

No. 23-104

Supreme Court, U.S.  
FILED  
JUN - 5 2023  
OFFICE OF THE CLERK

In the  
Supreme Court of the United States

GRANVILLE S. WATSON,

*Petitioner,*

v.

STATE OF CONNECTICUT ET AL.,

*Respondents.*

On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Second Circuit

**PETITION FOR A WRIT OF CERTIORARI**

Granville S. Watson  
*Petitioner Pro Se*  
196 Haut Brion Avenue  
Newark, DE 19702  
(413) 330-1147

July 28, 2023

SUPREME COURT PRESS

♦ (888) 958-5705 ♦

BOSTON, MASSACHUSETTS

RECEIVED  
AUG 01 2023  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## QUESTIONS PRESENTED

Federal Tort Claims Act's (F.T.C.A.) discretionary function exception does not immunize the government from liability for actions proscribed by federal statute or regulation. 28 U.S.C.A. § 2680(a). I was wrongfully incarcerated for a five-year prison sentence, and additionally, I was illegally imprisoned and sentenced to a three-year prison sentence without any charges or violations.

The State of Connecticut Officials denied these facts for years, and only upon an appellate court review (January 2023) were these facts acknowledged.

The federal criminal statute that enforces Constitutional limits on conduct by law enforcement officers is 18 U.S.C. § 242. Section 242 provides in relevant part:

Whoever, under color of any law, . . . willfully subjects any person . . . to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States [shall be guilty of a crime].

Section 242 is intended to “protect all persons in the United States in their civil rights, and furnish the means of their vindication.” *Screws v. United States*, 325 U.S. 91, 98 (1945).

The following questions are presented:

1. When is it appropriate to seek compensation for wrongful incarceration?
2. On March 9, 2020, Connecticut state's attorney William Tong acknowledged my wrongful incarceration

in his official Connecticut Claims commissions response, is this an appropriate time to seek compensation?

3. On January 13, 2023, the appellate court ruled that my five-year prison sentence from 1991 and the three-year prison sentence from 1997 were wrongful. This was the first time a judge ruled on my wrongful incarceration. Is this an appropriate time to seek compensation?

4. Can government officials claim State sovereign immunity when government officials, police officers, prosecutors, district attorneys, and a judge collaborate to illegally arrest, prosecute and sentence an American citizen, then ultimately change the wording of the wrongful incarceration statute to avoid liability?

5. When state officials know the entire time an innocent person is incarcerated and covers up this crime, when the facts all come out and state officials finally admit wrongdoing is this an appropriate time to file a monetary claim?

6. The appellate court believes I should have filed a lawsuit in 2009 when I received my pardon, but a pardon is an admission of guilt and Connecticut officials worked together to create and use fraudulent documents to grant my pardon stating I was guilty instead of exonerating me, these officials only admitted wrongdoing in 2020 shouldn't the fraudulent concealment statute apply?

## **PARTIES TO THE PROCEEDINGS**

### **Plaintiff**

---

- Granville S. Watson

### **Defendants**

---

- The State of Connecticut
- Manchester Connecticut Police Department
- Manchester Superior Court
- Manchester Connecticut Division of Adult Probation
- Connecticut Board of Pardons and Paroles

## **LIST OF PROCEEDINGS**

U.S. Court of Appeals for the Second Circuit

No. 22-1258-cv

Granville S. Watson, *Plaintiff-Appellant*, v. William Tong, Jon Laughlin, Dawne G. Westbrook, Michael Morrisey, *Defendants-Appellees*, State of Connecticut, Manchester Police Department, Manchester Probation, *Defendants*.

Date of Final Order: January 13, 2023

---

U.S. District Court for the District of Connecticut

No. 3:22-cv-563 (KAD)

Granville S. Watson, *Plaintiff-Appellant*, v. State of Connecticut, *Defendants*.

Date of Final Order: May 20, 2022

---

U.S. District Court for the District of Delaware

No. 22-258 (VAC)

Granville S. Watson, *Plaintiff-Appellant*, v. State of Connecticut, *Defendants*.

Date of Final Opinion: April 5, 2022

**TABLE OF CONTENTS**

	Page
QUESTIONS PRESENTED .....	i
PARTIES TO THE PROCEEDINGS .....	iii
LIST OF PROCEEDINGS .....	iv
TABLE OF AUTHORITIES.....	viii
PETITION FOR WRIT OF CERTIORARI .....	1
OPINIONS BELOW .....	1
JURISDICTION.....	1
CONSTITUTIONAL PROVISIONS INVOLVED .....	2
STATEMENT OF THE CASE .....	3
I.    Introduction.....	3
FACTUAL BACKGROUND.....	5
I.    Proceedings below .....	6
II.    Wrongful Incarceration .....	6
REASONS FOR GRANTING THE PETITION .....	9
I.    Fraudulent Concealment / Forced Pardon .....	9
II.    False Narrative .....	13
CONCLUSION AND PRAYER FOR RELIEF .....	17

**TABLE OF CONTENTS – Continued**

	Page
<b>APPENDIX TABLE OF CONTENTS</b>	
<b>OPINIONS AND ORDERS</b>	
Summary Order of the United States Court of Appeals for the Second Circuit (January 13, 2023) .....	1a
Order Accepting Magistrate Report, United States District Court for the District of Connecticut (May 20, 2022).....	8a
Recommended Ruling of the Magistrate Judge, United States District Court for the District of Connecticut (April 28, 2022) .....	10a
Memorandum Opinion Transferring Case to District of Connecticut, United States District Court for the District of Delaware (April 5, 2022) .....	22a
<b>REHEARING ORDERS</b>	
Order of the United States Court of Appeals for the Second Circuit Denying Petition for Rehearing (March 6, 2023) .....	25a
<b>OTHER DOCUMENTS</b>	
Notice of Jurisdictional Defect and Motion to Dismiss (March 9, 2020) .....	27a
Letter from the Claims Commissioner (October 28, 2021) .....	31a
Complaint (February 28, 2022) .....	33a
Letter from Internal Affairs of the Manchester Police Department (June 17, 2020) .....	48a

**TABLE OF CONTENTS – Continued**

	Page
Certificate of Pardon (December 22, 2009) .....	49a
Notice of Termination, Adult Probation No. 102-H12M-95-21454-S (March 18, 2009) .....	51a
Notice of Termination, Adult Probation No. 102-H12M-98-32410-S (March 18, 2009) .....	53a
Email Regarding Probation Records (May 13, 2020) .....	54a
Manchester Police, Case Information C97-6664 (August 27, 1997) .....	56a
Application for Arrest Warrant (August 28, 1997) .....	59a
News Coverage of Corruption and Coverups in Connecticut Attorney General Tong's Office (June 17, 2020) .....	68a

## TABLE OF AUTHORITIES

	Page
<b>CASES</b>	
<i>Buckley v. Fitzsimmons</i> , 509 U.S. 259, 113 S.Ct. 2606, 125 L.Ed.2d 209 (1993) .....	6
<i>Burdick vs United States</i> , 236 U.S. 79 (1915) .....	9
<i>Carey v. Piphus</i> , 435 U.S. 247, 98 S.Ct. 1042, 55 L.Ed.2d 252 (1978) .....	5
<i>Concepción v. Municipality of Gurabo</i> , 558 F.Supp.2d 149 (D.P.R.2007) .....	13
<i>Earle v. Benoit</i> , 850 F.2d 836 (1st Cir. 1988) .....	16
<i>Estate of Bennett v. Wainwright</i> , 548 F.3d 155 (1st Cir. 2008) .....	16
<i>Florida v. Jardines</i> , ____ U.S. ___, 133 S.Ct. 1409, 185 L.Ed.2d 495 (2013) .....	14
<i>Goldstein v. Galvin</i> , 719 F.3d 16 (1st Cir. 2013) .....	6
<i>González-Piña v. Rodríguez</i> , 407 F.3d 425 (1st Cir. 2005) .....	13
<i>Harrington v. Nashua</i> , 610 F.3d 24 (2010) .....	15
<i>Heck v. Humphrey</i> , 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994) .....	3

## TABLE OF AUTHORITIES – Continued

	Page
<i>Hernandez-Cuevas v. Taylor</i> , 723 F.3d 91 (1st Cir. 2013) .....	14, 15
<i>Limone v. Condon</i> , 372 F.3d 39 (1st Cir. 2004) .....	14
<i>Limone v. United States</i> , 497 F.Supp.2d 143 (D. Mass. 2007) <i>aff'd on other grounds</i> , 579 F.3d 79 (1st Cir. 2009) .....	11
<i>Newton v. City of New York</i> , 171 F.Supp.3d 156 (S.D.N.Y. 2016) .....	10
<i>Peña-Borrero v. Estremeda</i> , 365 F.3d 7 (1st Cir. 2004) .....	14
<i>Pinto v. Nettleship</i> , 737 F.2d 130 (1st Cir. 1984) .....	13
<i>Preiser v. Rodriguez</i> , 411 U.S. 475, 93 S.Ct. 1827, 36 L.Ed.2d 439 (1973) .....	4
<i>Restivo v. Nassau County</i> ., No. 06-CV-6720 JS SIL, 2015 WL 5796966 (E.D.N.Y. September 30, 2015) .....	12
<i>Rodriguez v. Andreu Garcia</i> , No. 03-2238, 2007 WL 1975005 (D.P.R. July 02, 2007) .....	13
<i>Sanchez v. Pereira-Castillo</i> , 590 F.3d 31 (1st Cir. 2009) .....	13
<i>Screws v. United States</i> , 325 U.S. 91 (1945) .....	i

**TABLE OF AUTHORITIES – Continued**

	Page
<i>Wallace v. Kato</i> , 549 U.S. 384, 127 S.Ct. 1091, 166 L.Ed.2d 973 (2007) .....	15
<i>Waters v. Town of Ayer</i> , No. 3:04-CV-02716-BF (B) (N.D. Tex. Jan. 25, 2006) .....	12

**CONSTITUTIONAL PROVISIONS**

U.S. Const. amend XIV, § 1 .....	3, 14
U.S. Const. amend. IV .....	2, 14, 15
U.S. Const. amend. V.....	2

**STATUTES**

18 U.S.C. § 242 .....	i
28 U.S.C. § 1257(a) .....	1
28 U.S.C. § 2254(a) .....	4
28 U.S.C. § 2680(a) .....	i
42 U.S.C. § 1983.....	3, 4, 10, 13, 14, 16



## **PETITION FOR WRIT OF CERTIORARI**

IN THIS CASE, Granville S. Watson respectfully petitions for a writ of certiorari to review the United States Court of Appeals judgment for the Second Circuit Court of Appeals.



## **OPINIONS BELOW**

The summary order of the U.S. Court of Appeals for the Second Circuit, dated January 13, 2023 is included at App.1a. The order of the U.S. District Court dated May 20, 2022 is included at App.8a. The district court order accepted the recommended ruling of the magistrate judge, which is included at App.10a.



## **JURISDICTION**

The Second Circuit denied a timely petition for rehearing on March 6, 2023. (App.25a). By letter of the Clerk dated June 8, 2023, Petitioner was provided 60 additional days to file a Rule 33.1 petition. This Court has jurisdiction under 28 U.S.C. § 1257(a).



## **CONSTITUTIONAL PROVISIONS INVOLVED**

### **U.S. Const., amend. IV:**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized

### **U.S. Const., amend. V:**

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces or the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be put twice in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

**U.S. Const., amend XIV, § 1**

All persons born or naturalized in the United States and subject to the Jurisdiction thereof are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**STATEMENT OF THE CASE****I. Introduction**

In *Heck v. Humphrey*, 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994), the case presented the question of whether a state prisoner may challenge the constitutionality of his conviction in a suit for damages under 42 U.S.C. § 1983.

Section 1983 provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in

an action at law, suit in equity, or other proper proceedings for redress.

The requirement that a state prisoner seeking § 1983 damages for unlawful conviction or confinement be successful in state court or on federal habeas strikes me as soundly rooted in the statutory scheme. Because “Congress has determined that habeas corpus is the appropriate remedy for state prisoners attacking the validity of the fact or length of their confinement, [a] specific determination [that] override[s] the general terms of § 1983,” *Preiser v. Rodriguez*, 411 U.S. 475, 490, 93 S.Ct. 1827, 1836, 36 L.Ed.2d 439 (1973), a state prisoner whose constitutional attacks on his confinement have been rejected by state courts cannot be said to be unlawfully confined unless a federal habeas court declares his “custody [to be] in violation of the Constitution or laws or treaties of the United States,” 28 U.S.C. § 2254(a). An unsuccessful federal habeas petitioner cannot consistently receive § 1983 damages for unlawful confinement with the habeas statute. That is not to say, however, that a state prisoner whose request for release has been (or would be) rejected by state courts or a federal habeas court is necessarily barred from seeking any § 1983 damages for violations of his constitutional rights. If a § 1983 judgment in his favor would not demonstrate the invalidity of his confinement, he is outside the habeas statute. He may seek damages for a constitutional violation even without showing “favorable termination.” A state prisoner may, for example, seek damages for an unreasonable search that produced evidence lawfully or harmlessly admitted at trial, or even nominal damages for, say, a violation of his right to procedural

due process, *see Carey v. Piphus*, 435 U.S. 247, 266, 98 S.Ct. 1042, 1054, 55 L.Ed.2d 252 (1978).



### **FACTUAL BACKGROUND**

On August 27, 1997, I was a victim of a crime. My brother came home and engaged the intruder; my brother was injured in the attack, and the person who attempted to extort me was injured and died the next day from his injuries. All witnesses told police officers with the Manchester, Connecticut Police Department that I tried to stop an argument between my brother and an intruder who came to my home to commit a crime. The police report reflects this, but the police had theories about the incident. The Manchester Police Department and the Manchester, Connecticut District Attorney's Office decided to detain me and my brother (Audley Watson) until they could thoroughly investigate the incident.

My brother (Audley Watson) ultimately accepted 25 years in prison in this case; he should not have accepted the State's offer of a plea deal. The Manchester Police Department used my brother's girlfriend's address to prevent the castle doctrine from being used, and the police refused to mention the weapon that the intruder had.

The Manchester Police Department and the Manchester Connecticut District Attorney's Office engaged in a fraudulent prosecution to detain me. The false accusation from the police department was that I smoked marijuana. The charge was called a non-quantity of a controlled substance.

## **I. Proceedings below**

On March 06, 2023, the second circuit court of Appeals closed the case and agreed with a lower court's decision to dismiss my lawsuit for wrongful incarceration. The reason was the inclusion of a judge in the complaint and there seems to be confusion as to when a lawsuit should be filed." In determining whether an official qualifies for absolute immunity, an inquiring court must examine the particular functions the official performs." *Goldstein*, 719 F.3d at 24 (citing *Buckley v. Fitzsimmons*, 509 U.S. 259, 269, 113 S.Ct. 2606, 125 L.Ed.2d 209 (1993)). In considering whether absolute immunity attaches to an official's conduct, we look to the nature of the function performed, not the identity of the actor who performed it. The burden of proving their actions warrant that protection falls on the officials claiming the immunity. *See id.*

## **II. Wrongful Incarceration**

January 10, 1991, I was sentenced wrongfully to five years in prison; the appellate Court acknowledged this on January 15, 2023. September 17, 1998, I was illegally sentenced to three years in prison without any criminal charges; this sentence is the most problematic because there were no criminal or civil charges or infractions or violations.

The Manchester Police Department worked for over a year in unison with the Manchester Connecticut District Attorney to fraudulently imprison me before they thoroughly investigated what happened at my home, 66 Regent St in Manchester, Connecticut. I was never charged regarding the death of the man who came to my house to steal my car. Several witnesses, including the intruders' father, told the Manchester

police that I did nothing wrong and that I tried to stop the argument between my brother and the intruder who came to my home to commit a crime, the dispute between my brother and the intruder was my brother telling the intruder that he could not take my car.

With the first prison sentence in 1991 for possession of a weapon, I was innocent of this crime, I was under military contract at the time, and the military came to Court and told the prosecutors that possession of a weapon was a felony for the State of Connecticut but a misdemeanor for the federal government. The military would take me even with the conviction on my record; A Sargent Laugrardo told the Court that they could find me guilty, and the military would immediately take me to the base I was stationed at. The prosecutors decided to charge me with several crimes to void my military contract, and once my contract was canceled, the added charges were dismissed.

I was arrested many times wrongfully by the Manchester police department without question because of my race. I was arrested while walking to school; the Manchester police approached me as I was walking, put handcuffs on me, and told me that I was not welcome on certain streets. The two officers discussed what crime I could be charged with; the officers said that they would say that I said a curse word, and I was then arrested for breach of peace. I was home sleeping, and someone called the Manchester police department and said loud noises were coming from my house. The police came to my house and said I would be detained until they could determine the noises; I was arrested for breach of peace. These charges were ultimately dismissed.

I was arrested for driving to work; I was stopped and told by the Manchester police that they were stopping and searching people driving down certain roads. I explained that I live at 66 Regent St, work at JCPenney, and stock shelves there. The police searched my car and found my working tools; the police officers asked why an ex-felon would have sharp objects. I explained that I stock shelves at JCPenney, and the police said I could explain that to a judge. These arrests were without question based on race, and each arrest led to additional stops and arrests and, ultimately, prison sentences.

While serving the illegal three-year prison sentence, one year after the intruder's death at my home, the Manchester police department and the District Attorney's office investigated the matter thoroughly. They discovered that the intruder was a drug dealer and a gang member extorting me. Connecticut officials realized the seriousness of the illegal prison sentence and decided to work together to cover up the wrongful conviction. The entire history of my police records was made unavailable to me. Connecticut Officials decided to say I was serving a term of probation and that I violated this probation. I was not on probation, and I did not violate probation. The second circuit court judges confirmed this happened but believed I should have done more to facilitate my release since no criminal charges were on record. The appellate court judges were unaware of State of Connecticut officials' effort to conceal this crime.

I made an overwhelming effort to get Connecticut Officials to admit wrongdoing and correct this injustice. Still, the judges who have made a ruling on my case believe that I have targeted the judge who illegally

sentenced me. The second circuit court judges believe I am seeking revenge, not compensation.



## REASONS FOR GRANTING THE PETITION

### I. FRAUDULENT CONCEALMENT / FORCED PARDON

A pardon is an admission of guilt. *Burdick vs United States*, 236 U.S. 79 (1915) A pardon cannot be forced upon a person. Connecticut officials forced the pardon on me by creating fraudulent documents and illegally submitting them. Connecticut Board of Pardons and Paroles forced my pardon on me instead of exonerating me knowing I was innocent of the crimes I went to prison for. The Connecticut wrongful incarceration statute read a person must be exonerated /pardoned before seeking compensation for wrongful incarceration. My forced pardon closed the correct exoneration process for me. The appellate court ruling on January 13, 2023, cleared me of wrongdoing and I should have two years from that day to file a monetary claim. Or two years from the date Connecticut States Attorney William Tong stated in his claim commission response that the Manchester Connecticut Police Department was responsible for my wrongful incarceration (March 9, 2020).

The Connecticut statute is confusing and I believe intentional. Justice has not been served. There seems to be confusion as to when and how to file for compensation. There is the claims commission in Connecticut, there is the federal court, there is a state court, and when all of these avenues fail and there is no recourse these crimes go unresolved. The Supreme

Court has the power to make clear how someone like me can correct a wrongful incarceration. My belief is a wrongfully incarcerated person should file a monetary claim once a judge or government body clears this person of wrongdoing.

The State's Attorney convinced the appellate Court judges that I had no genuine interest in compensation and that my real motivation was revenge and to embarrass the State of Connecticut. My goal was always to correct this injustice. The Court ruled on *Newton v. City of New York*, 171 F.Supp.3d 156 (S.D. N.Y. 2016) reached its damages verdicts on October 19, 2010. On the Section 1983 claim, the jury awarded a compensatory award of eighteen million dollars, allocated evenly across Newton's stipulated twelve years of wrongful incarceration, which amounted to \$1.5 Million annually. On the I.I.E.D. claim, the jury awarded \$592,500.

On March 3, 2020, I obtained the fraudulent documents created by the State of Connecticut, the Connecticut Board of Pardons and Paroles, and the Adult Division of Probation and Manchester Superior Court. These documents facilitated my pardon and prevented me from being exonerated. The creation and submission of these documents to an official government proceeding was illegal, and it was done to ensure I could not be compensated. In the claims commission response from the States Attorney (William Tong), he stated a timeline in which he felt I could have asked for compensation. But I was told by the Board of Pardons and Paroles that because the States had documents claiming I was guilty of the crimes I went to prison for if I filed a compensation claim and could not prove that I was not serving a term of probation and

that I did not violate this probation, a compensation claim stating my innocence would be seen as fraud.

I stated in my filings that there was fraudulent concealment, and I asked the question if the fraudulent concealment would extend the period in which I could file a lawsuit, and this question was never answered. Connecticut Officials worked with the Board of Pardons and Paroles to cover up my fraudulent sentence, and I have the documentation to support this.

The appellate court decision also stated that I was instructed to file a civil rights lawsuit and should not have filed it as it was. I was never instructed to file a civil rights lawsuit!

I filed a compensation claim with the claims commission, then later filed a lawsuit against the State of Connecticut; they both were denied. I filed lawsuits in different ways, and they were dismissed. *Limone v. United States*, 497 F.Supp.2d 143 (D. Mass. 2007), *aff'd on other grounds*, 579 F.3d 79 (1st Cir. 2009) awarded one million dollars per year of incarceration to four exonerees sentenced to life imprisonment or death for murder. The wrongful convictions in Limone were the result of shockingly egregious governmental action: "intentional misconduct, subornation of perjury, conspiracy, [and] the framing of innocent men. Connecticut Officials gave false information to the appellate Court for them to believe I was instructed to file a civil right lawsuit. I was never told to file a civil rights lawsuit.

Upon my release from prison in 2001, I contacted Manchester Superior Court, and I spoke with the prosecutor that was involved in my sentencing; she acknowledged at the time that everyone involved in

my wrongful imprisonment knew I was innocent but that they were worried that they would get in trouble, and that's why they did nothing to facilitate my release from prison. I asked if they could clear my criminal history, and she said they would. The Board of Pardons and Paroles told me that if they instantly cleared my criminal record, I could sue, so they would make me wait five years after my release from prison to grant a pardon, and they stated to me that it would be made clear that I was guilty of the crimes I went to prison for. I would not be able to file a lawsuit. My criminal record was not cleared until September 30, 2009, eight years after my release from prison in 2001. And the Board of Pardons and Paroles worked to ensure that I could not file a lawsuit by stating in my Pardon hearing that I was guilty of the crimes they were pardoning. I could now only file a lawsuit if I were exonerated. In *Restivo v. Nassau County.*, No. 06-CV-6720 JS SIL, 2015 WL 5796966 (E.D.N.Y. September 30, 2015), the plaintiffs—whose rape convictions similarly were overturned by D.N.A. evidence—were awarded eighteen million dollars in 2014 for eighteen years of wrongful incarceration (or approximately \$920,000 per year in 2010 dollars). In *Waters v. Town of Ayer*, the plaintiff was awarded \$10,729,000 for approximately eighteen-and-a-half years' incarceration (approximately \$600,000 per year in 2010 dollars).

Ultimately, The Second Circuit Appellate Court acknowledged my wrongful incarceration but stated that the complaint should not proceed with a judge attached to it even though I was sentenced illegally. The Second Circuit Appellate Court affirmed the decision of the lower Court, and I have been barred

from filing any lawsuit regarding my wrongful imprisonment. Section 1983 claims require that a plaintiff establish three elements for liability to ensue: deprivation of a right, a causal connection between the actor and the deprivation, and state action. *See Sanchez v. Pereira-Castillo*, 590 F.3d 31 (1st Cir. 2009); *see also* 42 U.S.C. § 1983. The causation element requires that the plaintiff establish (1) that the actions of the defendant deprived the plaintiff of a protected right and (2) “that the defendant’s conduct was intentional, grossly negligent, or amounted to a reckless or callous indifference to the plaintiff’s constitutional rights.” *Concepción v. Municipality of Gurabo*, 558 F.Supp.2d 149, 162 (D.P.R. 2007). Moreover, a plaintiff must link each defendant to the alleged violation of federal rights. *See González-Piña v. Rodríguez*, 407 F.3d 425, 432 (1st Cir. 2005). A plaintiff may do so by indicating any “personal action or inaction [by the defendants] within the scope of [their] responsibilities that would make [them] personally answerable in damages under Section 1983.” *Pinto v. Nettleship*, 737 F.2d 130, 133 (1st Cir. 1984).

## II. FALSE NARRATIVE

Connecticut officials have made this case about a well-respected judge to create outrage amongst the judges who have ruled on my case. My case has always been about something other than a judge. This case is about wrongful convictions and civil rights violations. The right to be free from false imprisonment and unjustified arrest and detention stems from the Fourth Amendment’s protection against unreasonable searches and seizures. *See Rodriguez v. Andreu Garcia*, No. 03-2238, 2007 WL 1975005 at \*4 (D.P.R. July 02, 2007) (citing *Peña-Borrero v. Estremeda*, 365 F.3d 7,

13 n. 8 (1st Cir. 2004)). The Fourth Amendment protects “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. . . .” U.S. Const. amend. IV. “The Amendment establishes a simple baseline, one that for much of our history formed the exclusive basis for its protections: When the Government obtains information by physically intruding on persons, houses, papers, or effects, a search within the original meaning of the Fourth Amendment has undoubtedly occurred.” *Florida v. Jardines*, \_\_\_ U.S. \_\_\_, 133 S.Ct. 1409, 1414, 185 L.Ed.2d 495 (2013)

The District Attorney and the Assistant District Attorney were dishonest with the sentencing judge. I was brought before several judges before my illegal sentencing, all white men, and the prosecutor was honest with each of these judges. Each white judge was told that the police were uncertain if I had any involvement in a murder, but the District Attorney’s Office wanted to protect the public. These judges told the prosecutors to do their job correctly and gather evidence. The prosecutors then brought me before an African American judge and told her something entirely different. The Manchester Police Department, the Manchester District Attorney, and prosecutors lied to this judge. In *Hernandez-Cuevas v. Taylor*, 723 F.3d 91 (1st Cir. 2013), the First Circuit recognized Fourth Amendment malicious prosecution claims under Section 1983. It had long been implicit in this Circuit’s case law that “it is ‘self-evident’ that ‘those charged with upholding the law are prohibited from deliberately fabricating evidence and framing individuals for crimes they did not commit.’” *Id.* at 100 (citing *Limone v. Condon*, 372 F.3d 39, 44–45 (1st Cir. 2004) (concluding

that “the right not to be framed by law enforcement agents was clearly established in 1967”).

But in *Hernandez-Cuevas*, the Court finally stated that it was “convinced that an individual does not lose his Fourth Amendment right to be free from unreasonable seizure when he becomes detained pursuant to the judicial process.” *Id.* at 100. The prosecutors told this judge that they had evidence that I was involved in a murder, and if she didn’t find a way to detain me, I would murder again, and she would be responsible. This led to the judge saying that she would sentence me to prison with no charges, and the judge’s exact words were, if this man is innocent, we are in a lot of trouble. Sentencing me illegally led to Connecticut Officials deciding to cover everything up instead of correcting it. We must make reference to the First Circuit Court of Appeals’ holding in *Harrington v. Nashua*, 610 F.3d 24 (2010). Therein, the Court distinguished the cause of action of false imprisonment from the cause of action of malicious prosecution and stated that the tort of false imprisonment “arises out of ‘detention without legal process,’ . . . .” *Harrington*, 610 F.3d at 29 (citing *Wallace v. Kato*, 549 U.S. 384, 389, 127 S.Ct. 1091, 166 L.Ed.2d 973 (2007)).

Malicious prosecution, conversely, “remedies detention accompanied, not by the absence of legal process, but by the wrongful institution of the legal process.” *Harrington*, 610 F.3d at 29. “In other words, the commencement of a criminal case by the institution of legal process marks the dividing line between claims of false imprisonment and claims of malicious prosecution, making those species of claims legally separate and distinct.” *Id.*

I have said in filings and sent letters to The State's attorney's office stating I would add or remove anyone the State felt should be added or removed from the lawsuit. I sent a letter of apology to the judge saying that I had to include her because she sentenced me illegally, but I know that she was lied to, so I do not hold her responsible. I would remove her if instructed.

My false arrest was because of my race, my false prosecution was because of my race, the judge was lied to because of her race, and the State of Connecticut has not compensated me, I believe, because of my race. A civil rights conspiracy under Section 1983 is "a combination of two or more persons acting in concert to commit an unlawful act, or to commit a lawful act by unlawful means, the principal element of which is an agreement between the parties to inflict a wrong against or injury upon another, and an overt act that results in damages." *Estate of Bennett v. Wainwright*, 548 F.3d 155, 178 (1st Cir. 2008) (citing *Earle v. Benoit*, 850 F.2d 836, 844 (1st Cir. 1988)). "To make out an actionable conspiracy under section 1983, a plaintiff has to prove not only a conspiratorial agreement but also an actual abridgment of some federally-secured right." I have collected many documents that the State of Connecticut created to cover up my illegal imprisonment, and I can prove fraudulent concealment. Connecticut Officials won't meet me in a court of law to answer questions under oath. Instead, they use trickery and deceit to get my filings dismissed.



### **CONCLUSION AND PRAYER FOR RELIEF**

I am an American citizen imprisoned twice unlawfully and illegally. Taken from my home without committing a crime, and sentenced to prison without criminal charges. I joined the military before my five-year wrongful imprisonment, and my military contract was terminated due to my incarceration. I lived with a criminal record for approximately 20 years. This injustice has caused a tremendous financial burden on myself and my family. I had to declare bankruptcy, and the State of Connecticut refused to compensate me for my wrongful convictions. Forced paid bail and attorney fees and loss of property and possessions as a direct result of the illegal imprisonment, even though they knew the entire time I was innocent. I was only cleared of wrongdoing in the appellate Court on January 13, 2023. Since the appellate court judges stated that I was instructed to file a civil rights lawsuit, "I filed a civil rights lawsuit, it was denied, and I was then banned from filing any lawsuit pertaining to the illegal sentences and arrests. I would like for the United States Supreme Court to review my case. I believe the lower and appellate court judges have been given false information from Connecticut Officials to create outrage and confusion. I want Connecticut Officials to answer questions under oath. And I would like to be compensated for my wrongful incarceration.

For the preceding reasons, I respectfully request this Court to grant certiorari to review the Second Circuit's judgment refusing to give a C.O.A. on the issues raised in my Petitioner's motion, summarily reverse the decision below, hold this case as it considers the scope in another case, or grant such other relief as justice requires.

Respectfully submitted,

Granville S. Watson  
*Petitioner Pro Se*  
196 Haut Brion Avenue  
Newark, DE 19702  
(413) 330-1147

July 28, 2023

## **APPENDIX TABLE OF CONTENTS**

### **OPINIONS AND ORDERS**

Summary Order of the United States Court of Appeals for the Second Circuit (January 13, 2023) .....	1a
Order Accepting Magistrate Report, United States District Court for the District of Connecticut (May 20, 2022) .....	8a
Recommended Ruling of the Magistrate Judge, United States District Court for the District of Connecticut (April 28, 2022) .....	10a
Memorandum Opinion Transferring Case to District of Connecticut, United States District Court for the District of Delaware (April 5, 2022) .....	22a

### **REHEARING ORDERS**

Order Denying Petition for Rehearing, United States Court of Appeals for the Second Circuit (March 6, 2023) .....	25a
---	-----

### **OTHER DOCUMENTS**

Notice of Jurisdictional Defect and Motion to Dismiss (March 9, 2020) .....	27a
Letter from the Claims Commissioner (October 28, 2021) .....	31a
Complaint (February 28, 2022) .....	33a