

Is This What A Wrongful Conviction Looks Like?

By: T. S. McClain

The pro-se prisoner, father of five, grandfather of three, activist for equality, advocate for accountability within the criminal justice systems and author of urban fiction stories, T. S. McClain, incarcerated under the inmate number #232694 at the level 4 McDougall-Walker Correctional Institution in Suffield, CT is asking and has been asking the criminal justice gatekeepers for thirteen years.

Never wavering, McClain has always said he did not commit the crime and is actually innocent. He is not the person the state claims, first, shot Kyle Mason in the leg, then gunned down Eldwin Barrios as he ran away from the scene, where he was later pronounced deceased at the Greene Homes Apartments, which sits in the city's area of the Hollow, on the summer morning of July 17, 2010.

- Bridgeport homicide detectives let tunnel vision set in, they ignored witnesses that held creditable eyewitness information that pointed to another person who had been implicating himself on social media to be someone who was involved in the killing of his friend, Eldwin Barrios.
- The lead homicide detective hid investigation notes and information during McClain's criminal trial. He committed blatant perjury, violating McClain's Sixth and Fourteenth Constitutional rights. He also made the investigative file available to the State's most important witness prior to said witness giving his statement to police.
- Having received an erroneous Habeas decision, which clearly pointed to fabricated facts, which was used by the Habeas court judge to deny McClain's first Habeas petition in 2016, his freedoms and right to due process to have a fair judgement were clearly violated. Other claims we're unable to reveal at this time due to the upcoming court dates scheduled for three days, March 6, April 22, and July 16, 2024, creates the foundation of the subject question, *Is This What A Wrongful Conviction Looks Like?*

FACTS:

1. On July 19, 2010, two days after the deceased Barrios was killed and days before McClain was arrested and charged with the killing, Bridgeport Police received a visit from Barrios's girlfriend. She found a post on social media from someone she knew to be Barrios's close friend. She brought a copy of the post to the police and pointed them toward the friend. However, the police completely ignored the direct information. Other witnesses that gave statements after the shooting reported seeing someone not matching McClain's description running away from the scene after the shooting. Police knew the friend had been at the

scene of the crime at the time of the shooting, however they ignored this information and kept pursuing their case against McClain. 13 years later police have never made an attempt to look at anyone else, other than McClain due to their tunnel vision. *Does this look like a wrongful conviction?*

2. When McClain was arrested on July 21, 2010, he was told by homicide detectives and Bridgeport police, as the United States Miranda Laws states he must be, that he had a right to remain silent and anything he says can and will be used against him in a court of law, though he was never informed it would be okay for working the investigation into his jailing officers held the right to not report critical information that could possible help his defense.

When testifying at McClain's criminal trial in 2012, the lead detective refused to make his investigative notes and reports available to McClain's defense. While testifying the lead detective said he did not take notes while interviewing the State's key witness and the only witness who identified McClain as the triggerman, he stated he conducted the interview only using his memory and never wrote anything down. In 2016, it was proven at McClain's first Habeas hearing, the detective's testimony was far from the truth. He was never charged with perjury despite knowingly giving false testimony. McClain has still not received the detective's notes, which could possibly help in his appeals for relief. *Does this look like a wrongful conviction?*

3. The Sixth and Fourteenth Amendments guarantee a citizen of this country shall always enjoy the right to an impartial jury, which also applies to the impartiality actions by the assigned State's Attorney and leading detective. The documented law leaves McClain, a United States citizen, with a clear understanding of its ultimate purpose, to assure our system to be a blind woman of justice and equality. The United States court systems has a written impassable guideline that legally guarantees McClain his right to know about the accusations he was standing on the opposite side of and the right to confront of the State's most important witnesses against him, as well as due process and the denial of equal protection of the laws. *Does this look like a wrongful conviction?*
4. Convicted in 2012, McClain was sentenced to serve a sixty-five-year prison term at a Connecticut Correctional Institution, where he currently resides on this day of publication. How did this happen?

The State's Attorney is solemnly sworn and sincerely affirmed to not knowingly allow anything dishonest to be done in court or out actions being ignored. That he will not knowingly maintain or assist in maintaining any cause of actions that is false or unlawful. In addition, that he will not obstruct any case of actions for personal gain or malice. How is this being ignored? How does McClain sentenced to incarceration for the rest of his life

not matter to the judicial courts? Clearly documented video evidence shows the lead detective, on the day of the incident inside one of Bridgeport Police Department's interrogation rooms, interviewing the state's most important witness, walk into the room, place his investigative file down on the table and walk out, leaving the witness to review the file prior to giving his statement. When the detective returns to the room and begins his interview where the witness then fingers McClain as the triggerman. How is any of this acceptable?

There is no doubt the State's Attorney had personal knowledge before McClain's trial ever started, which points to its blatant disregard to protect the integrity of the case. The State received the original video footage from the Bridgeport Police, who then turned it over to McClain's defense. The State's Attorney did nothing at all about the detective's misconduct, instead in its own attempt to cover up the violation of the investigation policy by its lead investigator tampered with the evidence himself by altering the beginning portion of the video statement. The State removed the detective's actions of walking into the interrogation room carrying his investigative file, placing the file down on the table and walking out, knowingly, and deliberately violating McClain's Constitutional right to due process and a fair trial. *Does this look like a wrongful conviction?*

5. The Constitution was divided into seven parts, called articles. Article One, establishes the legislative branch of the government, section 9 c 12 reads, "The privilege of Writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion of public safety may require it." This article is the fundamental authority for modern federal Habeas Corpus practice, however, contrary to public opinion, the first seven articles guaranteed no rights to its citizens.

The rights, we speak of today, originate from the first ten amendments to the Constitution. These are the classic "Bill of Rights" adopted in 1791. For our purpose here, we are concerned with four the Fourth, Fifth, Sixth Amendments, also included is the later Fourteenth Amendment, not frequently cited. The focus of the Bill of Rights was to constrain the federal government, but it did not initially protect the people from the arbitrary acts of state governments. It was not until the Fourteenth Amendment was passed in 1868, that the Bill of Rights became obligatory on the states. The words "due process of law" phrased in the Fourteenth Amended added enforcement power to the Bill of Rights.

The Fourteenth Amendment reads:

Section 1. All persons born or naturalized in the United States are subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside. No state shall make or enforce any laws 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 laws.

On September 20-21 2016, McClain, a citizen of the United States raised in the state of Connecticut, for the first time inserted his right guaranteed by federal law, asking the Connecticut Habeas court to hear his claims in which he has been deprived life and liberty. During the first two days, McClain called credible witnesses to support his defense that he was not the person who fired the gun who ultimately struck Eldwin Barrios and took his life, however in the assigned judge's official ruling, depended on by McClain as what would finally set him free from his life sentence, what he found was another door closed in his face byway of judicial misconduct.

In violation of McClain's constitutional rights and the rules of Habeas Corpus decisions, documented in Connecticut General Statutes 52-470(a), where it states that "the court or judge hearing any Habeas Corpus proceeding shall proceed in a summary way to determine the facts and issues of the case, by hearing the testimony and arguments in the case, and shall inquire fully into the cause of imprisonment and thereupon dispose of the case as law and justice require. The assigned judge ignored testimonies and arguments by McClain's testifying witnesses, as well as criminal trial transcripts from 2012, along with it's binding ruling handed down denying McClain's request for Habeas relief, while using and depending on erroneous and fabricated facts, not to be found on either record connected to the McClain conviction in the state or federal courts, this violated McClain's due process right to receive fair and unbiased Habeas decision. *Does this look like a wrongful conviction?*

Who in these United States is going to step up and help me, the self-represented prisoner McClain is asking to the people in this country interested in justice. Denied standby counsel, McClain was left with only two options, either go to court with prior counsel, who refused to take the State's Attorney to task for their unlawful and illegal misconduct or stand alone in representation of his own claims.

McClain's quest to enjoy his legal rights, to have a fair trial and competent help has been more like stepping on judicial landmines. These legally placed mines placed by promising police officers to uphold their oaths to the Connecticut courts, just as they were for Meelik Jones, the most recent Connecticut prisoner to have his conviction overturned after spending 28 years in prison. Convicted in 1995 for the murder of Eddie Harp, in which he had always maintained his innocence. A judge in New Haven, CT sentenced Jones to 65 years in prison. Having been arrested for the murder at age 19, Jones was finally released when he was a 50-year-old man. Federal court Judge Janet Hall, gave Jones a fair, unbiased, and impartial assessment of his claims and ruled that Jones had been wrongfully convicted for over 28 years and released him. The Honorable Judge

Hall found that previous state court rulings on habeas petitions, alleging wrongful imprisonment, by Jones were so egregious that no fair-minded jurist would have decided the same way. After reviewing Judge Susan Cobb's denial of Jones' second Habeas petition at the state level, Hall wrote, "ultimately this was not maybe a mistake, but a clear error of constitutional dimension. On September 28, 2023, Jones finally walked out of prison.

Does McClain also have to serve 28 years in order to get his allegations of misconduct heard? Does he have to serve more years of his life until a fair judge, such as Judge Hall comes around again? Does McClain have to wait like other Connecticut prisoners Scott Lewis, Ralph Birch, and Shawn Henning who were eventually released from their convictions after it was discovered investigating officers worked with state prosecutors to tamper and fabricate evidence to receive their verdicts? Or does McClain have to wait like New Havener's Adam Carmon and Gaylord Salters, who got their convictions overturned or pardoned?

Aside from Maleek Jones, Adam Carmon, Gaylord Salters, who is now a community activist and organizer of "In Justice Among Us" protests, fourteen other New Haven men were exonerated from discredited convictions. After years of their lives spent in prison, making up half of all exonerations in the state of Connecticut. Alex Taubes, a well-known attorney, and one who has represented New Havener's in similar situations said, "There is a mountain tide of wrongful convictions."

McClain continues to ask, "*Is it true that innocence does not matter to some degree?*" Who is going to answer the bigger question, which is why are so many Connecticut prisoners receiving exonerations after spending the best year of their lives in prison wrongfully convicted? Why are blinders on when it comes to the obvious, that something is clearly wrong with the Connecticut Justice System? The ultimate questions here is does anyone care to get it right? Jones', Carmon's, Gaylord's, and numerous other cases, as well as what's happening this very minute to McClain is a great example of what is wrong with the system, and culture of who gets justice today. Pointing to City Corporation counsel Patricia King's written statement, where she wrote, "Every individual deserves equal and impartial justice under the law." McClain is an individual who is being denied equal and impartial justice, in violation of the law. *Where is his help?* Who is going to say yes to help him get to the root cause of his wrongful conviction and exoneration, which would be a betterment to the justice system in Connecticut...

The corruption in Bridgeport, CT's politics, police, and criminal courts is no secret to the state starting with Mayor Joe Gamin, since his tenure the city's politics and criminal court system for major cases in regard to drugs and murder, there has been one corrupt case after another. From his choice of Chiefs of Police Joseph Gaudet and A.J. Perez to police officers and detectives such as Harold Dimbo, known on the Bridgeport streets as H.D., Sgt. Armoto to the narcotic, gang, and homicide departments. All these people have one thing in common, from falsifying evidence,

tampering with video evidence, conducting coercive investigative interviews, coercing witnesses to lie, obstructing outside investigators who are looking to investigate their illegal actions and even instigating gang and drug wars. The police who are the investors and case makers for the State's Attorney who have been run by Johnathan Benedict, John Smirga, and Robert Satti Jr., the very prosecutor who handled wrongfully handled McClain's case.

These men ruled over the state's attorney office in Fairfield County Superior Court Part A. During the last 30 years, the corruption and racism these men have perpetrated against the Black and Latino communities has resulted in over 10, 000 years of conviction time. Many of which are wrongful conviction or forced convictions based on perjured testimony, lost evidence, and deceptive actions by other investigating the case officers. No matter how many FBI investigations, history has shown, done on the Bridgeport Police Department it never amounts to any wrongfully convicted men and women getting out of prison, when it comes to cases out of Bridgeport, CT. When you look at the City of Bridgeport itself it is the definition of corruption, greed, and all kinds of under handed acts. A city that is 37% Black and 40% Latino, yet ruled and screwed over by a discriminatory political, police and state's attorney office.

McClain's question is, when is someone going to look into these issues, do it unbiasedly and remember oppression, slavery, corruption, and violation of one's human rights, for they should not stop at City Hall.

Now how ironic is it that the State of Connecticut has finally stepped up to taking extreme ownership plate? Recognizing there is a major problem going on with deceptive or coercive interrogation tactics by law enforcement in the state, on October 1, 2023. Referencing Connecticut General Assembly, January Session, 2023, raised Bill no. 1071. This is something McClain has been arguing he was a victim of for 13 years. McClain is in desperate need of your help to bring attention, by way of prime time media, radio, print, social media sites to his wrongful conviction. He is seeking equal justice for all.

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