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The View From Here

Jack Carroll is set free for holiday

By CARL STROCK

It's a happy Thanksgiving. Actually, it's a happy Thanksgiving and a half. Jack Carroll, the Troy man I have written about who was convicted of child rape and sex abuse in one of the shabbiest cases I have ever seen, is a free man. Or at least he's free on bail.

On Tuesday the state Court of Appeals unanimously overturned his conviction, and yesterday he walked out of the Rensselaer County jail into the arms of family members who had gathered from as far as South Carolina and California for the long-awaited moment.

If the bureaucracy had taken its normal course he would have sat in Clinton Correction Facility in Dannemora until next week, but his lawyer, Mike Koenig, and the county judge, Patrick McGrath, extended themselves to get him out in time for the holiday. In the end a sheriff's car delivered him to the county jail at 1:30 a.m., and by 9:30 a.m. he was in Judge McGrath's courtroom, where his old bail of \$25,000 was re-established, and after a few more hours of paperwork, he was sprung.

We now wait to see if the distinguished Rensselaer County district attorney, Ken Bruno, will retry him.

If he does, it will be interesting since the Court of Appeals not only reversed the conviction but actually dismissed the most serious charges, which were the rape charges, so those are gone.

What remains are the lesser charges of sex abuse, and it's on those that the court ordered a new trial, now scheduled for Jan. 9, declaring that Jack Carroll did not get a fair shake the first time because a crucial tape recording in which he sounds innocent was excluded from evidence.

Regular readers will recognize this as a subject I have been hammering on for more than a year and will understand that I was elated to see the state's highest court agree at last. It gave me confidence that there's still justice in the world.

A man might sit in a foul dungeon for three years, as Jack Carroll did, despised even by the career criminals around him, and still hope that before he wastes utterly away a court of last resort will take a dispassionate look and decide he got shafted.

Yesterday in the Rensselaer County Courthouse there was confusion as to whether District Attorney Bruno will venture on a new trial. When I first asked him, in the anteroom of his office, he harrumphed angrily that he would see. But a short while later, his assistant, Trish DeAngelis, who prosecuted the original case, declared flatly, "We're gonna be there."

Then Mr. Bruno's spokesman, perceiving the contradiction, said, well, um, "the *intention* is to proceed with the case," it being understood there might be a discrepancy between an intention and what actually comes to pass.

Then Mr. Bruno reappeared and said he had been caught off guard earlier and, "Oh, yes, we intend to proceed." So we'll have to wait and see.

You might think when the state's highest court has reviewed a case of yours, as prosecutor, and declared that not only did you not have enough evidence to convict a defendant but you didn't have enough evidence to charge him in the first place, you might be chastened, but that, alas, is not so with Ken Bruno and Trish DeAngelis.

You might also think when one of your witnesses has admitted, as Troy detective Steve Webber admitted to me, that he in effect lied on the witness stand, you might also be chastened, but then again that is not so with either Mr. Bruno or Ms. DeAngelis.

And you might think when the high court rules that “the heart of the People’s case,” meaning your case as district attorney, was a flat-out misrepresentation, you might on that account also be somewhat flushed in the cheek, but again, no such thing.

Yesterday speaking to the press Mr. Bruno and Ms. DeAngelis were fairly bursting with prosecutorial purpose, going so far as to refer aggressively to the teen-age girl who accused Jack Carroll and to her mother as “the victims,” which is a rotten joke if there ever was one, after everything that has come to light. Still, the spirit of the holiday overcomes me and I wish the two of them a happy Thanksgiving: I hope they relish their stuffing.

I do most sincerely wish a happy holiday to the judges of the Court of Appeals, and especially to Chief Judge Judith Kaye, who agreed to hear the appeal in the first place, and to Judge Richard Wesley, who wrote the very forceful opinion that set Jack Carroll free.

It goes without saying that I wish the happiest possible Thanksgiving to Jack Carroll and his admirably supportive family. Jack is not a knight of the round table – he’s an ordinary guy who sold and repaired boats for a living – but I have known him for a year now, and I have seen him hold his head up through the grimmest of nightmares, and it’s been an inspiration to me.

Now on this day of grace I ask nothing else for myself or for you, the reader: May we all have the strength of Jack Carroll to hold our heads high.