

TSR-CV-12-400433-S	:	SUPERIOR COURT
ERNEST GARLINGTON	:	TOLLAND J.D.
VS.	:	AT ROCKVILLE
WARDEN	:	JULY 24, 2015

PRO SE MOTION FOR COURT ORDERED INVESTIGATION

The Petitioner, Ernest Garlington, hereby moves this Honorable Court, pursuant to its inherent general oversight powers and authority and its powers of equity, for an order initiating an investigation into Judge Patrick Clifford, Susan Clifford and Prosecutor Russell Zentner.

As grounds therefor, petitioner states:

The pending matter is a *habeas* petition after a criminal trial in 2007 resulting in a guilty finding for conspiracy to commit assault in the first degree, 2 counts of inciting injury to person, aiding in the commission of an assault and conspiracy to commit murder. Petitioner was sentenced to 33 years in prison and 7 years of special parole. Beyond the claims of ineffective assistance of counsel, there are serious issues as to the fundamental fairness of the trial, the partiality of the trial judge, the sufficiency of the evidence, police misconduct, prosecutorial misconduct, judicial misconduct as well as conspiracy, obstruction of justice, fraud and coercion on the part of Judge Patrick Clifford, Susan Clifford and Prosecutor Russell Zentner.

As an aid to this Court, and to elaborate on the need for the requested order initiating an investigation into criminal actions committed by Judge Patrick

Clifford, Susan Clifford and Prosecutor Russell Zentner, petitioner sets forth the following chronological history of events in the within matter.

Introduction

The purpose of this chronological history of events is to provide clear evidence that Judge Patrick Clifford's failure to recuse himself from the Garlington case undoubtedly caused an appearance of Partiality. The judicial misconduct involved a potential \$8.7M real estate deal between Judge Clifford's closest of friends of 30 years, the Dolans (homeowners) and his wife, Susan Clifford (agent) and NBA superstar Ray Allen (buyer), the step-son of Derek Hopson, the alleged victim in the Garlington case.

Judge Clifford was caught on tape during jury selection stating that he desperately needs money! If his wife, Susan Clifford, had sold the house, before or after the Garlington trial to the alleged victim's step-son, Ray Allen, the Clifford Family would have made over a quarter of a million dollars in commission. Judge Clifford should have been petitioned to be disqualified from the case before the trial by defense attorney, Willie Dow, and Prosecutor Russell Zentner, based on a secret discussion between these three officers of the court about the \$8.7M real estate deal during jury selection.

In addition, Judge Holzberg failed to disqualify Judge Clifford after the trial when the incriminating discussion between Judge Clifford, Attorney Dow and Prosecutor Zentner was exposed on a hidden tape during the disqualification hearing brought forth by Denner and Pellegrino (Garlington's new defense attorneys) over which Judge Holzberg presided. Based on hearsay and false evidence, Garlington was charged with hiring Santos to murder Derek Hopson, Ray Allen's stepfather. The alleged victim, Derek Hopson, is also Garlington's wife's ex-husband whom she divorced and married Garlington. The Santos case is directly linked to the Garlington case and Holzberg was the Head Judge on the judicial panel that found Santos guilty.

Therefore, it was blatant Judicial Misconduct for Judge Holzberg to not recuse himself from the disqualification case against Judge Clifford's Appearance of Partiality! Instead, Judge Holzberg made a biased decision and did not disqualify Judge Clifford. The gross failures of these officers of the court, Judge Clifford (and his wife Susan Clifford), Judge Holzberg, defense attorney Willie Dow and prosecutor Russell Zentner led to the following criminal acts: Conspiracy, Obstruction of Justice and Fraud. In order to prevent these criminal acts from being exposed, these officials have coerced and bullied the Public Defenders Services to effectively revoke Garlington's Constitutional Rights to a fair and impartial habeas trial. Prosecutor Russell Zentner orchestrated the cover-up of the absolute Appearance of Partiality to prevent exposing his Prosecutorial Misconduct which involved corrupt cops, false testimony and false evidence in Garlington's wrongful conviction. With an ethical and law abiding judge, this case would have been thrown out of court preserving Garlington's innocence and severely damaging Prosecutor Zentner's career in a highly publicized case due to Ray Allen's NBA celebrity status.

Chronological Events

Timeframe	Event
August 2005	The alleged victim's step- son, Ray Allen, and his mother-in-law, Jackie Williams (agent), met with Judge Clifford's friends of 30 years, the Dolans, at their \$8.7M beachfront home to consider buying the property. Ray and his family loved the home. The negotiating parties could not agree on a price at the time, but the Allen family remained very much interested in purchasing Dolan's home.
October 2005	Based on hearsay and false evidence, Garlington was arraigned in for conspiracy to have Derek Hopson (Ray Allen's stepfather) murdered.
October 2006	The Dolan's hire Susan Clifford to sell their \$8.7 M waterfront mansion. The alleged victim's step-son, Ray Allen, is still in love with the home.
July 2007	Judge Patrick Clifford is assigned the highly publicized Garlington case. Friends of Judge Patrick Clifford describe him as a competitive basketball fanatic who has a friendship/acquaintance with Ray Allen, the alleged victim's step-son. By no means is this a close friendship like he has with Daniel and Diane Dolan. Judge Patrick

	Clifford should have recused himself from the Garlington case to avoid the overwhelming "Appearance of Partiality." Judge Clifford is friends with the sellers (the Dolans) and with the buyer (Ray Allen - alleged victim's step-son) and his wife (Susan Clifford) is the agent. He should have been running away from the Garlington case. His family can earn over a quarter of a million dollars if his wife sells the \$8.7M home to NBA star Ray Allen. The "Appearance of Partiality" is undeniable whether the alleged victim's son purchases the home or not.
August 2007	Judge Clifford puts a gigantic picture of the magnificent home on the wall in his chambers in the court house. This home represents his "money tree." The big payday that he desperately needs.
August 2007	Right before the start of the Garlington trial, the alleged victim's step-son, Ray Allen, contacted Judge Clifford's friends, the Dolans, to let them know that he still was very much interested in purchasing the \$8.7MM home. Jackie Williams, Ray's mother-in-law, expressed to the Dolans, that Ray, his wife and children were still in love with the home and wanted to negotiate on setting a price.
October 2007	Jury selection starts in the Garlington case. A potential juror, McWaid, triggers a private discussion between Judge Clifford, Attorney Dow, and Prosecutor Zentner. They were completely unaware that their discussion was caught on tape. Their cavalier conversation clearly demonstrated that Judge Clifford should have recused himself and if he would not remove himself, Attorney Dow and Prosecutor Zentner should have moved to disqualify Judge Clifford from the case. (See Exhibit 1 of the incriminating discussion which was not discovered until the trial was over.)

November 2007	Based on hearsay, corrupt police officers, false testimony and false evidence Garlington was wrongly convicted. Garlington immediately fired Attorney Dow after the trial for providing him with NO DEFENSE and conspiring with Clifford and Prosecutor Zentner to guarantee his conviction.
December 2007	Conspiracy and Obstruction of Justice. State Prosecutor Zentner becomes aware of the discussion caught on tape regarding the \$8.7M real estate deal. Prosecutor Zentner may have conspired with the defense, Attorney Willie Dow, and Judge Patrick Clifford to remove the incriminating conversation from the transcripts. This is clearly Obstruction of Justice and crimes committed by all three of these officers of the court, requiring a full investigation to determine the facts.
January 2008	After the trial, Garlington hired the law firm of Denner & Pellegrino (Boston, MA). Garlington told Attorney Jeff Denner that he heard a Court Marshall say that Judge

	<p>Clifford's wife was going to sell Ray Allen an \$8M home. Garlington also explained that Clifford mentioned something about the home, but when he asked his attorney, Willie Dow, about it, Attorney Dow said it was nothing and he did not know anything about it, so Garlington let it go. When Attorney Denner checked the transcripts, there wasn't anything about an \$8 million dollar real-estate deal so he decided to order the tapes of the trial. The incriminating discussion was revealed and the court was ordered to put the conversation about the \$8.7M real estate deal back into the transcripts.</p>
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February 2008	<p>Defense Attorney Jeff Denner petitioned the court to open an investigation regarding the incriminating discussion about the \$8.7M real estate deal.</p> <p>The attorneys at Denner and Pellegrino were astonished at the cavalier attitude of Judge Clifford, Attorney Dow and Prosecutor Zentner during the incriminating discussion. Attorney Jeff Denner, a nationally renowned Harvard Law graduate, stated, "In my 25 years of practice, I've never heard anything like this in open court. Judge Clifford is the poster child for Judicial Misconduct because Judge Clifford had been rebuked previously by the court for having outrageous conversations in open court."</p>
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March 17, 2008	(First) Motion to Disqualify Judge Clifford.
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March 2008	<p>Based on hearsay and false evidence, Garlington was convicted of hiring Santos to murder Derek Hopson, Ray Allen's step-father. The Santos case is directly linked to the Garlington case and Judge Holtzberg was the head judge on the judicial panel that found Santos guilty. Therefore, it was a blatant judicial misconduct for Judge Holtzberg to not recuse himself from the disqualification case against Judge Clifford's Appearance of Impartiality. Instead, Judge Holzberg, not having recused himself from Judge Clifford's disqualification case, naturally rules in favor the prosecution's defense and ignores Judge Clifford's blatant appearance of partiality.</p>
March 2008	
April 2008	<p>Supplemental – Motions to Disqualify and Hearing</p> <p>Judge Holzberg hears the motion to disqualify Judge Patrick Clifford for the Appearance of Partiality. Judge Holzberg, not having recused himself from Judge Clifford's disqualification case, naturally rules in favor of the prosecution's defense and ignores</p>

	Judge Clifford's blatant appearance of partiality. Judge Clifford remains the presiding judge and prepares to sentence Garlington.
May 2008	Sentencing - Judge Clifford is now enraged at Garlington for exposing his financial troubles and his wife's potential \$8.7M real estate scandal. In a vicious act of vengeance Judge Clifford sentences Garlington to 33 years in prison, in a case where the alleged victim, Derek Hopson, was not injured. A sentence preserved for heinous killings and where Santos, the alleged shooter, was sentenced to 18 years. The 33 year sentence was in retaliation and a clear representation of "Cruel and Unusual Punishment."
March 2009	Appeal, November 2009, Appeal Argued.
May, 2010	The Garlington Family makes a formal complaint to the Judicial Review Committee regarding the incriminating discussion caught on tape about the \$8.7M real estate scandal. The complaint was ignored.
June 2010	Garlington, from his prison cell, discovered the fraudulent signatures forged by Judge Clifford's wife, Susan Clifford. They were found in documents presented as evidence from the investigation of the real estate scandal.
July 2010	The Appellate Court upholds the conviction and ignores Judge Clifford's "Appearance of Partiality", false testimony and false evidence.
July 2010	Garlington submitted his findings to the Judicial Review Committee and asked the Committee to have a handwriting analysis done.
August 2010	Judge Clifford succeeded by Judge Devlin Jr. as Chief Judge Criminal Matters.
November 2010	Garlington decides to get an independent hand writing analysis.
December 2010	The Judicial Review Committee ignores the complaint of fraudulent signatures. The committee stated that it was too late to make a complaint against Judge Clifford.
December 2010	Fraud – Garlington receives results from the independent Signature Examination report. The results confirm with absolute certainty that Judge Clifford's wife, Susan Clifford, forged the signatures of Daniel and Diane Dolan to cover-up the quarter of a million dollars she would have received in commission if she had sold the \$8.7M mansion to the alleged victim's son, Ray Allen, before or after the trial.
Summary of the following Events	Summary:

September 2011 to present	<p>The CT Public Defender's Office assigned three different attorneys (McIntyre, Koch, Derosa) to the Garlington Habeas case over the past three years and six months, an outrageous amount of time considering none of these attorneys have been willing to expose the corruption in this case to defend Garlington's innocence, due to conspiracy, coercion, threats and manipulation by Prosecutor Russell Zentner and Judge Patrick Clifford. These "bullies" of the court pressured the Public Defender's Office, who then appointed these three reluctant lawyers; Attorney McIntyre, Attorney Koch and Attorney Derosa who refused to lay bare Willie Dow's negligent ineffective counsel, Prosecutor Russell Zentner's Prosecutorial Misconduct and Judge Clifford's Judicial Misconduct. Garlington has not been able to start his habeas case because these Public Defender attorneys have pulled out of the case and have stalled forcing Garlington to sit behind bars. The CT Public Defender's Office has effectively revoked Garlington's Constitutional Right to a Habeas Trial to defend his innocence for over three and a half years.</p>
September 2011	<p>Habeas filed. Innocence Project (I.P.) refers Attorney Theodore Koch</p>
January 2012	<p>Attorney McIntyre met with Garlington to discuss the Habeas case. Garlington reviewed the case with him and told him about the overwhelming amount of corruption, including Willie Dow's allegiance to the prosecution and the judicial bias. Attorney McIntyre said to Garlington that he is an ex-cop and prisoners always tell him that there is corruption in their cases, but his job is simply to provide them with fair representation. Garlington remained adamant and implored Attorney McIntyre to at least investigate his claims into corruption. Attorney McIntyre finally agreed to check it out.</p>
June 2012	<p>After his own personal inquiry, Attorney McIntyre returned to meet with Garlington. He said, "I'm a straightforward guy. I was hesitant to investigate what you said but you convinced me to take a look into the corruption involved in your case. Well you were right, as you already know, your case is corrupt to the core. You need an out-of state law firm. You are not going to find any lawyers in CT who are going to put their careers on the line going up against Attorney Willie Dow and Head Criminal Justice, Judge Clifford. You seem like a good guy. I hope things turn out for you but I'm not going to continue on your case. " Garlington never saw Attorney McIntyre again.</p>
August 2012	<p>The Public Defender's Office assigned their second attorney to the Garlington Habeas Case. Attorney Theodore Koch met with Garlington and they reviewed the case. Garlington explained to Attorney Koch the issues of corruption that lead to his wrongful conviction and that he desperately needed a lawyer to fight for his innocence who is not afraid of Prosecutor Zentner, Attorney Dow and Judge Clifford. Attorney Koch told Garlington that he was up for the challenge and was willing to give him a strong defense. Attorney Koch and Garlington met several times over the next year and went over the case in great detail. Attorney Koch determined that the Garlington case was filled with</p>

	so much prosecutorial misconduct, false testimonies and false evidence that he is sure that the innocence project will pick up the case.
December 2012	Garlington is stunned. Attorney Koch says that he has to withdraw himself from the Garlington case because he has a conflict of interest with Judge Patrick Clifford. Attorney Koch stated that he picked up a case and Judge Clifford will be the presiding judge. He believed that Judge Clifford would not be fair to him if he went against him in the habeas court. Attorney Koch petitioned the court to formally withdraw from the Garlington case.
January, 2013	Judge Solomon presided over the withdrawal hearing. Attorney Koch stated to Judge Solomon that he felt that there was a conflict of interest if he continued to represent Garlington on the Habeas case in which Judge Clifford was the presiding Judge during Garlington's trial and sentencing. Judge Solomon appeared to be disgusted that Attorney Theodore Koch was withdrawing from the case. He rejected the motion and told Garlington that it was his choice as to whether he would allow Attorney Koch to withdraw from the case. Garlington allowed Attorney Koch to withdraw because he felt that if a Public Defender's Council does not want to represent you then you are better off letting him go to avoid losing your case due to the attorney's unwillingness to genuinely fight for your innocence.
March 2013	Coercion – The Public Defender's Office assigned the third attorney to the Garlington Habeas case, Attorney David Derosa. When Attorney Derosa met with Attorney Koch to pick up the files, Attorney Koch told Attorney Derosa that Judge Clifford's wife, Susan Clifford, kept pressuring him to withdraw from the Garlington case. Then Judge Clifford spoke with his father, Attorney Theodore Koch Sr., and forced him to make his son get off the case. Attorney Koch told Attorney Derosa that he did not want to remove himself from the case but he had no choice. Attorney Theodore Koch was illegally coerced and forced to withdraw from the Garlington Habeas case by Judge Patrick Clifford and his wife, Susan Clifford.
April 2013	Garlington told Attorney Derosa that he wanted to expose this coercion to the State's Attorney Office. Attorney Derosa said he was not comfortable going up against Judge Clifford because he did not feel the state would hold him or his wife accountable. In fact, he said it would probably backfire and we would not have a chance of winning our Habeas case. Attorney David Derosa believed that we had a chance of proving ineffective assistance of council but that the court would be biased toward Attorney Willie Dow. He said that there was so much prosecutorial misconduct that Attorney Willie Dow never challenged that it was obvious that Attorney Willie Dow helped Prosecutor Zentner wrongly convict Garlington.
September 2013	Attorney Derosa continuance.
November	Attorney Derosa misses habeas status – medical emergency

2013 December 2013	Garlington is stunned. Attorney Koch says that he has to withdraw himself from the Garlington case because he has a conflict of interest with Judge Patrick Clifford. Attorney Koch stated that he picked up a case and Judge Clifford will be the presiding judge. He believed that Judge Clifford would not be fair to him if he went against him in the habeas court. Attorney Koch petitioned the court to formally withdraw from the Garlington case
June 2014	The Public Defender's appointed attorney, David Derosa, petitioned the Habeas Court to get an extension and was granted the extension by the court. Then he failed to have the motion prepared for the Garlington case even after he was given the extension. Garlington begins to believe that Attorney Derosa wants out of the case just like Attorney McIntyre and Attorney Koch. Attorney Derosa has not fully read the transcripts and continues to stall.
July 2014	First Habeas scheduled
September 2014	The Habeas Court sets a very long court date for Garlington, January of 2016. Attorney Derosa has an enormous amount of time to prepare his petition for Garlington. It's not due until May 2015.
May 2015	The Public defender's appointed attorney fails again to meet the deadline. Garlington is now convinced the Public Defender's office is a farce. All three attorneys assigned to this case are afraid to expose the corruption in his case committed by Defense Attorney Willie Dow, Prosecutor Russell Zentner, and Judge Patrick Clifford, therefore revoking Garlington's constitutional right to a Habeas Trial to prove his innocence for over three and a half years.

	<p>Garlington is also petitioning the Court to allow him to choose a special public defender from a private law firm at the law firm's standard rate. As an option, Garlington is also asking that out-of-state- attorneys also be considered. The State Public Defender's Service has proved that they are incapable of providing Garlington with attorneys who are willing to challenge the state corruption that he is facing.</p> <p>The court should consider that if they grant Garlington the right to have appropriate legal representation it will still likely be five to six years before he finally reaches court after being assigned his first attorneys from the Public Defender's Service. Please consider the age of the case and how many years he has been waiting to be granted his Constitutional Rights to start the Habeas process which will take many years to finish. If the Habeas is not preserved properly, the issues in the case cannot be challenged in Federal Court.</p>

Wherefore, the petitioner respectfully request that this Honorable Court issue an order initiating an investigation of the misconduct and unlawful actions of Judge Patrick Clifford, Susan Clifford and Prosecutor Russell Zentner.

Respectfully submitted,

ERNEST GARLINGTON

The Petitioner, acting pro se

Ernest Garlington

MacDougal Correctional Facility

1153 East Street

South Suffield, CT 06080

ORDER

The foregoing *PRO SE* MOTION FOR COURT ORDERED INVESTIGATION having been heard, is hereby ORDERED:

GRANTED / DENIED

By Oder of the Court,

Judge / Clerk

CERTIFICATION

I hereby certify that I mailed a true copy of the foregoing on
_____, 2015 to the following:

States Attorney

300 Corporate Place

Rocky Hill, CT 06067

Attorney David Derosa

42 Terrace Avenue

P.O. Box 992

Naugatuck, CT 06770

Dr. Ernest Garlington