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The View From Here

## **Carroll ready for worst, hopes for best**

**By CARL STROCK**

Today is the day that the Court of Appeals hears arguments in the case of Jack Carroll, the Troy man I have written about who was convicted of sexually molesting a young girl and sent to prison, convicted without the jury having heard a crucial piece of evidence in his favor and without the jury knowing that police testimony against him was - according to one officer - false. I expect to be there, in the courthouse on Eagle Street, in downtown Albany, admiring the intricately carved tall-case clock, the oversized onyx fireplace and the turned oak balusters, not to mention straining to hear the lawyers' answers to the judges' questions, but I expect my mind will wander up to Clinton Correctional Facility near Plattsburgh, where Jack Carroll is locked away in an internal protective unit along with other prisoners who are so despised that they can't mix with the general run of murderers and muggers.

I visited him there recently and asked him how he was doing, after three years, and he admitted it was tough, even though he appeared well in control of himself for an interview.

"As time goes on," he said, "it's increasingly difficult for me, because when I first came in I kept looking forward to tomorrow, saying tomorrow will be the day that I'll be exonerated. Now I'm looking at my past."

Three years gone by already, and no one yet to say whoops.

"You can block off that this has happened for the longest period of time," he said, "but the reality sets in. The guards look bigger, the inmates are noisier, the food is colder. It becomes just so, so difficult."

We sat at a rickety table in a dreary room with a guard posted outside, the same room where parole interviews are conducted, and we talked to the accompaniment of clanking doors and locks.

I asked him if he regretted not taking the two-to-six-year sentence he was offered in a plea bargain, which might have had him a free man by now, and he said, "Not whatsoever. If I took that two-to-six I'd have to stand before the judge and I'd have to lie. I'd have to tell him I did commit these acts. If I had done these things I'd have certainly taken the blame for it, but it didn't happen, so they can keep me here for my full bid if they want" - that's prison slang for a sentence - "but when I leave here I'm still going to be an innocent man."

The Court of Appeals does not hear witnesses, and it does not retry cases. It looks to see if legal errors have been committed, and it hears lawyers. So a defendant has no opportunity to speak for himself before the court. Nevertheless, I asked Jack, if he could speak, what would he say?

"All I want them to do is find the truth," he said. "And it's there. It's not between the lines, it's on the lines. They can see it."

Jack Carroll is 45 years old, and if he loses this final appeal he could be locked up until he is 67. His chances are not good - the court only infrequently reverses criminal convictions. With that in mind, I asked him how he would handle a loss.

"If it comes to that then I reset myself," he said. "I reset my sights, I reset my ideas. I'll survive. It is difficult to live. It really is difficult to live, but I would survive. But you know what? I will fight this thing till the day they let me out or put me in the ground. This is wrong."

I think it's wrong too, but of course that doesn't matter. It's what the seven judges of the high court think that matters now.