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The View From Here

Carroll pays price for going to trial

By CARL STROCK

Jack Carroll, recently reconvicted of sex abuse, was sentenced yesterday to 12 to 30 years in state prison, a sentence that under state guidelines will translate into the same 10 to 20 years he was serving before his original conviction was reversed and the most serious charges against him were dismissed.

So he's back where he started and maybe worse, since now he has little realistic hope of being exonerated. With credit for the three years he has already served, he will be in prison at least seven more years before he is eligible to apply for parole.

Those seven years, and possibly as many as 17, are the penalty he will pay for having exercised his right to a trial.

Since he was released from prison in November up until a jury was selected for his retrial a month ago, the Rensselaer County district attorney repeatedly offered him "time served," meaning a sentence of the time he had already spent in prison - two years, 11 months, and three days, to be exact - so he could have walked away a free man. All he had to do was plead guilty to sexually abusing a young girl.

He turned it down, saying he would not plead guilty to something he didn't do.

A prosecutor in a different case told me recently that people don't plead guilty unless they are really guilty, but anyone who follows the criminal justice system knows that people plead guilty to lesser offenses all the time in order not to gamble on being convicted of a greater offense, regardless of guilt.

It's simply a matter of calculating the odds.

Any criminal in Jack Carroll's position would have jumped at "time served" and would have counted himself lucky. The system doesn't punish people like that. It punishes people who insist they are innocent and refuse to compromise.

The message is: You put us to the trouble of a trial, now you're going to pay for it.

So it was a grim day in court yesterday, as far as I was concerned.

Yes, the girl who accused Jack Carroll was there to read a victim-impact statement, as it's called, and so was her mother, though they both required the help of District Attorney Ken Bruno.

Jack read a statement of his own, saying what he has said so many times before, his lawyer made some remarks, and then it was the turn of Judge Patrick McGrath, who took note of the widespread support Jack enjoys from family and friends but said he would not be influenced by it. "The sentence is based on the acts you're convicted of," he said, and that was that.

I will not rehash here my own view of the case, or the trial testimony, or the performance of the police, or the zeal of the prosecutor, since I have been through it before and the reader may consider everything I have said in the past to be repeated.

I think Jack Carroll got shafted the first time, and I think he got shafted the second time.

Given the sense of urgency surrounding child sex abuse, I don't think he had a chance. Once he was accused he was as good as convicted. No supporting evidence was needed, and none was

offered, or at least none that rose above the laughable. Everything he did, everything he said, was taken as incriminating, down to his most heartfelt protestations of innocence.

That 12 random people could have declared themselves convinced of his guilt beyond a reasonable doubt gives me a profound shudder, and that a judge could have sentenced him punitively for going to trial gives me another.