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The View From Here

## **The outlook in the case of Jack Carroll**

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As for the case of Jack Carroll, the Troy man I have written about who was convicted of sexually abusing a young girl, the next step is for the Court of Appeals, the state's highest court, to decide whether he may appeal the conviction.

That's necessary because the intermediate Appellate Division decision upholding the conviction was unanimous.

It's probably a long shot. "Leave to appeal denied," is the standard formulation that you see in summaries of the high court's actions.

If the court does let him appeal, then the Rensselaer County district attorney's office and the lawyers representing Carroll will file written briefs and eventually argue their cases in person.

One of Carroll's lawyers is now Robert Rosenthal of New York City, who has been involved in some high-profile cases involving false accusations of sex abuse, including the famous one in the state of Washington, where a large part of the town of Wenatchee was swept up in sex-abuse hysteria. So that should help, having someone with experience in what has become a specialized area.

If the court rules against him after hearing the case, his lawyers still have a few options back at the trial level, like arguing that new evidence has surfaced, but they are finished as far as climbing the state ladder is concerned.

Rosenthal says they could also go to federal court to argue that the defendant's constitutional rights were violated in his first trial.

If on the other hand the high court rules in Carroll's favor, he would be granted a new trial, which in my view would be the fairest possible outcome, considering how evidence in his favor was suppressed the first time and how a cop who testified against him has since, in effect, admitted lying.

Of course there is no guarantee that a second trial would be any fairer than the first, only that the lawyers would be better prepared and would take it more seriously.

Meanwhile, Carroll remains lodged in Lower H block of Clinton Correctional Facility in Dannemora, which is the protective unit where inmates despised by the prison's general

population are kept for their own safety. There are some 250 of them, out of a population of 2,700, and they include transvestites and former cops as well as those convicted of molesting children.

He attends a class in mechanical drawing, which counts as work and for which he gets paid \$1.90 a week. He studies case law in the prison law library. He lifts weights and serves as personal trainer for some 15 other inmates who also lift weights.

I visited him a while back and found him realistic. "My life is ruined," he said. "Even if I get out I'll never be able to coach hockey, I'll never be able to get near kids, I'll probably have to move."

And he won't be able to see his young daughter (who is not the child he supposedly molested) since there is a 25-year order of protection keeping him away from her - a child to whom by all accounts he was an exemplary father.

He has a hard time talking about that.

"Every day I get up, I don't want to live, but I don't want to die. It's very, very difficult," he admitted.

He's 44 years old, his sentence is 8 to 25 years, and he's in a maximum security prison where the parole rate is low, so he knows what the outlook is.

He's just an ordinary guy - a boat mechanic, a hockey coach, a guy who took his family to the mall for pizza.

He says that as his drama unfolded - the charges, the interrogation, the arrest, the trial - he kept thinking that at some point it would all get cleared up, but it never did. Now, he says, "I'm beyond the point of thinking the system is going to fix itself."

He knows he's in for a good long time, and although his life is ruined in one sense, in another sense it goes on. He recognizes that, and it bucks him up.

He recalls rejecting a plea bargain that could have had him out of jail in two years and says he has no regrets. "If I die tomorrow, I'm happy with my life," he says. "I'm an innocent man."