

December 19, 2003

This article was [originally written in Spanish](#), the below is its translation (11/2009/MR)

Christmas between darkness and happiness

The judge allowed Dennis Calderon to spend the holiday season with his wife and two small children but on January 5th he will be sent to prison to be punished for a racially motivated attack by which he was the victim.

By Matthew Archambeault

Special for A update



Since 1996, Dennis Calderon has much familiar with Criminal Justice Center (CJC) in Philadelphia. This is the building where Dennis experienced an aggravated assault conviction and then acquitted of murder to the same person and the same incident. As reported last week in AL Dia, the court day visit by Dennis on Friday December 12, presented the possibility that he would be returned to prison due to the denial of his appeal to their aggravated assault conviction by the Supreme Court of Pennsylvania.

Dennis Calderón is experiencing a poignant situation because while, by decision of the judge, he will be sharing with his wife and their small children the holiday season, he's dramatically expecting January 5 when he must return to prison. (foto David Cruz/AL DÍA)

In August 1996, while walking to the neighborhood bar with his cousin, Julio Maldonado, in the then neighborhood populated almost entirely by Caucasians in Oxford Circle, the two were greeted with racist aggression and beer bottles launched against them. When both tried to return to the security of the Calderon's home, the mob congregated and began a violent attack.

They said things like “*What are you doing here SPIC (derogatory term for Hispanics)? Damn spics, this is our neighborhood! Go back to Puerto Rico!*” Then they began to beat on me. There were so many. “*All I wanted was to get home*”

Julio was able to free himself from the mob with enough time to remove a car club and

swung at the person who posed the greater threat to Dennis, Christopher Saladino. Julio testified at trial that Saladino was on top of Dennis holding a knife.

The charge stated that Saladino was an innocent bystander in the moment when Julio struck him. The prosecution also confirms that Dennis withdrew a bat from his home and struck Saladino's body, although all medical reports and magnetic resonance imaging revealed no sign of trauma inside or outside Saladino's body.

Dennis and Julio were the only ones arrested that night, even though they themselves were attacked and Dennis' wife and children were confronted by the angry mob racist who threatened them until the family had to flee that night in search of a safer haven. When he was interrogated, the Assistant District Attorney, Mitch Bober denied their racial attacks or that a racial incident had happened even when the judge who presided over the trial stated that in his opinion there had obviously been an "unpleasant racial incident occurred".

On Friday, 12, Dennis seemed both nervous and resigned to the fact of his possible return to prison. *"I'm setting my clothes back (prison), just in case."* *"I just hope that I have the time of the year-end festivities for all this is resolved"* said Dennis. Dennis received the denial of his appeal on Tuesday, just before its date of filing in court, which gave him little time to deal with putting his affairs in order.

Dennis lawyer, Michael McDermott, asked the Judge to allow Dennis to give himself in to the authorities on the first Monday in January, so could spend Christmas with his family. The Assistant District Attorney, Mitch Bober objected strongly, stating that the Saladinos have been in each court hearing and have spent the last seven year-end holiday seasons without their son.

Christmas at home

While Bober argued that both were responsible for the deaths of Saladino, Judge Smith quickly interrupted him reminding Bober that both were acquitted on murder charges. Bober counterbalanced by declaring that different jurors reach different verdicts and he was sure that a different jury would have condemned them with murder. Judge Smith responded quickly that a different fact finder (which wasn't he) very well then would have also declared both of them innocent on the aggravated assault charges.

Six years earlier in the trial court (one without a jury), Judge Smith found the two men guilty of aggravated assault. To make his ruling Judge Smith stated that it seemed that Saladino may have been an innocent bystander of the racial incident surrounding Dennis and Julio. However, Judge Smith said Dennis and Julio guilty of aggravated assault and sentenced to two and a half to eight years in prison.

At the hearing on Friday, Judge Smith mentioned a particular memory in the case *"I remember this case very well."* *"This case was very disturbing"*. Judge Smith continued then describing his feelings during the original trial when the prosecution wheeled in Christopher Saladin in a vegetable State to court. "It was paralyzing. It was sad. I will

never forget that” Judge Smith said.

And then he returned his attention to Dennis, stating that he also remembered the two men, that had only gone out to have a couple of beers and that were then "*attacked by these racists*". The judge looked like a man in conflict with two tragic events and how closely they were linked with each other.

Judge Smith you also drew his attention to the Assistant District Attorney stating Dennis had always obeyed all previous court orders and that he saw no reason not to grant his request to turn him self in until after of the year-end celebrations. The judge then ordered Dennis to go back on January 5th.

While Dennis was relieved he would be able to spend Christmas with his family, his attention quickly focused on his next challenge. Dennis will appeal his sentence in Pennsylvania with Post Conviction Relief Act and possibly through the federal courts.