

Scott Lewis Testimony
CT State Habeas Taskforce Hearing
Wednesday, November 20, 2019
Legislative Office Building, Room 2B
2:00 p.m.

My name is Scott Lewis and I spent 25 years in prison for a double homicide I didn't commit. What happened devastated me and my family. It was also devastating to public safety because the actual perpetrator was never held accountable.

My wrongful conviction could have been prevented if there had been open-file discovery at my trial. Had I been able to access discovery in the state habeas process, I probably could have gotten out of prison much sooner.

Problems with State Withholding Evidence at Trial

In 1990 I was only 25 years old, living in New Haven and studying for my real estate license. Then one day I was arrested for a double murder along with Stefon Morant. It was shocking, but I told myself that everything would be okay, the system would work the way it should and the truth would come out.

The case was based on statements from a man named Ovil Ruiz, who claimed that he waited in the car while Morant and I committed the crime. The state withheld critical evidence that would have allowed my defense attorney to reveal that Ruiz was lying, and that another person had confessed to the crime.

The state failed to evidence that Ruiz had been coerced into implicating Morant and me during an interrogation. Originally Ruiz was brought into the police station about another murder case.

Detective Michael Sweeney questioned him about my case, and Ruiz insisted multiple times that he knew nothing about the crime. Then another detective Vincent Raucci joined the interrogation. Raucci fed Ruiz facts about the case, which Ruiz parroted back.

Sweeney told Raucci to knock it off, but he continued. Sweeney had to go to another meeting and left Ruiz alone with Raucci.

By the time he came back Raucci had a statement from Ruiz implicating Morant and me. Sweeney asked Ruiz why he changed his story, and he said that Detective Raucci promised to let him go if he said what he was told. Detective Sweeney told his supervisor about what happened, but nothing was done. My defense attorney was never told about Detective Sweeney's complaint, so he couldn't cross examine Ruiz and Raucci about the lying and coercion.

The second critical piece of hidden evidence involved an alternate suspect. A police informant had told law enforcement that a man named Michael Caldwell had admitted to the crime. While the state did turn over the informant's statement, it did not disclose that the informant had died. The state then asked the court to exclude the informant's statement as hearsay because my attorney couldn't get him to testify, even though the prosecution knew it was impossible for him to be a witness.

The court sided with the prosecutor and the jury never heard the informant's statements about Michael Caldwell's confession. If the prosecutor had disclosed that the informant had died, his statements would have been admitted into evidence.

Open-file discovery would have ensured that all this information was given to my defense attorney. There wouldn't have been any question about what the state should have disclosed—it all would have been in the file, and I could have presented a strong defense. Instead, the judge and jury never heard critical information that pointed to my innocence. I was convicted and sentenced to 120 years in prison.

Problems with Lack of Discovery in State Habeas

Being sent to prison for a crime you didn't commit is devastating, but I vowed to keep fighting until the truth came out. I never thought the fight would take so long. For 13 years I was stuck in the state habeas process. I filed the two state habeas petitions pro-se, and had no access to discovery.

The two state habeas petitions I filed were denied, and it wasn't until I got to federal court that I finally got justice. Even without discovery, there were significant developments after my conviction. In 1999 an FBI investigation found that Raucci was involved in criminal activity and he resigned from the department. Detective Sweeney read about this in the newspaper, and contacted my attorney to tell him what really happened during Ruiz' interrogation.

In addition, Ruiz admitted to FBI investigators that Raucci had coerced him into testifying against Morant and me. In 2001, I filed a state habeas petition based on *Brady* violations for the state failing to disclose Detective Sweeney's statements about Ruiz lying and being coerced.

The Connecticut Superior Court denied my petition, and my subsequent appeals were rejected. In 2008 I filed a second state habeas petition that was also denied.

Access to Evidence in Federal Habeas

Finally, I was granted a federal habeas hearing in 2013. Unlike state court, the federal court granted my team broad discovery. We received access to 20 boxes of evidence from the state that we never had before. With that evidence, we were finally able to put the pieces together and overturn my wrongful conviction.

In December of 2013, U.S. District Court Judge Charles Haight ruled that the state violated *Brady* by failing to disclose Detective Sweeney's statements about the Ruiz interrogation and other exculpatory evidence. A new trial was ordered, and the charges were dismissed on August 5, 2015. Finally, after a quarter century, I was exonerated.

Soon after, the state offered Stefon Morant a deal for time served. Rather than waiting for more uncertain legal proceedings, he took the deal and was finally able to go home to his family. But he hasn't been formally exonerated and he still has to live with the collateral consequences of a crime he didn't commit.

Since my exoneration I got my real estate license, got married and had a daughter. I want to make sure that what happened to me doesn't happen to any other innocent person in Connecticut.

Open-file discovery at trial will help ensure the system works the way it is supposed to, and innocent people are not convicted. Better discovery in state habeas would make sure the process works to overturn wrongful convictions. I hope that my story will be a catalyst for our state to adopt open-file reforms.