

## Lapointe's Raw Deal: 'A Perversion Of Justice'

April 24, 2011|By DONALD S. CONNERY, The Hartford Courant

The terrible reality of our criminal justice system is that innocence becomes irrelevant once a blameless crime suspect is wrongly convicted. What matters most — to state's attorneys, judges and even supreme court justices — is the need to protect the system from the embarrassing inconvenience of admitting that the law got it wrong. "Finality" is the great goal. The mindset says, "Let us put an end to these endless appeals."

Richard Lapointe, a brain-damaged, mentally disabled Manchester citizen, is one of our system's wrongly convicted.

He was arrested in 1989 for the 1987 rape and murder of his wife's 88-year-old grandmother, Bernice Martin. At trial, the state sought the death penalty despite the absence of good evidence or a motive. The jury convicted him but settled for life without the possibility of parole. A series of appeals have failed.

Lapointe's 22-year imprisonment ranks as Connecticut's most egregious miscarriage of justice. Ever.

In the world of the mentally challenged, Lapointe is the poster child for how an easily manipulated suspect can be forced into falsely confessing by interrogators who have the law's permission to lie, deceive and use almost any means short of outright physical brutality. "I killed her," Lapointe said in the course of his nine hours of psychological torture, "but I don't remember being there."

On April 15, Lapointe's hopes for freedom were dashed by Superior Court Judge John J. Nazarro. He denied the latest appeal for a new trial based on newly discovered evidence. The prisoner learned his fate from the TV news.

The next day, a visiting friend found the little man with a child's mind bewildered and disconsolate yet somehow capable of seeing to the heart of the matter. "Whoever killed Mrs. Martin," he said, "committed two murders, because I'm going to die in prison."

We know, as DNA exonerations multiply, that the number of the wrongly convicted people is well over 100,000 in a 2.3 million prison population. Such an error rate is the equivalent of one out of every 20 planes crashing on takeoff from Bradley.

What distinguishes Richard Lapointe's plight in this multitude of the unjustly incarcerated is that few innocent prisoners in American history have been so lavished with constant media attention and the unflagging support of outraged citizens fighting a justice system deep in denial. Just consider:

- The advocacy organization, The Friends of Richard Lapointe, sprung up in the wake of his 1992 conviction to challenge the injustice. It is still active and just as persistent as ever.
- The Hartford Courant in 1993 published a long, deeply researched magazine article on the Bernice Martin murder by its law-trained reporter, Tom Condon, who concluded Lapointe is innocent.
- A subsequent "60 Minutes" investigation moved quickly from the obviousness of Lapointe's innocence to a futile search for the person who really did the crime.
- A 1994 Connecticut Public Television documentary, "A Passion for Justice," told of the campaign to free Lapointe.
- A 1995 five-part investigative series in the Manchester Journal Inquirer detailed the law enforcement zeal to make Lapointe the stand-in for the unknown murderer who went free.
- In 2009, Northwestern Law School's Center on Wrongful Convictions published "True Stories of False Confessions," with the Lapointe case included despite his official guilt and uncorrected imprisonment.
- The Centurion Ministries of Princeton, NJ, which started fighting for imprisoned innocents even before the nationwide flowering of Innocence Projects, took up the Lapointe case years ago. Famed for turning lost causes into exonerations, the Centurions will take Judge Nazzaro's new-trial denial to Connecticut's Appellate Court.

For me, what screams loudest from the decision is the spectacle of a jurist, with a man's life in his hands, looking at the trees of technicalities and never seeing the forest of injustice.

Worst of all, Judge Nazzaro betrays a profound ignorance of the harmless and compliant nature of the 65-year-old whose home, work, wife, child and liberty were stolen from him by the state. He speaks of Lapointe's "purported mental deficiencies," as if they are not real, and suggests that he is a master of "manipulation and duplicity."

I would love to introduce Judge Nazzaro to Joseph H. Brooks, the Manchester police captain whose detectives so cleverly wheedled Lapointe's muddled and unrecorded "admissions" in 1989. Before that fateful day, Brooks knew Lapointe as an amiable, eager-to-please dishwasher in the local restaurants. He viewed him as "retarded," as did almost everyone else. From Day One, the now-retired chief was troubled by the dubious confession, obtained in his own police station, which wound up as the prosecutor's main weapon.

Brooks e-mailed me after the Nazzaro decision. "This latest outcome for Richard," he wrote, "is as much a perversion of justice as all the proceedings against this man."

Lapointe "was convicted on lies, violations of the law" and a failure to understand his mental limitations, the former chief wrote.

Brooks asked what he could do to help. This helps.