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**SUMMARY ORDER OF THE
UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT
(JANUARY 13, 2023)**

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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.

No. 22-1258-cv

On Appeal from a Judgment of the United States
District Court for the District of Connecticut
(Dooley, J.; Richardson, M.J.).

Before: ROBERT D. SACK, JOSEPH F. BIANCO,
ALISON J. NATHAN, Circuit Judges.

SUMMARY ORDER

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of the district court is AFFIRMED.

Plaintiff-appellant Granville Watson, proceeding *pro se*, appeals from the *sua sponte* dismissal of his complaint asserting claims under 42 U.S.C. § 1983 against the State of Connecticut, Manchester Police Department, Manchester Probation, and the individual defendants-appellees (collectively, “defendants”).¹ As set forth below, we conclude that the claims were properly dismissed because they are barred by the applicable statute of limitations. We assume the parties’ familiarity with the underlying facts, procedural history, and issues on appeal, to which we refer only as necessary to explain our decision to affirm.

BACKGROUND

In his complaint, Watson alleged the following facts, which at this stage we accept as true. He was wrongfully convicted and sentenced to five years’ imprisonment in 1991 for unlawful possession of a firearm, and then in 1997 wrongfully imprisoned for three years on a probation violation despite not being on probation at the time. Following his release from incarceration on the probation violation, defendants and other state and local officials repeatedly prevented him from accessing records relating to his convictions. On September 30, 2009, Watson was pardoned for his convictions. On March 3, 2020, he received copies

¹ Defendants-appellees submitted a letter stating that they will not file an appearance or any briefing in this appeal unless requested to do so by this Court.

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of the records relating to his convictions for the first time, and, sometime thereafter, filed a claim with the Connecticut Claims Commissioner to seek redress for his wrongful incarceration. His claim was denied on January 6, 2022, on statute of limitations grounds because it was filed more than two years after Watson was pardoned.

On February 28, 2022, Watson filed this lawsuit seeking damages for wrongful incarceration, damage to his reputation, and loss of employment. On April 26, 2022, the district court referred the case to Magistrate Judge Robert A. Richardson for review of the complaint pursuant to 28 U.S.C. 1915(e)(2). On April 28, 2022, Magistrate Judge Richardson suggested, in a recommended ruling (the “Recommended Ruling”), that the Section 1983 claim be dismissed because it was untimely under Connecticut’s three-year statute of limitations and Watson did not show that his claim was tolled pursuant to Section 52–595 of the Connecticut General Statutes.² Specifically, Magistrate Judge Richardson found that Watson’s claim could not be tolled under Section 52–595 because, while Watson alleged that defendants intentionally concealed documents related to his convictions, he did not allege that he was unaware of the facts establishing the defendants’ liability. On May 10, 2022, Watson filed his

² Magistrate Judge Richardson also found that Watson failed to state a Section 1983 claim against the State of Connecticut, Manchester Police Department, and Manchester Probation Department because they were shielded by sovereign immunity. Watson did not file a notice of appeal as to these named defendants nor otherwise challenge their dismissal on this ground on appeal. In any event, his claims against these entities would also be barred by the statute of limitations for reasons set forth herein.

objection to the Recommended Ruling, as well as an amended complaint. On May 20, 2022, the district court adopted the Recommended Ruling and *sua sponte* dismissed the complaint, noting that “[Watson’s] objection and proposed Amended Complaint do not adequately address or cure the deficiencies identified in the Recommended Ruling, particularly with respect to the statute of limitations, which has clearly elapsed.” App’x at 5, Dist. Ct. Dkt. 19.

DISCUSSION

On appeal, Watson principally argues that the limitations period for his Section 1983 claims should have been tolled until March 2020, when he first received the documents related to his allegedly wrongful convictions, because defendants fraudulently concealed those records from him and thereby prevented him from pursuing his claim sooner. We disagree.

We conduct *de novo* review of a *sua sponte* dismissal of a complaint pursuant to Section 1915(e)(2). *Hardaway v. Hartford Pub. Works Dep’t*, 879 F.3d 486, 489 (2d Cir. 2018). “To avoid dismissal, a complaint must plead enough facts to state a claim to relief that is plausible on its face.” *Id.* (internal quotation marks and citation omitted). We construe a complaint filed *pro se* liberally to raise the strongest arguments it suggests. *McLeod v. Jewish Guild for the Blind*, 864 F.3d 154, 156 (2d Cir. 2017) (per curiam).

The statute of limitations for a Section 1983 claim “is borrowed from the statute of limitations for the analogous claim under the law of the state where the cause of action accrued, which in Connecticut is three years.” *See Spak v. Phillips*, 857 F.3d 458, 461–62 (2d Cir. 2017) (internal citations omitted). “[I]n order to

recover damages for allegedly unconstitutional conviction or imprisonment, . . . a § 1983 plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal . . . or called into question by a federal court's issuance of a writ of habeas corpus." *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994). "Just as a cause of action for malicious prosecution does not accrue until the criminal proceedings have terminated in the plaintiff's favor, so also a § 1983 cause of action for damages attributable to an unconstitutional conviction or sentence does not accrue until the conviction or sentence has been invalidated." *Id.* at 489–90 (internal citations omitted).

Watson's Section 1983 claims for a wrongful conviction and imprisonment accrued, if at all, when he was pardoned on September 30, 2009. However, assuming *arguendo* that his claims accrued on that date, *see, e.g., Savory v. Cannon*, 947 F.3d 409, 431 (7th Cir. 2020) (en banc), the three-year statute of limitations would have expired in 2012, almost a decade before he filed the instant lawsuit.

Watson counters that his claims are subject to tolling under Section 52-595 of the Connecticut General Statutes. However, even assuming *arguendo* that tolling under Section 52-595 can apply to Section 1983 claims, we agree with the district court that Watson does not qualify for such tolling under the facts of this case.³ Under Section 52-595, if the plaintiff shows that

³ We note that Section 1983 claims borrow from state law for rules governing tolling, *see Lounsbury v. Jeffries*, 25 F.3d 131, 133–34 (2d Cir. 1994), but we apply federal law to rules governing accrual, *see Wallace v. Kato*, 549 U.S. 384, 388 (2007). Although Section 52-595 uses the term "accrual," both this Court and the

a defendant fraudulently concealed the facts supporting his cause of action, “such cause of action shall be deemed to accrue . . . when the person entitled to sue . . . first discovers its existence.” Conn. Gen. Stat. § 52-595 (1949). Thus, to receive the benefit of tolling under Section 52-595, a plaintiff must have been unaware of the “*existence* of his or her cause of action from the time the claim originally accrued.” *Martinelli*, 196 F.3d at 427 (emphasis added).

Watson asserts that his claim was tolled until March 2020 because defendants fraudulently withheld the records related to his convictions until that time. However, it is clear on the face of the complaint that Watson was not ignorant of the existence of his cause of action until that later date. To the contrary, he has alleged that he knew his convictions were wrongful at the time of the arrests and considered filing a lawsuit upon his release from prison in 1998. Accordingly, based on Watson’s allegations, Section 52-595 does not toll his claim because he was aware of his cause of action for wrongful convictions long before he obtained the records in March 2020.

We are similarly unpersuaded by Watson’s argument that his claims should be equitably tolled. “Generally, a litigant seeking equitable tolling bears the burden of establishing two elements: (1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way.” *A.Q.C.*

Connecticut Supreme Court have treated that statute as a tolling statute. *See, e.g., Martinelli v. Bridgeport Roman Cath. Diocesan Corp.*, 196 F.3d 409, 419 (2d Cir. 1999); *Iacurci v. Sax*, 99 A.3d 1145, 1154 (Conn. 2014). However, we need not address this issue because Watson has not satisfied the requirements of Section 52-595, even assuming it could apply.

ex rel. Castillo v. United States, 656 F.3d 135, 144 (2d Cir. 2011) (internal quotation marks and citation omitted). “To secure equitable tolling, it is not enough for a party to show that he *experienced* extraordinary circumstances. He must further demonstrate that those circumstances *caused* him to miss the original filing deadline.” *Harper v. Ercole*, 648 F.3d 132, 137 (2d Cir. 2011) (emphasis added).

Watson has failed to show that he has been diligently pursuing his rights, given that he waited over ten years after he was pardoned to sue on his claim. Nor has he alleged any extraordinary circumstances warranting equitable tolling. Watson’s allegations regarding defendants’ efforts to thwart his attempts to retrieve documents related to his convictions do not excuse his failure to file a federal suit before the statute of limitations elapsed. Watson was aware of his cause of action throughout the entirety of the limitations period and could have obtained the documents in question through the discovery process. *See Watson v. United States*, 865 F.3d 123, 133 (2d Cir. 2017) (“Nor can equitable tolling be premised on . . . lack of education, pro se status, or ignorance of the right to bring a claim.”).

In sum, we conclude that the district court properly dismissed Watson’s complaint as time-barred.

We have considered Watson’s remaining arguments and find them to be without merit. Accordingly, we AFFIRM the judgment of the district court.

FOR THE COURT:

/s/ Catherine O’Hagan Wolfe
Clerk

**ORDER ACCEPTING MAGISTRATE REPORT,
UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF CONNECTICUT
(MAY 20, 2022)**

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

GRANVILLE S. WATSON,

Plaintiff,

v.

STATE OF CONNECTICUT ET AL.,

Defendants.

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

Before: Kari A. DOOLEY,
United States District Judge.

ORDER. The Court has reviewed Magistrate Judge Richardson's comprehensive 16 Recommended Ruling concerning the initial review of the self-represented Plaintiff's 2 Complaint pursuant to 28 U.S.C. § 1915 (e)(2). Plaintiff filed an objection to the Recommended Ruling on May 10, 2022 which the Court has also reviewed and considered. *See* ECF No. 17. The Recommended Ruling contains an accurate statement of the applicable law and a thoroughly reasoned analysis and application of that law to the circumstances presented here. And Plaintiff's objection and proposed

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Amended Complaint do not adequately address or cure the deficiencies identified in the Recommended Ruling, particularly with respect to the statute of limitations, which has clearly elapsed. The Recommended Ruling therefore is Accepted, Adopted, and So Ordered. Accordingly, the Complaint is dismissed. The Clerk of the Court is directed to close this matter.

Signed by Judge Kari A. Dooley on 5/20/2022.
(Sweeney, Kevin) (Entered: 05/20/2022)

**RECOMMENDED RULING OF THE
MAGISTRATE JUDGE,
UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF CONNECTICUT
(APRIL 28, 2022)**

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

GRANVILLE S. WATSON,

Plaintiff,

v.

STATE OF CONNECTICUT ET AL.,

Defendants.

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

Before: Robert A. RICHARDSON,
United States Magistrate Judge.

RECOMMENDED RULING

Plaintiff, Granville Watson, has initiated an action against the State of Connecticut, the Manchester Police Department, and the "Manchester Probation Department." The Honorable Kari A. Dooley referred this matter to the undersigned for an initial review of the complaint. For the reasons set forth below, the Court recommends that the action be DISMISSED pursuant to 28 U.S.C. § 1915.

I. Background

In the early 1990s, plaintiff was a manager of a Taco Bell restaurant and enlisted in the armed forces. (Dkt. #2 at 7.) Another manager at Taco Bell, Ramona Hruby, was robbed. (Dkt. #2 at 7.) The Manchester Police Department investigated the robbery and arrested Robert Fischer. (Dkt. #2 at 7.) Fischer told the police that he had never met Hruby before and that plaintiff told Fischer about Hruby and provided plaintiff's father's licensed handgun for Fischer to use to rob Hruby. (Dkt. #2 at 7.) Plaintiff was arrested for possession of a pistol without a permit on January 10, 1991. (Dkt. #2 at 7.)

Detective Michael Morrissey and Detective Lombardo questioned plaintiff. (Dkt. #2 at 7.) The detectives told plaintiff that Fischer and Hruby did not know each other, so the only way for Fischer to have known to rob Hruby would have been at plaintiff's suggestion. (Dkt. #2 at 7.) Plaintiff told the detectives that he knew Fischer, and plaintiff and Fischer had stopped being friends when Fischer learned that Hruby and plaintiff had briefly dated. (Dkt. #2 at 7.) Plaintiff also told the detectives that Fischer and Hruby were married at the time of the robbery with seven children. (Dkt. #2 at 7.) According to the complaint, the detectives kept this information out of court to proceed with the charge against plaintiff. (Dkt. #2 at 7.)

Military lawyers became involved in plaintiff's case because of his enlistment. (Dkt. #2 at 7.) Plaintiff states that the military was going to "pull rank" and prosecute the plaintiff for a federal misdemeanor instead of allowing the state to prosecute plaintiff for a felony. (Dkt. #2 at 7.) The state prosecutor then charged plaintiff with 13 counts of accessory to robbery

and burglary, crimes which according to plaintiff were actually committed by Fischer, so the army would terminate plaintiff and void his military contract. (Dkt. #2 at 7-8.) Once plaintiff's military contract had been voided, these charges were dropped, and only the possession of a pistol without a permit charge proceeded. (Dkt. #2 at 8.)

A presentence investigation was conducted ahead of plaintiff's sentencing. (Dkt. #2 at 8.) According to plaintiff, the report included false information and suggested plaintiff should receive the longest sentence possible. (Dkt. #2 at 8.) Plaintiff was sentenced to and served five years imprisonment. (Dkt. #2 at 7.) Plaintiff asserts that he never committed this crime. (Dkt. #2 at 8.)

The complaint further alleges that on or around August 12, 1997, Reginald Montgomery attempted to steal property from plaintiff.¹ (Dkt. #2 at 2.) Plaintiff's brother, Audley Watson, then fought Montgomery, who died as a result of injuries sustained in the fight. (Dkt. #2 at 2.) Plaintiff asserts that according to several witnesses, plaintiff's only involvement was trying to stop the altercation between his brother and Montgomery. (Dkt. #2 at 2.) Plaintiff's brother was later arrested and charged with first-degree murder. (Dkt. #2 at 2.)

Plaintiff alleges that on September 20, 1997, Manchester police officers went to his house and "created a fake drug charge (non-quantity of marijuana)"

¹ The Court notes that a different version of these facts appear in plaintiff's brother, Audley Watson's, federal habeas case. *See Watson v. Murphy*, No. 3:08cv568(WWE), 2012 WL 4754680, at *1-2 (D. Conn. Oct. 3, 2012).

as a way to detain plaintiff, as the officers believed that plaintiff would eventually be charged with Montgomery's murder. (Dkt. #2 at 2.)

The drug charge was dismissed on September 17, 1998. (Dkt. #2 at 2.) When the drug charge was dismissed, the prosecutor allegedly stated "that the plaintiff murdered someone and that the judge is letting a murderer walk out of the court." (Dkt. #2 at 2.) In front of plaintiff, the prosecutor and the judge allegedly had a conversation in which they colluded to create a false charge to detain plaintiff. (Dkt. #2 at 3.) Plaintiff alleges that the prosecutor and the judge fabricated a violation of probation charge, though plaintiff was not on probation. (Dkt. #2 at 3.) Plaintiff was then sentenced to three years in prison for violating probation. (Dkt. #2 at 3.) Plaintiff was not allowed to leave the courtroom after his sentencing, and he lost his job and possessions. (Dkt. #2 at 9.) Plaintiff filed for bankruptcy after his release from prison. (Dkt. #2 at 9.)

After his period of incarceration, plaintiff attempted to obtain records regarding his conviction and arrest, "but was told that all records pertaining to the plaintiff were ordered destroyed." (Dkt. #2 at 3.) Plaintiff asserts that any documents that still exist have been "deemed off-limits to the plaintiff." (Dkt. #2 at 3.)

In January of 2008, plaintiff applied for an exoneration and was denied. (Dkt. #2 at 4.) Plaintiff was allegedly told by the state pardons board that the state did not exonerate individuals to prevent exposing the state to liability. (Dkt. #2 at 4.) Plaintiff then applied for a pardon and was told he would need

to provide documentation about the probation violation conviction, but plaintiff had no documentation because the charge was allegedly fraudulent. (Dkt. #2 at 4.) Plaintiff contacted the Manchester Superior Court and the Manchester District Attorney's Office about documentation. (Dkt. #2 at 4.) Plaintiff alleges that unbeknownst to him, the Manchester District Attorney's Office submitted documentation to the state pardons board in a manner that made it seem as if the documents were submitted by plaintiff. (Dkt. #2 at 4.) Plaintiff was denied access to these documents. (Dkt. #2 at 4.) Plaintiff was pardoned on September 30, 2009. (Dkt. #2 at 4.)

Sometime thereafter, plaintiff filed a claim with the State of Connecticut Office of the Claims Commissioner to seek redress for wrongful conviction under Connecticut General Statutes § 54-102uu. (Dkt. #2 at 4.) On March 6, 2020, the State's Attorney responded to plaintiff's claim and allegedly conceded that plaintiff had been wrongfully incarcerated, but the statute of limitations had run on plaintiff's claim such that he could not receive compensation. (Dkt. #2 at 4.) Plaintiff's claim with the Office of the Claims Commissioner was denied on January 6, 2022. (Dkt. #2 at 6.)

On May 13, 2020, plaintiff alleges he spoke with Lisa Santiago, an employee of the Manchester Probation Department, to obtain copies of any records pertaining to him. (Dkt. #2 at 5.) After some conversation, Santiago told plaintiff that all records regarding plaintiff were "deemed classified by state officials." (Dkt. #2 at 5.)

Plaintiff seeks \$5,000,000 in compensation for wrongful incarceration, damage to reputation, loss of

employment, and loss of personal property. (Dkt. #2 at 10.)

II. Legal Standard

Under 28 U.S.C. § 1915(e), a court “shall dismiss the case at any time if the court determines that . . . the action . . . (i) is frivolous or malicious; (ii) fails to state a claim upon which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B); *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

Under 1915(e), an action is frivolous, “if it has no arguable basis in law or fact, as is the case if it is based on an ‘indisputably meritless legal theory.’” *Montero v. Travis*, 171 F.3d 757, 760 (2d Cir. 1999) (quoting *Neitzke*, 490 U.S. at 327). The “term ‘frivolous,’ when applied to a complaint, embraces not only the inarguable legal conclusion, but also the fanciful factual allegation.” *Neitzke*, 490 U.S. at 325. An action fails to state a claim to relief if it lacks

sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. . . . A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. . . . The plausibility standard is not akin to the probability that a defendant has acted unlawfully.

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (internal citations and quotation marks omitted).

Because “most *pro se* plaintiffs lack familiarity with the formalities of pleading requirements, [the

court] must construe *pro se* complaints liberally.” *Lerman v. Bd. of Elections*, 232 F.3d 135, 140 (2d Cir. 2000). Therefore, *pro se* complaints “are held to less stringent standards than formal pleadings drafted by lawyers.” *Hughes v. Rowe*, 449 U.S. 5, 9 (1980) (internal citation and quotation marks omitted). “In evaluating [a plaintiff’s] complaint, [the court] must accept as true all factual allegations in the complaint and draw all reasonable inferences in [the plaintiff’s] favor.” *Cruz v. Gomez*, 202 F.3d 593, 596-97 (2d Cir. 2000).

III. Initial Review

Plaintiff seeks to bring claims under 42 U.S.C. § 1983 for violations of the Fourth, Fifth, Seventh, Eighth, Thirteenth, and Fourteenth Amendments. (Dkt. #2 at 1.) Plaintiff also seeks to bring a claim for fraudulent concealment, as plaintiff alleges defendants concealed documentation and created false documentation to obtain a pardon, when plaintiff should have been exonerated. (Dkt. #2 at 1, 5-6.)

Before the Court analyzes plaintiff’s complaint, the Court will first note that plaintiff previously filed a complaint in this District that was dismissed by the Honorable Jeffrey A. Meyer. *Watson v. Connecticut*, No. 3:20-cv-00544 (JAM), 2020 WL 3404066 (D. Conn. June 19, 2020). Many of the defects present in plaintiff’s previous case exist in the present complaint.

a. Proper Defendants

As Judge Meyer previously noted, “none of the defendants named by Watson may be subject to his lawsuit for money damages in federal court.” *Id.* at *1.

Plaintiff seeks to sue the State of Connecticut. The Eleventh Amendment prohibits claims for money damages against states or state actors. *Kentucky v. Graham*, 473 U.S. 159, 169-70 (1985). “The State of Connecticut is immune from a damages suit in federal court absent its consent or waiver of sovereign immunity.” *Watson*, 2020 WL 3404066, at *1. As in plaintiff’s previous case, there is no indication that the State of Connecticut has consented to this lawsuit or waived its sovereign immunity. *Id.* (citing *Feingold v. New York*, 366 F.3d 138, 149 (2d Cir. 2004)). The State of Connecticut is not a proper defendant.

Plaintiff also seeks to sue the Manchester Police Department. As Judge Meyer stated, “[a]s for Watson’s lawsuit against the Manchester police department, it is well established that a police department is not an independent legal entity that may be subject to suit in federal court for a violation of federal constitutional rights.” *Id.* (citing *Watrous v. Town of Preston*, 902 F. Supp. 2d 243, 255 (D. Conn. 2012); *Nicholson v. Lenczewski*, 356 F. Supp. 2d 157, 164 (D. Conn. 2005)).

The only remaining defendant is the Manchester Probation Department. It is unclear to the Court whether there is such an entity as the “Manchester Probation Department.” There is an Adult Probation division of the State of Connecticut Judicial Branch with offices located across the State of Connecticut, including Manchester. *See Adult Probation*, State of Connecticut Judicial Branch, <https://jud.ct.gov/directory/directory/adultprob.htm>. Any lawsuit against the Connecticut Judicial Branch would be barred by the doctrine of sovereign immunity as Judge Meyer previously articulated. *Watson*, 2020 WL 3404066, at *2 (citing *Sargent v. Emons*, 582 F. App’x 51, 52 (2d Cir. 2015)).

Construing plaintiff's complaint liberally, if plaintiff is attempting to sue a division of the city of Manchester, then plaintiff must state a claim under *Monell v. New York City Dep't of Social Servs.*, 436 U.S. 658, 691-93 (1978). For *Monell* liability, a plaintiff must allege a violation of his constitutional rights stemming from the municipality's formal policies or customs. *Joseph v. Nassau Cnty. Dep't of Probation*, No. 21-CV-1690 (PKC)(PK), 2021 WL 2400994, at *3 n.4 (E.D.N.Y. June 11, 2021).

Four types of practices may underly a § 1983 suit against a municipality: (1) a formally adopted municipal policy; (2) the actions or decisions of a municipal official with final policymaking authority; (3) a practice so persistent and widespread that it constitutes a custom or usage; and (4) a failure by official policymakers to properly train or supervise subordinates to such an extent that it amounts to deliberate indifference.

Joseph v. NYC Dep't of Corr., No. 20-CV-1676 (PKC) (LB), 2020 WL 2128860, at *2 (E.D.N.Y. May 5, 2020) (internal quotation marks and citation omitted).

Plaintiff does not allege that any formal policies, customs, or practices of the Manchester Probation Department resulted in any constitutional violations. It appears that the only claim plaintiff seeks to raise against the Manchester Probation Department is fraudulent concealment. Even assuming the Manchester Probation Department could be sued, plaintiff's claim against it must still be dismissed, as discussed below.

b. Fraudulent Concealment

Plaintiff attempts to raise a fraudulent concealment claim that was not raised in his previous case. Connecticut's fraudulent concealment statute allows for the tolling of a statute of limitations under certain circumstances. Connecticut General Statutes § 52-595 states: "If any person, liable to any action by another, fraudulently conceals from him the existence of the cause of such action, such cause of action shall be deemed to accrue against such person so liable therefor at the time when the person entitled to sue thereon first discovers its existence." Conn. Gen. Stat § 52-595.

In order to benefit from the § 52-595 tolling provision, a plaintiff must demonstrate: (1) a defendant's actual awareness, rather than imputed knowledge, of the facts necessary to establish the plaintiff[s] cause of action; (2) [the] defendant's intentional concealment of these facts from the plaintiff[]; and (3) [the] defendant's intentional concealment of the facts for the purpose of obtaining delay on the plaintiff[s] part in filing a complaint on their cause of action.

Dennany v. Knights of Columbus, No. 10cv1961(SRU), 2011 WL 3490039 (D. Conn. Aug. 10, 2011) (alterations and citation omitted). Additionally, "the plaintiff must prove that he did not know the facts supporting his cause of action. In other words, the plaintiff cannot toll a limitations period based on the defendant's fraudulent concealment if the plaintiff already discovered the facts establishing the defendant's liability." *Id.* at 5.

Here, plaintiff's complaint makes clear that he was aware of the facts establishing the defendants' liability. Plaintiff knew he did not commit the crimes for which he was convicted at the time of his convictions in 1991 and 1997. Plaintiff's complaint establishes that he was aware of these facts establishing defendants' liability by alleging that the State of Connecticut and Manchester Police Department prevented him from obtaining records about his case and submitting false documentation to the state pardons board.

c. Statute of Limitations

Plaintiff's remaining claims are barred by the statute of limitations even if he had sued the proper defendants. As Judge Meyer has already stated, "[i]n Connecticut, a civil rights claim under 42 U.S.C. § 1983 is subject to a three-year statute of limitations." *Watson*, 2020 WL 3404066, at *2. Plaintiff was pardoned in 2009, and would have had three years, until 2012, to file his lawsuit. *Id.*

IV. Conclusion

For the reasons set forth herein, the Court recommends plaintiff's complaint be DISMISSED.

This is a recommended ruling. Any objections to this recommended ruling must be filed with the Clerk of the Court within fourteen (14) days of being served with this order. See Fed. R. Civ. P. 72(b)(2). Failure to object within fourteen (14) days may preclude appellate review. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(d), & 72; D. Conn. L. Civ. R. 72.2(a); *F.D.I.C. v. Hillcrest Assoc.*, 66 F.3d 566, 569 (2d Cir. 1995); *Small v. Sec'y of H.H.S.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam).

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SO ORDERED this 28th day of April, 2022 at
Hartford, Connecticut.

/s/ Robert A. Richardson
United States Magistrate Judge

**MEMORANDUM OPINION TRANSFERRING
CASE TO DISTRICT OF CONNECTICUT,
UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE
(APRIL 5, 2022)**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GRANVILLE S. WATSON,

Plaintiff,

v.

STATE OF CONNECTICUT ET AL.,

Defendants.

Case No. 22-258(VAC)

Before: Colm F. CONNOLLY, Chief Judge.

MEMORANDUM

Plaintiff Granville S. Watson ("Plaintiff"), who proceeds *pro se*, filed this action on February 28, 2022. (D.I. 1). He appears *pro se* and has been granted leave to proceed *in forma pauperis*. (D.I. 7).

The Complaint invokes the jurisdiction of this Court by reason of a federal question pursuant to 28 U.S.C. § 1331. (D.I. 2) Plaintiff, who now resides in Delaware, alleges that he was wrongfully incarcerated in Connecticut for violation of probation when he was

not on probation. Plaintiff was granted a pardon on September 30, 2009. Plaintiffs request for compensation for the wrongful incarceration was denied on January 6, 2022 by the State of Connecticut Claims Commission. He alleges that the State's Attorney, the Manchester Police Department, and Connecticut State Officials are all aware of the wrongful incarceration. Plaintiff alleges the events in Connecticut forced him to move to another state and damaged his reputation and security.

A civil action not founded solely on diversity of citizenship is properly brought in: "(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action." 28 U.S.C. § 1391(b). The Court may transfer a case "[f]or the convenience of parties and witnesses, in the interest of justice, . . .to any other district or division where it might have been brought." 28 U.S.C. § 1404(a). The Court may raise venue and issue a Section 1404(a) transfer order *sua sponte*. See e.g., *Arnica Mut. Ins. Co. v. Fogel*, 656 F.3d 167 (3d Cir. 2011).

Here, it appears that the events giving rise to Plaintiffs claims occurred in Manchester, Connecticut and, more particularly, in the United States District Court for the District of Connecticut. Also, Defendants and witnesses are located in Connecticut. Having

considered the allegations in the Complaint, the Court finds that the interests of justice favor transferring the action to the United States District Court for the District of Connecticut, where the events underlying the allegations took place and where the witnesses are located.

For these reasons, the Clerk of Court will be directed to transfer this action to the United States District Court for the District of Connecticut. Plaintiffs motion for leave to proceed *in forma pauperis* will be denied without prejudice to renew upon transfer to the District of Connecticut. (D.I. 1)

A separate order shall issue.

/s/ Colm F. Connolly

Chief Judge

April 5, 2022
Wilmington, Delaware

**ORDER DENYING PETITION FOR
REHEARING, UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT
(MARCH 6, 2023)**

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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.

Docket No. 22-1258

Appellant, Granville S. Watson, filed a petition for panel rehearing, or, in the alternative, for rehearing en banc. The panel that determined the appeal has considered the request for panel rehearing, and the active members of the Court have considered the request for rehearing en banc.

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IT IS HEREBY ORDERED that the petition is denied.

FOR THE COURT:

/s/ Catherine O'Hagan Wolfe
Clerk

**NOTICE OF JURISDICTIONAL
DEFECT AND MOTION TO DISMISS
(MARCH 9, 2020)**

STATE OF CONNECTICUT
OFFICE OF THE CLAIMS COMMISSIONER

GRANVILLE S. WATSON

v.

STATE OF CONNECTICUT

Claim No. 25801

**NOTICE OF JURISDICTIONAL DEFECT
AND MOTION TO DISMISS**

The Office of the Attorney General has reviewed the above referenced claim and has determined, based on the allegations, that it has one or more of the following jurisdictional defects. Accordingly, the Respondent respectfully moves that the Claims Commissioner dismiss the claim on the following grounds:

The Claimant alleges damage or injury caused by a private or municipal party other than the state. As the Claimant has not alleged that the state has caused damage or injury, the claim must be dismissed as a matter of law pursuant to Conn. Gen. Stat. § 4-141.

Here, the Claimant's alleges that the Manchester police department falsely accused him of numerous

crimes from a 1991 incident, which led to his incarceration. The Claimant again states that the Manchester police department profiled him on at least two occasions, which violated his probation. In the Claimant's own words "The Manchester police department destroyed my life" and "the State of Connecticut can start by making right the crimes the Manchester police committed against me." The Claimant alleges damage or injury caused by a municipal party, namely Manchester Police Department, which is not the State. Pursuant to Connecticut General Statute § 4-141 (a), a private or municipal party, such as a municipal police department, does not fall within the definition of state agency or state officers and employees. Therefore, Mr. Watson's claim must be dismissed.

Assuming arguendo the Claimant has alleged damage or injury caused by the State, he still did not file the claim within one year after it accrued. Thus, the claim is barred by the time limitation of Conn. Gen. Stat. § 4-148(a) and the claim must be dismissed as a matter of law.

The Respondent maintain that the Claimant's claim is truly against the Manchester Police Department and not the State. However, the Respondent will address two other grounds of dismissal if the Commissioner is inclined to believe he has a valid claim against the State. First, the Claimant's alleges that the incident giving rise to the instant claim occurred sometime in 1991. However, the Claimant did not file the instant claim till on or about November 6, 2019. As such, the Claimant's instant claim was filed more than one year after the claim accrued and is barred by the time limitation of Conn. Gen. Stat. § 4-148(a), which provides that "no claim shall be presented under

this chapter but within one year after it accrues.” Under Conn. Gen. Stat. § 4-148(a), a claim “for injury to person or damage to property shall be deemed to accrue on the date when the damage or injury is sustained or discovered.” The instant claim relates to the Claimant’s allegation that he was wrongfully incarcerated in 1991 and 1997, which meant the Claimant had one year from that date to file a claim related to that incident and any alleged injuries suffered. The Claimant simply failed to do so as the instant claim was not filed until November 6, 2019.

Even viewing the pleadings liberally, from his own account it appears the Claimant was released from prison in approximately 2000. Although the Claimant fails to provide firm details, he did in fact receive a pardon in 2010. For arguments sake, even if the Claimant provided the last date of his pardon (2010) as the discovery of his injury, he is still beyond the one-year time limitation; in fact he is at minimum nine years beyond it. Accordingly, the instant claim must be dismissed as it is barred by the time limitation of Conn. Gen. Stat. § 4-148(a).

The Claimant alleges personal injury or damages which are alleged to have occurred as a result of intentional misconduct of a state employee, or the Claimant has alleged that he suffered a violation of his civil rights. Accordingly, the claim is excepted from the subject matter of the Claims Commissioner pursuant to Conn. Gen. Stat. § 4-142(2) as a claim otherwise authorized by law and must be dismissed.

Second, the Claimant is seemingly alleging a violation of his civil rights, based on the intentional

App.30a

misconduct of certain State of Connecticut agency employees. In particular, the Claimant can bring this claim against the alleged state employees under 42 U.S.C. § 1983, which provides a private cause of action against state actors alleged to have violated or deprived an individual of their constitutional rights. Accordingly, this claim is further exempted from the subject matter of the Claims Commissioner pursuant to General Statutes § 4-142(2), as a claim otherwise authorized by law and must be dismissed.

RESPONDENT,
STATE OF CONNECTICUT

WILLIAM TONG
ATTORNEY GENERAL

By: /s/ Samantha C. Wong
Assistant Attorney General
Juris No. 441242
110 Sherman Street
Hartford, CT 06105
Tel: (860) 808-5450
Fax: (860) 808-5591
Email: Samantha.wong@ct.gov

**LETTER FROM THE CLAIMS
COMMISSIONER
(OCTOBER 28, 2021)**

**STATE OF CONNECTICUT
OFFICE OF THE CLAIMS COMMISSIONER**

Christy Scott
Claims Commissioner
450 Columbus Boulevard
Suite 203
Hartford, CT 06103
Phone (860) 713-5501
Fax (860) 706-1482

October 28, 2021

Granville S. Watson
196 Haut Brian Avenue
Newark, DE 19702
Gville1971@gmail.com

Re: CLAIM OF GRANVILLE S. WATSON —
FILE NO. 25801 Dear Mr. Watson:

Connecticut General Statutes section 4-159a requires the Claims Commissioner to report claims to the General Assembly that have not been disposed of within two years of the date of filing. Because this claim has not yet been resolved, we are providing you with notice that we may be required to report the claim to the legislature pursuant to this statute.

If the claim is so reported, the legislature may take any one of the following actions: (1) grant an extension of time for disposition by this office; (2) grant

App.32a

permission to sue the state; (3) grant an award; or (4) deny the claim.

If you do not wish for this claim to be reported to the legislature, you have the option of stipulating to an extension of time for the Claims Commissioner to dispose of the claim.

If you choose to stipulate to an extension of time until November 1, 2022 for the resolution of this claim, please complete this document and return it to our office. Your completion and return of *this* document will constitute your stipulation to an extension of time for the purposes of General Statutes section 4-159a.

Failure to complete and return this document will constitute a refusal to stipulate to an extension of time and may result in the reporting of this claim to the General Assembly pursuant to section 4-159a.

Very truly yours,

/s/ Christy Scott

Claims Commissioner

CS/tmd

I hereby stipulate and consent to an extension of time until November 1, 2022 for the resolution of claim no. 25801.

Granville S. Watson

Date

cc: samantha.wong@ct.gov

**COMPLAINT
(FEBRUARY 28, 2022)**

Plaintiff, prose
Department
196 Haut Brion Ave
Newark, DE 19702
413-330-1147
gville1971@gmail.com

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

GRANVILLE S. WATSON,

Plaintiff,

v.

STATE OF CONNECTICUT, MANCHESTER
POLICE DEPARTMENT, MANCHESTER
PROBATION,

Defendants.

Case No. 22-258

42 USC 1983
Violation of the IV, V, VII, VIII, XIII
and XIII Amendments and
(FRAUDULENT CONCEALMENT)

JURISDICTION; This court has jurisdiction as
State Officials committed Federal crimes against a

United States citizen in violation of Federal law. Also, the state's process for wrongful incarceration claims has been exhausted and the petitioner's claim has been denied due to lack of authority by the claim commissioner's office. The claims commissioner does not have the authority to overrule the state statute under any circumstance.

PLAINTIFF; appearing pro se, brings this complaint against the defendants and alleges as follows:

COMPLAINT;

1) On or around August 12, 1997, the plaintiffs brother (Audley Watson) had an altercation with a Reginald Montgomery who was trying to steal property from the plaintiff. Reginald Montgomery and Audley Watson fought, and Reginald Montgomery died as a result of his injuries.

Several witnesses stated that the plaintiffs only involvement was trying to stop the altercation. The Manchester police later arrested the plaintiffs brother and charged him with first-degree murder.

The plaintiff and Reginald Montgomery had previously argued over the plaintiffs car. Reginald Montgomery told the plaintiff that he would steal the plaintiffs car and that the Manchester police were so racist that they would probably find a reason to arrest the plaintiff because he is black. Prior to Reginald's death, the plaintiff had called the police on several occasions and told the police of Reginald's intentions of stealing the plaintiffs car.

2) The Manchester Police went into the plaintiffs house (without a warrant) on or around September 20, 1997. They created a fake drug charge (non-quantity

of marijuana) to detain the plaintiff. The police told the plaintiff that they had reason to believe he was involved in a way that would ultimately result in the plaintiff being charged with murder.

The plaintiff was held on a bond consistent with a murder charge, a judge asked why the bond was so high for a non-quantity of marijuana charge, and a prosecutor told the judge that the plaintiff murdered someone. The judge said that the charge was for a non quantity of marijuana, then asked if there was even marijuana and the prosecutor did not respond. The judge said, "don't do this to me" and then reduced the bond to \$500. The plaintiff bailed out of jail. The plaintiff went to court for approximately one year, on the fraudulent marijuana charge. The prosecutor tried with several judges during the course of the year, to have the plaintiffs bail revoked and held in jail, as the prosecutor believed the plaintiff was involved criminally in the death of Reginald Montgomery. The fraudulent drug case went on for one year, and on September-17-1998, the non quantity of marijuana charge was dismissed, and there were no other charges against the plaintiff. As the plaintiff prepared to leave the court, the prosecutor said to a judge that the plaintiff murdered someone and that the judge is letting a murderer walk out of the court.

The judge asked if the District Attorneys' office was sure of the murder because if the court incarcerated the plaintiff and murder charges were not filed, someone would be held accountable.

The prosecutor said to the judge, we discussed this earlier, you must keep the drug charge so this will be legitimate. The judge asked the prosecutor if the District Attorneys Office was certain of the plaintiffs

involvement in a murder and the prosecutor said yes and the judge then said we will not place a fraudulent drug charge against (Granville Watson) if he will be ultimately charged with murder. The judge then said "the only thing we can do is say that the plaintiff is on probation and say he is in violation of the probation". The prosecutor told the judge that the sentence would be in error if the drug charge was dismissed and the judge asked again if the District Attorneys Office was certain (Granville Watson) murdered someone, the prosecutor told the judge that the District Attorneys Office was certain that (Granville Watson) murdered someone then the judge said, "if you are certain he will be charged with murder we don't have to use a fraudulent drug charge against Mr. Watson".

3) The judge sentenced the plaintiff to three years in prison for violating probation. The plaintiff was not on probation. The plaintiff did not violate probation. No crime was committed, and there were no charges against (Granville Watson) and no reason was given for violating this false probation. The judge, the prosecutor, the plaintiff, and the plaintiffs attorney knew that the sentence imposed was fraudulent. The judge said to the prosecutor, "if you don't charge (Granville Watson) with murder we are all in a lot of trouble".

4) After completing the three-year prison sentence, the plaintiff tried to obtain records about the arrest and conviction for the two sentences in question but was told that all records pertaining to the plaintiff were ordered destroyed.

5) The plaintiff contacted all state agencies that would have records, and all stated that the documents

were either destroyed or have been deemed off-limits to the plaintiff. To this day, the Probation Department in Manchester, Connecticut, and the Manchester Superior Court are under orders not to release any information to the plaintiff.

6) The plaintiff contacted Manchester Superior Court around June 2001 to try and obtain records pertaining to the arrest and sentence and was directed to the District Attorney's Office. A State Official (who would not give her name) told the plaintiff that they were the one who worked on the case and made a big mistake and that the Manchester Police were to blame. The plaintiff was told by this state official that the Manchester Police gave erroneous information to the District Attorney's Office, and the arrest and prison sentence should not have happened. The plaintiff was told to move on and get over the wrongful incarceration. The plaintiff told this person that this was the second time this happened, first a five-year prison sentence and now a three-year sentence. And the plaintiff was now homeless with a criminal record. The plaintiff asked to have his record expunged but was told that doing so would open the state to a lawsuit, but in time, the plaintiff could request a pardon.

6) Approximately January 2008, the plaintiff applied for an exoneration and was denied. The pardon board contacted the plaintiff and told him that the state did not grant exonerations because this would open the state to potential liability. The plaintiff could apply again in approximately one year from the denial. The plaintiff started the pardon process the following year. The pardon board asked for documents about the violation of probation conviction; there were no documents about the violation conviction

because the plaintiff was not on probation when he was convicted for violation of probation.

The plaintiff was directed to the court by the pardon board to clear up the matter. The plaintiff contacted Manchester Superior Court and was directed to the District Attorney's office in Manchester Connecticut, to which the plaintiff was told that the matter would be handled. The pardon board contacted the plaintiff and stated that the District Attorney's Office and the probation department submitted the needed documents, and the pardon process would move forward. The plaintiff asked for copies of the documents submitted to the pardon board, as these documents were introduced as if they came from the plaintiff. The District Attorney's Office and the pardon board and the probation department denied the plaintiff access to the documents.

On September 30, 2009, the pardon was granted to the plaintiff.

7) The pardon board and state officials are aware that there is a distinction between an exoneration and a pardon.

An exoneration means that the individual was innocent, and a pardon means the individual was guilty, but the state will forgive the crimes. The pardon board clarifies this while going through the pardon process. The pardon board first denied the plaintiff's application for an exoneration but later granted an application for a pardon.

8) The State's Attorney (William Tong) stated in his response to the plaintiff's claim commission filing that the plaintiff should have filed suit or applied for

compensation within two years after the plaintiff received the pardon, but as a granted pardon is an admission of guilt, filing documents claiming innocence after the pardon could be considered a crime. The supreme court made clear the distinction between exoneration and pardon. (*Burdick vs. The United States*).

The State's Attorney William Tong responded to the claim commission filing March 6, 2020, as did the Manchester police department internal affairs unit, and conceded that the plaintiff was wrongfully incarcerated. Still, the state's attorney believes the statute of limitations has expired. The internal affairs investigator stated" if (Granville Watson) would have filed suit in a timely manner, a lawsuit would have been a slam dunk".

9) **(FRAUDULENT CONCEALMENT)** The state's attorney failed to acknowledge that fraudulent documents were created and submitted to state and government agencies to cover the wrongful incarceration, which constitutes fraudulent concealment and a federal crime. The fact that the state's attorney and the Manchester police on March 6, 2020, just acknowledged this wrongful incarceration for the first time serves the purpose of an exoneration, making the statute of limitations claimed by the state invalid. This acknowledgment of wrongful incarceration on March 6 2020, in my opinion, constitutes an exoneration and makes the compensation claim valid. The state can not conceal evidence, cover up crimes, and claim that the statute of limitations protects it from liability.

10) On March 3 2020, the plaintiff spoke with Veronica Rogers who is an employee with the pardon board. The plaintiff asked Mrs. Rogers for copies of the

pardon package that he submitted years prior. Mrs Rogers said that if the plaintiff sent a notarized letter and identification that she would send copies of the pardon package. Once Mrs Rogers located the records she stated that there was a letter stating that under no circumstance can the contents of this file be given to Granville Watson. Mrs Rogers stated that she didn't understand this notation because it's common knowledge that the pardon package is sent in from the person applying for the pardon. She said there was no one there to clarify this notation and asked if the plaintiff knew why these documents couldn't be released to the plaintiff. The plaintiff told Mrs Rogers that the notation was in error and it would be ok to give these documents to the plaintiff. The plaintiff told Mrs Rogers that he lost his copies and needed these documents for his records and Mrs Rogers complied and sent the documents. The plaintiff tried for years to obtain copies of these fraudulent documents sent in to the pardon board by state officials, this was the first time the plaintiff was able to obtain these documents.

On May 13 2020, the plaintiff spoke with a Lisa Santiago who is an employee with the Manchester Probation Department and asked if the plaintiff could get copies of all records pertaining to the plaintiff, Mrs Santiago asked for a copy of a driver's license or a notarized letter and she would send copies of all records. The plaintiff immediately emailed a copy of his drivers license along with the request for the documents, Mrs Santiago by that time had been informed that all records pertaining to the plaintiff have been deemed classified by state officials.

11) The plaintiff had a pending claim with the Claims Commission in Connecticut. This is the process

for filing for compensation in a wrongful incarceration claim. On January 6, 2022, the Claims Commissioner denied the claim, citing that the power given to the Claims Commissioner can not overrule the state's statute of limitation. The state statute says that the petitioner must file for compensation within two years of a pardon, and the plaintiff was granted a pardon on September 30, 2009. Therefore it would be beyond the power of the Claims Commission to grant compensation no matter the reason.

12) On November 4 2021 the Claims Commission sent a letter to the plaintiff asking for an additional year to make a decision on the compensation claim.

On January 6 2022 the Claims Commission in the State of Connecticut denied the plaintiff's request for compensation. The plaintiff never received a denial letter and called the Claims Commission on February 18, 2022 to ask about the claim and was told that a denial letter was sent out via email and the plaintiff had 20 days to respond, and since there was no response the claim was closed. The plaintiff said he did not get a denial letter and the Claim Commissions attendant stated that the plaintiff should check his spam folder, maybe the denial letter is there.

13) The Connecticut Wrongful Incarceration Statute is deficient and worded improperly, I believe, intentionally. The pardon board clarifies before, during, and after a pardon that it is an act of state forgiveness and, therefore, you can not sue. The state denies applications for exonerations. The state rejected the plaintiff's application for an exoneration. Consequently, the state's attorney's assertion that the plaintiff should have filed for compensation in the time frame that he

gave in his response to the plaintiff's claim commission filing is in error.

14) The plaintiff wrote a letter to the State's Attorney explaining how the state statute was worded poorly, and the state removed the word exonerate from the statute. The state statute was amended in March 2020. The change in the wording, in my opinion, is a continuation of the crimes against the plaintiff.

15) The pardon itself was fraudulent. Fake documents were sent in to the pardon board by state officials so that the plaintiff could get a pardon under pretense. The pardon board knew as well that the documents submitted by state officials were fraudulent and went along with the fraud and granted the pardon.

16) **(FIVE YEAR SENTENCE)** On January 10, 1991, the plaintiff was arrested for possession of a pistol with no permit. The plaintiff was a manager at Taco Bell restaurant and attending Manchester Community College and just joined the military, and was several weeks away from leaving to start training in the armed forces. Another manager (Ramona Hruby) claimed she was held up at gunpoint by two white men, and they stole the daily proceeds from her. The Manchester police investigated and discovered that one black man stole the daily proceeds from Ramona Hruby. The man was Robert Fischer, and he was arrested. Upon questioning Robert Fischer, Mr. Fischer told the police that he never met Ramona and that the petitioner; (Granville Watson) told him about Ramona and that the plaintiff also provided his father's licensed handgun for the robbery. The police searched, found the plaintiff's father's licensed gun, and arrested the plaintiff.

17) When detectives Michael Morrissey and detective Lombardo questioned the plaintiff and stated that the arrested suspect, Robert Fischer and the victim Ramona Hruby didn't know each other and that the only possible way Robert could have known about Ramona was through the plaintiff; the plaintiff responded by telling the detectives that the plaintiff was prior friends with Robert Fischer and when Robert found out that the plaintiff (Granville Watson) and Ramona Hruby briefly dated Robert Fisher and the plaintiff stopped being friends. Robert Fischer and Ramona Hruby are married with seven children. They had children at the time of the robbery; their eldest son's name is Robert Fischer Jr. The detectives did not know this, but upon learning this information from the plaintiff, opted to keep this information from the court.

The plaintiff told his public defender about this. The public defender told the plaintiff that Ramona Hruby is a white woman, and Robert Fischer and the plaintiff are African American. The public defender told the plaintiff there was no way the court would prosecute a white woman over a black man.

18) The plaintiff being under military contract, military lawyers got involved and stated that possession of a weapon is a felony for the State of Connecticut, but a misdemeanor for the federal government. Since the plaintiff was under military contract, the military would pull rank and take the plaintiff. The District Attorney's Office then charged the plaintiff with 13 counts of accessory to robberies and burglaries, all of the crimes that Robert Fischer had committed. These charges violated the plaintiff's contract with the military, and the plaintiff's contract with the army at

that time terminated. All of the added charges were dismissed. The charges were only added to get the plaintiffs military contract voided; once the military contract was voided, the state went with the original charge of possession of a weapon. No gun was ever given to Robert Fischer by the plaintiff for any reason at any time. The plaintiff does not believe a gun was used at all given that Robert Fischer and Ramona Hurby were married and in on the crime together. The plaintiff has talked to Ramona Hurby over the years, and she states that she regrets her involvement with the plaintiff going to prison for crimes she and her husband committed and the plaintiff was not involved in.

19)(**PRESENTENCE INVESTIGATION**); For the five-year sentence given on January 10, 1991, a presentence investigation was conducted and stated the following. The plaintiff was chronically unemployed, that the plaintiff was a poor student, that the plaintiff was a constant problem for his community, and that the plaintiff was doing nothing with his life and going nowhere. The report read that the court should sentence the plaintiff to the longest jail sentence possible.

The presentence investigations done on me were a miscarriage of justice. I had two of these done for crimes I did not commit in the first place, and the misinformation written in these reports should be considered a crime. The plaintiff believes he did more to advance himself than most people, the plaintiff's contributions to society are not reflected in these reports.

Several individuals started companies that correct these fraudulent presentence reports. The plaintiff

was told that a new amended presentence investigation would include college, military, and work history if he paid two thousand dollars. The fact that anyone would have had to pay to have correct information submitted to a judge who was about to hand down a sentence should be considered a crime.

CONCLUSION;

(20) The plaintiff was wrongfully sentenced to a five-year prison sentence and then wrongfully imprisoned for a three-year sentence; The plaintiff should be compensated for the eight years of wrongful convictions and the criminal record that the plaintiff had for almost a decade after his release from prison.

The plaintiff (for the three-year sentence) was not allowed to leave the court and inform his job or secure his possessions and had to file for bankruptcy upon his release from prison in 2001.

The state can not commit a crime, cover it up, still engage in a criminal conspiracy, then claim the statute of limitations protects it from liability. The Manchester Probation Department and the Manchester Superior court have a special handler for this case to this very day. As of yet no one has been held accountable for this egregious miscarriage of justice.

When a defendant has concealed his misconduct, the limitations period does not begin to run until after the plaintiff discovers, or with due diligence should have discovered, his claim against the defendant.

The defendants all agree that the plaintiff was incarcerated wrongfully and fraudulently, and the only issue was the statute of limitations. The defendants fraudulently concealed information from the plaintiff

to which the plaintiff has only recently been able to obtain. The fraudulent documents created and submitted to the pardon board and to different agencies are a crime. The damage done to the plaintiff has forced the plaintiff to move to another state and has forever damaged his reputation and security.

RELIEF;

(21) The plaintiff requested five million dollars for wrongful incarceration, damage to reputation, loss of employment and loss of personal property from the Claims Commission in Connecticut. The plaintiff does not believe this amount to be unfair when all elements of this miscarage of justice is taken into account. But the Claims Commissioner's decision made clear that this amount seems inappropriate.

The plaintiff has no objection to a jury or judge deciding on compensation. The State's Attorney, the Manchester Police Department and Connecticut State Officials are all aware of the wrongful incarceration and if these individuals truly care about justice, all should agree on compensation to the plaintiff.

The plaintiff should be compensated as a result of these harmful acts. This suit should be allowed to move forward.

App.47a

Respectfully;
Petitioner;

Granville S Watson
196 Haut Brion Ave
Newark Delaware 19702
413-330-1147
gville1971@gmail.com

App.48a

**LETTER FROM INTERNAL AFFAIRS OF THE
MANCHESTER POLICE DEPARTMENT
(JUNE 17, 2020)**

Scott Shanley
General Manager

William Derby
Chief

TOWN OF MANCHESTER
Police Department
239 Middle Tpke., East
P.O. Box 191
Manchester, Connecticut 06045-0191
Tel: (860) 645-5500 Fax: (860) 643-2939

Granville S. Watson
196 Haut Brian Avenue
Newark, DE 19702

Mr. Watson,

This Department is in receipt of your complaint.
Could you please contact me regarding your complaint.
I can be reached at 860-645-5532. Thank you.

Sincerely,

/s/ Lt. Jon Laughlin
Internal Affairs/Office of Professional Standard
Manchester Police Department

**CERTIFICATE OF PARDON
(DECEMBER 22, 2009)**

STATE OF CONNECTICUT



BOARD OF PARDONS AND PAROLES

CERTIFICATE OF PARDON

To all People to Whom these Presents Shall Come,
Greeting: Know Ye, that, pursuant to Connecticut
General Statutes Section 54-124a(f)(4) and 54-1300a
the Board of Pardons and Paroles grants to:

GRANVILLE SERETSE WATSON

DOB: 07/04/71

Inmate: 00191717

SPBI: CT00547891

FBI: 392311LA1

a full, complete, absolute and unconditional pardon
for the crime(s) POSS HALL/MRJNA H12M-CR97-
0155930-S (9/17/98), SALE HLCGN/NARC, VOP
H12M-CR93-0134515-S (1/17/95), NO PISTOL PRMIT
H12MCR89-0110780-S (1/10/91), for which said person
was convicted in the State of Connecticut and does
hereby forever acquit, release and discharge said
person from the same, enjoining all officers to respect
this pardon and govern themselves accordingly.

App.50a

Board Members voting to grant a Pardon on
September 30th, 2009 at Waterbury Superior Court
were:

Joseph S. Elder
Victoria M. Wills
Robert B. Smith

Certified this 22nd day of December, 2009

/s/ Robert Farr
Chairman

App.51a

**NOTICE OF TERMINATION,
ADULT PROBATION NO. 102-H12M-95-21454-S
(MARCH 18, 2009)**

**STATE OF CONNECTICUT
JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION**

**Adult Supervision Unit – Eastern Region
587 E. Middle Turnpike
Manchester, CT 06040
Telephone: (860) 649-1650
Fax: (860) 646-6252**

STATE OF CONNECTICUT

v.

**WATSON, GRANVILLE
DOB: 7/4/71**

**Adult Probation# 102-H12M-95-21454-S
Offense: Sale of Hallucinogen/Narcotic (21a-277(a))
Date Sentenced: 1/17/95**

App.52a

Notice of Termination

On September 17, 1998, the above-named offender, pled guilty to Violation of Probation under docket number H12M-CR93-0134515-S whereby his Probation was revoked and a three year jail sentence was imposed.

{signature not legible}

Chief Probation Officer

**NOTICE OF TERMINATION,
ADULT PROBATION NO. 102-H12M-98-32410-S
(MARCH 18, 2009)**

**STATE OF CONNECTICUT
JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION**

Adult Supervision Unit – Eastern Region
587 E. Middle Turnpike
Manchester, CT 06040
Telephone: (860) 649-1650
Fax: (860) 646-6252

STATE OF CONNECTICUT

v.

**WATSON, GRANVILLE
DOB: 7/4/71**

Adult Probation# 102-H12M-98-32410-S
Offense: Possession of a Hallucinogen/4oz Marijuana
Date Sentenced: 9/17/98

Notice of Termination

On May 7, 1998, the above-named offender, having successfully completed his period of probation, was hereby terminated from supervision.

{signature not legible}
Chief Probation Officer

**EMAIL REGARDING PROBATION RECORDS
(MAY 13, 2020)**

Granville Watson 5/13/20

I would like a copy of all and any records you have on file. Any psi report written as we . . .

Lisa Santiago 5/13/20

To: Granville Watson

Re: Probation Records

Ok so unfortunately I'm not able to release any information to you at this time. I do have a copy of your ID, however, it needs to be notarized in order for the court to provide you with that information. I am uncertain when the Manchester court will re-open but that's where you would need to send copy of your identification notarized. The address is 410 Center Street, Manchester, CT 06040. In the request you should include your current address, phone number and title it request for disposition letter. The document the court will provide to you will include the information to give to Record Center. located at 225 Spring St, Wethersfield, CT (860) 263-2750, to look up your file. Good luck and take care!

From: Granville Watson <gville1971@gmail.com>

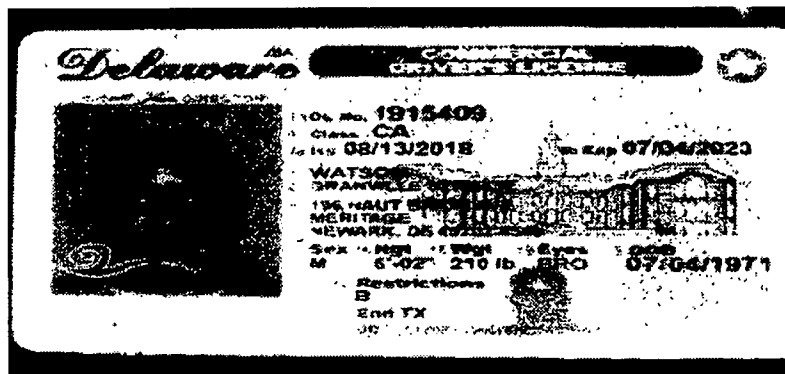
Sent: Wednesday, May 13, 2020 10:04 AM

To: Santiago, Lisa <Lisa.Santiago@Jud.ct.gov>

Subject: Probation records

App.55a

I would like a copy of all and any records you have on file. Any psi records written as well. Anything you have on file for Granville Watson. Thank you. Any questions or concerns call me at (413) 330-1147 or email me at gville1971@gmail.com Thank you for your time.



Send from my iPhone

CBS.IOS app Feedback

App.56a

**MANCHESTER POLICE,
CASE INFORMATION C97-6664
(AUGUST 27, 1997)**

**STATE OF CONNECTICUT
SUPERIOR COURT**

Manchester Police Case# C97-6664
Information JD-CR-71 Rev. 1-93

TITLE. ALLEGATION AND COUNTS

The undersigned Assistant State's Attorney of the Superior Court of the State of Connecticut, in said Geographical Area, on my oath of office complain, depose, and allege that I have reason to believe and do believe that

State of Connecticut vs. (Name of Accused)

Audley Watson B/M DOB 8/14/72

G.A.: 12

Docket No.: 157718

To be Held at (Town): Manchester

First Count – Did Commit the Crime of: Murder

At Town: Manchester

On or About: 8/27/97

In Violation of General Statutory No.: 53a-54a

App.57a

Continued to	Purpose	Reason
9-4-97		52798X
9-23-97	X	A/7/24/98DB1
10-22-97	X	PC IT
11-12-97	X	936998DB
12-10-97	X	82198DB1
1-21-98	X	...
2-25-98	X	...
4-10-98	X	...

Date: 8/28/97

Signed Assistant State's Attorney

/s/ O'Connor

COURT ACTION

Defendant Advised of Rights Before PLEA

Smith S

Date: 9-3-97

Bond: 1,000,000

Surety: W/S

Reduction:

10-22-97 increased by 250,000

Total 1,250,000 Costs Waived.

Election

☒ Jury

App.58a

Atty. Pub Defendant

{Illegible Signature}

Date of PLEA

First Count 10-22-97

PLEA: NG

Date: May 27 1998

New PLEA: {Illegible}

Verdict Finding: {Illegible}

Additional Disposition: {Illegible}

State Atty. on Org Disp.

/s/ O'Connor

Reporter on Org Disp.

JB

Signed (Clerk on Org Disp.)

/s/ Siricca

Signed Judge

{Illegible Signature}

Other Court Action

[. . .]

{Illegible Text}

**APPLICATION FOR ARREST WARRANT
(AUGUST 28, 1997)**

**STATE OF CONNECTICUT
SUPERIOR COURT**

Arrest Warrant Application

JD-CR-64 Rev. 7-96

C.G.S. § 54-2a

Pr. Bk. Sec. 593, 593A, 594

Name and Residence (Town) of Accused

Audley Watson of Enfield Ct.

Court to Be Held at (Town): Manchester

G.A. No: 12

APPLICATION FOR ARREST WARRANT

To: A Judge of the Superior Court

The undersigned hereby applied for a warrant for
the arrest of the above-named accused on the basis of
the facts set forth in the. . .

☒ Affidavit below . . .

Date & Signature

Date: 8/28/97

Signed (Prosecutorial Official)

/s/ {Illegible Signature}

AFFIDAVIT

The undersigned, being duly sworn, deposes and says:

That: Ms. Wrubel reported in a sworn statement that she had been outside her 64 Regent St. home and could hear the sound of someone yelling. She ran to the front of the house and saw a person she recognized as "Kim" Watson standing by a vehicle. She also observed Granville Watson standing with an unidentified black male (later identified to be the victim Reginald Montgomery). She states she observed Kim Watson approach his brother and the victim while an older black male (believed to be Mr. Montgomery) told Kim Watson "He is not hear to cause any trouble". Ms. Wrubel stated that as Kim Watson walked around his car she saw a "shiny knife" in his hand. Granville was then observed trying to get Kim (Audley) Watson "... to back off". Both Kim Watson and the victim reportedly began walking towards each other. Shortly thereafter Ms. Wrubel states her view was partially obstructed by their positioning but that she saw the victim take a step back and then saw Kim Watson run to his car and leave the area. The victim was assisted by the "older black male" (Mr. Montgomery). The victim was observed taking a couple steps and then fell down to one knee and then to the ground. She remained present while medical personnel responded and administered aid to the victim.

That: In a sworn statement Audley Watson's girlfriend, Carol Mulvey, reports that "Kim" would get so angry at times that he would loose control. She stated that on 8/27/97 at about 4:10 PM she overheard a telephone conversation between Audley Watson and

"Reggie" Montgomery. Audley was reported to have stated "Don't be threatening my father he's really sick". After further conversation regarding meeting locations Audley hung up the phone and told Mulvey that "I'm on my way to my father's house". She stated that she had told him not to go but that he kept telling her that he was fine and "he knew what he was doing". Carol Mulvey reports further that she received a phone call from Kim Watson at about 8:30 PM that night (8/27/97). In that conversation Watson stated "Carol I did something very bad". . . . "Me and Reggie got into it and I stabbed him two times." Watson claimed to be calling from Springfield Massachusetts at that time.

That: I Michael Morrissey have been a sworn member of the Manchester Police Department for approximately 18 years and have organized and conducted similar such investigations in the past. That the information contained here-in was obtained by my own investigative efforts or those of other sworn officers acting in their official capacity.

That: On 8/27/97 the Manchester Police Department received a report of an assault at 66 Regent St. Officer Boyle was dispatched to the incident and upon arrival found a black male, later identified as Reginald Montgomery, lying on the ground outside the 66 Regent St. Additional police officers and Emergency Medical Services responded and determined that the victim, Reginald Montgomery DOB 7/18/78, had received what appeared to be a stab wound to the chest. The responding personnel administered first aid to Reginald Montgomery and subsequently transported him to Hartford Hospital. Officer Boyle conducted the initial investigation and determined that a confrontation

had occurred between the victim and a subject identified as Kimmi Watson while in the company of his brother Granville Watson. During this confrontation the victim was stabbed in the chest area by what was believed to be a knife. Officer Boyle determined that Kim Watson had since fled the area in his father's 1984 Oldsmobile bearing Ct. Reg# 737-KHR.

That: During the subsequent investigation it was determined that shortly after 4:30 PM Granville Watson was alone at the 66 Regent St. Manchester residence of his father. At that time a vehicle arrived occupied by Reginald Montgomery and his father Willie Montgomery arrived in front of the house. Reginald Montgomery exited the vehicle and began a discussion with Granville Watson on the front steps to the residence. The conversation involved the purchase of Granville's 1996 Chrysler Cirrus by Montgomery and the issue of Watson's failure to deliver the vehicle after having received a \$1400.00 payment. The issue had been temporarily resolved when Audley Watson (AKA Kim Watson) arrived driving his father's Oldsmobile. Seeing the arrival of Audley Watson both subjects then stepped down onto the front lawn. Audley Watson exited his vehicle in an excited state yelling and screaming while approaching his brother and Reginald Montgomery. Granville Watson attempted to stay between Montgomery and his brother with his efforts primarily directed at calming Audley down. Attempts to keep the two subjects apart were unsuccessful. Both subjects reportedly had contact with each other during which time Reginald Montgomery fell down to one knee. Granville Watson was then able to contain and control Audley Watson

resulting in Audley backing away from the confrontation initially and then returning in an aggressive manner towards the victim. Audley then reportedly fled back to his vehicle and left the area. Upon seeing his son fall to ground Mr. Montgomery exited his vehicle and went to his aid. At that time Reginald Montgomery said that he had been stabbed. Granville Watson then attempted to remove the victim from the scene and transport him directly to the hospital. Mr. Montgomery resisted those attempts and waited at the scene for the responding medical personnel. In addition to those present, the incident had been witnessed by a neighbor at #64 Regent St. identified as Kelly Wrubel who recognized both Watson brothers.

That: In a sworn statement Granville Watson reported that he had met Reginald Montgomery through his brother Kim Watson. Montgomery had purchased his 1996 Chrysler Cirrus LXI for a \$1,400 cash payment and the responsibility for making the future payments. The custody of the vehicle was transferred to Montgomery. However the title was never legally changed and Montgomery was allowed to drive the vehicle under the Watson registration and insurance. Granville states he had heard that Montgomery was doing damage to the car and selling crack cocaine from the car and recognized the risk of loss due to physical damage or police asset forfeiture and decided that he had to retrieve the vehicle. Watson stated that during the previous week Montgomery was arrested drug charges and was held on bond pending trial. Watson reported that this was a good time to retrieve the vehicle and did so. On Monday 8/25/97 Reginald Montgomery was released on bond and he contacted Watson requesting the return of

what he believed to be his car. He repeatedly made telephone calls and pages to Watson all of which went unanswered. According to Watson, he was still making payments on the car and wasn't going to return it.

That: According to Granville Watson on the evening of 8/27/97 he spoke with Reginald Montgomery on the phone. Montgomery said . . . I'm coming over to get the car". Watson responded that his father had the car. He said that he was going to "take out my father" if he had the car. Watson stated that based upon damage repair costs he incurred and the cost of a months loan payment during the time Montgomery used the vehicle he had make an offer to return a total of \$400.00 to Reginald to settle the transaction. Montgomery reportedly stated that he was not going to take this and that he was going to going to get a "Tec 9" (fire-arm) and shoot their house up.

That: Granville Watson reports that on 8/27/97 about 4:35 PM Reginald Montgomery and his father arrived at the Regent St. residence. While speaking with Montgomery he noticed that he was standing slightly to the side and was concealing his left hand behind his back. He said that he wasn't leaving without the car. Watson stated that he resolved the issue by telling Montgomery that his father needed the car today but that he would get it to him for the weekend (but admitting that he was lying at that time). Audley arrived at that time and began running towards them yelling. . . . "Get back, get back, . . . move, move". Watson states he stepped between the two subjects trying to keep them apart and Montgomery reached over his right shoulder towards Kim. When he looked at Audley he noticed blood under his eye without seeing how the injury occurred. After pushing

Audley back he turned to Montgomery to tell him to stop when he saw Montgomery drop down on one knee and tell his father that he had been stabbed. According to Watson the only item he saw in his brother Audley's hand was his car keys. After this point Watson states he was able to convince Audley to leave.

That: Mr. Willie Montgomery reported in a sworn statement of having accompanied his son Reginald to the Watson residence to "get a car". He states that Reginald and Granville spoke for about 15 minutes and Kim Watson arrived. According to Mr. Montgomery, Kim jumped out of his car and started yelling at Reginald. He reports Audley (AKA Kim) as having yelled "You gonna die". He reports Granville as attempting to intercede saying "No man leave him alone". He observed what he thought was a punch from Audley Watson to his son and then saw Audley running back to his car. His son Reginald then fell to the ground saying "I've been stabbed dad". Audley Watson then reportedly came back towards the victim again carrying a knife in his right hand. Mr. Montgomery states he told Audley to "leave him alone" at which time Reginald collapsed in Mr. Montgomery's arms.

That: On 8/28/97 at approximately 3:00 AM Lt. Mott of the Manchester Police Department received a verbal report from the staff of Hartford Hospital that the victim Reginald Montgomery had died. At approximately 11:30 AM on 8/28/97 Dr. Edward McDonough performed a post-mortem examination of Reginald Montgomery. As a result of this examination the Manner of Death was certified to be a Homicide. Also pursuant to this examination, the cause of death was certified as a "Stab wound of the abdomen".

App.66a

That: Based upon the aforementioned information it is requested that a warrant be issued charging the accused, Audley Watson AKA Kim Watson with the crime of Murder in violation of the Connecticut General Statute 53a-54a.

DATE & SIGNATURE

Date: 8/28/97

/s/ Det. Michael Morrissey
Signed (Affiant)

JURAT

Subscribed and Sworn to before me on (Date) 8/28/97

/s/ {Illegible}
Signed (Judge, Clerk, Comm.
Sup.Ct. Notary Pub.)

FINDING

The foregoing Application for an arrest warrant, and affidavit(s) attached to said Application, having been submitted to and considered by the undersigned, the undersigned finds from said affidavit(s) that there is probable cause to believe that an offense has been committed and that the accused committed it and, therefore, that probable cause exists for the issuance of a warrant for the arrest of the above-named accused.

DATE & SIGNATURE

Date: 8/28/97

/s/ {Illegible}
Signed (A Judge of the Superior Court)

**NEWS COVERAGE OF CORRUPTION AND
COVERUPS IN CONNECTICUT ATTORNEY
GENERAL TONG'S OFFICE
(JUNE 17, 2020)**

***Judge Finds Forensic Scientist Henry Lee Liable
for Fabricating Evidence in a Murder Case***

Pat Eaton-Robb, Associated Press
July 21, 2023



FILE - Forensic scientist Henry Lee testifies during a murder trial on Sept. 15, 2003, in Durham, N.C. A federal judge on Friday, July 21, 2023, has found famed forensic scientist Henry Lee liable for fabricating evidence in a murder case that sent two men to prison, one for more than three decades, for a crime they did not commit. (Bill Willcox/The Herald-Sun via AP, Pool)

Famed forensic scientist Henry Lee was found liable for fabricating evidence in a murder case that sent two Connecticut men to prison for decades for a

crime they did not commit, a federal judge ruled Friday.

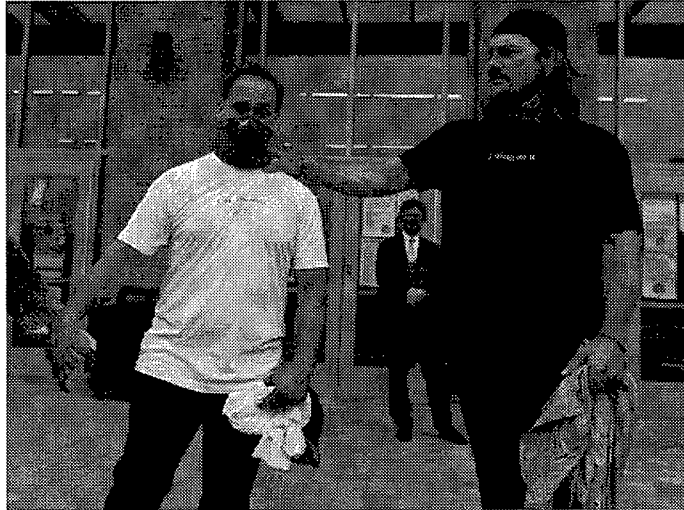
Ralph “Ricky” Birch and Shawn Henning were convicted in the Dec. 1, 1985, slaying of Everett Carr, based in part on testimony about what Lee said were bloodstains on a towel found in the 65-year-old’s home in New Milford, 55 miles (88.5 kilometers) southwest of Hartford.

A judge vacated the felony murder convictions in 2020, and the men filed a federal wrongful conviction lawsuit naming Lee, eight police investigators and the town of New Milford.

The ruling Friday sends the case against the police and the town to trial. In granting a motion for summary judgement against Lee, the only outstanding issue for a jury in his case will be the amount of damages.

Lee, the former head of the state’s forensic laboratory and now a professor emeritus at the University of New Haven’s Henry C. Lee College of Criminal Justice and Forensic Sciences, did not immediately respond to an email seeking comment.

Lee, 84, rocketed to fame after his testimony in the 1995 O.J. Simpson murder trial, in which he questioned the handling of blood evidence. He also served as a consultant in other high-profile investigations, including the 1996 slaying of 6-year-old JonBenet Ramsey in Colorado; the 2004 murder trial of Scott Peterson, who was accused of killing his pregnant wife Laci; and the 2007 murder trial of record producer Phil Spector.



Blood Evidence Murder Lee

When Birch and Henning were put on trial in 1989, jurors heard about an extremely bloody crime scene. Carr had been stabbed 27 times, had his throat cut and suffered seven blows to the head.

No forensic evidence existed linking Birch and Henning to the crime. No blood was found on their clothes or in their car. The crime scene included hairs and more than 40 fingerprints, but none matched the two men.

Prosecutors presented evidence from Lee — not yet famous — that it was possible for the assailants to avoid getting much blood on them.

Lee also testified that a towel, which later was suggested could have been touched by the killers while cleaning up, was found in a bathroom near the crime the scene with stains that he tested and were consistent with blood.

App.70a

Tests done after the trial, when the men were appealing their convictions, showed the substance was not blood.

In his ruling Friday, which was first reported by The Hartford Courant, U.S. District Judge Victor Bolden ruled that Lee presented no evidence to back up his testimony.

“Other than stating that he performed the test, however, the record contains no evidence that any such test was performed,” the judge wrote. “In fact, as plaintiffs noted, Dr. Lee’s own experts concluded that there is no ‘written documentation or photographic’ evidence that Dr. Lee performed the TMB blood test. And there is evidence in this record that the tests actually conducted did not indicate the presence of blood.”

The judge also ruled that Lee failed to properly use an immunity defense that could have shielded him from damages and was no longer eligible to use that argument.

Elizabeth Benton, a spokesperson for Connecticut Attorney General William Tong, whose office defended Lee and the police detectives in the case, said it was reviewing the decision and evaluating the next steps.

Birch served more than 30 years of a 55-year sentence for felony murder before being released in 2019 after a judge ordered a new trial. Henning, who was 17 when the crime occurred, was granted probation in 2018.

After their convictions were vacated in 2020, Lee defended his conduct in the investigation.

“In my 57-year career, I have investigated over 8,000 cases and never, ever was accused of any wrongdoing or for testifying intentionally wrong,” Lee told a throng of reporters. “This is the first case that I have to defend myself.”

Lee’s work in several other cases has come under scrutiny, including in the murder case against Spector, in which he was accused of taking evidence from the crime scene.

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