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Jury followed the law
as it was meant to be

I can appreciate that the juror in the Patrick Whitfield murder case was shaken to learn

that the defendant's incriminatory statement to police was kept from the jury after the judge found that the investigating officer crossed a line when questioning the cognitively impaired defendant — going so far as telling him that his aunt and her small children were in physical danger if he did not cooperate with the police. But as a criminal defense attorney who has practiced in Connecticut for 25 years, I would say to the juror that he should take solace in the fact that the jury did the right thing by following the law given to them by the court and ultimately acquitting the defendant.

Given the epidemic of wrongful convictions throughout this country — many based on false confessions brought about by unduly coercive interrogation techniques — the detectives in charge of investigating and solving these types of crimes must be made to made to follow the rules — so that innocent people are protected. Make no mistake, this was the fault of the police not the judge who was prior to taking the bench a hard-charging prosecutor who tried and put away career criminal defendants accused of serious crimes. Our system is designed to protect the innocent not just convict the guilty. Until police learn to follow the rules and not flaunt the tide of wrongful convictions will continue to rise.

—*Tara L. Knight, Atty.*
New Haven

Home invasion charge dropped, defendant gets five years on weapons count

By Randall Beach

rbeach@npregister.com
[@rbeachnpr](https://twitter.com/rbeachnpr) on Twitter

NEW HAVEN » Because the victim of a home invasion told a prosecutor he no longer is sure Michael Hamilton was the perpetrator, Hamilton Wednesday received a prison sentence of just five years to serve for a weapons charge.

During the home invasion, which happened on Stevenson Road the night of Jan. 15, 2014, the resident was hit in the head with handguns wielded by two of the three perpetrators and then locked in the trunk of his car. His two children, one of them just 2 years old at the time, were home at the time but were not hurt.

The father said he was not in the trunk for long because he was able to use the seat drop-down and press the emergency release latch. When he emerged from his car, the invaders had left.

The victim said he gave the robbers about \$2,750 in cash and that while he was in the trunk, they stole three belt buckles worth about \$2,500 and three pairs of sunglasses worth a total of about \$1,200.

The victim was not seriously injured and declined medical treatment. The other two perpetrators were never identified.

According to the police warrant, when the victim was interviewed by police, he looked at a photo array of eight men and picked out Hamilton, saying, "This is the man I saw in my house." He said he was 100 percent sure of his identification.

But Senior Assistant State's Attorney Seth Garbarsky said Wednesday, "The victim, after a subsequent interview, wasn't entirely comfortable with his identification of the suspect (Hamilton)."

Hamilton, who was 34 at the time of his arrest and had lived on West Di-

vision Street, originally was charged with home invasion, conspiracy to commit home invasion,

first-degree burglary, second-degree assault, conspiracy to commit assault, criminal possession of a firearm, carrying a pistol without a permit, two counts of risk of injury to a child, conspiracy to commit burglary, second-degree larceny and conspiracy to commit larceny.

But last November, in a plea arrangement, Hamilton pleaded guilty solely to possession of a firearm in exchange for an agreement he would receive a 10-year prison sentence, to be suspended after he serves five years. He will then face three years of probation.

Superior Court Judge Patrick J. Clifford Wednesday also imposed on Hamilton concurrent sentences in separate cases: four years for violating probation and two years for possession of marijuana with intent to sell. The total sentence is 10 years, suspended after serving five years.

All of the other charges against Hamilton were nolle.

Defense Attorney Tara Knight asked Clifford to delay the sentencing because Hamilton has medical issues related to a spine injury. He is undergoing diagnostic testing. But Clifford denied the request, noting the sentencing already had been postponed once and pointing out Hamilton can receive medical treatment through the state Department of Correction.

As Hamilton was handcuffed by judicial marshals and led away, several of his family members wept in the courtroom.

Knight said Hamilton probably will be eligible for release in about 3½ years because he had previously been incarcerated on pending charges.

Call Randall Beach at 203-680-9345.