family members should not continue to be punished.

To further confuse and complicate matters surrounding the already many existing ambiguities on the Ryan case, nineteen years after Ryan's execution a prison officer Doug Pascoe, confessed on-air to television and the media that he fired a shot during Ryan's escape bid. The former prison officer wept on Channel Seven television *'Day By Day'* a current affairs program, claiming his shot may have accidentally killed his fellow prison officer George Hodson. Pascoe said police or prison officials had not interviewed him after the shooting.

On June 12, 1986, Pascoe tried to tell his story to the media because of his involvement with the church. Pascoe was advised by his church minister to come clean about the shooting. Pascoe, a born-again Christian, said he had not told anyone that he fired a shot during the escape; *"because at that time I was a 23-year-old coward."*

Pascoe claims that at the time of the prison escape he had been standing in for a work colleague on a prison watchtower. Pascoe said he did not know why he fired except for the hype of the moment. News of Pascoe's claim was met with mixed reaction from lawyers, prison guards, and others directly involved in the Ryan case. Prison authorities claimed Pascoe could not have fired a shot because the staff roster suggested he was not on duty.

According to the authorities, the staff roster was not exactly correct for that day, as it also showed prison officer Paterson as being off-duty on that day, when in fact he was on duty. Paterson admitted and testified he fired the one single shot. However, a correctional spokesperson (who did not want to be named) claimed the staff roster for that period of time had long ago been shredded and no longer existed.

Pascoe's claims were quickly rejected by police and declined to comment. The trial judge who sentenced Ryan to death also declined to make a comment.

Dr Opas pointed out that the staff roster may have been meaningless for that unusual day, because prison officers were taking turns attending the prison staff Christmas party and standing-in for their colleagues as required.



After the claims and counter-claims, Dr Opas said only a proper enquiry would determine the truth. Public solicitor Allan Douglas, said Ronald Ryan should not have been convicted, let alone hanged, on the evidence presented to the court.

Douglas said Ryan did not get a fair hearing at trial because of adverse media reports. He added that the actions of the Bolte Government had been pretty drastic.

Melbourne University senior law lecturer Ian Elliott, said the claims by Pascoe might form the basis of corroborative evidence for material at Ryan's trial. A public witness at Ryan's hanging was journalist Patrick Tennison, who said it was incumbent on the Government to explore fully the circumstances of Ryan's hanging and to determine the veracity of Pascoe's claims.

One of the witnesses to Ryan's execution was an Australian journalist Evan Whitton. In 2005, Whitton revealed in his website; *"I happened to be an official witness at the execution in Melbourne in 1967, and received his (Ryan) letter from the grave. He (Ryan) said he was not guilty of intent, and I am inclined to believe him."* More than four decades later, this infamous letter, allegedly written by Ryan, has never been released. Was the meaning deliberately distorted?

In 1993, a former prisoner Harold Sheehan, claimed he had been walking past Pentridge Prison at the time, when he saw a prison officer fire a shot from a watchtower. Sheehan also said he saw Ryan down on one knee when he heard one shot. If that was the case, it was even more unlikely that Ryan could have shot Hodson, given the trajectory of the bullet. *"There is no way in the world that Ryan's bullet was the fatal one,"* said Sheehan. Yet again, the police and prison authorities dismissed his claim.

Then, in recent years there have been unproven allegations made by two 'political persons' in an attempt to cover-up the truth. Decades after Ryan was hanged, two book authors claim that Ryan verbally confessed guilt. Why should the public, and unbiased media journalists accept someone or something at face value when no evidence exists at all? Legally, if Ryan had been alive today, these unproven unsigned unrecorded unconfirmed 'hearsay' allegations would not be allowed!

Both books actually contradict each other, yet are promoted on Wikipedia by two 'political persons' aka Wikipedia meatpuppets (confirmed relatives of Paterson and Hodson, hiding behind fictitious names) who consistently distort, delete and manipulate factual information on the Ryan case - adding a variety of hypothesis that have been formed by speculating and conjecturing. The Wikipedia article's lengthy history record of edits are in the hundreds. Anyone can add and edit bias unproven allegations against Ryan based on unreliable unconfirmed sources. Yet, any contributions with factual references are immediately deleted. Why?

Tom Prior, author of *A Knockabout Priest*, published in 1985, makes claim that Catholic priest Father John Brosnan told him that Ryan had confessed guilt. But unknown to Prior at the time, Brosnan would later quash Prior's allegation on ABC national radio.



Brosnan often said there was too much doubt to hang Ryan. Brosnan's final interview on ABC national radio was on March 26, 2003 when he would put an end to the unproven allegations and rumours about Ryan's confessions of guilt.

Prior also makes claim that Catholic nun Margaret Kingston, believed Ryan had confessed guilt during her presence in a conversation between Ryan and his mother. Kingston 'perceived' that Ryan had confessed guilt. Prior also makes claim that Kingston believed Ryan wanted to die (also known as state-assisted suicide) but, for unknown reasons Kingston made no attempt to alert prison authorities and medical psychiatrists concerning Ryan's alleged desire to die.

Kingston only revealed this information to a Melbourne newspaper in 1986 (nineteen years later) when she changed her original story, claiming Ryan had confessed guilt to her personally. The Good Shepard Convent where she resided was in urgent need of funds. It is not known how much money was exchanged for Kingston's interview with the newspaper. Why did Kingston wait nineteen years? Actually, Ryan's mother including every member of the Ryan family vehemently denies that Ryan ever confessed guilt to anyone, either verbally or in writing.

Mike Richards, author of *The Hanged Man*, published in 2002, claims Ryan not only confessed guilt to Brosnan, but also confessed guilt to Pentridge Prison Governor Ian Grindlay. Richards quotes Prior as the source of information of Brosnan's claim, but excludes the time, the date and the place that this ultra important revelation took place. Richards goes on to quote Grindlay as the source of information of the claim that Ryan confessed guilt, allegedly in July 1978. Richards makes no mention of Kingston's claim about Ryan confessing guilt to her. Most confusing unproven hearsay ??? A reminder that most books are written to contrive shock - this attracts sales, profits, notoriety and publicity!

As a matter of public interest, a long-existing 'code of ethics' is held and abided by offenders and prison inmates, that they not confide in, nor befriend any prison officers, prison staff members, and especially not the head-honcho of a correctional institution. Grindlay was the long-time big boss at Pentridge Prison. For what reason would Ryan confess to Grindlay alone, and not to, or in the presence of his defence lawyers, or Father Brosnan, or other third parties? Were any prison security guards present with Grindlay at the time Ryan allegedly confessed guilt? Who, other than Grindlay, can confirm Ryan's alleged verbal confession? Why didn't Grindlay immediately notify interested parties? Why didn't Grindlay ask Ryan to 'sign' a statement confirming his confession?

It is unlawful, as it is unethical, as it is highly unlikely that the Governor of a large maximum-security prison would be left 'alone' with a condemned prisoner about to be executed. Surely, there must be others, prison guards, security staff, prisoners, somebody, etc. who can confirm this mega-important allegation of 'verbal guilt' made by condemned prisoner soon to be hanged, Ronald Ryan?

It is public knowledge that Richards believes Ryan was guilty of murder. In his attempt to brainwash the public, he savagely assassinates Ryan's character – by claiming Ryan was a 'bad child' from a 'bad family' and that Ryan was shaped by narcissistic grandiosity – implanting the notion that Ryan had to be guilty.



Also, Richards deliberately distorts Ryan's true meaning of; *"I am not guilty of intent"*, that Ryan wrote in a letter to his young daughters. Ryan had made it clear in his handwritten letters to all concerned, that it was not his 'intent' to cause a bad situation during the prison escape that resulted in the death of a prison guard.

Truth is. Richards book has never be endorsed nor recommended by those who were directly involved in the Ryan case, all of who are aware of the 'facts' – the 'facts' of which Richards tries to, but can never alter, distort nor manipulate.

Dr Opas vehemently states that there is no evidence whatsoever, no evidence anywhere, that Ryan ever confessed guilt to anyone, either verbally or in writing. Just as there is no scientific ballistic forensic evidence that the rifle in Ryan's possession had fired a shot at all.

On March 26, 2003 Father John Brosnan clearly quashed all rumours accusations and allegations that Ryan had confessed guilt. Brosnan was interviewed by media journalist Kellie Day on the ABC (Australian Broadcasting Commission) National Radio, just months prior to his death.

As usual, Brosnan was often asked about Ronald Ryan's guilt - who it was believed fired the fatal shot during the prison escape. Brosnan's and clear and firm reply to Kelly Day on ABC national radio was; *"I don't know whose bullet killed who, but a friend of mine (Ryan) died. I don't want to make a hero out of him, but I'll tell you what, he had heroic qualities."* If in fact Ryan had confessed guilt, Brosnan would know whose bullet killed who. Brosnan would also have revealed this vital information - if in fact Ryan had confessed guilt.

In addition, The Catholic Archdiocese further supported Brosnan's comments. In February 2003, The Catholic Southern Cross Newsletter published an article by Catholic Bishop Greg O'Kelly on Father Brosnan. O'Kelly wrote; *"For 30 years Father Brosnan was Pentridge Prison chaplain. He knew Ryan very well. Brosnan accompanied Ryan to the gallows and gave Ryan's body the last rights. Brosnan was convinced and always believed that Ryan was innocent."*

The Victorian Bar Association published an article written by Opas, *The Innocence of Ronald Ryan*. The article was published in The Bar News in Spring 2002. Opas was responding to a recently made assertion by author Mike Richards, in the book, *The Hanged Man*, that Ryan was guilty - that the verdict was correct.

According to Opas (who knew the Ryan case better than anyone else) Richards book is just flat-out wrong and fabricated in so many places. Some information appears to support Richards's personal point of view on the Ryan case. Other information contains an obvious bias towards a personal opinion or belief.

Opas pointed out that the contents of Richards book has intentionally been slanted toward that bias and there's also the fact that factual information, which does not support Richards personal views, have deliberately been omitted from the book.



Mike Richards was interviewed on ABC's Law Report on February 6, 2007 when Richards said; "Yes, I think Ronald Ryan was both guilty at law and there was evidence that wouldn't be brought to bear in a criminal trial that also suggests that he was guilty insofar as he confessed to a number of people."

For the record, Richards is not a lawyer, nor was he involved in the Ryan case in any manner. He was simply one of many protesters against the hanging. Also, Richards fails to mention in his book about the Wood Police Royal Commission's findings of police corruption and misconduct of the arresting police detectives.

When there is a total lack of scientific ballistic forensic evidence, as is in the Ryan case, the next best thing to convince the public of Ryan's guilt is unproven unrecorded unsigned allegations of verbals and confessions.

By law, confessions in itself or another person's interpretation of one's confession, is not sufficient proof of guilt.

Confessions are often the practice of forcing a person to behave in an involuntary manner whether through action or inaction, by use of coercion, intimidation, trickery, creating feelings of guilt/obligation, or other forms of psychological pressure. Such actions are used as leverage to force a person to act in the desired way. Also known as the 'Gulag Treatment', meaning forced mental discomfort and brainwashing until a person submits with their alleged wrongdoing ... and ... then a 'signed' statement is compulsory by law.

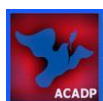
By law, unsigned confessions are 'meaningless' - unsigned unrecorded unproven allegations of verbals/confessions are not considered by law as proof of guilt and are merely considered as worthless 'hearsay'.

The reason why these unsigned unrecorded unproven allegations were permitted at Ryan's trial can only be described as "corrupt to the very core" !!!

Australian Criminologist Professor Gordon Hawkins, at Sydney University Law School doubts the validity of the unsigned confessions of Ryan in a television film documentary, *Beyond Reasonable Doubt*. Although verbal confessions are not permissible in court, in the 1960s the public and therefore the jury, were much more trusting of the police.

Whether as a result an innocent man was hanged, there is at least a reasonable doubt. Professor Hawkins questions the admissibility and reliability of the alleged verbal confessions and why Ryan, a seasoned criminal known to be of above-average intelligence, would suddenly feel the need to tell all to the police?

Was Ryan 'verballed' as such unsigned confessions are called? Verbals are virtually impossible in evidence, as police have to record all interviews they carry out in connection with a crime following extraordinary revelations of police corruption uncovered by various Australian Police Royal Commissions.



The following “facts” remain to this day - the facts that cannot be disputed, distorted nor manipulated ... the “facts” that cannot lie !!!

- * For unknown reasons, ballistic forensic experts never scientifically examined Ryan’s rifle to prove it had fired a shot.
- * There was no scientific proof and no conclusive evidence that Ryan's rifle had fired a shot at all.
- * It was never proven by scientific ballistic forensics that the fatal bullet came from the rifle in Ryan's possession.
- * The fatal bullet was never found and never scientifically examined by ballistic forensic experts. This would have proven whose rifle fired the bullet.
- * Despite extensive search by police, the spent cartridge (bullet casing) was never found.
- * The spent cartridge was never scientifically examined by ballistic forensic experts. This would have proven whose rifle fired both bullet and cartridge.
- * If Ryan had fired a shot, a spent cartridge would have spilled out of his rifle on to the ground. No persons saw a spent cartridge spill out of Ryan’s rifle.
- * All fourteen eyewitnesses for the prosecution testified different accounts of what they saw - there were dire widespread inconsistencies.
- * All fourteen eyewitnesses testified seeing Ryan armed with a rifle.
- * Only four of the fourteen eyewitnesses, testified seeing Ryan fire a shot.
- * Two eyewitnesses testified seeing Ryan recoil his rifle. In fact, ballistic expert testified that type of rifle was recoilless.
- * Two eyewitnesses testified seeing smoke coming from Ryan's rifle (vehicle exhaust fumes and dust cannot be denied.) In fact, ballistic expert testified that type of rifle contained smokeless cartridges.
- * All fourteen eyewitnesses testified of hearing ONE single shot. No persons among the hundreds of pedestrians and motorists heard two shots fired.
- * Prison officer Paterson admitted and testified he fired one single shot from a distance in the direction of Ryan, Walker and prison officer Hodson.
- * At the time that one single shot was heard, armed prison officers had already surrounded the crime scene (prison escape). The armed prison officers were on prison walls, on prison watchtowers and on the streets.
- * Eyewitnesses testified seeing prison officers aiming their rifles.



- * If Ryan had also fired a shot, at least one person among the hundreds of people surrounding the crime scene, would have heard two shots fired.
- * Every person heard only ONE single shot. No persons heard two shots.
- * Forensic experts never scientifically examined the rifles of prison officers Bennett or Paterson, for evidence if their rifles had fired a shot.
- * Forensic experts never scientifically examined any of the prison officers rifles, for evidence if their rifles had fired a shot.
- * The medical autopsy report of Hodson's fatal injury and verified by ballistic expert evidence at trial, indicated the fatal one single shot was fired from a distance, at an elevated position, in a downward trajectory angle.
- * Ryan (a shorter man) could not have fired at prison officer Hodson (a taller man) in such a downward trajectory angle as ballistic evidence indicated, because both men were on level ground.
- * Ryan could not have fired from a distance as ballistic evidence indicated, because Ryan and Hodson were within close proximity.
- * Ryan could not have fired from an elevated position as ballistic evidence indicated, because Ryan and Hodson were both on level ground.
- * There is no evidence whatsoever, that Ryan 'allegedly' confessed guilt to anybody - either verbally, recorded, written, or in any signed documents.

Conclusion: Ronald Ryan was hanged over unsigned, unrecorded and unproven 'hearsay' evidence that was sly, flimsy and manipulated with no actual scientific, ballistic or forensic evidence of proof – the most ambiguous capital case, conviction, and hanging in Australian history. If Ronald Ryan was still alive, he would without doubt be afforded a new trial based on facts. But wrongly executed prisoners cannot be retried.

Over the decades, a variety of educational documentary films, movies, stories and plays have been made on Ronald Ryan. These include; *The Last Man Hanged*, *Beyond Reasonable Doubt*, *The Last of The Ryans*, *Odd Man Out*, *Who Hung Ronald Ryan*, *Remember Ronald Ryan*, *The Blood on Helmut Lange*, and more.

The dramatised documentaries are based on meticulous research, including the 'facts' of the capital case and execution, with a mixture of re-creating interviews with the people directly involved in the Ryan case. Peter Walker (Ryan's co-escapee) has always maintained that Ryan did not fire a shot at all.

The documentaries tell the true story of Ronald Ryan, including archival material depicting the life and death of Ronald Ryan, the events surrounding the shooting, the case, the ambiguities in the case, total lack of scientific forensic evidence, mysterious missing pieces of vital evidence, eyewitnesses dire inconsistencies at trial and the political power leading up to the hanging of Ryan.



The documentaries have candid interviews with the people who knew Ryan well - his wife, lawyer, fellow escapee, trial judge, the catholic priest, politicians and media journalists who witnessed Ryan's execution.

Each of several documentaries tell the true story of Ronald Joseph Ryan - a petty-thief with no police record of violence, whose botched escape from Pentridge Prison resulted in a wrongful conviction and political execution.

All documentary films, movies, stories, and plays ever made on Ronald Ryan cast serious doubt over his guilt.

Soon after Ryan was hanged, three prison officers whose testimony helped convict Ryan died suddenly in separate incidents (one committed suicide). Ryan's defence lawyer Dr Philip Opas QC, said to have been devastated by Ryan's execution, resigned from The Criminal Bar at the height of his legal career.

The judge, who sentenced Ryan to death Justice John Starke, turned to alcohol to erase the nightmares of Ryan's execution. During his bouts of heavy drinking he would often ask his law colleagues if they thought he did the right thing by sentencing Ryan to death.

Pentridge Prison Governor Ian Grindlay, retired from his prison career prematurely, due to his emotional turmoil caused by Ryan's execution. Amazingly, Grindlay claimed to pray and resite the Rosary each night to Ryan.

The then Secretary of the Victorian Anti-Hanging Committee Barry Jones, also a high-profile respected State and Federal politician, lawyer, writer, social activist and quiz champion, refused for thirty-five years to comment publicly on the Ronald Ryan hanging. Surprisingly, Jones broke his silence in 2002 at the launch of Mike Richards book, *The Hanged Man*.

In a stunning revelation Jones delivered yet another 'blow' to the credibility of Richards book. Jones told the media; *"I remain 'unsure' of whether Ryan ever pulled the trigger and it seemed to me that there was probably a reasonable doubt in the case."* Jones bluntly 'blew the whistle' on the misleading contents of Richards book.

Barry Jones told the media; *"Ryan's hanging was an attempt by the then Victorian Premier Henry Bolte, to push his law and order political agenda. Bolte had a manic determination to hang someone and it just happened to be Ronald Ryan."* On the day of Ryan's hanging Jones stood silently with thousands of protesters against the execution - based on the grounds that there was no scientific evidence, whatsoever, to prove Ryan's guilt.

Canberra-based criminologist David Biles, who also knew Ryan well at the time, has also publicly revealed his doubts over Ryan's guilt.

In 2003, Victoria State Cabinet papers were publicly released on Ryan's execution. They revealed intense 'political tension' at the time of the hanging.



WHO WAS RONALD RYAN?

Ronald Ryan was born to John and Cecilia (nee Young) Ryan on February 21, 1925 at the Royal Women's Hospital in Carlton, Victoria.

Ryan was of Irish-Catholic background and born into dire poverty. Ryan had an older half-brother and three younger sisters. His alcoholic father was unemployed and battling miners lung disease. The family lived in a tiny cottage in profound poverty and with time things became more desperate. Mrs Ryan can no longer keep the state child welfare authorities at bay. The Ryan children are made a ward of the state after authorities declared them as 'neglected'.

Ryan was sent to a boys' orphanage and his sisters were sent to a girls convent. Ryan later absconded from the orphanage and worked as a sleeper cutter, timber worker and kangaroo shooter. He would send spare money to his mother who was caring for his ill father. Later, Ryan had saved enough money to rent a house and collected his mother and sisters after his father had died. According to his employers' Ryan was a hard worker, but also liked to gamble.

Ronald Ryan had no history of violence. He was described by everyone who knew him as being of above-average intelligence, a likable character with dignity and self-respect. Slightly built and 5 ft 8 ins (173 cm) tall, Ryan dressed to impress by wearing expensive suits, silk ties and he always wore a fedora hat.

Since adolescence, he had been a career small-time offender. Unlike many criminals, Ryan's police record did not begin until he was 31 years of age. Ryan had overcome the temptation to fall into a criminal life during a most difficult upbringing, only to stumble in maturity. In November 1964, Ryan received an eight-year prison sentence for breaking and entering. He was sent to Pentridge Prison, the place from where he escaped in 1965. Ryan was regarded by the authorities as a model prisoner, appearing to want to rehabilitate himself.

Ronald Ryan's troubles began when he tried to live up to the social level of his wife's family who were wealthy business people. Although Ryan had no trade, he was a versatile worker, managing to support a wife and three daughters. According to his wife Dorothy, Ryan wanted to provide everything for his family and his gambling escalated. In desperation, Ryan turned to heavy gambling, switched from manual work to passing bad cheques, receiving stolen goods, shop breaking and burglary. Ronald Ryan was not a saint but he was not a murderer.

Ryan and his wife Dorothy, had three daughters during their marriage. The daughters became wives, mothers, and grandmothers. Dorothy passed away in 2003.

The Ryan family members have continued to keep low-key since the hanging. Years later, Dorothy spoke to the media of Ryan's devoted love for his family and her continuing love for the man she had married at the age of 21. *"Ron was the best thing that ever happened to me. The man I loved. I still love Ron. Nothing will ever change that."*



THE DAY AUSTRALIA STOOD STILL

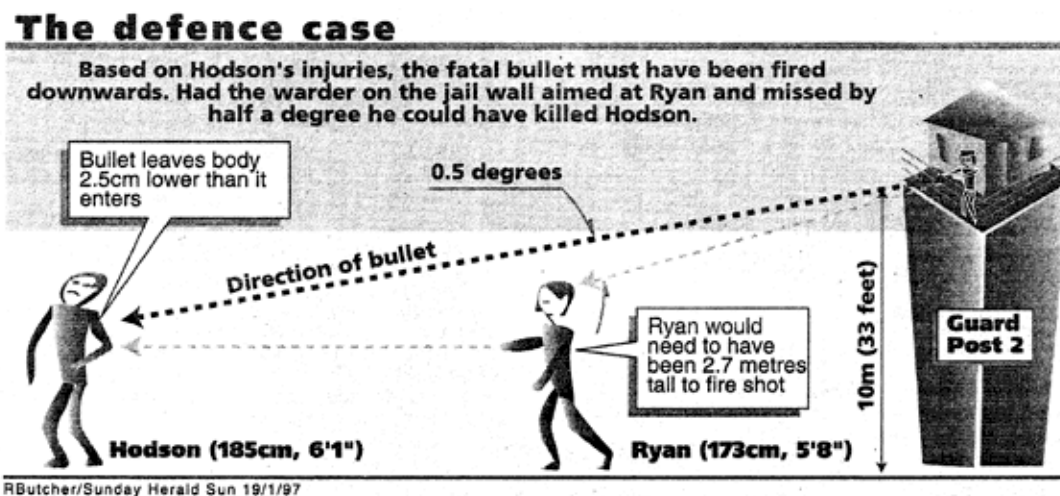
- The clock strikes 8:00 AM.
- It is a hot Friday morning.
- The 3rd day of February.
- In the year - Nineteen Hundred and Sixty Seven.
- The State of Victoria hangs Ronald Joseph Ryan at Pentridge Prison.
- Australia falls silent ...
- A flock of birds startled by the loud crash of the trap door, suddenly fly off the roof of the prison cellblock.
- At the same time - a gust of wind from nowhere - slams shut the prison church doors with a loud crash.
- A crowd of 3,000 protesters outside Pentridge Prison - pause for a three minute silence.
- All is so deadly quiet - broken only by the sound of occasional sobs.
- Trains, trams, buses and vehicles pull over to a halt.
- Listless workers across Australia stop for a silent vigil.
- Church bells across the nation begin to ring.
- Worshippers attend prayer services.
- Candles are lit around Australia.
- Student protesters outside Parliament House distinguish flames on the torches - having burned night and day for more than a week.
- There is an eerie quiet inside prisons - the usual prison sounds are missing - there is just nothing.
- Prisoners stage their own protest – they remain motionless.
- Ronald Ryan's wife sits on a sofa inside her home - cuddling her three daughters tightly - as they weep.
- One of Ryan's daughters suddenly realises she has torn her handkerchief to shreds.
- It was as though time had paused - all was still - temporarily.
- It was the day Australia stood still.

Ronald Joseph Ryan has earned his place in Australian history. He is remembered as the man whose execution provoked such a public outcry, that no person ever again would be executed in Australia.

The outpouring of erroneous media reports months before the trial, influenced people's beliefs and memories. Media exposure to false information and fabricated evidence can produce inaccurate eyewitness testimony of events, and thereby, influence jurors to find Ryan guilty of something he never did. The State of Victoria hanged Ronald Ryan in the absence of forensic evidence to prove guilt.

Recently, ACADP received information from a most reliable source that new evidence (previous 'mysteriously' missing) has emerged. ACADP believes this vital new evidence will uncover a corrupt miscarriage of justice, eventually leading to a posthumous pardon for Ronald Ryan. In the meantime, if any person has any 'conclusive forensic evidence' (no unproven hearsay evidence) that Ronald Ryan fired a shot at all, ACADP would like to hear from you. Meanwhile, the shocking 'facts' remain!





The medical autopsy report of Hodson's fatal injury and verified by ballistic expert evidence at trial indicated the fatal one single shot was fired from a distance, at an elevated position, in a downward trajectory angle. Evidence indicated it was impossible for Ryan to have fired at such angles.

The State of Victoria executed a man, Ronald Joseph Ryan, over unsigned unrecorded and unproven 'hearsay' evidence - no actual scientific ballistic forensic evidence to prove guilt beyond reasonable doubt - no evidence whatsoever of any second-party/s confirming that Ryan 'allegedly' confessed guilt to anybody either verbally, recorded, written, or signed document ... These are the 'facts' that cannot be ignored !!!

THE INNOCENCE OF RONALD RYAN



By Dr Philip Opas, QC.

September 10, 2002

My attention has been drawn to an article on Ronald Ryan. I vehemently disagree with the assertion in the article that Ronald Ryan was guilty.

I have written a response "*The Innocence of Ronald Ryan*", which has been published in The Criminal Bar Association of Victoria newsletter, Spring 2002.

A copy has been forwarded to Dorina Lisson at ACADP for distribution and publication.



I believe I am in a better position than anyone else to discuss the Ronald Ryan case as most of those involved are now deceased. I seek to make a last plea for someone who did not deserve to die.

Please allow me one last attempt to put the record straight. Make it available for anyone who might want to do research into the Ronald Ryan case or research into capital punishment.

I will go to my grave firmly of the opinion that Ronald Ryan did not commit murder. I refuse to believe that at any time he told anyone that he did.

When all hope of a reprieve had gone and he had decided that he might as well declare his guilt (if that was the fact) there are two people whom I believe he would have told and they were Father Brosnan and me.

Father Brosnan and I have formed a lifelong friendship since the hanging, and Father Brosnan has told me that Ryan never made any admission of guilt to him.

Father Brosnan did not hear Ron's final confession, which enabled Ryan to die in a state of grace. Ryan always vehemently denied to me that he fired the shot that killed the warder, Hodson. The last time I saw him was the day before I left for London to seek leave to appeal from *The Privy Council*.

I told him frankly that I did not expect to succeed on mere questions of law, although I was heartened by the action of Sir John Barry who had rung me a few days before to tell me that he had presided at a hearing of *The Court of Appeal* which had come to a decision diametrically opposed to that reached by the three justices who had heard Ryan's appeal. He told me his decision might help me and asked me to see his associate and obtain a copy of the unanimous decision, hot off the typewriter.

One of the legal points decided against Ryan turned on the time when the felony of escaping from prison ended. The trial judge, Justice Starke, followed an old New South Wales case which held that the felony of escaping continued right up to recapture — in Ryan's case nineteen days later.

Therefore if the shooting took place outside the gaol (which it did) *The Crown* did not have to prove intent and the felony murder rule applied. Therefore manslaughter was not a possible verdict and the judge refused to leave it to the jury.

My contention, and that of Jack Lazarus for Walker, was that the escape was complete when the two prisoners escaped from the prison and were outside the control and custody of those in charge. Therefore the felony/murder rule did not apply because the murder was not in the course of the felony of escape, and intent was an essential ingredient of the charge, which had to be proved beyond reasonable doubt by the prosecution.

Thus manslaughter had to be considered by the jury even though the defence was that Ryan had never fired a shot.



Justice Barry in a different case agreed with our contention and refused to follow the case relied on by Justice Starke. We therefore had at the appellate level six justices evenly divided on whether the felony/murder rule applied in the circumstances of Ryan and Walker.

I informed Ryan that I would do my utmost to stress before *The Privy Council* the serious difference of opinion between six senior justices of this State, and that this was a worthy case to require their adjudication. Nevertheless, I told him that I would probably fail as *The Privy Council* rarely intervened in criminal matters. I said that we were largely playing for time to create a groundswell of public opinion that would prevent the government from carrying out its declared intention of executing him.

Ryan replied, "We've all got to go some time, but I don't want to go this way for something I didn't do." Then he smiled and added, "You know, mate, we're playing time on. If you don't kick a goal soon, we're going to lose this match." We shook hands and that is the last time I saw him.

One of the last things Ryan did was to write me a letter that I never received. Perhaps it may turn up at Sotheby's some day. He showed it to Father Brosnan, and I am indebted to him for informing me of the contents. It expressed deep gratitude for the efforts I had made on his behalf, and went on to ask that I attend the hanging as he wanted to look on the face of a friend as his last vision on earth. I did not attend the hanging.

Apart from any question of Ryan admitting guilt, I am of opinion that not only did he not fire a shot, but that he could not have fired the shot that killed the warder.

I rely on facts that could neither lie nor be mistaken.

The bullet that killed Hodson was never recovered. It passed right through the body. It was never proven that the M1 carbine held by Ryan ever fired a shot while in his possession.

During the war I served for nearly six years on active service in the RAAF and was proficient in weaponry, although that did not include the M1 carbine, which was not then used by our forces. My instructor, Allan Douglas, the Public Solicitor, served with the AIF and ended the war as a lieutenant colonel also proficient in weaponry.

At the time of the trial I was an active reservist in *The RAAF* and I arranged for Douglas and me to spend about three hours at the butts at Laverton under instruction from a senior armaments officer.

Between us we fired about six hundred rounds from an M1 carbine. We observed and measured muzzle velocity, penetrability, range and general characteristics of the weapon using the same smokeless cartridges that according to the evidence were loaded in the magazine of the weapon, which Ryan took from the tower at Pentridge.



I believe that by the time of the trial I knew more about the M1 carbine than did the ballistics expert called by the prosecution. In fairness to him, he knew a lot more about a large variety of weapons but Douglas and I were concentrated on one only.

We confirmed that unlike the Lee Enfield .303 rifle familiar to infantrymen, which had two distinct pressures, the M1 carbine was fired immediately by a comparatively light pressure on the trigger and continued firing until the finger was removed.

M1 carbines had no recoil so that it did not jerk back the shoulder of the firer. As smokeless cartridges were used, no smoke was emitted from the barrel. Therefore, witnesses who spoke of seeing Ryan's shoulder jerk back and seeing smoke from the barrel were drawing on imagination.

The evidence was unchallenged that when Ryan took the carbine it was loaded with eight rounds. Seven were positively accounted for. If the eighth could also be accounted for then Ryan could not have killed Hodson.

The vital witness on this aspect was the warder in the tower at Pentridge from which Ryan seized the carbine. He was Helmut Lange.

In the witness box he described how Ryan's first action was to activate the bolt on the carbine but according to Lange he did this while the safety catch was on. The result had to be, as he agreed, to eject a live cartridge. Lange said that he did not find that cartridge, but that did not affect the position that every cartridge in the magazine had been accounted for without Ryan firing a shot.

The evidence that the carbine had fired a shot was most unsatisfactory and inconclusive. While on the run for nineteen days, Ryan and Walker drove a car to Sydney by an indirect route that took them via the Riverina and Hay during a hot summer period with no rain. The carbine was in the boot of the car.

The ballistics expert examined the carbine when it was retrieved and gave evidence that it appeared to him that it had not been cleaned since it was last fired. Under cross-examination he said that he did not take any sample from the barrel to test for residue from gunpowder or cordite.

He agreed that it was inevitable that the barrel would be dusty while being carried through a drought stricken rural area. The most he could say was that the barrel appeared dirty but he could not say what caused the dirt. He could not say that the weapon had been in fact fired since it was last cleaned.

A few years after Ryan was hanged I received a phone call from a man with a strong German accent. I cannot be more precise about the date as I did not note it. He refused to give his name but he said that Helmut Lange had been a friend of his. Lange came from East Prussia and they were both members of the Austrian Club in Brunswick Street, Fitzroy, where they often met for a drink and a chat in their native language. He said Lange told him that he had been on duty in the tower when Ryan seized the weapon from the rack.



The first thing that Ryan did was to work the bolt on the carbine. Ryan did not seem to know much about the gun because the safety catch was on and this resulted in bullets (plural) being thrown out on the floor.

Lange picked up the bullets (plural) and later on made a written report, which he handed to his superior. At that time an inquiry was being conducted in the prison to see whether any warders had helped the prisoners to escape.

About two weeks later while Ryan and Walker were still being hunted, Lange was called before his superior and asked to make another report omitting all reference to finding any bullet. Lange refused at first but he was threatened with being charged with conspiring with the prisoners to help the escape.

Because he wanted to keep his job Lange made another report as asked. After the hanging Lange became very worried about the false evidence he had given.

In 1969 he was informed that he had been awarded a commendation for bravery for his actions during the escape and he was ordered to go to Government House to receive the award. He believed this was a payback for giving false evidence and he refused to go. Eventually, he was presented with the award at Pentridge by the Governor of the Gaol.

On 12 April 1969 while on duty in the tower at Pentridge Lange committed suicide by shooting himself in the head.

I took no action on this phone call and I have no means to verify the statements. I suggested to the caller that he convey this information to the police. For some reason he was clearly afraid of the police and hung up. However, this only confirmed what I have always believed, namely that Lange lied in the witness box. The ejection of the round made it impossible for Ryan to have committed murder.

Confirmation is further obtained from what I contend is evidence that cannot lie.

Before the trial I attended three autopsies and borrowed a skeleton from the Anatomy School at Melbourne University to understand fully the course that the bullet took through the body of the deceased.

I obtained from the pathologist under cross-examination that he measured meticulously the diameter of the wounds of entry and exit. They were identical, showing without question that the bullet had not been deflected in its path.

Had there been any deviation the wound of exit would have been larger than the wound of entry, as bits of bone and other material would have enlarged the wound of exit.

In the result there was no contest that the bullet entered between the first and second rib on the right side and came out between the second and third rib on the left side, one inch lower than it went in.



As they were both standing on level ground, it was impossible for Ryan being 5 foot 8 inches high to shoot in a downward trajectory to cause the wounds on Hodson (6 foot 1 inch).

I was at pains to get from every eyewitness who gave evidence that when shot Hodson was running upright so as to present his full height as a target. Murray commented to the jury that Hodson might well have been bending over. The evidence was all one way. Hodson was running upright, as one would expect from a heavily built man who had just had Christmas dinner and was keeping his eyes on the man he was pursuing.

All independent eyewitnesses deposed to hearing only 'one' shot.

A warder, Paterson, a very excitable Scot, gave evidence that at the relevant time he came out of the main gate at Pentridge armed with an identical M1 carbine to that taken by Ryan. He stood on top of the low stonewall surrounding the garden in front of the gaol and took aim at Ryan. He took a first pressure on the carbine (which as stated above would instantly fire it) but saw a woman in the way so he pulled the gun up and taking a second pressure fired harmlessly into the air.

Taking aim at Ryan he would only have to miss him by about half a degree and he would hit Hodson in the very way that in fact he was struck. By standing on the low wall he would have the necessary height to fire in a downward trajectory.

Paterson had made three conflicting statements. In the first he said he heard only one shot. In the other two he said he heard two shots. If he did, he was the only witness who heard them. From memory I think there were fourteen, not eleven, in a position to see and hear what took place. If Ryan had fired a shot, somebody other than Paterson should have heard it. I wouldn't have hanged a dog on Paterson's evidence.

Ryan was the unfortunate victim of the Premier's determination to have a hanging.

After the appeal to *The High Court* was dismissed, a petition to *The Privy Council* seeking leave to appeal was filed. That was the signal for the Premier to set a date for execution before that petition could be heard. I drew a statement of claim in a writ seeking an injunction to restrain the hanging until the final outcome of *The Privy Council* petition.

I failed both before the judge of first instance, Menhennitt J. and *The Full Court* to obtain the injunction on the ground of lack of jurisdiction. Nevertheless, *The Full Court* said that it was unthinkable that a man should be executed before he had exhausted his ultimate right of appeal.

Reluctantly, the Premier deferred the execution. He then directed the Public Solicitor to withdraw my brief, as the Government was not going to fund the petition. I consulted *The Ethics Committee of The Bar Council* to seek approval to make a public appeal for a solicitor prepared to brief me as I was prepared to pay my travel and other expenses and appear without fee.



The Ethics Committee said that this would be touting for business and was unethical. I argued that a man's life was at stake and I could not see how I would be touting when no payment was involved.

I defied the ruling and on radio sought an instructor. As one might expect I was inundated with offers. I accepted the first application, being from an old friend Ralph Freadman. Two Labor Party stalwarts Val Doube and Barry Jones (who was then completing articles with Norris Coates and Hearle) headed an *Anti-Hanging Committee* and offered me a return fare to London but could not fund my junior, Brian Bourke. I accepted the offer and as luck would have it, Alleyne Kiddle was in London completing a Master's degree and she agreed to take a junior brief at a fee of two-thirds of nothing.

As readers would know, theoretically an appeal to *The Privy Council* is a vestigial remnant of an appeal to the sovereign in person. *The Privy Council* gives an opinion always ending with "*and we shall so humbly advise Her Majesty*". The actual decision is simply a few lines published in the Government Gazette announcing that the appeal has been allowed or dismissed.

Theoretically it is possible but extremely unlikely that *Her Majesty* may give a decision contrary to the advice of *The Judicial Committee*. Sir Henry Bolte took no chance of that occurring. Ryan was hanged on 3 February 1967. The decision of *Her Majesty* in *The Privy Council* to refuse leave to appeal was gazetted on 10 February.

My involvement did not end there. I was called on to show cause before *The Bar Council* why I should not be struck off the Roll for flouting the direction of *The Ethics Committee*. I decided to ignore the proceeding and make no answer. I was ultimately persuaded by many colleagues that I had to fight and allow my choice from many volunteers to represent me. I agreed reluctantly but only on condition that personally I would take no part.

Dick McGarvie with Ivor Greenwood as his junior appeared for me. The job of prosecuting me fell to the junior silk who happened to be Ninian Stephen. He was a friend of mine, and I hope he still is. I was present in body but not in mind. What happened is a blank except that at the end I was unanimously acquitted. The Chairman Louis Voumard remarked, "*What the Bar needs is more Phil Opases', not one less.*"

I have no regrets about my conduct. I don't think I would act differently in the same circumstances today. I will always be troubled by the feeling that Ryan should have been acquitted and that I must have been inadequate for the task of defending him.

At least so long as capital punishment is kept off the statute books, no member of the Bar will have to visit the occupant of the condemned cell and discuss with him or her the chance of living or dying. It is a heavy burden when in the last analysis it may all depend on you."

Philip Opas.



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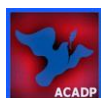
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Page ... 33

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