

January 23,2001

The View From Here

## **Jack Carroll and guilt by insinuation**

By CARL STROCK

Jack Carroll finally got to take the stand in his retrial on charges of sex abuse yesterday, and there were no great surprises. As his attorney went through the allegations one by one and asked him if he had done the things he is accused of doing - basically sexually fondling a young girl - he said, "No, I did not . . . never . . . absolutely not," over and over.

If he's innocent there's not much more he can say.

Assistant District Attorney Trish D'Angelis, who is prosecuting the case on behalf of the people of Rensselaer County, snapped fiercely at him, but Carroll kept his cool and conceded nothing more than minor discrepancies between his testimony yesterday and his testimony at his first trial, three years ago.

Faced with a rather stunning lack of evidence against the guy, beyond the word of the girl who accused him, Ms. D'Angelis relies heavily on insinuation to make her case, constantly trying for example to read something nasty into the "special relationship," as Jack Carroll called it, between him and the girl, and making much of the fact that he sometimes rubbed her shoulders, her stomach and her legs, as he did with other children to whom he was close.

To hear her return again and again, her voice toxic with sarcasm, to this "special relationship" and query over and over about the body-rubbing is to witness something not very pleasant, and I hope the people of Rensselaer County are getting their money's worth - though realistically I suppose they have little awareness of such doings in the courthouse.

Me, I'm struck by the spectacle of dirty minds at work. It's a spectacle in which every move Jack Carroll ever made is twisted by sarcasm to suggest a perverse sexual motive. Did he take her places along with other kids? Was he good to her? Did he answer when she called? Did he do what she wanted?

You should hear Trish D'Angelis ask those questions if you want to know what I mean by prosecution by insinuation. It's not only eyes that leer, but voices too, and if you don't believe me, visit the Rensselaer County Courthouse and listen for yourself. It may not make you proud of our criminal justice system, but it's what this prosecutor has working for her in place of evidence.

She did elicit that in 1998, while in prison, Jack Carroll pleaded guilty to a felony count of evading \$7,730 in state sales tax from his boat business and was sentenced to a year in jail for it - a year that ran concurrently with the time he was already doing for the sex charges - and that was something.

It may impress the jury that the guy is not to be trusted, or it may not.

You never know what a jury is thinking. You watch them, and they always look like sober citizens who are taking their responsibilities seriously, but sometimes they come out with decisions that make you want to hold your head in shame.

This case appears headed for the jury tomorrow. The judge said he anticipates closing arguments today after Carroll's lawyer calls a final witness or two. Ms. D'Angelis will then have one more chance to make a theatrical display in front of the jury - demonstrating with folded arms how Jack Carroll "locked down" when he was being interrogated and other such insights glommed from her ace investigators, and then we'll see what happens.