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The View From Here

## **Jones takes the case of Jack Carroll**

By Carl Strock

I am pleased to report that E. Stewart Jones Jr., the most prominent defense lawyer in the Capital Region, has agreed to represent Jack Carroll free of charge.

Jack Carroll of Troy, you may remember, was convicted of sexually abusing a young girl, had the conviction overturned on appeal, was retried and reconvicted, and for three years now has been back in prison, serving a sentence of 10 to 20 years.

It's a case about which I have grave doubts, which I have not hesitated to express over the years.

I believe Carroll is innocent. I think zealous police officers set out to nail him without honestly investigating his guilt or innocence — in fact, one of them told me as much — and I think a zealous prosecutor, Rensselaer County District Attorney Patricia DeAngelis, cheated him in court with distortions of evidence and with theatrics.

Why is Jones now taking the case, and why is he doing it pro bono?

"Because I am offended by the conviction," he said, after studying the legal papers. "The proof was not there. He should not have been convicted."

I can't tell you how it does my heart good to hear someone say that besides myself, and especially how it does my heart good to hear the eminent E. Stewart Jones Jr. say it.

Of course, Carroll has had lawyers in the past, and not shabby lawyers either.

But apart from winning the first appeal, all he got out of their efforts was broke. He and his family too. They spent all their savings and borrowed besides — brothers, sisters, parents, wife.

Now, of course, it's very late in the game. The second conviction has been upheld in the regular appeals process, and the trial judge recently rejected an endrun kind of appeal.

Jones says his immediate task will be to contest that rejection, but he admits it's a long shot, simply because it's difficult to get judges to admit they did the wrong thing the first time around.

"The game plan is to get into federal court," he said, and to argue there that "the errors made were of constitutional dimension," which is what he believes.

I should mention that Jones did not come to this case entirely unsolicited.

Ernie Tetrault, the retired Channel 6 anchorman, began taking an interest in the matter about a year ago and has gotten deeply involved in interesting others. It was he who urged Jones to look at it.

"He really pestered me," Jones admitted. To which I can only say, good job, Ernie.

As for why Ernie got interested himself, I am pleased to report that he began by reading my columns and took it from there, with much independent interviewing and study on his own part.

"I have become outraged at the injustice involved here," he says. "I can't help but feel that Jack Carroll got a raw deal."

Now, I am not so naive as to believe that having E. Stewart Jones Jr. on the case means that Jack Carroll is right away going to get a fair hearing. The legal system is very much weighted in favor of wrapping things up and not going over the same ground again and again.

But I do think it raises the level of credibility of Jack Carroll's claim of innocence. And at least Ernie Tetrault and I are not the only ones hollering foul anymore.

*The View From Here presents Carl Strock's personal commentary and appears on Tuesday, Thursday and Sunday. Strock can be reached at 395-3085. The opinions of the newspaper appear in editorials on the Opinion Page every day.*