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CONVICTION INTEGRITY UNIT

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Case: State v. Gould, CR93-0383652

CIU #: 2022-0316

Re: Preliminary Staff Synopsis and Findings

Supervisory Assistant State's Attorney Joseph C. Valdes

Supervisory Inspector Adrian "Pete" Acosta

PART ONE: STAFF SYNOPSIS AND FINDINGS

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I. Protocol.

Conviction Integrity Unit (“CIU”) staff has preliminarily reviewed the case of State v. Gould, CR93-0383652, CIU #2022-0316, as a candidate for submission to the Conviction Review Panel (Panel). The most relevant sections of the Conviction Integrity Review Protocol (Protocol) are cited below:

CONVICTION INTEGRITY REVIEW PROTOCOL

The adoption of this protocol does not foreclose or preclude any other action a state’s attorney may take concerning a conviction in which information is developed that has led that state’s attorney to lose confidence in that conviction.

Initial Screen

The Conviction Integrity Unit (CIU) shall (1) Receive requests for review; (2) Confirm that the basic qualifications are met (See “Basic Qualifications” below); (3) If basic qualifications are met, make a recommendation to the CSA, based on priority and resources, to open an investigation; (4) Make this decision as expeditiously as possible given the complexity of the request and available resources. If those criteria prevent opening a case at this time, the CIU will indicate that to the claimant/requestor. If the criteria are not met, the CIU will respond to initial claimant/requestor. Additional information may also be requested from the claimant / requestor.

Basic Qualifications:

1. Claimant/Requestor can be a convicted person, attorney for a convicted person, representative of a convicted person, the Chief State’s Attorney, a State’s Attorney, the Civil Litigation Bureau, the Appellate Bureau, the Superior, Appellate or Supreme Court.
2. The convicted person must have been convicted in state court in Connecticut by trial or by guilty plea.
3. The convicted person need not be currently incarcerated or serving a sentence imposed in connection with the conviction. However, the CIU will prioritize the claims of convicted persons who are currently incarcerated or serving a sentence imposed in connection with the conviction.
4. The claim must identify plausible and verifiable evidence that, if true, would reasonably support a claim of (1) actual innocence or (2) cause a reasonable person to lose confidence in the conviction due to issues of official misconduct, discredited forensic or eye witness evidence, the misapplication of forensic science, or due process violations...

Protocol at 1-2.

II. Most significant procedural history, events facts and findings

A synopsis¹ of the most significant procedural history, events, facts, and findings follows:

(1) Doreen Stiles testified in a video-taped deposition from the hospital in 1995. She testified for over three and a half hours while suffering from an uncontrolled, life-threatening infection of her heart. Stile's testimony was before key court personnel, including the judge and defense attorneys.² Stiles' 1995 video testimony offered detailed, often unsolicited³, and consistent to the trial evidence, particularly the fact that the police did not know what information she might have had.

(2) Sometime after the conviction of Gould at the 1995 trial, Gerald O'Donnell, who was working for Gould's attorney met with Doreen Stiles who in December of 2006 gave O'Donnell a statement that her 1995 trial testimony was false.

(3) At the first habeas trial in 2009, Stiles testified that she had fabricated the entirety of her criminal trial testimony, and that she had provided her statement to police after being detained and suffering from withdrawal symptoms during several hours of questioning. Stiles' 2009 habeas testimony was simpler and shorter in terms of language structure and often in response to leading-style questions, with no real explanation for why and how she was able to fabricate so much detailed, credible, and consistent testimony while in critical condition in 1995.

(4) In 2011, Stiles told Tony Reyes, a detective sergeant with the New Haven Police Department, that her criminal trial testimony was accurate. Stiles said that Gerald O'Donnell elicited her recantation through a combination of threats of prosecution and gifts, as well as an implied promise that she would receive a portion of any monetary damages awarded.

(5) In 2012, at the second habeas trial, Stiles exercised her Fifth Amendment privilege against self-incrimination and refused to testify.

(6) May 7, 2012 Gerald O'Donnell was arrested for bribery of a witness (May 12, 2007) and tampering with a witness (July 13, 2011). In 2013, a jury convicted O'Donnell of tampering with Stiles' 2009 habeas testimony.

(7) December 2017 to May 2018 Federal Bureau of Investigations Involvement- interviews of Doreen Stiles, Mxxx the mother of Txxx , Txxx, George Gould, Rafael Rivera, Carmen Diaz Ortiz and Polygraph examinations of Gerald O'Donnell and Doreen Stiles, 2017-18.

(8) October to November 2022 CIU staff members spoke to former police officer Keith Wortz. Stiles held him in high regard during both her 1995 video testimony⁴ and 2009 habeas testimony. Wortz recalled that Stiles spoke to him about the shooting. He believed that she had more information and

¹ Appropriate citations to this information (if not cited) are contained therein this report.

² See Section III, p. 15, 2d and 3d paragraphs.

³ Much of her testimony about her state of mind was not in response to the prosecutor's questions. See Transcript, 01/19/1995 at 5-141.

⁴ Stiles testified in 1995 that she considered telling Wortz about what she saw but did not and still did not want to testify about what she saw. Tr. 01/19/1995 at 34-36.

informed his superiors. Thereafter, the police officers who spoke to Stiles did not know what information she might have had. Finally, Inspector Naccarato spoke to Daniel Gleason. His recollection contradicts Stiles' 2009 habeas testimony.

a. The Defendant's Claims.

In a formal letter submission ("letter") dated March 16, 2022, Attorney Richard Emanuel requested that the CIU "review the felony murder and robbery convictions of George M. Gould." Attorney Emanuel was joined in his request by Attorneys Joette Katz and Damon Kirschbaum. The letter included 31 paragraphs summarizing the "tortuous, twenty-nine year" procedural history of the case, State v. Gould, CR93-0383652. The claim was filed as CIU #2022-0316-Gould, George.

At the time, the CIU was still not fully staffed. Furthermore, George Gould was already released⁵ from custody on May 5, 2021. The matter of #2022-0728-Valentine, Daryl was identified as a possible Panel submission and given higher priority in terms of conducting CIU review and expending resources. Mr. Valentine, moreover, was still in Department of Corrections ("DOC") custody.⁶

1. Claim of actual innocence.

In September of 2009, an article about the Gould/Taylor case was published in the Fairfield County Weekly. A comment was posted to that article by a woman named Txxx, who identified herself as a daughter of Carlos DeLeon (Eugenio Vega's son). In her comment, she stated that she felt "so ashamed of my father being a murderer, killing his own father."

In 2018, F.B.I. agents interviewed two of Carlos DeLeon's former relatives: a woman who had a son with Carlos DeLeon, and that woman's daughter, Txxx—the same Txxx who, in 2009, had posted a comment that Carlos DeLeon had killed his own father. The two women told the F.B.I. that Carlos DeLeon had confessed to them that he had murdered his father, soon after Eugenio discovered that Carlos had embezzled significant funds from his bank account. Txxx also told the F.B.I. that DeLeon had raped her in 2004 when she was thirteen years old. Txxx stated that for a period of about one year, starting when she was in eighth grade, she was sexually assaulted by Carlos DeLeon, who was very manipulative. DeLeon was the son of murder victim Eugenio Vega. The agent who handled the F.B.I. investigation is Special Agent Ron Offutt.

2. Claim – Discredited Eye Witness Evidence.

This was the principle claim contained in formal letter submission ("letter") dated March 16, 2022, by Attorney Richard Emanuel who was joined in his request by Attorneys Joette Katz and Damon Kirschbaum.

On June 29, 2022, Attorneys Richard Emanuel, Joette Katz, and Damon Kirschbaum met with the CIU at the Kevin T. Kane Training Center in the Office of the Chief State's Attorney. The purpose of the meeting was for the Attorneys to personally present and discuss the Gould case. Without making any specific promises, the CIU agreed to conduct some initial investigation into Mr. Gould's claims.⁷

⁵ "A motion for sentence modification was filed in March 2021, and the matter was heard by Judge Gerald L. Harmon on May 4, 2021. At the conclusion of the hearing, Judge Harmon modified the defendant's sentences from a total effective sentence of eighty (80) years to a total effective sentence of twenty-six (26) years. George Gould had already served more than twenty-six years in custody...."

⁶ On or about May 12, 2022, the Connecticut Board of Pardons and Paroles ("BOPP") commuted his 100-year sentence by 57 years. Subsequently, he was released to a halfway house.

⁷ Gould's Attorneys claimed both actual innocence and discredited eye witness evidence at the time.

3. Defence Attorneys' memorandum of September 7, 2022,

On September 7, 2022, Attorney Joette Katz submitted a memorandum in “support of a request by George M. Gould” that the CIU “recommend” to the Panel that “Mr. Gould be granted relief from the felony murder and robbery convictions for which he was sentenced on April 7, 1995. *Id.* at 1. Specifically, the memorandum argues that “Doreen Stiles, whose 1995 video trial testimony was solely responsible for the felony murder and robbery convictions of Gould and Taylor⁸, has been fully discredited....” *Id.* at 18.

According to the memorandum from his Attorneys, Mr. Gould’s procedural history related to the testimony of Doreen Stiles points to plausible and verifiable evidence that would cause a reasonable person to lose confidence in the conviction due to discredited eye witness evidence. *Id.* at 1-18. Specifically, the memorandum submits:

George Gould and Ronald Taylor were tried jointly before a jury in 1995, and at that trial “[t]he state’s principal witness was Doreen Stiles.” *State v. Gould*, 241 Conn. 1, 5 (1997) (hereafter *Gould I*). Doreen Stiles was so essential to the state’s case, that in closing argument to the jury, prosecutor James G. Clark uttered what became a well-known and oft-quoted phrase: “this case *rises and falls* on the testimony of Doreen Stiles.” (Emphasis added.) *State v. Gould & Taylor*, Transcript of Jan. 30, 1995, at p. 25. The prosecutor’s remark was later quoted in decisions by the Connecticut Supreme Court, the Connecticut Appellate Court, and a habeas judge. See *Gould I*, *supra*, 12 n. 7; *Gould v. Commissioner of Correction*, 2010 Conn. Super. Lexis 683 at *1 (2010) (hereafter *Gould II*); *Gould v. Commissioner of Correction*, 301 Conn. 544, 551 (2011) (hereafter *Gould III*); *Gould v. Commissioner of Correction*, 159 Conn. App. 860, 864 (hereafter *Gould V*), cert. denied, 319 Conn. 957 (2015). In fact, when Superior Court Judge Stanley T. Fuger, Jr., granted habeas relief to Gould and Taylor in 2010, Judge Fuger described the prosecutor’s phrase in these terms: “No truer words have ever been spoken about both the underlying case and the habeas corpus proceeding now at bar.” *Gould II*, at *1 n.1.

The *reason* why the Gould/Taylor prosecution “rises and falls” on the testimony of a single witness, is easily explained—there was simply no other evidence on which the convictions could be based. No other eyewitness identified Gould or Taylor as being at the scene. There was no DNA evidence, no fingerprint evidence, no ballistics evidence, no trace evidence, or any other physical evidence connecting either man to the crime. Nor was there any evidence that Gould or Taylor were ever in possession of *any item* that was taken from the bodega where the homicide occurred.

To paraphrase Judge Fuger’s observation, see *Gould II*, at *41, the Gould/Taylor prosecution “rose” on the basis of Doreen Stiles’ false statements and testimony in 1993 and 1995. The convictions of Gould and Taylor should now be deemed to have “fallen apart” based on the events that have transpired in the twenty-seven years since the criminal trial.

Id. at 2-3.

⁸ Ronald Taylor was the codefendant.

The memorandum's argument, in sections C to J, includes:

C. Stiles' 2006 Recantation

Following their unsuccessful direct appeals, Gould and Taylor each filed petitions for a writ of habeas corpus. The Division of Public Defender Services assigned a habeas attorney to each man (Joseph Visone to represent Gould, and Peter Tsimbidaros to represent Taylor). The Division of Public Defender Services also approved the hiring of Gerald O'Donnell to work as an investigator for the two habeas attorneys. O'Donnell had formerly worked as an inspector in the New Haven State's Attorney's Office—where he had participated in the investigation and preparation of the Gould/Taylor case—but he then left state service and was a private investigator when hired to work on the Gould and Taylor habeas cases.

The habeas attorneys instructed O'Donnell to try to re-interview Doreen Stiles. But first, he had to find her. On December 6, 2006 (more than 13 years after the homicide), O'Donnell found Stiles living at a nursing home in Manchester where she was undergoing rehabilitation for her legs. Stiles and her young daughter shared a room at the nursing home with two other women, and Stiles had been there for almost a year when O'Donnell came to see her. At that time, Stiles was using her maiden name, Drenyoczky.

Within a few minutes of their first meeting on December 6, 2006, O'Donnell asked Stiles if she had actually been at the scene of the murder on July 4, 1993, and she said no, that she had not been at the scene. O'Donnell then tape-recorded a statement from Stiles, which was later transcribed, and which Stiles signed on December 9, 2006.

Within a few days of obtaining Stiles' statement, O'Donnell went to the State's Attorney's Office in New Haven, where he met with then State's Attorney Michael Dearington and James G. Clark, the trial prosecutor in the Gould/Taylor case. O'Donnell informed them of Stiles' recantation.

D. Stiles' Testimony at the First Habeas Trial

The Gould and Taylor habeas corpus petitions were heard at a joint habeas trial, held before Judge Stanley T. Fuger, Jr., in 2009 and 2010. There were sixteen days of trial testimony, and Doreen Stiles was again the principal witness.

She testified that her testimony at the 1995 criminal trial, about seeing Gould and Taylor at La Casa Green, was not the truth. Tr. of 8/3/09, pp. 47-49. When counsel asked her, "You made it all up," she replied, "Yes, I did." *Id.*, 49. She asserted that she was *not* a witness to a murder, and she did *not* hear voices yelling in the store. *Id.*, 53. Indeed, she was *not* at La Casa Green on the morning of July 4, 1993, and she did *not* see Gould or Taylor enter or exit the store, nor did she hear a demand to open the safe, or hear a gunshot. *Id.*, 108-09; Tr. of 8/4/09, pp. 5-6, 44. She succinctly summarized her own testimony: "I wasn't there. I lied." Tr. of 8/3/09, p. 145.

In her habeas testimony, Stiles reiterated that in July 1993 she was a heroin addict using 10 bags a day, and she engaged in prostitution to finance her addiction. *Id.*, 54, 87, 105, 110, 120, 178. She had been addicted to heroin for about ten years. *Id.*, 95.

Her habeas testimony established that there was a direct connection between her heroin addiction and the false statements she gave to the police on July 29, 1993, the night of her prostitution arrest. Stiles explained that she was "dope sick" that night at the police station, experiencing withdrawal symptoms such as cramps and shivering.

Id., 58, 60, 109-110, 132-33. She initially told the police that she knew nothing about Vega's murder on July 4, 1993, yet the police kept insisting that they knew she had been there, and they threatened to lock her up. *Id.*, 53-59, 109, 134, 138.

When Stiles told the police that she wanted to leave the police station, her main interrogator, Det. Brian Sullivan, told her that she could not leave until she told them what she had seen and heard, and that once she did that, they would "take me to buy something to get high with." *Id.*, 60, 110. Near the end of her six-hour interrogation session, and just before midnight on July 29, Stiles signed a photograph of Gould as the man she had seen walking toward the bodega. *Id.*, 63-66, 134, 138.

Stiles testified that she left the police station that night in the company of Det. Sullivan and officer Daniel Gleason. They drove her to Wolcott Street in Fair Haven, where Sullivan gave her \$60 so she could buy heroin. *Id.*, 65-68. She purchased three \$20 bags of heroin, and then walked back to the officers' vehicle that they had parked a block away. *Id.*, 68-71. The officers then took her home. *Id.*, 71.

Two days later the police came to talk to her again, and they interviewed her in a police car. *Id.*, 72-73. She repeated her lies about Gould and Taylor. *Id.*, 73.

At the habeas trial, Stiles also testified that she had also lied at the 1993 probable cause hearing when she said that she had seen Gould and Taylor at La Casa Green. *Id.*, 77. The night before the probable cause hearing, Det. Sullivan and officer Gleason took Stiles and her boyfriend out to dinner, and then took them to the Park Plaza hotel, where Stiles and her boyfriend stayed for one night. *Id.*, 79-83. The police paid for the dinner and the hotel. *Id.*, 80, 82.

That night, Det. Sullivan again took Stiles to Wolcott Street. *Id.*, 84-85. He gave her \$100 and dropped her off at her drug supplier, and after Stiles purchased five \$20 bags of heroin, she walked back to Sullivan's car, and he brought her back to the hotel. *Id.*, 85-89. Stiles and her boyfriend took turns going into the bathroom to inject the heroin. *Id.*, 90-91. Stiles and her boyfriend slept in the hotel room bed that night, while Det. Sullivan stayed in the same hotel room, in a chair, while Gleason stayed outside the door. *Id.*, 91-93. Stiles wanted to go home but the police told her she had to stay at the hotel for that night. *Id.*, 92-93, 113.

Stiles also testified that Gerald O'Donnell visited her in 2006 at a convalescent home, and within five minutes of their meeting she told him that she had lied about being present at the crime scene. *Id.*, 100-102, 118. About a week later Stiles told her mother that she had lied in 1995. *Id.*, 102-03. When asked why she admitted to O'Donnell that she had testified falsely at the criminal trial, Stiles explained: "Because it bothered me for so many years that I did that, that I lied, and I ruined two people's lives." *Id.*, 117. "I wanted to right a wrong." *Id.*, 118.

E. Judge Fuger's Decision

During the 2009 habeas trial, Stiles' 1995 videotaped testimony was admitted as an exhibit and was played for Judge Fuger. Tr. of 8/4/09, pp. 59-60; Tr. of 8/5/09, pp. 108-09. As a result, Judge Fuger was afforded the "singularly unique opportunity . . . to see and hear *both* the testimony of Doreen Stiles in the habeas trial *as well as her [videotaped] trial testimony exactly as it was presented to the original jury.*" (Emphasis in original.) *Gould II*, at *37-39. After seeing and hearing all of her testimony, he found that Stiles' demeanor "on the witness stand in the habeas trial is far more conducive to finding her to be *credible when she recanted her earlier testimony* than when she initially delivered that earlier testimony." (Emphasis added.) *Id.*, *44. See *id.*, *45 ("Her

demeanor in 2009 appears far more sincere than her 1995 videotaped testimony and thus this court will credit her testimony at the habeas trial as being the more credible.”) Judge Fuger gave “full credit” to Stiles’ habeas testimony that she was not in the vicinity of La Casa Green at the time of the incident, and thus never saw Gould or Taylor there. *Id.*, at *58-60. See *id.*, *78 (“it can clearly be seen that the story told by Ms. Stiles in 1993-1995 *simply cannot be true*”). (Emphasis added.); *id.* at 63 (“There is no doubt in this Court’s mind that the criminal trial testimony of Doreen Stiles, the witness upon whom the prosecution’s case rises and falls, was perjurious. The Court so specifically finds.”)

Although Stiles’ testimony provided the critical recantation evidence at the first habeas trial, her recantation was further supported by recantation evidence from another witness, Mary Boyd.

At the 1995 criminal trial, Mary Boyd had testified that at some time between 5:30 a.m. and 6 a.m. on July 4, 1993, she was walking on Grand Avenue en route to purchase cocaine. Tr. of 1/20/95, pp. 39-40, 83, 96-97, 119. When she walked past La Casa Green, she was on the opposite side of the street. *Id.*, 43. From across the street, and through the store’s plate glass window, she saw two or more “people of color,” black or Hispanic, moving inside the store. *Id.*, 43-44, 62, 74, 92, 94, 96. However, she “actually didn’t pay that much attention” and did not recognize any faces and could not identify anyone. *Id.*, 44, 61, 80, 94. She admitted that she was not wearing her eyeglasses when she walked past the store. *Id.*, 44, 90-91 (“I can see near and not far.”)

After making her drug purchase, Boyd walked back on Grand Avenue and entered La Casa Green, but could not find Eugenio Vega there. At 5:42 a.m., Boyd called 911 to report that the store’s proprietor was missing. Boyd did not wait for the police to arrive. Instead, she took a few hundred dollars’ worth of food stamps from the counter, along with several rolls of quarters, and left. She was never prosecuted for that theft.

In her habeas trial testimony in 2009, Boyd confirmed that her vision “was very bad” in 1993. When she walked past La Casa Green, on the other side of the street, she could see that lights were on in the store, but did not see any movement inside, nor did she see anything unusual. Tr. of Aug. 5, 2009, pp. 5-8, 35-36. She asserted that, contrary to her 1995 video testimony, she *did not* see two men of color in the store, nor did she see Gould or Taylor in the vicinity of La Casa Green in the early morning hours of July 4, 1993. *Id.*, 34-36, 45-46, 69-70, 95-96. Boyd admitted that she lied in her original statements to the police, given on July 4 and July 8, 1993, as well as in her 1995 video testimony at the criminal trial. *Id.*, 25-29, 31-33, 44-47.

In 2006, when Boyd was interviewed by Gerald O’Donnell, she told O’Donnell the truth—that she had not seen anybody in the store, and had never seen Gould or Taylor before. *Id.*, 47-50. Boyd testified that she immediately told O’Donnell the truth because her false testimony had been “eating [her] conscience up,” knowing that “[t]wo men were going to spend the rest of their lives in jail.” *Id.*, 48, 50-51.

On March 17, 2010, Judge Fuger issued a 95-page opinion granting habeas relief to Gould and Taylor on the grounds of “actual innocence,” and he released them from custody on appeal bonds on April 1, 2010. See *Gould II*, at *94-95. His written decision pointed out that “[t]here was no fingerprint evidence, there was no murder weapon recovered, there were no ‘fruits of the crime’ recovered and there was no DNA evidence at the crime scene that in any way linked the petitioners to this crime.” *Id.*, at *77-78. And with respect to the recantation evidence from Stiles and Boyd, Judge Fuger observed: “Their pre-habeas trial testimonies allow the construction of time lines that

both clearly and convincingly show that *the events Stiles and Boyd fabricated could not have transpired.*" (Emphasis added.) *Gould II*, at *45.

F. The Supreme Court Reversal

The state appealed from Judge Fuger's grant of habeas relief to Gould and Taylor, and on July 19, 2011, the Connecticut Supreme Court reversed his ruling and remanded the cases for a new habeas trial. *Gould III*, supra. The Supreme Court held that Judge Fuger had failed properly to apply this state's "actual innocence" standard; see *Miller v. Commissioner of Correction*, 242 Conn. 745 (1997); which requires "affirmative evidence that the petitioners did not commit the crimes of which they were convicted, not simply the discrediting of evidence on which the conviction rested." *Gould III*, at 546-47, 556-57, 565-67. The Supreme Court did not address the credibility of Stiles' recantation. *Id.*, 557. But the Court noted that "the recantations by Stiles and Boyd may demonstrate that there *no longer is any credible evidence that the petitioners did commit the crimes of which they were convicted.*" (Emphasis added.) *Id.*, 566. See also *id.*, 572 (Palmer, J., concurring) ("We have before us two cases in which the habeas court found credible the recantations of the only state witnesses to link the petitioners to the crimes of which they were convicted, *thus effectively negating the only evidence that supported their convictions.*") (Emphasis added.)

As a result of the Supreme Court's ruling, George Gould's appeal bond was revoked and he was returned to custody on August 8, 2011, to await the second habeas trial. Ronald Taylor was terminally ill and was not required to return to custody. He died prior to the start of the second habeas trial.

G. The State's Preparation for the Second Habeas Trial

The Connecticut Supreme Court decision ordering a second habeas trial, was officially released on July 19, 2011, but the initial release of the decision apparently occurred on July 8, 2011. See *State v. O'Donnell*, Tr. of 9/27/13, pp. 43-44. But two days earlier, on July 6, 2011, Chief Inspector James Rovella from the Chief State's Attorney's office requested Stiles be located so that she could be subpoenaed for the second habeas trial. *State v. O'Donnell*, Tr. of 9/27/13, pp. 43-44; Tr. of 10/2/13, pp. 20-24, 27, 30.

On July 6, 2011, Inspectors Stephen Coppola and Edwin Rodriguez went to Stiles' New Haven apartment, and then brought her to the New Haven Police Department. *Id.*, Tr. of 10/2/13, pp. 22-23. At the department, Stiles gave a video-recorded interview to Detectives Tony Reyes and Matthew Merced, which was later transcribed. *Id.*, Tr. of 9/27/13, p. 46; Tr. of 10/2/13, pp. 33-35, 38, 40, 44-45, 50. She told the detectives that she had changed her original criminal trial testimony, because Gerald O'Donnell "confused her and caused her to change her testimony," and because he threatened her, gave her gifts, and promised future gifts. *Id.*, Tr. of 10/2/13, pp. 22, 25-26, 35-37. She told the detectives at the July 6 interview that her testimony at the original criminal trial was the truth. *Id.*, p. 37.

Sixteen days later, on July 22, 2011, inspectors returned to Stiles' apartment for the express purpose of having her sign a written transcription of her July 6 statement. But Stiles refused to sign it. She told the inspectors that her July 6 statement (in which

she indicated that her testimony at the original criminal trial was the truth), was not true.⁹ *Id.*, Tr. of 9/25/13, p. 101;Tr. of 9/27/13, pp. 28-29, 46.

H. The Second Habeas Trial

Gould's second habeas trial was held in 2012 before Judge Samuel J. Sferrazza. At that trial, Gould testified (for the first time in any court) that he did not commit the crimes for which he had been convicted). Although Justice Palmer had suggested in his concurring opinion in *Gould III*, at 572, "that the petitioners should be permitted to provide affirmative proof of their innocence through their own testimony," Judge Sferrazza concluded, *inter alia*, that Gould's exculpatory denial was not "newly discovered evidence," and therefore it could not be considered affirmative proof of actual innocence, based on Appellate Court precedent. *Gould IV*, *5-7. As for Doreen Stiles, she invoked her privilege against self-incrimination and declined to testify at the second habeas trial. *Id.*, *34. Thus, whereas Judge Fuger had been able to watch Stiles' 1995 videotaped testimony *and* her live recantation testimony, Judge Sferrazza only saw her 1995 videotaped testimony that inculpated Gould and Taylor.

On September 18, 2012, Judge Sferrazza denied the habeas petition. *Id.*, *51. The Connecticut Appellate Court affirmed the denial of habeas relief; see *Gould V*; and the Connecticut Supreme Court denied certification to appeal. *Gould v. Commissioner of Correction*, 319 Conn. 957 (2015).

I. Stiles' Testimony at Gerald O'Donnell's Trial

In 2013, Doreen Stiles had another opportunity to testify, this time at the criminal trial of Gerald O'Donnell. As noted earlier, O'Donnell had formerly worked as an inspector in the New Haven State's Attorney's office, and later, as a private investigator, he worked on behalf of Gould and Taylor's habeas attorneys.

O'Donnell was arrested in 2012 for bribery of a witness and tampering with a witness. The charges arose from the fact (which was never disputed) that O'Donnell had done some favors for, and had given gifts to, Doreen Stiles—*after* she had given her initial recantation in December 2006.

The state subsequently added other charges, and in 2013 O'Donnell went to trial before a jury facing five charges (bribery of a witness, two counts of tampering with a witness, and two counts of perjury).

When called as a state's witness at O'Donnell's trial, Stiles responded to certain preliminary questions, but then invoked her Fifth Amendment privilege against self-incrimination. In response, the state awarded her transactional and use immunity pursuant to Gen. Stat. 54-47a(a)(1). She thereafter testified fully.

In her testimony, she confirmed that she had been a heroin addict in 1993 and that she supported her habit through prostitution and forgery. Transcript in *State v.*

⁹ On cross-examination at Gerald O'Donnell's trial, Stiles confirmed the reason why she refused to sign the transcription of the July 6, 2011 statement:

"Q: And [the officers] came to you and they asked you to sign it; correct?

A: Yes.

Q: And you refused to sign it, didn't you?

A: Yes.

Q: You refused to sign it and told them, I'm not going to sign it because it's not true.

A: Yes." Tr. of 9/25/13, p. 101.

O'Donnell, Sept. 25, 2013, pp. 34-35, 92. She also testified about her prostitution arrest on July 29, 1993, and her subsequent interrogation at the police station. *Id.*, 38-40, 65; Tr. of Oct. 1, 2013, pp. 96, 99-102; St. Ex. 28, pp.32, 35-36. And she again described the circumstances under which she eventually gave the police a statement, after which they provided her with funds to buy heroin. Tr. of 9/25/13, pp. 40-45, 65-66, 72-73, 93-94, 108.

Most importantly, in her testimony at O'Donnell's trial, Stiles maintained that her *recantation testimony at the first Gould/Taylor habeas trial in 2009 was the truth*, and that she had lied when she had previously said that she was outside of La Casa Green on the morning of the homicide. *Id.*, 75-76, 78. She confirmed that in her 2009 testimony she admitted to having lied on four prior occasions, i.e., in two statements to the police in 1993, in her 1993 testimony at the probable cause hearing, and in her 1995 video-taped criminal trial testimony. *Id.*, 77-78, 81. In short, she was *not* outside La Casa Green on the morning of July 4, 1993, and *did not* see Gould or Taylor at that time. *Id.*, 103-04.

When the prosecutor asked Stiles *why* she had lied in 1993, she responded:

Okay. At that time - - I think I told you earlier about my drug habit. I was on the street for thirteen years, nowhere to live. I lived in cars, vans, abandoned houses. I lived - - I had nowhere to go. My life was so hard. When New Haven Police Department picked me up and brought [me] to the detective bureau - - when I was starting to go through withdrawal, I had been there so long from being questioned. They bought drugs for me. They bought me clothes; they took me out to eat. They took care of my needs and made it easy for me to just keep going on with that lie. I know it doesn't sound right now, I can see that, but then I was out of - - I couldn't reason with reality. I had no - - and I was sick, and I just couldn't think right. I couldn't think right. I don't know how else to put it.

Id., 79-80.

The prosecutor followed up by asking Stiles if she was "at the store at the time of the shooting?" and Stiles replied "[n]o." *Id.*, 80. The prosecutor then asked her why she had changed her testimony at the habeas trial in 2009, and Stiles replied, "[b]ecause I had a chance to make right what I did wrong then." *Id.*, 81.

There was another topic of inquiry at O'Donnell's trial that bears brief mention, and that involves Stiles' failure to testify at Gould's second habeas trial. The second habeas trial commenced on March 19, 2012, and Stiles testified that she had been subpoenaed by the state to appear as a witness at that trial. See *State v. O'Donnell*, Tr. of 9/25/13, pp. 113-14. Sometime before the start of the second habeas trial, Stiles had had one or more telephone conversations with a woman named Angela [Macchiarulo] who worked in the Chief State's Attorney's Office. *Id.*, 89-90,105-08, 114. At first, Stiles thought Angela was a secretary; but later learned she was a prosecutor. *Id.*, 89-91,106-08. Apparently, Stiles and Angela had had a thirty-minute telephone conversation on March 21, 2012. *Id.*, 113-14. O'Donnell's defense counsel, Norman Pattis, asked Stiles about that conversation with Angela: ". . . did [Angela] warn you in that conversation that you could be prosecuted if you testified and said what you told this jury today *that you didn't see Taylor and Gould* at the site of - - shooting?" (Emphasis added.) Stiles

replied “Yes,” and then added that she took the Fifth Amendment on the advice of her counsel. *Id.*, 114.

At the O’Donnell trial, the judge granted a motion for acquittal on one tampering charge at the end of the state’s case. The jury thereafter acquitted O’Donnell of both perjury charges, but convicted him of one count of bribery of a witness and one count of tampering with a witness because of the gifts that he had given to Stiles. On January 15, 2014, O’Donnell was sentenced to a term of four years of imprisonment.

It is noteworthy that Stiles recognized that O’Donnell wanted her to tell the truth: “[O’Donnell] told me not to worry, you know, as long as I was honest and told the truth that everything would be good, would work out.” Tr. 9/25/13, p. 86

J. Stiles’ Statements to the F.B.I.

Stiles was interviewed by F.B.I. agents in December of 2017. The agents’ report relates that Stiles indicated “that she was not at the Bodega in 1993 when Eugenia Vega was murdered. At that time she was heavily addicted to drugs and provided a statement that was inaccurate to the police. She has corrected her testimony in subsequent court proceedings.” FD-302.

Later in December 2017, F.B.I. agents interviewed Stiles for a second time. That second interview resulted in a five-page, single-spaced, detailed report by the F.B.I. The report indicated that Stiles confirmed that she falsely had implicated Gould and Taylor in 1993 and 1995, and that she was truthful when she exculpated them in her statements made after 2006. The F.B.I. report also noted that Stiles thought it was “unbelievable that these two men [Gould and Taylor] were convicted solely on her testimony.” FD-302a, p. 3.

In January of 2018, the F.B.I. administered a polygraph examination to Stiles. She was asked if she had seen “those men” [Gould and Taylor] inside the bodega on the day in question, and she responded in the negative. The result of the polygraph examination was “NDI,” which stands for “No Deception Indicated.”

Id. at 7-18.

III. Relevant Facts and Procedural History of the Case.

George Gould and Ronald Taylor were tried together before a jury. On February 1, 1995, the jury convicted both men of felony murder¹⁰, robbery in the first degree, attempted robbery in the first degree, and conspiracy to commit robbery in the first degree. Tr. 02/01/1995 at 4-8. On April 7, 1995, the court sentenced each man to a total effective term of 80 years imprisonment. Tr. 04/07/1995 at 24-25. The Connecticut Supreme Court affirmed their convictions, with one minor exception¹¹ not relevant for CIU purposes. State v. Gould, 241 Conn. 1 (1997).

According to the Connecticut Supreme Court, the jury reasonably could have found the following relevant facts:

On July 4, 1993, at approximately 5:35 a.m., the defendants entered La Casa Green, a retail store, on Grand Avenue in New Haven. The owner, Eugenio Vega, had opened the store shortly after 5 a.m. and was the only person in the store. The defendants tied up Vega's hands with electrical cord, placed him in the store's cooler, and fatally shot him in the head. The defendants took money and jewelry from Vega's safe and searched through Vega's wallet.

The state's principal witness was Doreen Stiles. She testified that after she observed Gould enter the store, she hid in the alleyway next to the store. From her hiding place, Stiles heard the voices of three people arguing in the store, including Vega, who was screaming. She distinctly heard Vega and the defendants arguing about money and opening the safe. After a couple of minutes, Stiles heard a single gunshot. She then observed both of the defendants leave the store.

...

Susana Negron, the victim's daughter, testified that she did the bookkeeping for her father's store. At the beginning of each week, Negron would make deposits for her father of receipts totaling between \$3000 and \$10,000. The week before her father's murder, however, she did not make a deposit. Her father had instructed her not to make a deposit that week because he planned to use those receipts to make a down payment on a building that he intended to purchase. Negron further testified that during December, 1992, before her father's murder, she had seen the contents of the floor safe in the back of La Casa Green, and that the safe contained jewelry, documents, papers, cash and coins. The jewelry included a "beautiful diamond earring" that Vega intended to leave for his wife, but Negron never saw the earring again after her father's death.

Officer Keith Wortz of the New Haven police department was the first officer to enter La Casa Green following the shooting. Wortz testified that after finding no one in the front of La Casa Green, he entered the back area of the store. There he saw an open floor safe with items on the floor outside of the safe and leaning on the open door. Wortz also saw a wallet on a box next to the safe. He then entered the cooler and found Vega's still warm body.

¹⁰ The jury acquitted Gould and Taylor of murder. Tr. 02/01/1995 at 4-7.

¹¹ The Connecticut Supreme Court remanded Taylor's judgment to merge his conviction of robbery in the first degree with his conviction of attempted robbery in the first degree and to vacate the sentence for attempted robbery in the first degree only. State v. Gould, 241 Conn. 1, 24 (1997).

Detective Chris Grice of the New Haven police department then arrived at the store. Grice testified that he found the cash register keyed on with coins and bills inside. He stated that there did not appear to be any money missing from the cash register. In the back of the store, however, he observed bank statements and a paper band, of the type used to wrap money, on the floor. The safe was open and there were jewelry boxes inside, but there was no money or jewelry in the safe. Grice also found Vega's wallet, which did not contain any money, although Vega had \$1800 in the front pocket of his trousers.

...

As part of its case-in-chief, the state filed a motion pursuant to Practice Book §§ 791(1) [40-44(1)] and 803(4) [40-56(4)] for a videotaped deposition of Stiles. In support of its motion, the state presented Stiles' treating physician, Susan Goldie, who testified that Stiles had been admitted to Saint Raphael's Hospital six days earlier with endocarditis, an infection of the heart valves. Goldie stated that Stiles was suffering from complications associated with endocarditis, including [bacteremia], a continuous and uncontrolled infection, which had spread to other parts of Stiles' body. Goldie testified that Stiles was being treated with antibiotics, but could require emergency surgery, and that Stiles could not be brought to court. On the basis of this evidence, the trial court granted the state's motion.

The following day, the testimony of Stiles was videotaped in her hospital room. The trial judge, the state's attorney, the defendants and their counsel, and a court reporter were present. The state examined Stiles, and each of the defendants had a complete opportunity to cross-examine her. A transcript of the proceedings was prepared by the court reporter. Several days later, the parties edited the videotaped testimony in accordance with the court's rulings on objections made during the taping.

State v. Gould, 241 Conn. 1, 5-11 (1997).

Additionally, the Connecticut Appellate Court summarized Gould's relevant **procedural** and habeas history¹² as follows:

[I]n October, 2003, the petitioner filed a petition for a writ of habeas corpus. In his petition, he alleged that he had received ineffective assistance from his trial counsel, and that he was actually innocent. The petitioner predicated his claim of actual innocence on Stiles' recantation of her trial testimony to Gerry O'Donnell an investigator for the Public Defender's Office.

At the first habeas trial in August, 2009, the petitioner called Stiles to testify on his behalf. As recounted by the second habeas court, Stiles specifically indicated that she had fabricated the entirety of her criminal trial testimony, and that she had provided her statement to police after being detained during a prostitution sweep. Stiles, a heroin addict, began to suffer withdrawal symptoms during the several hours of questioning. She testified that detectives refused to release her until she told them what they wanted to hear, and that they informed her that they would drive her to buy heroin if she confirmed that she was at the scene when the homicide occurred. She further testified she was never at La Casa Green at the time of the homicide, and had identified

¹² Gould's habeas history is highly relevant in reviewing his claim of discredited eye witness evidence because his habeas history centers on the trial testimony and subsequent recantation(s) of Doreen Stiles.

the petitioner and Taylor from a photographic array based on implicit body language given by the detectives. See *Gould v. Commissioner of Correction*, supra, 301 Conn. at 554, 22 A.3d 1196.

Stiles acknowledged that she had never told anyone that she had lied about events during the criminal trial until she was approached by O'Donnell some time after the petitioner's conviction. O'Donnell initially interviewed Stiles while she was convalescing in a nursing home, at which time she reiterated the version of events she testified to at the criminal trial. O'Donnell, however, later obtained a written and signed statement from Stiles in which she recanted her trial testimony.

On the basis of Stiles' testimony at the first habeas trial, the habeas court, *Fuger, J.*, concluded that her recantation rendered the entirety of the petitioner's conviction improper. See *Gould v. Commissioner of Correction*, Superior Court, judicial district of Tolland, Docket No. CV05–4000409, 2010 WL 1544667 (March 17, 2010). Judge Fuger noted that the case “rises and falls on the testimony of [Doreen] Stiles.” (Internal quotation marks omitted.) *Gould v. Commissioner of Correction*, supra, 301 Conn. at 551, 22 A.3d 1196. He concluded that “[w]hat is not proven is that it was [the petitioner] who committed this crime. There was no fingerprint evidence, there was no murder weapon recovered, there were no fruits of the crime recovered and there was no DNA evidence at the crime scene that in any way linked the [petitioner] to this crime... [Stiles'] statement [was] the keystone of the evidence upon which these convictions rest.” (Internal quotation marks omitted.) *Id.*, at 556, 22 A.3d 1196. As Stiles was the only witness to observe the petitioner enter the store, the first habeas court found that her testimony was the only real evidence of the petitioner's guilt. See *id.*, at 549, 22 A.3d 1196. Judge Fuger concluded that the petitioner was entitled to relief on the basis of actual innocence, and as a consequence he granted the petition for a writ of habeas corpus. The respondent, the Commissioner of Correction, appealed from that judgment to our Supreme Court.

In *Gould v. Commissioner of Correction*, supra, 301 Conn. at 566–71, 22 A.3d 1196 our Supreme Court held that the habeas court had failed to apply the appropriate test for actual innocence, and remanded the case for a new habeas trial. The court stated that the petitioner, after being convicted, was no longer protected by the presumption of innocence. *Id.*, at 567, 22 A.3d 1196. Under the test for actual innocence articulated in *Miller v. Commissioner of Correction*, 242 Conn. 745, 700 A.2d 1108 (1997), the petitioner was required to adduce evidence that demonstrated he was not guilty. *Gould v. Commissioner of Correction*, supra, at 566–67, 22 A.3d 1196. The court noted that although Stiles' perjury entirely undermined the state's case, it did not satisfy the petitioner's burden to prove his innocence. *Id.* The court also noted that the petitioner had not claimed on appeal that the use of perjured testimony was an independent due process violation, and afforded him the opportunity to amend his habeas petition to advance that claim on remand. *Id.*, at 569–71, 22 A.3d 1196.

In his second amended petition filed on November 10, 2011, the petitioner alleged that he was actually innocent and that the use of perjured testimony by the state constituted a violation of his due process rights to a fair trial.² Following a second habeas trial, the second habeas court, *Sferrazza, J.*, found that the petitioner had not proven that he was actually innocent. It further found that Stiles did not commit perjury at the criminal trial, and as a consequence, the petitioner was not deprived of a fair trial. Judge Sferrazza based that conclusion in part on Stiles' subsequent disavowal of her recantation before the start of the second habeas trial.

Judge Sferrazza found that on July 6, 2011, Stiles told Tony Reyes, a detective sergeant with the New Haven Police Department, that her criminal trial testimony was accurate. Stiles claimed that O'Donnell elicited her recantation through a combination of threats of prosecution and gifts, as well as an implied promise that she would receive a portion of any monetary damages awarded to the petitioner for his wrongful incarceration. When O'Donnell stopped contacting Stiles after she testified at the first habeas trial, she decided to inform Reyes that her recantation was false. Stiles subsequently repeatedly switched between the two stories to various individuals, asserting that one or the other was true.

At the second habeas trial, the habeas court examined the recording of Stiles' original criminal trial testimony. When called to testify at the second habeas trial, Stiles exercised her fifth amendment privilege against self-incrimination and refused to testify. O'Donnell initially testified on behalf of the petitioner at the second habeas trial, but when recalled to provide further testimony regarding Stiles, he also invoked his privilege against self-incrimination. The habeas court also heard live testimony from Mary Boyd and Pamela Youmans, both of whom Stiles testified to seeing at La Casa Green. Although Boyd testified that she did not see Stiles at La Casa Green, Youmans testified to observing her before the shooting.

The habeas court concluded that the petitioner failed to demonstrate that Stiles had lied during the criminal trial. The court considered the recording of her criminal trial testimony and noted that her demeanor was calm and assured, and that she did not appear evasive or hesitant. Judge Sferrazza also credited Stiles' criminal trial testimony about the location and actions of both Youmans and Boyd about the time of the homicide as indicia that she was present at La Casa Green. The court noted that the only other means by which Stiles could have known of those witnesses was to have been deliberately fed information by the investigating detectives. The court concluded that the petitioner failed to adduce evidence that the detectives did so.

The court further weighed O'Donnell's gifts and promises of monetary compensation to Stiles and found that they undermined the validity of the recantation he had extracted, and by extension, the truthfulness of Stiles' testimony at the first habeas trial. The court specifically noted that it believed that a tape recording provided by O'Donnell during the first habeas trial, which he claimed contained Youmans' recantation, likely was fake, noting that the discrepancies in Youmans' manner and dialect of speech and the person on the recording gave credibility to her claim that she was not speaking on the tape. The court further drew an adverse inference against O'Donnell's credibility due to his assertion of his fifth amendment right not to testify in accordance with *Rhode v. Milla*, 287 Conn. 731, 949 A.2d 1227 (2008).

On the bases of these factual findings, the habeas court concluded that the petitioner had failed to demonstrate that Stiles had perjured herself during the criminal trial, and that as a consequence his due process claim failed.

Gould v. Commissioner, 159 Conn. App. 860, 863-68, cert. denied, 319 Conn. 957 (2015).

Finally, Gerald O'Donnell appealed his conviction. State v. O'Donnell may be the most relevant appellate court decision in this matter for CIU review purposes. A significant portion of the decision is cited below:

This appeal comes before this court following extensive litigation involving the murder of Eugenio Vega, the owner of La Casa Green, a retail store on Grand Avenue in New Haven, in the early morning hours of July 4, 1993. An understanding of the facts and procedural history involving the prior litigation, as the jury reasonably could have found, is necessary in order to understand fully the issues presented in the defendant's appeal. On the morning of Vega's murder, Pamela Youmans went to La Casa Green to make a purchase. Vega was alive when Youmans left the store. After Youmans left but while she was still in the vicinity of La Casa Green, she tossed a coin over her shoulder and a woman with a limp picked it up. That same morning, Mary Boyd walked by La Casa Green and observed two black males inside the store. One of the males was taller than the other. Later that morning, when Boyd went into the store to make a purchase, Vega was not there and did not respond when Boyd called him, so Boyd called 911. Boyd then took some quarters, cigarettes and food stamps and left before the police arrived because she knew that there was an outstanding warrant for her arrest. When the police responded to the call, they discovered Vega, who had been shot and was deceased, with his hands tied.

The New Haven Police Department questioned Doreen Stiles in the course of the investigation into Vega's murder. Stiles provided two written statements to the New Haven Police Department. In her first statement, dated July 29, 1993, Stiles described how she was in the vicinity of Vega's store on the morning of the murder when she saw a black male enter the store. Because the man frightened her, Stiles hid next door between the store and an alleyway, where she heard arguing from inside and someone asking Vega for money and to open the safe. She then heard a gunshot and saw two black males leave the store. In her statement of July 29, 1993, Stiles identified George M. Gould as one of the individuals coming out of the store on the date of the murder. On August 2, 1993, Stiles gave a second written statement in which she identified Ronald Taylor as the other individual involved in the incident. At a probable cause hearing on October 14, 1993, Stiles testified consistently with her July 29, 1993 statement to the police. She also testified that she saw Boyd in the vicinity of the store on the morning of the murder. At the criminal trial of Gould and Taylor in January, 1995, Stiles, who testified that she had a disability in her leg, identified Taylor and Gould as being present at Vega's store on the morning of his murder. Following a jury trial, Taylor and Gould were each convicted of felony murder in violation of General Statutes § 53a-54c, robbery in the first degree in violation of General Statutes §§ 53a-134(a)(2) and 53a-8, attempt to commit robbery in the first degree in violation of General Statutes §§ 53a-134(a)(2), 53a-8 and 53a-49, and conspiracy to commit robbery in the first degree in violation of General Statutes §§ 53a-48(a) and 53a-134(a)(2). Our Supreme Court affirmed the judgments of the trial court, with the exception of Taylor's conviction of attempt to commit robbery in the first degree. *State v. Gould*, 241 Conn. 1, 24, 695 A.2d 1022 (1997).

In 2003, following their convictions, Taylor and Gould filed petitions for writs of habeas corpus. At that time, Taylor was represented by Attorney Peter Tsimbidaros and Gould was represented by Attorney Joseph Visone. The defendant was assisting Tsimbidaros and Visone as a private investigator. The defendant previously had worked as an

inspector with the New Haven state's attorney's office. At some point, the defendant went to see Stiles, who was in a nursing home in Manchester undergoing rehabilitation for her legs, and indicated that he was investigating Vega's murder. They spoke briefly and, upon questioning by the defendant, Stiles told the defendant that she was not present at the scene at the time of the murder.⁶ On December 6, 2006, Stiles gave a signed statement to the defendant in which she indicated that her prior statements regarding the murder had been untrue.

Following the defendant's initial meeting with Stiles at the nursing home, the defendant continued to visit Stiles approximately once a week for "a year, maybe more." During those visits, the defendant came to the nursing home and checked to make sure he knew where Stiles was and kept her informed about the case. On two occasions during this period of time, the defendant drove Stiles to visit her mother. He also drove her to doctor appointments and bought her pizza and candy. On May 12, 2007, the defendant purchased a television and service plan for Stiles for a total of \$204.43. He also gave Stiles money that she used to buy a stereo and told her that she might be able to obtain money in the future depending on the outcome of Taylor's and Gould's habeas trial.⁷ In 2009, Stiles left the nursing home and moved into a motel with her husband, where she lived for approximately one year. During this time, the defendant periodically visited the motel to make sure that Stiles still lived there and to tell her what was happening with the trial. When Stiles was living in the motel, the defendant took her to visit her mother. Stiles and her husband usually paid the monthly rent of \$930 at the motel. There were "a couple of months," however, when the defendant helped to pay the rent.⁸ During this time, the defendant told Stiles that Taylor and Gould were trying to get a new trial, and that he did not think they were guilty of Vega's murder. According to Stiles, she and the defendant had become friends and they sometimes discussed their personal lives.

On August 3, 2009, Taylor's and Gould's habeas trial began. At that trial, Stiles testified that she had lied about seeing Taylor and Gould when she gave the two prior statements to the police in 1993, in her testimony at the probable cause hearing in 1993 and in her 1995 video criminal trial testimony. On March 17, 2010, the habeas court, *Fuger, J.*, granted the habeas petitions, concluding that Taylor and Gould had met their burden of proof with regard to their claim of actual innocence. On July 19, 2011, our Supreme Court reversed the judgments of the habeas court and remanded the matters for a new habeas trial.¹¹ *Gould v. Commissioner of Correction*, 301 Conn. 544, 571, 22 A.3d 1196 (2011).

Once the habeas trial ended, the defendant no longer visited with or spoke to Stiles. This surprised Stiles because prior to the trial, their friendship had been "somewhat consistent" and he had told her that he would stay in touch with her. After the habeas trial in 2009, Stiles and her husband moved from the motel to an apartment in New Haven. On July 6, 2011, Stephen Coppola, a detective with the New Haven Police Department, and Edwin Rodriguez, an inspector with the chief state's attorney's office, went to see Stiles at her apartment in New Haven to verify her address for the second habeas trial that was coming up.¹² She accompanied them to the New Haven Police Department, where she indicated that the defendant had "gotten inside [her] head" and overwhelmed her when he talked about the trial.¹³ Stiles indicated that the defendant had convinced her that her testimony in the previous trial was wrong and that she "didn't see what she saw." Finally, Stiles informed Coppola and Rodriguez that the defendant had provided her with a television and stereo. On July 13, 2011, John H.

Bannon, Jr., an inspector with the chief state's attorney's office, went to Stiles' apartment to talk to her regarding the statements she had made to the other inspectors. While he was there, Bannon took photographs of a television and stereo. At that meeting, Stiles told Bannon that the defendant had told her not to speak with the state at all and that the defendant continually was harassing and bothering her. The second habeas trial began on March 19, 2012. Because Taylor had died in 2011, the second habeas petition proceeded as to Gould only. Tsimbidaros and Visone both represented Gould at the second habeas trial. In preparation for the second habeas trial, Visone, Tsimbidaros and the defendant met with Stiles at her apartment in New Haven on April 11 or 12, 2012. As Tsimbidaros, Visone and the defendant were leaving Stiles' apartment, the defendant shook his head and said, in response to a question by Tsimbidaros, "the places we've had to go and the things we've had to do, you don't want to know."

On May 7, 2012, prior to the conclusion of the second habeas trial, the police executed a search warrant at Stiles' apartment and recovered the television and stereo. That same date, the police arrested the defendant at his home. On May 23, 2012, Bannon served a subpoena on Stiles to testify at the second habeas trial. At that time, Stiles told Bannon that she was going to tell the truth and confirm her original trial testimony. At the second habeas trial, however, Stiles asserted her fifth amendment privilege and did not testify. On September 18, 2012, the second habeas judge, *Sferrazza, J.*, denied the second habeas petition.

In this case, the defendant was initially charged with one count of bribery of a witness, in violation of § 53a-149, and two counts of tampering with a witness in violation of § 53a-151. The state subsequently filed a substitute information that added two counts of perjury in violation of General Statutes § 53a-156. Following a jury trial in 2013, the defendant was found guilty of bribery of a witness and one count of tampering with a witness.¹⁵ As a result of his conviction, the defendant was sentenced to a total effective term of four years of incarceration. The defendant then filed the present appeal.

I

The defendant first argues that the evidence was insufficient to establish his guilt of the crimes charged. With regard to the bribery charge, the defendant argues that the state failed to prove that his act of purchasing a television for Stiles on May 12, 2007 was performed with the specific intent to influence her testimony at the habeas hearing in 2009. With regard to the tampering with a witness charge, the defendant first argues that the state failed to prove that he induced or attempted to induce Stiles to testify falsely. The defendant further argues that the state failed to satisfy the "one-witness-plus-corroboration" standard of proof.

Before considering the defendant's specific claims, we set forth the applicable standard of review. "The two part test this court applies in reviewing the sufficiency of the evidence supporting a criminal conviction is well established. First, we construe the evidence in the light most favorable **655 to sustaining the verdict. Second, we determine whether upon the facts so construed and the inferences reasonably drawn therefrom the jury reasonably could have concluded that the cumulative force of the evidence established guilt beyond a reasonable doubt." (Internal quotation marks omitted.) *State v. Lewis*, 303 Conn. 760, 767, 36 A.3d 670 (2012). "This court cannot substitute its own judgment for that of the [finder of fact] if there is sufficient evidence to support the [finder of fact's] verdict." (Internal quotation marks omitted.) *State v. Andriulaitis*, 169 Conn.App. 286, 292, 150 A.3d 720 (2016).

A

We first consider the defendant's claim that the evidence was insufficient to establish that he was guilty of bribery of a witness in violation of § 53a-149. That statute provides: "A person is guilty of bribery of a witness if he offers, confers or agrees to confer upon a witness any benefit to influence the testimony or conduct of such witness in, or in relation to, an official proceeding." General Statutes § 53a-149(a). To obtain a conviction under § 53a-149(a), "[t]he state ... was required to establish the following: (1) that the defendant offered, conferred or agreed to confer a benefit, (2) to a witness, (3) with the intent of influencing the witness' testimony or conduct in relation to an official proceeding." (Internal quotation marks omitted.) *State v. Brantley*, 164 Conn.App. 459, 472, 138 A.3d 347, cert. denied, 321 Conn. 918, 136 A.3d 1276 (2016). "[I]t is unnecessary that the thing offered or given is to induce a witness to testify falsely. It is sufficient if it were given with intent to influence his testimony or conduct. In the common acceptance of the term, the verb influence means to alter, move, sway, or affect.... If the promise or payment [was] made with the intent to affect the testimony or conduct of the prospective witness so that he would thereby be induced to testify more or less favorably to a party than he otherwise would have done, an intent to influence within the meaning of the statute exists." (Internal quotation marks omitted.) *Id.*, at 473, 138 A.3d 347.

"[I]n determining the defendant's guilt as to the bribery charge, the jury was required to determine what the defendant intended when he made the offer. Intent is a question of fact, the determination of which should stand unless the conclusion drawn by the trier is an unreasonable one.... Moreover, the [jury is] not bound to accept as true the defendant's claim of lack of intent or his explanation of why he lacked intent... Intent may be and usually is inferred from conduct. Of necessity, it must be proved by the statement or acts of the person whose act is being scrutinized and ordinarily it can only be proved by circumstantial evidence." (Citation omitted; internal quotation marks omitted.) *State v. Davis*, 160 Conn.App. 251, 259, 124 A.3d 966, cert. denied, 320 Conn. 901, 127 A.3d 185 (2015).

In the information, the state alleged that "on or about May 12, 2007, in the town of Manchester, the defendant conferred a benefit upon a witness to influence the witness' testimony in an official proceeding" According to the defendant, there was insufficient evidence to establish that the benefit conferred on Stiles on May 12, 2007, was performed with the specific intent to influence Stiles' 2009 testimony in the first habeas trial. We disagree.

On December 6, 2006, Stiles gave a statement to the defendant recanting her initial trial testimony. On May 12, 2007, the defendant bought Stiles a television and service plan. Although Stiles' December 6, 2006 recantation predated the gift of the television by approximately five months, the jury reasonably could have concluded that the defendant gave the television to Stiles with the intent to influence her testimony at the first habeas trial in 2009. Following the December 6, 2006 recantation, the defendant continued to visit Stiles over the course of the next "year, maybe more." He drove her to visit her mother or to doctor appointments, bought her candy and pizza, and told her that she might be able to obtain money depending on the outcome of the first habeas trial. In addition to the television, the defendant also gave Stiles money that she used to purchase a stereo. He also helped her pay the rent when she lived in a motel. During this time, the defendant told Stiles that Taylor and Gould were trying to get a new trial, and that he did not think they were guilty of Vega's murder. In discussing this case, the

defendant made a comment indicating that Visone and Tsimbidaros did not want to know “the places we've had to go and the things we've had to do” Once the first habeas trial ended the defendant no longer visited Stiles. Stiles later told the police that the defendant had “gotten inside [her] head” and had convinced her that her prior testimony was wrong and that she “didn't see what she saw.” The defendant knew that Stiles had given different accounts as to where she was on the morning of the murder. Viewing the evidence in the light most favorable to sustaining the verdict, we conclude that the jury reasonably could have found that the defendant purchased the television for Stiles to ensure that she testified consistently with the December 6, 2006 recantation when she testified at the first habeas trial. We conclude, therefore, that the evidence was sufficient to convict the defendant on the charge of bribery of a witness.

State v. O'Donnell, 174 Conn. App. 675, 679-89, cert. denied, 327 Conn. 956 (2017).

a. Trial Evidence.

[Doreen Stiles hospital deposition recorded testimony discussed in detail in Section IV (a).]

The state's evidence at trial may be summarized as follows:

1. Officer Keith Wortz, Tr. 01/17/1995 at 13-54.

Keith Wortz testified that he was working on the morning of July 4, 1993, and that he received a call at approximately 6:05 am to respond to a grocery mart called "La Casa Green" on 330 Grand Avenue. Id. at 13-14. He entered the store and did not notice the owner. Id. He proceeded to the back and observed an open floor safe. Id. at 15. There was a wallet on top of a box next to the safe. Id. at 16. Wortz decided to check the walk-in freezer. Id. He observed a pool of blood leading back to a body propped backwards on top of some boxes. Id. at 17. The hands were tied together with wire. Id. at 18. The skin was warm and soft to the touch. Id. The victim was Eugenio Vega, the store owner. Id. at 32.

He also spoke to Tasha Williams, who provided information which led to Michael Wordie being an initial suspect in the case. Id. at 24-28.

2. Detective Chris Grice, Tr. 01/17/1995 at 55-128.

Chris Grice testified that he went to 330 Grand Avenue on July 4, 1993. Id. at 56. He recognized, preserved, and collected physical evidence at the scene,¹³ including by photographing the scene. Id. at 55-57. It did not appear that money was taken from the cash register. Id. at 58. He went into the back of the store and took further note of the body that was there. Id. at 61-62. There appeared to be a bullet wound to the left temple area. Id. at 62. The wrists were bound in front of the victim with a short piece of electrical extension cord. Id. In his opinion, a person would need to use both hands to tie the knot. Id. at 70. A spent shell casing, Remington Peters .380 caliber, was found in the walk-in cooler on a box by the victim's right elbow. Id. at 71. There were bank papers on the ground. Id. at 75. The victim's wallet did not contain any money. Id. at 76. The victim had a "large wad of bills" in one of his front pockets. Id. at 78. The bills totaled \$1,810. Id. None of the latent fingerprints that he lifted matched any of the individuals (including the defendants) that he compared them to. Id. at 90-91. The safe did not contain any cash or jewelry, though it did contain "jewelry type boxes" or other small cardboard boxes. Id. at 97.

3. James Stephenson, Tr. 01/17/1995 at 129-137.

James Stephenson testified that he was a New Haven police detective on July 4, 1993.¹⁴ Id. at 129. State's Exhibit 17 was a full metal case, .38 caliber bullet. Id. at 131. He determined that it could have been fired from a .380 self-loading pistol by Colt, or a .9 mm self-loading pistol by Colt. Id. at 132.

¹³ His testimony, in general, is about him processing physical evidence at the scene, which is used to admit many pieces of evidence as exhibits.

¹⁴ At the time of trial, he worked for the Connecticut State Police Forensic Laboratory as a firearms examiner. Id. at 129.

4. Deputy Chief Medical Examiner Edward McDonough, Tr. 01/17/1995 at 138-154.

Edward McDonough testified about the results of the autopsy of the victim.

5. Tasha Grooms¹⁵, Tr. 01/17/1995 at 155-185, Tr. 01/18/1995 at 38-151.

Tasha Grooms testified that she lived on the second floor at 335 Grand Avenue, which was across the street from La Casa Green, on July 4, 1993. Id. at 155-156. Around 5:00 am, she was upstairs at the kitchen window. Id. at 157. She called out the window to Pam¹⁶ and asked her if she wanted to share some cooked up cocaine.¹⁷ Id. at 158. Pam said that she didn't have any money. Shortly after that, the victim pulled up in a brown van. Id. at 159. Pam said something to the victim.¹⁸ Id. About ten to fifteen minutes later, Grooms went down to walk with Pam down James Street. Id. at 161. They walked to a brick house to get drugs. Id. at 162. Grooms left and headed back home because Pam was acting "stupid" and "flipping." Id. at 163. She stopped a white man and asked him for a cigarette. Id. at 164. The man asked her where he could cash a \$10 instant scratch ticket. Id. at 165. She told him that La Casa Green might cash it. Id. Then she ran into Mary "Rolly"¹⁹ near the ice-cream parlor on Grand Avenue. Id. at 165-166. Grooms did not see whether the man went inside La Casa Green. Id. Mary said that she was "going to do something for somebody." Id. at 167. Grooms went back home to her kitchen window. Id. Mary went into the store and came out screaming. Id. at 168. Mary asked Grooms to go inside the store with her, but Grooms refused. Id. at 169. Mary went back inside the store and said that she was going to call the police when she came back out. Id. at 170. Mary gave a roll of quarters and a pack of cigarettes to Grooms and told her not to say that she was in the store. Id. Mary said she thought the victim was kidnapped. Id. at 171. Grooms eventually managed to flag down the police a "long time" later while they might have been "changing shifts." Id. at 172.

Grooms knew both defendants.²⁰ Id. at 173-177. She noticed them coming around her house, around the alleyway, when the police were checking out the store. Id. at 177. They looked tired and out of breath. Id. at 178. They asked her what was going on and stayed at the scene for a while. Id. at 181. Grooms told the police that a "white lady" ran out of the store screaming for help because Mary told her not to say that it was her. Id. at 182. She gave a statement to the police and told them that she saw the white man putting the victim in a full Nelson and fighting him. Id. at 183. On August 10, she went back to the police and gave them another statement, telling them that she had lied. Id. at 184.

During cross-examination, Grooms testified that she did not know Doreen Stiles or see a white female on the side of the La Casa Green store. Tr. 01/18/1995 at 93. Grooms' initial statement was read by the clerk into evidence as Defendant-Taylor Exhibit A. Id. at 108-117.

During redirect examination, a redacted copy of her second statement was offered into evidence with no objection as a prior consistent statement for rehabilitation. Id. at 142.

¹⁵ The prosecutor called her as "Tasha Williams." Id. at 154. The witness preferred to be called "Grooms," her maiden name. Id. at 155. The initial spelling on the transcript is "Grumes." Id.

¹⁶ Grooms said that she did not know Pam's last name when the prosecutor asked if it was Youmans. Id. at 158.

¹⁷ She called it a "cook em' up." Id. at 158.

¹⁸ The conversation was about Pam waiting for him. Id. Page 160 is missing in the transcript.

¹⁹ She did not know Mary Boyd's last name. Id. at 165.

²⁰ Apparently, her husband often had George Gould checking on her and the kids "like a big brother." Id. at 178. Gould sometimes even stayed for a few days at a time. Id. at 179. Gould was at her apartment about 11:30 pm, July 3, the evening before. Id. at 180.

6. Doctor Susan Goldie, Tr. 01/18/1995 at 4-23.

Susan Goldie testified²¹ about how she was treating Doreen Drenyoczky²² for endocarditis, an infection of the heart valves, and complications from that infection, including persistent bacteremia, a continuous and uncontrolled infection, and possible sites in her body where the infection has spread. Id. at 4-7. Drenyoczky could respond to questions in a hospital setting.²³ Id. at 8. Drenyoczky could require surgery with a mortality rate of twenty percent and require several weeks of recovery if she survived. Id. at 8-9.

7. Susana Negron, Tr. 01/18/1995 at 153-160.

Susana Negron testified that she was the victim's daughter and handled all the paperwork and bank deposits for the store. Id. at 153-154. The safe, at one point, had documents, cash, and jewelry. Id. at 157.

8. Michael Wordie, Tr. 01/18/1995 at 161-205.

Michael Wordie testified that he was in the area of Grand Avenue around 5:30 am on July 4, 1993. Id. at 161. He was looking to cash a \$10 lottery scratch ticket. Id. He was high on cocaine. Id. at 162. A black woman asked him for cigarettes. Id. at 166. He asked her where he could cash his lottery scratch ticket. Id. The woman pointed out the store La Casa Green. Id. He walked by the store and looked into it. Id. at 167. He never entered the store. Id. The police stopped him, took him to the station, and seized his clothes. Id. at 168-171. His shirt sleeve on blood stains on it from injecting drugs. Id. at 171-172. He gave a blood sample to the state for comparison purposes in November of 1995. Id. at 174-176.

9. Doreen Stiles, Tr. 01/19/1995 at 5-141.

A complete synopsis is found in Section IV. Initial CIU Review and Investigation, a. Doreen Stiles.

10. Doctor Susan Goldie, Tr. 01/20/1995 at 13-29.

Doctor Susan Goldie testified about how she was currently treating Doreen Stiles for an infection of her heart and heart valves. Doctor Goldie testified that the infection was traveling in her bloodstream to other parts of her body. Id. at 14.

²¹ This testimony was only before the court and for the state's motion for deposition of Doreen Stiles, Id. at 3, which the court granted after trial counsels objected to the video taping of it. Id. at 25-33.

²² Drenyoczky is Doreen Stiles' maiden name. Id. at 3.

²³ During cross-examination, Doctor Goldie answered more questions about Doreen Drenyoczky's condition and how she could testify in the hospital. Id. at 9-23.

11. Doctor Carl Ladd, Tr. 01/20/1995 at 30-38.

Doctor Carl Ladd testified that he was the supervisor of the DNA Section in the Connecticut Forensic Science Laboratory. He found that the stain on Michael Wordie's sweatshirt²⁴ was not the victim's blood. Id. at 36.

12. Mary Boyd, Tr. 01/20/1995 at 39-61, 69-128.

Mary Boyd testified that she was out and about on the streets on July 4, 1993 around 5:30 am. Id. at 39. She was in route to James and Grand Avenue to purchase cocaine at the corner house. Id. at 40-43. She walked down Grand and passed by La Casa Green on the opposite side. Id. at 43. She saw "[m]ovement of people of color in the store." Id. On her way to James, she ran into Tasha Williams.²⁵ Id. at 47. Williams was coming from James. Id. They had a very brief conversation and both continued on. Id. at 49. Boyd arrived at her destination at James, stayed about five to eight minutes, and headed back up Grand. Id. at 50. She arrived at and went inside LaCasa Green, picked up a roll of toilet tissue, and yelled out the victim's name. Id. at 50-51. She noticed the freezer for the first time, felt that something was wrong, and exited the store to yell for Williams to come check the freezer. Id. at 51. Williams was up in her apartment at her window. Id. at 52. Williams refused. Id. Boyd went back into the store by herself and called 911. Id. She also took some quarters, food stamps, and two packs of cigarettes. Id. Boyd testified that she then went back outside and saw Williams down at street level. Id. at 53. Boyd gave Williams a pack of cigarettes and a roll of quarters. Id.

Boyd testified that the defendant Gould, who she did not know, approached her about an hour after she called 911. Id. at 55. She was standing on the corner of Pine and Poplar. Id. Gould walked up to her and asked her if she knew a girl named "Rolly."²⁶ Id. He said to her, "Tasha said send hers."²⁷ Id. at 56. The codefendant Taylor was with him. Id. Specifically, a portion of her testimony reads:

Q And what did-- What did they say or-- or-- And try to tell us which one, I'm saying they, but if you could remember which one said what, tell us that?

A I can't say who said what, but they were saying I was in a lot of trouble, cause if I left any fingerprints in the store, because, at this point, I didn't know whether or not he was- I didn't even know he was even dead. And they said there was a murder. I said I was in the store—

Q And they said, if you—

A I had sent my boyfriend around to the store.

Q Uh huh. Okay.

A And they said that I was in a lot of trouble if I left any fingerprints and, you know, they're going to come after to me, and all that.

Q All right. Did they ask you-- When they said they were going to come after you, they were talking about the police, not them?

A Yeah, uh hum.

Q Okay. And did they ask you about what you may have seen?

²⁴ Wordie was a preliminary suspect at the scene.

²⁵ Williams is also known as "Grooms." See Tr. 01/17/1995 at 155-185; Tr. 01/18/1995 at 38-151.

²⁶ Mary Boyd was known as "Rolly." Id. at 39.

²⁷ According to Boyd's testimony during cross-examination, they said, "Tasha said send her half," which may have meant that Williams was looking for them to get half of whatever she took from the store. Id. at 97-98.

A Yeah, like, did you see anybody, I said no. And I was still a little bit upset at the time, cause I wasn't sure what I had taken place at this time. I knew something was right.

Q And after the conversation you has with them at that location, did you-- where did they go, where did you go?

A I returned back to my house.

Q And do you know where they went?

A No.

Q Okay . They didn't go with you?

A No.

Q In the two weeks following, did you see either one of them again?

A The big one came to my house.

Q Came to your house?

A Yeah.

Q And had he ever been to your house before?

A Never.

Q And what did he-- Did he said anything to you?

A He said he wanted to check and see how I was doing.

Q All right. Did he say anything else?

A No.

Q All right Did he-- How-- And that's, essentially-- He just said that and went away?

A Yeah.

Id. at 57-58.

Boyd testified that she did not remember seeing Doreen Stiles. Id. at 69.

During cross-examination, Boyd testified that it was maybe between 5:45 and 6:00 am when she saw the people of color in the store. Id. at 96-97.

13. Pamela Youmans, Tr. 01/20/1995 at 129-174.

Pamela Youmans testified that she saw the victim in the morning on July 4, 1993, as she was walking up to La Casa Green and he was parking in front of the store. Id. at 130. He opened up the store and went inside first before letting her in. Id. at 131. They also shared a banana. Id. Youmans asked the victim for credit or cash. Id. at 132. He refused. Id. She left and did not see anyone else enter the store. Id. She went to James and Grand to see an intimate friend of hers at an apartment building.²⁸ Id. at 134.

Youmans saw a girl that walked with a limp, who she identified as State's Exhibit 47 [Doreen Stiles] Id. at 135. Part of her testimony reads as follows:

Q Okay. I'm going to show you State's exhibit 47, and ask you if you recognize that?

A Yeah, that's her.

Q All right.

A She walks with a limp.

Q Right. And she was--

A Distant, but she was, like, diagonally, like, from Blatchley and Grand. But, she-- I don't know where she was coming towards, but I know I had threw a penny, no. as a matter of a fact, it was a Canadian coin in the street, she bent down to pick it up.

MR. DAKERS: I'm sorry, I only got the part about, something about a Canadian coin in the street.

A No, I apologize, it was-- she was when I looked, she was— I looked diagonally, because of the way that had his truck, so I had to stand in the middle of the street. And from Blatchley to Grand, it's like a diagonally, you know, diagonally, you know, not straight across, but not directly across, so it's on an angle when I seen her, but I glimpsed at her. And that's when I threw a coin up in the street, and she reached down and picked it up, and I was still headed towards James Street.

Q Okay . Did you take any notice of her, after you saw her picking up something?

A No.

Id. at 135-136.

Tasha [Williams] came down from her apartment and caught up to Youmans on the street. Id. at 138. They head down to the corner of James and Grand together. Id. However, after going inside the brick building, Youmans told her to leave after a few seconds because her "honey" was there. Id. at 138. She did not return to La Casa Green that day. Id. at 139.

²⁸ Her testimony seems to also indicate that Tasha Williams came down from the building across the street and accompanied her. Id.

During cross-examination, Youmans further testified about seeing the white woman that she identified as Doreen Stiles²⁹ in State's Exhibit 47, Id. at 136. A portion of her testimony reads as follows:

- Q Okay. At any time, did you tell Detective Dease that you saw Doreen Stiles?
- A No.
- Q Okay . Why didn't you?
- A Because it was irrelevant. I guess she seen me, I didn't-- I seen somebody walking, my mind was so much getting to, then getting back home. So, I know I seen somebody walking, but when she bent down and picked up the coin, I asked, and who's that, and he just spoke in general, you know, and I left, because it was time to go home.
- Q Who did you ask who's that?
- A Henya³⁰, he seen her first. She stood in front of the van.
- Q She stood up in front of the van?
- A No, but, when he was coming, there was-- she was there, then she wasn't there, you follow me so far. I wanted to know who it was.
- Q Okay. All right.
- A Yeah.
- Q Let-- Lets figure this out. Was this white-- It's white female, right?
- A Yeah, she's-- Yeah, she was a dingy white, but--
- Q Was she-- Pardon me?
- A Nothing.
- Q Was she in front of the store before Henya got there?
- A I couldn't tell you that, I don't know.
- Q All right. Well, was she there when the van³¹ pulled up?
- A I couldn't tell you that. I could not tell you that, because I had left. I seen her as I was leaving, but she was too far away to say is she coming or leaving.
- Q Okay.
- A Okay.
- Q And did you ask Henya, when you saw her, who is that?
- A Yeah, I asked him in the store, who was it, did you see that bitch picked up that quarter off the ground?
- Q So, you both-- Okay.
- A That's what I said precisely.
- Q Okay. All right. Where were you-- Where were you when you saw her pick the quarter up off the ground?
- A I was outside, standing in the middle of the street.
- Q Standing in the middle of the street?
- A Uh hum (affirmative).
- Q And where was Kenya?
- A He was sitting on a crate.
- Q Where was the crate?
- A Outside the store, cause he was unloading the stuff to put in the store.
- Q All right. And was he right out in front of the store?
- A He always do.

²⁹ Youmans did not know Stiles' name. Id. at 165-166.

³⁰ Youmans called the victim "Henya" and did not know his real name. Id. at 130.

³¹ The victim drove a van. Id. at 139-140.

- Q Okay. And, in relation to you and Henya, where was the white woman who was picking up the coin?
- A Damn--
- Q Was she in the street, on the sidewalk, or—or where?
- A I really wasn't paying that much attention, only thing I know, I seen somebody bend over and pick it up, and we started laughing, cause it was a Canadian coin.
- Q And somebody told you that it was-- that she-- Or somebody told you that she saw you--
- A I had-- Yeah, somebody said that she identified me, to let them know that I was telling the truth. He was alive when I left the store.
- Q Okay. All right. Okay. So, she identified you to-- to prove that you were telling the truth?
- A Yes.
- Q Okay .
- A I guess that's how it went, I don't know.
- Q Yeah.
- A But, that's what was similar told to me, but, thank you, in her honor, and God bless her. But, he was alive when I left the store.
- Q I'm not even touching on that.
- A Okay.

Id. at 155-158.

During re-cross examination, Youmans further testified about seeing the white woman that she identified as Doreen Stiles³² in State's Exhibit 47, Id. at 136. A portion of her testimony reads as follows:

- Q When you saw this woman with a limp, Mr. Vega was with you, is that correct?
- A Excuse me?
- Q Do you refer to him as Eugenio, the owner Casa-- LaCasa
- A It's Henya.
- Q Henya, okay. When you saw this white woman, with a limp, that you've identified in this photograph, Henya was with you, is that correct?
- A Yes.
- Q And—And-- And he was sitting on the truck?
- A No.
- Q Oh, I'm sorry, where was where was he sitting?
- A He was-- We were eating a banana, we was discussing it way after she had disappeared. Well, I thought she-- Well, I didn't see nobody, but she wasn't no where in eye sight when we was talking about her, because of the way she was dressed.
- Q Okay. Why do you-- What do you mean, the way she was dressed?
- A I'm not knocking anybody, but she looked like she was up for days, scrummy.
- Q Okay. Now, was that like-- Let me just see if I understand. Had you gone into the LaCasa Green, came back, with the owner, and were sitting outside, eating a banana?
- A Yeah.
- Q Okay. And is that the time when you observed this white lady with the limp?
- A Yes, that's the time I seen her.

³² Youmans did not know Stiles' name. Id. at 165-166.

- Q And you said something about--
A I left-- Flicking a coin, it was a Canadian coin.
Q Wait now. Yeah. And you talked to the owner about that?
A Yeah, we were—
Q You were kidding with him about her picking up a coin?
A Uh hum (affirmative).

Id. at 168-169.

14. Detective Leroy Dease, Tr. 01/23/1995 at 3-74.

Detective Leroy Dease testified pursuant to a limiting order about statements made to him by the defendants in regards to an earlier robbery. He first testified before the court to ensure compliance with the limiting order. Id. at 3-20.

Detective Leroy Dease testified that he became involved in the investigation of the murder of Eugenio Vega on July 4, 1993. Id. at 24. He conducted tape-recorded, formal interviews of witnesses, including Tasha Williams, Mary Boyd, Pamela Youmans, and Doreen Stiles. Id. at 25. He spoke to the defendant George Gould for the very first time on July 4, 1993 at approximately 1:30 pm in front of Tasha Williams' house³³, 335 Grand Avenue. Id. at 27. Det. Dease asked Gould where he was last night. Id. at 28. Gould said that he was around the corner at Gerrilyn's house. Dease spoke to Gould again on July 6, 1993. Id. Gould said that he left Gerriyln's house around 6:15 am with Ronnie Taylor. Id. at 29. Gould said that he was at 480 Ferry Street to "raise money"³⁴ with Ronnie Taylor and Lawrence Kelly to buy drugs before going to Gerrilyn's house. Id. at 30. Gould also said he went to Tasha Williams' house and gave her \$30 around 11:30 pm. Id. at 31. Detective Dease spoke to the codefendant Ronald Taylor on July 14, who essentially told him the same story after initially denying being involved with Gould and Kelly on an earlier date. Id. at 32. Taylor said he got to Gerrilyn's house around 3:00 am and left around 5:30 am. Id. at 36.

During cross-examination, Detective Dease testified that Gould told him that they were at two locations attempting to "raise money," 335 Grand Avenue and 480 Ferry Street. Id. at 44-45.

15. Detective Persie Gethers, Tr. 01/23/1995 at 78-104.

Detective Persie Gethers testified that he took a pair of statements from Doreen Stiles. Id. at 78. The first statement was taken on July 29, 1993 and signed August 2, 1993, marked as State's Exhibit 50. Id. at 78. The second statement was taken on August 2, 1993. Id. at 79. State's Exhibit 34 was a photographic copy of the photo board that Doreen Stiles looked at on July 29, 1993. Id. at 79- 80. Gethers testified that Stiles reacted to number three as follows:

- Q What was her reaction and what did she say?
A She looked at the photographs. as she looked, and she did that with her hand, became very nervous and I asked her why and she says, that's him and point to number three as a person, which was --

³³ He indicated that it was a brown house on State's Exhibit 27. Id. at 27.

³⁴ The limiting order did not allow the witness to say that it involved criminal activity (robbery). Id. at 3-20.

Q Okay. And at that point she had already told you what it was that she knew about the Vega homicide, right?

A Yes, sir.

Q Okay. And who is number three?

A George Gould.

Detective Gethers testified that State's Exhibits 35 through 41 were the black and white photographs that he showed Stiles when he took the second statement from her. Id. at 83. She handed Detective Dease photograph number five (State's Exhibit 37) and said that it was the second person, which was a photograph of Ronald Taylor. Id. at 83-84.

During cross-examination, Detective Gethers testified that on July 29 he had not attempted to contact Doreen Stiles and had no knowledge of Stiles being present at the location of the homicide. Id. at 91. Detective Joseph Hurley from the narcotics unit brought her in to the detective unit. Id. at 92-93.

During redirect examination, Detective Gethers testified that his supervisor, Sergeant Sullivan,³⁵ spoke to her first³⁶ in the detective unit before introducing her. Id. at 98.

16. John Bell, Tr. 01/23/1995 at 105-118.

John Bell testified that he lived on 167 Clay Street with Gerrilyn Herring in July of 1993. Id. at 105. On July 4, 1993, between three and four in the morning, the defendants came over to the house. Id. at 105-106. They seemed to be friends with or know Gerrilyn. Id. Gerrilyn had invited Gould and Taylor to party with them. Id. at 107. People were "boozing" and doing drugs, including the defendants who already had drugs with them. Id. Bell guessed that they left the house when the sun was coming up, between 5:00 and 5:30 am. He started falling asleep for about 30 to 40 minutes before Gerrilyn woke him up to buy cigarettes. Id. at 107-108. He went to La Casa Green to buy the cigarettes and saw a "bunch of policemen." Id. at 108.

During cross-examination, Bell testified that he estimated it was a "good forty-five minutes" between the time the defendants left and the time he went over to La Casa Green. Id. at 113. He saw Gould behind the "ropes" or "roped off" area of the police. Id. at 114.

³⁵ Sullivan was a lieutenant at the time of trial. Id. at 99.

³⁶ Detective Gethers also testified that he was "pretty sure" Detective Hurley (of the narcotics unit) spoke to her before he did. Id. at 98.

At trial the defendants Gould and Taylor presented the following evidence in their defence:

The defendant George Gould's evidence may be summarized as follows:

1. Detective Raymond Hassett, Tr. 01/26/1995 at 24-36.

Detective Raymond Hassett testified that on July 29, 1993, he was acting as a "John" in the area of Ferry Street. Id. at 25. He picked up Doreen Stiles. Id. They were pulled over by an uncover team after she agreed to perform sexual services for money. Id. at 26. She was placed in a uniform police car, and that was the last he saw of Stiles that night. Id. at 27.

During cross-examination, Detective Hassett testified that approximately ten other people were arrested that night for prostitution. Id. at 31. A ticket or citation was routinely issued for prostitution. Id.

2. Detective Leroy Dease, Tr. 01/26/1995 at 37-178.

Detective Leroy Dease was recalled as a defense witness for Gould. Detective Dease was questioned extensively about the investigation that he did, including other suspects that he looked at. See Transcript.

The codefendant Ronald Taylor's evidence may be summarized as follows:

1. Gerrilyn Herring Dolphin, Tr. 01/27/1995 at 12-17.

Gerrilyn Herring Dolphin testified that the defendants George Gould and Ronald Taylor were present at her apartment on the morning of July 4, 1993. Id. at 12. They left between 5:30 and 6:00 am. Id. at 14. She testified that she remembered the time because she had to get her son ready for school and did not allow people in her house at that point. Id.

During cross-examination, she further testified the time that the defendants wanted to stay and continue getting high but that she asked them to leave because she had to get her son ready for school. The prosecutor asked her what school was open on July 4. Id. at 15.

During redirect examination, she testified that her son wakes up between 6:00 and 7:00 am and that she wants people out of her apartment by 6:00 am. Id. at 17.

2. Detective Leroy Dease, Tr. 01/27/1995 at 19-49.

Detective Leroy Dease was recalled as a defense witness for Taylor. Detective Dease was again questioned extensively about the investigation that he did. See Transcript.

3. Detective Percy³⁷ Gethers, Tr. 01/27/1995 at 50-60.

Detective Percy Gethers was recalled as a defense witness for Taylor. Detective Gethers was questioned about the statements he took from Doreen Stiles.

³⁷ His first name was spelled "Persie" in the earlier transcript of his testimony for the state. Tr. 01/23/1995 at 78.

4. Detective Gil Burton, Tr. 01/27/1995 at 61-70.

Detective Gil Burton testified about his more limited role in the police investigation.

5. Mickey Miller, Tr. 01/27/1995 at 76-

Mickey Miller testified that he often sold drugs to Doreen Stiles. Id. at 76-78. The court sustained the prosecutor's objections and did not allow further questioning as to his knowledge of her reputation for truthfulness. Id. at 78-87.

b) George Gould was granted a Sentence Modification by the New Haven JD State's Attorney.

On March 4, 2021 attorney's Joette Katz and Richard Emanuel met with then Chief State's Attorney Richard J. Colangelo, Jr. to ask for a review of the integrity of George Gould's conviction. CSA Colangelo explained that the case could be submitted to the Conviction Integrity Unit once CIU was operational.

After the March 4, 2021 hearing CSA Colangelo and then New Haven State's Attorney Patrick J. Griffin agreed to a sentence modification for George Gould. A motion for sentence modification was filed in March 2021, and the matter was heard by Judge Gerald L. Harmon on May 4, 2021. At the conclusion of the hearing Judge Harmon modified George Gould's sentences from a total effective sentence of eighty (80) years to a total effective sentence of twenty (26) years. George Gould had already served more than twenty-six (26) years in custody and was released from the custody of the Commissioner of Corrections on May 5, 2021.

The Transcript of the Motion for Sentence Modification heard by Judge Gerald L. Harmon on May 4, 2021 is available. Attorney Richard Emanuel represented Mr. Gould and Assistant State's Attorney D'Angelo represented the State of Connecticut. The victims advocate (Ms. Ciancola) was present and indicated that the victims' family was present via Teams. Tr. 05/04/21 at 1. A Court interpreter was also present presumably for the victim's family. Id. at 2.

Attorney Emanuel informed the court that:

The Chief State's Attorney explained to us that the Conviction Integrity Unit that's being created is not yet operational; however, he indicated he would be willing to recommend that Mr. Gould be released from prison on the time he has already served while still reserving and retaining his right to-- to establish his actual innocence in the Habeas Corpus hearing that's going to be scheduled for next year. The Chief State's Attorney indicated that his recommendation would, of course, be subject to the decision of State's Attorney

Patrick Griffin in New Haven.

I-- I was thereupon informed that both Chief State's Attorney and the State's Attorney in New Haven agreed with this recommendation and I filed the Sentence Modification Motion. And in that motion we are asking the Court to reduce Mr. Gould's sentence to a total effective sentence of 26 years.

Id. at 4-5.

The Court next called on the victim's advocate for comments.

VICTIM'S ADVOCATE: Yes, your Honor. I believe that one of the daughters of the victim would like to read a statement at this time.

LUZ: Hi, My name is Luz, Eugene's youngest daughter. I was requesting -- (In English.)

Hello, name is Luz, I am Gene --

COURT INTERPRETER: I am so sorry, I got twisted.

LUZ: Your Honor, I would like to ask that you not grant the modification on the sentence of George Gould.

Bec-- Due to the death-- Because of the death of our father, Mr. Deleon Vega, the entire family continues to grieve his death. And every year we feel-- we feel the lack and the emptiness of our father who is missing at all birthdays, at Christmases, at the births, and all our special occasions, and weddings.

And the saddest part is that our grandchildren— and our grandchildren, when they ask, when they want to know how exactly was grandfather, and we will look at each other and we will say, well, your grandfather was a very hardworking man.

Eugenio Deleon Vega was an incredible man with beautiful white hair like cotton and a brilliant smile, he was helpful and kind to everyone, especially other vendors. He was so-- He was so fine in the way he treated his family and all we have to remember him with are our memories and photographs. We ask ourselves every day, you know, what's going to happen about --

(Court Interpreter asks speaker for clarification.)

LUZ: -- what would it have been if he had-- if he had been-- if he had still been alive, but no one-- no one can ever return him to us.

COURT INTERPRETER: I'm so sorry.

(Court Interpreter asks speaker for clarification.)

LUZ: And the honest truth is that we would not like to see Mr. Gould's sentence reduced. We do believe that justice was carried out and that he should complete the sentence and all the other feel-- we feel the lack and the emptiness of our father who is missing at all birthdays, at Christmases, at the births, and all our special occasions, and weddings.

And the saddest part is that our grandchildren— and our grandchildren, when they ask, when they want to know how exactly was grandfather, and we will look at each other and we will say, well, your grandfather was a very hardworking man.

Eugenio Deleon Vega was an incredible man with beautiful white hair like cotton and a brilliant smile, he was helpful and kind to everyone, especially other vendors. He was so-- He was so fine in the way he treated his family and all we have to remember him with are our memories and photographs. We ask ourselves every day, you know, what's going to happen about --

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LUZ: -- what would it have been if he had-- if he had been-- if he had still been alive, but no one-- no one can ever return him to us.

COURT INTERPRETER: I'm so sorry.

(Court Interpreter asks speaker for clarification.)

LUZ: And the honest truth is that we would not like to see Mr. Gould's sentence reduced. We do believe that justice was carried out and that he should complete the sentence and all the other

Id at 6-8.

Assistant State's Attorney D'Angelo replied:

Just briefly, your Honor. The state does agree to the sentence modification today. As indicated by Attorney Emanuel, this case is currently the subject of pending civil litigation that our office is defending. Thank you, your Honor.

Id. at 8

IV. CIU Review and Investigation.

The CIU conducted an initial review and investigation. A synopsis of the most significant investigative events follows:

On June 7, 2022, Deputy Assistant State's Attorney ("DASA") Thai Chhay, Inspector John Betz, and Inspector James Naccarato met with Federal Bureau of Investigation ("FBI") Agent Ron Offutt to discuss the investigation he had conducted and the reports he had written in regards to this matter.

On June 29, 2022, the entire CIU had a meeting with Attorneys Joette Katz, Richard Emanuel, Damon Kirschbaum, and Anna-Liisa Nixon. The Attorneys for Mr. Gould formally presented his claims to the CIU:

- (1) The first claim was **actual innocence** based on third party culpability of Carlos DeLeon;
- (2) The second claim was **discredited eye witness evidence** of Doreen Stiles.

a) Investigation of claim of actual innocence.

On July 12, 2022, Inspectors John Betz and James Naccarato conducted a digitally recorded interview with Txxxx. Inspector Naccarato noted in his July 12, 2022 Memorandum that:

Txxxx stated that for a period of about one year, starting when she was in eighth grade, she was sexually assaulted by Carlos DeLeon, the son of murder victim Eugenio Vega.

Txxxx stated that Carlos was her mother's boyfriend and would spend time at her house and would volunteer to watch her and take her to his house. Carlos was acting like her father and still to this day she doesn't know if he is her biological father. She stated that he is the biological father of her older brother. She stated that Carlos started saying inappropriate sexual comments to her and then it escalated to inappropriate touching then intercourse. She was afraid to tell her mother that this was happening because Carlos was very manipulative. He would tell her that if she told nobody would believe her and nobody would want her. He later became threatening telling her that he would kill her mother and that he was capable of it because he killed his father, Eugenio Vega.

When asked specifically about those threats she stated that Carlos told her that he had those two guys set up for the murder, they didn't do it he did. She told him that he buried the guns in a backyard in Hamden. Txxxx eventually told her mother of the abuse and all contact with Carlos was terminated. Txxxx stated that she was very young when the abuse and threats were made and she doesn't remember a lot of the specifics just bits and pieces.

The entire interview was uploaded to the case file. In the recorded interview Txxx stated that she partially disclosed Carlos' inappropriate sexual conduct when she was 12 to 13 years old to her mother and fully disclosed to her mother when she was 20 years old.

Txxx nor her mother ever reported the conduct to the authorities and she does not want to further pursue these claims. Txxx also stated that to her knowledge, there are no witnesses to Carlos inappropriate conduct towards her and that no one else heard Carlos make the statement about killing

Eugenio Vega. Txxx's mother refused to cooperate with the CIU inspectors. However Txxx's mother did speak with FBI agents on February 27, 2018. [See discussion of FBI reports for further details.]

CIU staff members considered the information that Txxx disclosed and the availability, plausibility, and verifiability of any evidence other evidence that Carlos DeLeon murdered the victim Eugenio Vega in this matter. Staff members found that Mr. Gould's claim of actual innocence could not be substantiated solely by hearsay statement against penal interest unsupported by any other credible evidence.

b) Investigation of claim of discredited eye witness evidence because of witness recantation-Doreen Stiles

On September 7, 2022, Attorney Joette Katz submitted a memorandum in "support of a request by George M. Gould" that the CIU "recommend" to the Panel that "Mr. Gould be granted relief from the felony murder and robbery convictions for which he was sentenced on April 7, 1995. *Id.* at 1. Specifically, the memorandum solely proceeded on the claim of discredited eye witness evidence. *Id.* at 18. The CIU considered this memorandum to be Mr. Gould's "amended claim."

Summary of Doreen Stiles' recantations.

CIU staff members considered the procedural history and relevant facts and information concerning Doreen Stile's recantation(s). A synopsis of the most significant events follows:

Stiles' 1995 Video-Taped Trial Testimony

Doreen Stiles testified in a video-taped deposition from the hospital in 1995. Her testimony was the most significant and incriminating evidence against the defendants Gould and Taylor. See Section IV.a.1. Trial Testimony.

Stiles' 2009 Habeas Testimony at the First Habeas Trial

At the first habeas trial in August, 2009, the petitioner called Stiles to testify on his behalf. As recounted by the second habeas court, Stiles specifically indicated that she had fabricated the entirety of her criminal trial testimony, and that she had provided her statement to police after being detained during a prostitution sweep. Stiles, a heroin addict, began to suffer withdrawal symptoms during the several hours of questioning. She testified that detectives refused to release her until she told them what they wanted to hear, and that they informed her that they would drive her to buy heroin if she confirmed that she was at the scene when the homicide occurred. She further testified she was never at La Casa Green at the time of the homicide, and had identified the petitioner and Taylor from a photographic array based on implicit body language given by the detectives.

Gould v. Commissioner, 159 Conn. App. 860, 863-64, cert. denied, 319 Conn. 957 (2015).

Stiles' 2011 Statement to the New Haven Police Department

Judge Sferrazza³⁸ found that on July 6, 2011, Stiles told Tony Reyes, a detective sergeant with the New Haven Police Department, that her criminal trial testimony was accurate. Stiles claimed that O'Donnell elicited her recantation through a combination of threats of prosecution and gifts, as well as an implied promise that she would receive a portion of any monetary damages awarded to the petitioner for his wrongful incarceration. When O'Donnell stopped contacting Stiles after she testified at the first habeas trial, she decided to inform Reyes that her recantation was false. Stiles subsequently repeatedly switched between the two stories to various individuals, asserting that one or the other was true.

Gould v. Commissioner, 159 Conn. App. 860, 866, cert. denied, 319 Conn. 957 (2015).

Stiles' 2012 Exercise of Her Privilege against Self-Incrimination at the Second Habeas Trial

“At the second habeas trial, the habeas court examined the recording of Stiles' original criminal trial testimony. When called to testify at the second habeas trial, Stiles exercised her Fifth Amendment privilege against self-incrimination and refused to testify.” Gould v. Commissioner, 159 Conn. App. 860, 866, cert. denied, 319 Conn. 957 (2015).

Stiles' 2013 Testimony at Gerald O'Donnell's Trial

O'Donnell was arrested in 2012 for bribery of a witness and tampering with a witness. In 2013, O'Donnell went to trial before a jury facing five charges, including bribery of a witness, two counts of tampering with a witness, and two counts of perjury. The jury convicted O'Donnell of one count of bribery of a witness and one count of tampering with a witness. On January 15, 2014, O'Donnell was sentenced to a term of four years of imprisonment.

At the trial, Stiles testified that her testimony at the first habeas trial in 2009 was the truth. Transcript in State v. O'Donnell, 09/25/2013 at 75-76, 78.

Stiles' 2017 Statements to the FBI

Stiles was interviewed twice by FBI agents in December of 2017. Stiles indicated that she was not at the bodega and lied about the defendants. FD-302; FD-302a. In January of 2018, the FBI administered a polygraph examination to Stiles. She was asked if she had seen “those men inside³⁹ that bodega, on the day,” and she responded “no.” The result of the polygraph examination was “NDI,” which stands for “No Deception Indicated.” FD-498.

³⁸ Judge Sferrazza was the second habeas judge.

³⁹ CIU staff members note that Stiles never testified that she saw anyone inside the bodega.

Detailed discussion of Doreen Stiles' trial testimony and recantations

1. 1995 Trial Testimony.

Doreen Stiles' 1995 testimony was recorded on video. This testimony was presented to the jury at trial and serves as a comparison to all of her post 2006 recantations.

Stiles was in the hospital with a life-threatening infection of her heart valves. She managed to testify in her condition for over three and a half hours. At numerous times, she presented as being understandably annoyed or otherwise frustrated with both the prosecutor and the defense attorneys. She often interjected and offered unsolicited information before the attorneys could ask her a question. She often offered more consistent and credible details during cross-examination. Overall, her testimony and her unsolicited information tend to be highly detailed and consistent with the available evidence, including the testimony of other witnesses. It is fair to consider whether Stiles could falsely testify in such a consistent and credible manner, especially in her critical condition.

The following highlights from her testimony are examples that CIU staff members found to be important for various reasons, which will be discussed.

State's Exhibits 28, 31, 32, and 33 immediately follow.







These are three screenshots from a digitized video of Doreen Stiles' 1995 testimony at the hospital.



Doreen Stiles testified⁴⁰ that she on July 7, 1993, she got up around 4:00 am, which was not unusual for her. Tr. 01/19/1995 at 7. She left her residence and made her way to the store. Id. She got to Grand and Ferry, the “corner by the bank about twenty-five of five.” Id. She planned on having coffee at Dunkin Donuts near Ferry and Grand. Id. at 8. She did not wear a watch. Id. She checked the time on the clock of the bank. Id. She continued walking toward La Casa Green⁴¹ on the same side of the street. Id. at 9. She walked slowly because of a disability in her leg, which also prevented her from running. Id. at 10. It took her about 15 minutes to get near the store. Id. She saw a black male⁴² walking across the street. Id. Her attention was drawn to the black male because he looked “mean” and like he “was coming at [her] from across the street.” Id. at 12. He was “husky” and wearing dark clothes. Id. Stiles thought that he “was walking with intent,” like “when someone sets out to do something.” Id. She pointed out where she first noticed the black male on State’s Exhibit 27⁴³, which was near the “edge of the brown building 335 on the left side.” Id. at 13-14. She also added that here “wasn’t all these cars and what have you” in the photograph. Id. at 14. She indicated that the green building was La Casa Green. Id. She was shown State’s Exhibit 31, a picture of her in front of La Casa Green. Id. at 15. She testified that the picture was meant to show “[j]ust about where [she] was at when [she] saw the black male crossing the street.” Id.

Doreen Stiles testified about her unique reaction to seeing the black male, explaining:

For some reason I just a funny feeling. I got very nervous and I thought to myself -- I thought to myself to hide. That’s the first thing I thought. But I couldn’t get away as quick as I wanted to so I had to go when my legs were ready, not when I was ready, you know, so I tried to get there as quick as I could on the side of the building.

Id. at 17.

She became even more scared because her “legs were shaking” and otherwise “didn’t help [her] get there any quicker.” Id. She was in an alleyway on the side of the barbershop where “there’s a piece of wood on the wall there.” Id. She added⁴⁴ on her own: “I really didn’t notice, to be honest with you, too much of what was over there. I was more worried about what I was going to do.” She testified that State’s Exhibit 31 shows the approximate distance down the alley she went. Id. She referenced being near the front edge of the “wood,” which was a piece of plywood on the side of the building. Id. at 18.

⁴⁰ On January 19, 1995, Doreen Stiles testified for her deposition at the hospital. A redacted video was played for the jury on January 25, 1995.

⁴¹ The transcript alternates the spelling between “LaCasa Green” and “La Casa Green.”

⁴² Upon having her recollection refreshed, she remembered also seeing a dark-skinned female in front of the store. Id. at 12.

⁴³ The exhibit was a photograph that was taken, along with others, about a week and a half prior. Id. at 13, 15.

⁴⁴ Throughout her testimony deposition, without any prompting, Doreen Stiles often spoke about her state of mind at the time when responding to other questions.

During voir dire examination by Attorney DeMarco, she answered more questions about where she was in relation to the building and State's Exhibit 32, including:

Q Okay. All right. So the only different in this picture,⁴⁵ you were about that far back in the alley you say? But the only difference would be you were a little closer to the side of the building?

A Right. No, I did not say that. I said I was exactly where I was, right there in the picture only closer to the building.

Q I'm not trying to –

A Nope, I'm just trying to tell you what I said, okay. And I was that close. Actually, I didn't even realize I was going to hear anything. It wasn't entering my mind. I was just so -- I was trying to hide and that's -- I was as close to the building as I could get.

Q So all I'm trying to ask you is in this picture you're maybe a couple of feet away from the building?

A I was closer to the building.

Q Okay. That's all I'm trying to ask you, okay?

A How many times are you going to ask me.

Id. at 18-19.

The black male was about six feet tall. Id. at 20. She had seen him before "hanging around" Id. He lived in Fair Haven.⁴⁶ Id. She identified the black male as the defendant, George Gould. Id. at 22. When she was in the alleyway, she heard a muffled "commotion" through the wall. Id. She heard voices. Id. Two sounded "angry." Id. She recognized the third voice as the victim's. Id. She heard talk about opening the safe and the money. Id. at 23. The victim sounded upset and was "screaming at the top of his lungs." The victim screamed in Spanish. Id.

While the prosecutor was asking his next question, Stiles spoke about her state of mind:

Q Do you Spanish? So when you heard the words that you heard were they said in a different way than the other muffled things? I mean –

A No, I just knew bits and pieces, you know. You see, what else happened was I got very nervous and I'm kind of like blacking out now because I don't know what to do. I don't know when to leave, when they are going to leave, how I'm going to leave, how they are going to leave, that way, the back way through the wall, where am I going, am I dead, what am I doing, you know. I can't fly.

Id. at 23.

Stiles testified that the other two voices she heard sounded angry and "argumentative" but not like they were screaming "at the top of [their] lungs." Id. When she was asked to estimate how long the argument was, she answered: "I don't remember how long because when you stare at something it seems like it is so long. You know, it seems like it takes forever. A couple of minutes." Id. at 23-24.

⁴⁵ This is likely State's Exhibit 32.

⁴⁶ Stiles added: "It's really a shame when something bad happens because everyone kind of knows everyone. You really don't like to do stuff like this." Id. Defense counsels objected, and this comment was stricken during the redacting of the tape. Tr. 01/24/1995 at 12.

Stiles testified that she then heard a single gunshot. Id. at 24. The prosecutor asked her how she reacted after hearing the gunshot:

Q How do you react after you hear a gun shot?

A I was frozen. I tried to get away. I finally was able to move. You know, this is hard for me now because I have to put all my energy into moving. Honestly, I have a bad disability so I tried to get away from the alleyway and walk toward Grand Avenue like, you know, I'm nobody and I'm just here with everyone else and I'm going for a cup of coffee.

Q So you come up the alleyway?

A Yeah.

Q And how far do you get before something else happens?

A Right -- probably about right up to the pole there where the store ends.

Id. at 24.

Stiles saw two black males come out of the store, "looking around" but now at her. Id. at 24-25. One was the defendant Gould. Id. at 25. She identified the second suspect as the codefendant Taylor, who she "recognized a couple of times" but was not someone she "knew to talk with." Id. She said that Taylor "at the time" was "thinner" than Gould. Id.

The prosecutor then showed her State's Exhibit 33 and asked Stiles what it shows in relation to her testimony. Id. at 28. She indicated that it shows where she was, about "as close as [she] could get," when she saw the two men leaving. Id. at 28-29.

This exchange happened when Stiles testified about how the two men left:

Q Across the street. Again, in relation to State's Exhibit 27 how far do you take any notice of them and where they [are] headed, in what direction?

A I don't know. They jettted. They were gone. They went in the same direction they came from.

Q Towards that brown building in some sense, the 335 building on State's Exhibit 27?

A Yes.

Q When you say they jettted, what do you mean by that?

A. They just took off quick. I guess that's funny, huh.

MR. DEMARCO: I ask that be stricken. I was attempting to object.

THE WITNESS: Excuse me. I'm sorry. I couldn't help that. That was rotten.

MR. CLARK: I would ask that the defendants be ordered not to make faces or react direction to this witness. This is a very small room. It is inappropriate.

MR. DAKERS: I object to that.

MR. DEMARCO: I thought you were because I was trying to interject an objection and I couldn't do it. I thought she was talking to me.

THE WITNESS: I wasn't. I was talking to your client.

THE COURT: Both defendants should just not make faces. Just listen and pay attention but not react in any way.

Id. at 30-31.

From that corner, Stiles then headed to Dunkin' Donuts towards Ferry. Id. at 31. She specifically testified about how she saw Mary Boyd, Id. at 31-34. A portion of her testimony reads:

Q And as you began to walk up there did you see anybody else on the street you recognized?

A Yeah, Mary Boyd. I didn't get too far. I just went up Grand a little bit. She was on the opposite side of the street.

Q And where in relation to La Casa Green was she on the other side of the street? Was she towards downtown from La Casa Green of --

A She was very farther away than I was, if you can understand. Like I was just leaving it, she was farther away from getting there as I was from going.

Q In relation to -- you know where Lloyd Street is in relation to La Casa Green?

A Yeah.

Q It's the next one downtown?

A She was not near there.

Q Was she farther away?

A There was a little store right across the street where the guy sells that junk outside, the old guy.

Q Let me again try with Exhibit 27. There's a truck that you noticed earlier here, a pink truck that is sitting on Lloyd Street in Exhibit 27?

A Right.

Q And there's a paint store next to it and then a series of other stores in that block on the far side of the street. Was she in the block down here?

A. No. Listen, I came this way, right. She was this way. This way where you can't see, the picture doesn't go far enough so -- but all I got was like a few feet and I saw her on this side. I kept going. I guess she kept going.

Id. at 31-32.

Stiles testified about going to Dunkin' Donuts and seeing Officer Keith Wertz.⁴⁷

- Q As you went up the street where did you go, where did you next stop?
A I did go to Dunkin Donut and, you know, its' funny on the way there --
MR. DEMARCO: I object to this.
THE COURT: All right. You answered the question.
- Q What was it that happened on the way there?
A On the way to my grandmother's house. Can I say what happened or what.
Q What happened on the way up there?
A I was thinking I mean to Dunkin Donuts, what do I do.
MR. DEMARCO: I object to what she was thinking, Judge?
A No --
THE COURT: Miss, Miss, no.
THE WITNESS: I'm sorry, I'm trying to say -- I'm trying to answer his question.
THE COURT: No, no, no, no, not what you were thinking. What happened? What did you do or what did you see?
THE WITNESS: What did I do? I went to the donut shop, right. I saw Officer Keith Wertz⁴⁸ and I didn't know what to do. That's how much I want to be here right now. I did not say anything to him.
MR. DEMARCO: I object to that, Judge, ask that be stricken.
THE WITNESS: I don't want to be here. I was scared, I didn't know what to do. Should I tell him? Should I tell someone else?
MR. DEMARCO: I object, ask all that be stricken.
MR. CLARK: I like to ask her some questions.
THE WITNESS: Ridiculous.
- Q As you were going up the street you saw someone else you recognized as you approached?
A Mary. We went by that.
Q After Mary is gone and you're getting up towards Dunkin Donuts you just told us about seeing someone else?
A The officer.
Q You see the officer. You knew his name?
A Keith Wertz.
Q Was he a regular beat officer?
A Yeah, all the time.
Q Was he someone that you had conversations with?
A Once in a while, yeah. He's a nice guy.
Q Did you at that time tell him what you had just seen happen?
A No.
Q Why not?
A I don't know. I was afraid to say anything.
Q He asked you then or later?
A Well, that was later but I still didn't say anything.

Id. at 34-36.

⁴⁷ This officer is also a first responding officer to the crime scene and the first witness at trial.

⁴⁸ The correct spelling of his last name is "Wortz."

According to Stiles' testimony, she was "out so early trying to get some money" for drugs, specifically from the store. Id. at 37. Id. She got picked up by the police and spoke to Brian Sullivan, Danny Gleason, and Leroy Dease. Id. at 37-38. A portion of her testimony reads:

- Q When you went up to the detective division did you ask to go there?
A No, I did not. I didn't even know I was going there. I didn't know where I was going.
Q They took you up there, what went on? What happened?
A They put me in a room. They came I and they said --
MR. DEMARCO: I object to what they said, Judge.
THE COURT: Go ahead. You can finish your statement.
A They said what's going on, you know, we need to know what happened. Do you know anything about Eugene Vega and the murder and July 4th.
Q Try to keep your voice up.
MR. DAKERS: I'm sorry, I did not hear.
A They asked me if I had any information about what happened on the morning of July 4th at the store at La Casa Green.
Q And did you tell them immediately?
A No, I didn't.
Q Did you tell them while you were there that evening?
A After 4 hours.⁴⁹
Q And why did you eventually decide to tell them?
A Well, listen, the only thing I can say is that I try. I know I make a lot of mistakes. I try to be a decent person.
MR. DEMARCO: Objection, your Honor.
THE COURT: Go ahead, finish your statement, ma'am.
A And I knew what I saw was wrong, if I didn't say anything that I had to tell someone because I was brought up --
MR. DEMARCO: Objection, your honor.
A It bothered me anyway, bad. I mean it was a while that I didn't say anything to anybody.
Q And once they had you in the detective division did they treat you well?
A Yes.
Q And did you at that time give a formal statement?
A Yes.

Id. at 38-39.

⁴⁹ During cross-examination, she said that it took two hours. Id. at 62-63.

Cross-examination.

During cross-examination, Stiles testified about further details of the bank clock on the corner of Grand and Ferry that said twenty-five of five when she arrived, including the fact that it had four faces. Id. at 48-51. She also testified about further details of speaking to Officer Keith Wortz at Dunkin' Donuts, her prior relationship with him, her state of mind at the time, and how she finally gave a statement to the police after being picked up for prostitution. Highlighted testimony follows.

- Q Did you not feel that you should tell the police what you had seen?
A Yes, I did feel that I should. I was scared.
Q So because you were scared you never told them anything?
A Well, no, I didn't. I knew I had to and didn't know who to tell or how to go about it because it was really bothering me.
Q How about Officer Wertz, I thought you knew him well?
A I didn't tell him either. I do know him.
Q Wouldn't that have been a likely person to have told?
A Yes, it would have been.
Q But actually you didn't tell anybody anything about this?
A No.
Q Until you got arrested, is that correct?
A That's correct.
Q And didn't you feel that telling them something about this incident would help you with your arrest for prostitution?
A No, I did not.
Q You did not?
A No, I didn't.
Q That had nothing to do with your telling them?
A Nope, because they did not tell me that, that it was going to. They didn't say tit for tat, you know.
Q But didn't you expect that?
A Nope, I did not expect anything because I never went to jail for a prostitution charge. I didn't think it was a big deal.

Id. at 60-61.

- Q What did you tell them for the two hours, that you had not been there, the police?
A They weren't torturing me. I just didn't say anything. I just said I didn't know anything.
Q Did you tell them you were someplace else?
A I didn't say I was any place else. I just said I wasn't there.
Q And it took 2 hours for them to realize that's all you said in two hours?
A I don't have a list. I told you I don't go by a time card in my life so I don't know what words I said in 2 hours of how many they said. I just know that I finally decided the right thing to do would be for me to say something because I knew that I would end up doing it anyway because it bothered me a lot and it was wrong, what I know was wrong of me not if I didn't say anything.
Q Ma'am, I don't mean to interrupt you --

- A That's all I'm saying. I would be even wronger.
- Q Do you remember anything you said to them other than I wasn't there?
MR. [CLARK]: Asked and answered.
THE COURT: You may answer that.
- A Do I remember anything? Yeah.
- Q What do you remember you told them?
- A Well, I told them that I did know Mr. Vega, I told them that he was my friend and I knew him when he had his other store because he did have a store across the street from the one that he has now, and I knew his family and they wanted to know was I around then. They just started, you know, one thing led to another and I said I better say something. It may not be exactly 2 hours, okay? So then I told them what happened.

Id. at 62-63.

- Q If you look at State's Exhibit number 31, is there a little -- just behind where you're standing --
- A Yes.
- Q Is there a little entranceway to the barbershop?
- A No, there is still the picket fence there. See it.
- Q I understand that. That's to the side of the driveway?
- A Yeah. No, there's no entrance.
- Q Back on the -- the entrance to the barbershop --
- A Yes.
- Q Is there a gate there or do you recall is it just an open area?
- A Just open.
- Q Just an open area, okay. And there is also the brick wall was there on July 4, 1993, the stone wall, is that correct?
- A Yes.
- Q And yet when you saw the black male you continued to proceed in the direction that the black male was walking in, is that correct?
- A No. Actually, I didn't know what -- I just got scared. Well, he kind of walked quickly and I was so -- I just thought I would be better to just go in the alleyway.
- Q But he was walking towards the store, correct?
- A Uh-huh.
- Q And you continued to walk towards the store, isn't that true.
- A Yes.
- Q Why didn't you turn around and try to hide behind the wall that's there at the barbershop that you see?
- A Well, why does anybody do anything? You know, when you're in this your mind is in fear. Do you rationalize what you're going to do? I just did what my mind told me do. I was scared. I didn't stop to say well, should I do this or should I do that, you know.

Id. at 73-74.

- Q Is this where you were when you saw the black male enter the store of is this where you were when you first saw the black male crossing the street?
- A Yes, this is where I was when he was coming across the street.

Q So at that point he's still coming across the street. Do you know whereabouts on the street, was he more than halfway across the street?

A Yes, he was.

Q More than halfway across the street, okay. So that's where you were when you first saw him. Can you tell me again -- I'm going to show you a picture, 31, or State's Exhibit 31 where you were when you saw the black male enter the store?

A Where I was when I saw him enter?

Q Correct, if you can?

A Listen, I just assumed he was going in. After I didn't thought he was coming, you know, towards me because he was -- it was on an angle, I kind of went over here. In the corner of my eye saw him going in there and then I stood in the middle of the alley so I had turned that corner just barely.

Id. at 75.

Q Do you have any rough -- can you tell me what time you think it was when the black male entered the store?

A Listen, I don't know where all this -- I would go crazy if I had to live on times like all you guys. I just don't do that in my life. I'm sorry, that's not me.

Q I understand.

A I can't tell you something that I don't know.

Q Okay. That's fine. That's fine. So you don't -- that's all I'm trying to find out from you. If you don't know that's fine?

A Okay.

Q So you don't know what time it was when the black male entered the store, is that right?

A No. I mean I could say well, you know, it was, you know, but I would be lying.

Id. at 77.

Q Okay. Now, when you saw the black male go into the store were you relieved that he didn't harm you?

A Yes.

Q Why did you continue down that alleyway after the black male went into the store?

A Because I heard arguing and I was afraid and Mr. Vega was my friend.

Q Okay. But what I'm saying is initially you told us that you went down that alleyway because you were afraid that the black male intended to harm you?

A Right. No, no, I didn't say that. I said it looked like on the angle he was coming from across the street it looked like he was coming towards me. Actually, he probably didn't even see me, okay? You know when you see but you don't see because you're nervous or whatever or you black out. Now, I went down the alley because I was afraid and I heard arguing and Mr. Vega was my friend and I was concerned and I really actually never thought that this was going to get to the point that it did. So if it didn't get to that point when all that was over I was going to go inside and make sure he was okay.

Id. at 77-78.

- Q When you saw the black male enter the store did you feel that the danger to you had passed?
- A No.
- Q Why not?
- A Why? Because they had to come out and I had to leave and it had happened either way sooner or later, you know, one way it had to happen first, either I was going first or they were going first or both of us were going, something, you know so I tried to leave.
- Q. Which way did you try to leave?
- A Grand Avenue. I left and I made a right turn straight up Grand Avenue to Dunkin Donuts and went in.
- Q My question before that and I asked you when you saw the black male enter the store?
- A Yes.
- Q Did you feel that the danger to you had passed?
- A No, I didn't.
- Q And that was because you knew that they had to leave the store?
- A Yes.
- Q When you --
- A In other words I'm saying if they saw me there after what just happened why I'm special now? I'm a witness, right.
- Q Let me just take it a step at a time.
- A I don't know what's so hard about it.

Id. at 83-84.

- Q If you really wanted to hide yourself why didn't you just go farther down the alleyway rather than head out towards Grand Street after you heard the gunshot?
- A Well, I told you my brain doesn't rationalize too well when I'm scared. I don't know about you. I just did what impulse told me to do at that time. I didn't stop and say what should I do, you know.
- Q You say you were scared at that time, is that right?
- A Yes.
- Q Were you more scared after you heard the gunshot than before?
- A Of course I was.
- Q Had you ever been that scared before?
- A No, I never had reason to be.
- Q So you just weren't thinking then when you began to walk out towards Grand Avenue?
- A No, I was thinking I said impulsively. My [body⁵⁰] reacted to just going in the alleyway and going right there. I could not stop and say wait a minute now, what should I do? Should I stand here? Should I try to hide over here or is there a better hiding spot or, you know, should I hide on the roof or what should I do. I was scared. I did exactly what my impulse told me to do at that time.

Id. at 85-86.

⁵⁰ The transcript says "Boyd." Id. at 86.

Q Now, at the time that you left the store -- I'm sorry, withdraw that. At the time that the black males left the store is that picture that shows your location as to where were at the time the black males left the store?

A Didn't you ask me this already.

Q Well, let me just -- is this the picture number 33 that shows your location?

A Yes, that's the same one.

Q Does it basically show -- are you trying to show in this picture --

A No, I'm just there, that's all. Those pictures are not a [reenactment]⁵¹ or anything. They were just taken. I was just standing there but that's just about where I was when I was leaving to take a right and go down Grand Avenue to get away to Dunkin Donuts.

Id. at 87.

Q How, at the time on July 4, '93 I think you stated that on direct examination that you needed to take the drugs every day, is that correct?

A At the time.

Q Yeah, at about that time July 4th, 1993?

A Yeah, then.

Q You used anywhere from 8 to 10 bags a day?

A Yes.

MR. CLARK: I object. Asked and answer.

THE COURT: It has been. It is repetitious.

Q Would you use those -- would you take one bag at one time during the day, would you spread those 8 bags out during the day or would you take them all at once?

A Spread them out.

Q Can you give me an idea of how often would you take a bag?

A I don't know. It varied. It varied when I got it, it varied how I felt, it varied how good the stuff was, it varied the kind of mood I was in. You know, it just varied. If I could -- how easily access I had to it at the time, if it was hot on the street, if I had to wait, if I had to go back. You know, a lot of things.

Q What I'm trying to get at is how long could you go without using the drug before you felt that you needed to have some or you would get sick?

A Everybody is different.

Q I'm talking the period of July 4th and into August?

A Well, it would depend on how good the stuff was that I did. Sometimes it would take a day before I would start feeling sick, sometimes a few hours.

Id. at 106-107.

⁵¹ Reenactment is misspelled in the transcript. Id. at 87.

2. 2006 Statement.

On or about December 6, 2006, Gerald O'Donnell took a recorded statement from Doreen Stiles. Stiles signed the transcribed statement on December 9, 2006. This statement is the first documented instance of Stiles recanting. Most of Stiles' answers, including the most important answers, are merely one-word or short sentence responses to leading-style questions. A highlighted portion follows:

- Q Okay. So you, in the morning of July Fourth, you were down near the store?
A Yeah.
Q La Casa Green, and you did see some males?
A Um hum.
Q And could those males that you identified be the two same pictures I showed you?
A Yes.
Q George Gould and Ronald Taylor, you saw them in the area?
A Yes.
Q Did you see them come out of the store?
A No.
Q Did you see them go in the store?
A No.
Q No. You just saw them in the area of the store?
A Right.
Q Where there was other people?
A Um hum.
Q You didn't see them come out of that store?
A No.

Id. at 6.

Stiles, in her 2006 statement, puts herself and the defendants at the scene of the crime. She only recants the more incriminating parts of her original trial testimony. In this version of her recantation she partially explains how she was able to recall so many credible and consistent details about what she observed, including the location and proximity of objects and others in relation to where she was, and her state of mind at the time during her 1995 testimony. Stiles testified at the 2009 habeas trial that she was not in the area at all. Tr. 08/03/2009 at 48-49. This makes the 2009 habeas testimony inconsistent to the 2006 statement

The 2006 statement is a subject of the allegations that Gerald O'Donnell tampered with or otherwise improperly influenced its contents. The statement itself relies on leading questions and appears to indicate that O'Donnell conducted a pre-interview with Stiles. Therefore, given these facts and her apparent vulnerable state, any amount of tampering or misconduct by O'Donnell may have had great effect on her statement.

3. 2009 Habeas Testimony.

Doreen Stiles testified at the defendants' first habeas trial in 2009. The record indicates that she was in a wheelchair. Tr. 08/03/2009 at 35. The record also indicates that she spoke in short and simple sentences and responded to leading-style questions during direct examination. The three major issues with the plausibility and verifiability of the 2006 statement still apply to Stile's 2009 habeas testimony. Like her statement, most of Stiles' answers, including the most important answers, were merely one-word or short sentence responses to leading-style questions.

In her 2006 statement, Stiles squarely puts herself and the defendants at the scene of the crime. However, at the 2009 habeas trial, she testifies that she was not there at all and completely made up all the credible and consistent information that she provided during her over three and a half hour testimony at the hospital while she was critically ill. Therefore, this later version of her recantation inconsistent to her first recantation and also fails to adequately explain how she was able to testify in the manner that she did in 1995.

Stiles' 2009 habeas testimony is impacted by the fact that O'Donnell conviction indicates that he tampered with her testimony and developed an inappropriate relationship with her over a period of three years. O'Donnell's inappropriate and undue influence over Stiles may contribute to why she completely removes herself from the scene in later versions of her recantations. When comparing her numerous statements, these inconsistencies must be evaluated in comparison to her original statements in order to evaluate her initial credibility and her current credibility.

Highlighted portions of her 2009 habeas testimony follow.

- Q At trial, what did you testify to as to where you went?
A At trial, I testified that I went down Grand to La Casa 4 Green.
Q Okay. And did you actually do that?
A No.
Q Okay. Now, at trial, when you got to La Casa Green, tell us what you saw at that point in time -- what you testified to you saw.
A I testified that I saw two guys. You know, I really can't remember too well right now.

Id. at 45.

- Q Okay. Now, you were asked at trial if you saw a van that was parked on the -- on the side of the street, and you testified that you didn't notice that. Is that is that true or not?
MR. WADDOCK: Objection; leading.
THE COURT: Sustained.
Q What did you see in front of the store? Did you see a van?
A No.
Q Okay. Now, once Mr. Gould entered the store, did you ever see anybody else enter the store?
A No.
Q Okay. And is that because you weren't there?
A Yes.
Q You made it all up.
A Yes, I did.

Id. at 48-49.

- Q Doreen, you weren't there. You witnessed no murder; correct?
A No; I didn't.
Q Okay. Now -- and so when you testified at trial about hearing people yelling in the store, you made that up? Is that true or not?
A Yes, I did.
Q That's not true?
A No; it's not.
Q Okay. And you testified at trial that you heard Gould say, open the safe. That's true or false?
A False.

Id. at 53.

Stiles testified that a combination of drug addiction and police pressure and misconduct caused her to lie. Highlighted portions of her testimony follow.

- Q Okay. Now, you just testified that first you told them you weren't there; you didn't see anything. Did that end the -- did that end that interview with the police or what?
A No.
Q Okay. What happened next that you recall?
A Well, I kept telling them that I didn't see anything, and they kept telling me that I was there.
Q Okay. Did they give you the name of any -- of the person who said they saw you were there?
A Yes.
Q Okay. Do you have a recollection of who that person was?
A Yes. They said it was Mary Boyd.
Q They told you Mary Boyd saw you there?
A Yeah.
Q Okay. And so did you -- after they told you that Mary Boyd saw you there -- you denied being there for the first time -- did they ask you again if you were there?
A Yeah.
Q And how many times did they ask you if you were there?
A Over and over and over and over.
Q Okay. And each time over and over and over again, what did you tell the police officer?
A No. I wasn't there, and I didn't know anything about it.
Q Okay. And who was the police officer -- if you recall who was the major interrogator?
A Brian Sullivan.
Q Okay. And do you remember at some point in time becoming more dope sick?
A Yes.
Q And could you explain the logical progression of that please.

A Well, at that point, I remember I had -- was shivering really bad, and I had really bad cramps in my stomach. And I told him that I wanted to go home.

Q And what did they tell you? Did they say you can go home?

A They said I couldn't leave until I told them what I saw and what I heard and that if I -- the sooner that I told them, the quicker I'd feel better because they would take me to buy something to get high with.

Id. at 58-60.

Q Okay. And why did you lie?

A I was so sick, and you know, I kind of got the impression from what they did with the smiling thing that these two guys were somebody that they wanted either to arrest or somebody that they were looking for or somebody that they knew, you know.

Q Okay.

A The way that they looked at each other, I just went with it.

Q Okay. Now, did they -- did they ask you if these were the guys that you saw at La Casa Green?

A Yes.

Q Okay. And what did you say?

A Yes.

Q And was that true or false?

A False.

Id. at 63-64.

Q Now, Doreen, you said you left -- at some time, you left the police station, and you thought it was somewhere around midnight.

A I thought it was.

Q Okay. And you went down to what street, again?

A Wolcott.

Q How did you get there?

A They took me. They drove me.

Q Who is they?

A Detective Sullivan and Officer Gleason.

Q Okay. And were you in a -- what kind of a vehicle were you in?

A It wasn't a marked vehicle. I don't know what kind of car it was. It was just an ordinary car.

Q Non-descript car?

A Right.

Q It didn't say New Haven Police on it?

A No.

Q It wasn't a black and white or --

A No.

Q Okay. And where did you sit in the car?

A On the floor in the backseat.

Q You sat on the floor?

A Yes.

Q Why did you sit on the floor?

- A Well, they didn't want anybody that was out selling drugs on that street to see them drop me off over there.
- Q Okay. So when you say you got on the floor, did you get on your stomach, or did you –
- A Well, I was laying across the floor, on my side.
- Q Okay. And so were the windows of the vehicle above you –
- A Um-hmm.
- Q -- so that you couldn't see street level or not?
- A Yes. No; I couldn't.
- Q And so they took you to -- did you say Humphrey Street?
- A To Wolcott.
- Q I'm sorry. To Wilcox. [sic] And when you got to Wilcox, did they give you anything?
- A Yes.
- Q What did they give you?
- A Money.
- Q How much?
- A That night, it was sixty dollars.
- Q Sixty dollars?
- A Um-hmm.
- Q Okay. And who gave you the sixty dollars?
- A Brian Sullivan.
- Q That's Detective Brian Sullivan?
- A Yes.
- Q Okay. And do you know why he gave it to you?
- A Yes.
- Q Why?
- MR. WADDOCK: Objection as to what somebody's mental intent was, a third party.
- Q Did he tell you what the money was for?
- A Yes.
- Q Okay. And what did he tell you it was for?
- A So I could go buy something to --
- Q What is something?
- A I could go buy some heroin.
- Q Okay. And so did you take possession of the sixty dollars?
- A Yes.
- Q And what did you do?
- A I went and bought some heroin.

Id. at 65-68.

At the first habeas trial, Stiles testified during cross-examination about important details regarding her memory of events and her opinion of Officer Keith Wertz. Highlighted portions follow.

- Q Okay. When you were speaking to them, did you indicate in your statement to Detective Sullivan and Officer Gleason that you went directly to Dunkin' Donuts?
- A Yes.
- Q Isn't it true, ma'am, that you told them that before you went to Dunkin' Donuts, that you actually had gone down to 300 Grand Avenue? Isn't that what you told the detectives at that time?
- A I wasn't there. I lied.
- Q I understand.
- A I don't know what I said. I'm sorry. I don't remember.
- Q So you're not certain what you told the detectives –
- A No.
- Q -- that night –
- A No; I'm not.
- Q -- at all.
- A No.

Id. at 145.

- Q And at some point in time, you indicated that Mr. Vega responded in Spanish; correct?
- A Yes.
- Q Had you heard him speak Spanish before on the times that you went in and out of the store?
- A No.
- Q When he conversed, when he talked with you, would he talk in English primarily?
- A Yes.
- Q When you heard him speaking Spanish, was that something unusual, in your mind?
- A I didn't hear him speak in Spanish.

Id. at 157.

- Q And you told the police you went to Dunkin' Donuts.
- A Yes.
- Q And you saw an officer there; correct?
- A Yes.
- Q That being Officer Keith Wertz.
- A Yes.
- MR. VISONI: Objection, Judge, to the question and you saw a police officer there. Again, she's saying that all of that is fake. It never happened. He's trying to artfully word the questions.

THE COURT: Mr. Visone, I heard what she said. You can redirect.

...

BY MR. WADDOCK

- Q Could you tell us, Keith Wertz was somebody you knew back then; right?
- A Yes.
- Q In fact, it was somebody you had a pretty high regard for as a police officer.
- A Yes.
- Q Treated you well?
- A Yes.
- Q Had never -- withdrawn.
Is it fair to say that you felt he was a good police officer?
- A Uh-huh. Yes.
- Q Always treated you fairly?
- A Yes.
- Q Somebody you could trust?
- A Yes.
- Q Somebody you could confide in if necessary?
- A Um-hmm.
- Q All right. And Mr. -- Officer Wertz -- back then -- was at the Dunkin' Donuts?
- A Yes.

Id. at 163-164.

4. 2011 New Haven Police Department Interview.

This is a screenshot of the video of the 2011 New Haven Police Department interview with Doreen Stiles.



Stiles told detectives that O'Donnell bought her gifts, provided and promised her monetary benefits, and generally gave her a lot of personal and inappropriate attention over a period of three years leading up to her testimony at the first habeas trial.

5. 2013 Trial Testimony in State v. Gerald O'Donnell.

On September 25, 2013, Doreen Stiles testified in the state's case against Gerald O'Donnell and at a certain point in her testimony received immunity for her testimony. Tr. 09/25/2013 at 36. Overall, the substance her testimony was that her 2009 testimony was the truth. Id. at 33-115. She denied that O'Donnell's conduct caused her to change her testimony and blamed the police for pressuring her and exploiting her drug addiction. Id. at 80-81. She also testified about events that happened after 2009, including when she called the defendant Ronald Taylor to apologize to him.⁵² Id. at 104-105. It is unclear and unknown how many times Stiles has recanted back and forth at this point. In 2013, Stiles testified about her original testimony at the hospital in 1995. A highlighted portion follows.

BY ATTY. PILLSBURY:

Q Ms. Stiles, now I'm directing your attention to January of 1995. Do you recall -- did you testify in the criminal trial of George Gould and Ronald Taylor regarding the murder of Mr. Vega?

A Yes.

Q And with regard to that testimony, do you recall where that testimony occurred?

A Yes.

Q Where did it occur?

A St. Raphael's Hospital in New Haven.

Q Okay. And why did it occur there?

A Because I was admitted there. I was sick.

Q And what was your medical situation?

A I had a very bad infection in my heart valve.

Q And do you -- what was your understanding at that point of the seriousness of that situation?

A Well, my understanding from what my doctors had talked over with me at that time was that I could die from that.

Q I -- I'm sorry. I don't want to cut you off.

A I could die from the illness that I had.

Q Okay. Now, would you describe for the Court please exactly what it was like giving that testimony as far as who was there and briefly how it proceeded?

A What it was like? It was like a nightmare. I was so sick, and I was just so -- actually, can I just say that I didn't even know that was going to take place until the night before we had that trial. I couldn't believe they did this in a hospital sick as I was.

Anyway, so it was like that, and they set up a room, like a courtroom with a judge and Ronald Taylor and George Gould, whoever else. There was a camera, a video camera in there.

Q So you've indicated there was a judge there?

A Yes.

Q And Mr. Gould and Mr. Taylor were there?

A Yes.

Q Who else was there if you recall?

A Brian Sullivan, Detective Brian Sullivan.

Q And is he a New Haven Police Department officer?

⁵² Taylor was in the hospital dying from cancer.

A Yes.
Q Okay.
A I don't remember the names of the other officers.
Q Were there attorneys in the room?
A Yes.
Q Do you recall --
A No.
Q --who they were?
A No.
Q Do you recall if there was a clerk there?
A You mean --
Q Like a court clerk?
A I think so.
Q How about a -- do you know what a stenographer is?
A Yes, I know what it is, but I imagine there was one. I don't remember seeing one.

Id. at 46-48.

Stiles' 2013 testimony at O'Donnell's trial is that she put Detective Brian Sullivan and possibly other New Haven Police Department officers in the hospital room with her during her testimony. Detective Sullivan was an investigating officer in the case. Stiles also blamed Sullivan for causing her to lie by pressuring her and providing her drugs. It is unclear why she put him and possibly other police officers in the room with her during her testimony. She may have wanted to suggest that he was continuing to put pressure on her. She may have been confusing and essentially merging memories. Regardless, this is a key aspect of her 2013 testimony that is inconsistent to the trial evidence and record. The record does not indicate any reason for Detective Sullivan or any other New Haven Police Department officer to be there at the hospital room, Tr. 09/19/1995 at 2, which would also have been incompletely inappropriate and vehemently objected to (if attempted) by defence counsel. Furthermore, the record indicates that the hospital room was small. Id. at 31.

V. Additional Investigations.

a. New Haven Police department Case Incident Report Re: statement of Arthur Wright

On February 24, 1994 Detective Sergeant Howard informed Detectives Dease and Burton that Det. Sgt. Howard and received a call from Arthur Wright DOB 12/10/58 an inmate at Whalley Avenue Correctional Center (NHCC) that Wright had information regarding the murder at 330 Grand Avenue on July 4, 1993. Det. Dease and Burton went to interview Wright at NHCC. According to the March 9, 1994 NHPD police report:

Mr. Wright informed us that he is an inmate at this facility and that he is doing time for a robbery. He told us that a few days ago he was speaking with one of his friends about a robbery when they were interrupted by Ronald Taylor who is also an inmate at this facility. Arthur Wright stated that Ronald Taylor told him that he and his friend George Gould committed a murder/robbery at 330 Grand Avenue and that George Gould was the person that shot the store owner in the head.

Arthur Wright stated that Ronald Taylor told him that he did not do this robbery right because they did not kill the victim and that the New Haven Police Department does not have a good case against him and George Gould.

Arthur Wright further stated that Ronald Taylor also told him that he waived his probable cause hearing because the state only has one witness and that this witness is a white female and that she is a junkie and he believes that this person will not testify against him in a court of law. Arthur Wright stated that Ronald also stated that on the morning before they did this robbery they did two other robberies earlier, one in the hallway of the building that George was living in and another one on Ferry Street. Arthur further stated that Ronald told him that the witness did not see his face and that the witness only saw him from behind and she did not observe him when he entered the store and just saw him when he was leaving.

Arthur Wright further stated that Ronald Taylor told him that they took money, food stamps and jewelry from the safe of the store and that the reason why they robbed this particular store is that they used all the money that they had gotten from the two previous robberies to buy drugs and needed more money to get more drugs. Arthur Wright also stated that Ronnie Taylor told him that George Gould was the person that shot the store owner in the head.

The NHPD report discusses a meeting with Assistant State's Attorney Clark at the State's Attorney's office on Church Street. During the meeting Mr. Wright selected both Ronald Taylor and George Gould from photos. Mr. Wright refused to give a taped sworn statement before further discussions with the prosecution.

Arthur Wright died in November 19, 2022 and had an extensive criminal record.

| | | |
|------------|-----------------------------------|-------------------------------|
| 1977 | Robbery 2 nd Degree | 2 years' probation |
| 1979 | Robbery 2 nd Degree | 2 years |
| 1980 | Escape from Custody | 1-3 years |
| 1980 | Kidnapping 1 st Degree | Guilty in 1986, 9 to 18 years |
| 1980 | Escape from Custody | 10 years |
| 1986 | Robbery 3 rd Degree | 1 year |
| 4/10/1992 | Robbery 2 nd Degree | 30 months concurrent |
| 12/27/1993 | Escape 1 | 18 months |
| 12/30/1993 | Robbery 3 rd Degree | 30 months concurrent |

From 1998 to 2018 Arthur Wright committed six more felonies and numerous misdemeanors.

According to Collect, Arthur Wright was in custody from April 13, 1992 until December 27, 1993 during the murder of Mr. Vega. Wright escaped from furlough December 27, 1993 and was captured January 11, 1993. He was frequently at NHCC from January 11, 1994 until December 14, 1994 on transfers from other correctional institutions. During the State v Gould trial he was a sentenced prisoner in custody.

Arthur Wright was not called to testify at the trial of George Gould and Ronald Taylor. In any case it is well recognized that jail house informants and witnesses that have a cooperation agreement have credibility issues such that specific jury instructions §2.5-3 and § 2.5-4 may be required if the testify.

However, Arthur Wright statement to NHPD detectives is very detailed for a person who was in custody at the time of the crime.

Doreen Stiles testified (Tr. 01/19/1995 at 7-141) that:

- Stiles saw two black males come out of the store, "looking around" but not at her.
- One was the defendant Gould.
- Stiles identified the second suspect as the codefendant Taylor, who she "recognized a couple of times" but was not someone she "knew to talk with."

During voir dire examination (at 20-23) by Attorney DeMarco, Stiles answered more questions stating:

- Stiles identified the black male as the defendant, George Gould.
- When she was in the alleyway, she heard a muffled "commotion" through the wall.
- Stiles heard voices. Two sounded "angry."
- Stiles recognized the third voice as the victim's.
- Stiles heard talk about opening the safe and the money.
- According to Stiles the victim sounded upset and was "screaming at the top of his lungs."
- According to Stiles the victim screamed in Spanish.

NHPD Detective Persie Gethers testified (Tr. 01/23/1995 at 78-104) that he took a pair of statements from Doreen Stiles.

- That on July 29, 1993 Stiles selected George Gold from a photo board.
- On August 2, 1993 Stiles selected Ronald Taylor from a photo board.

NHPD Detective Chris Grice testified (Tr. 01/17/1995 at 55-128) that he went to 330 Grand Avenue on July 4, 1993. He recognized, preserved, and collected physical evidence at the scene, including by photographing the scene.

- It did not appear that money was taken from the cash register. He went into the back of the store and took further note of the body that was there. There appeared to be a bullet wound to the left temple area.
- A spent shell casing, Remington Peters .380 caliber, was found in the walk-in cooler on a box by the victim's right elbow.
- The victim's wallet did not contain any money. The victim had a "large wad of bills" in one of his front pockets. The bills totaled \$1,810.
- The safe did not contain any cash or jewelry, though it did contain "jewelry type boxes" or other small cardboard boxes.

Susana Negron testified (Tr. 01/18/1995 at 153-160) that she was the victim's daughter and handled all the paperwork and bank deposits for the store.

- The safe, at one point before the murder, had documents, cash, and jewelry.

NHPD Detective Leroy Dease (Tr. 01/23/1995 at 3-74) testified pursuant to a limiting order about statements made to him by the defendants in regards to an earlier robbery. He first testified before the court to ensure compliance with the limiting order.

- During cross-examination, Detective Dease testified that Gould told him that they were at two locations attempting to "raise money," (robberies) at 335 Grand Avenue and 480 Ferry Street.

b. Federal Bureau of Investigations Involvement-

FBI Special Agents interviewed Doreen Stiles, Mxxx the mother of Txxx , Txxx, George Gould, Rafael Rivera, Carmen Diaz Ortiz and Polygraph examinations of Gerald O'Donnell and Doreen Stiles, 2017-18. The following are the most relevant subjects discussed in the FBI reports.

December 8, 2017 FBI Special Agents Offutt and Hatcher meet with Doreen Stiles at her residence for an interview an according the FBI report Stiles commented that she was not at the bodega Mr. Vega was murdered in 1993

January 29, 2018 FBI Special Agents Offutt and Hanco conducted a more detailed interview. According to the FBI 5 page report Stiles stated:

That on July 4, 1993, the day of the murder she was walking to the bodega owed by the victim Vega when she saw police cars at the bodega and that she did not go inside.

That five days later a male claiming not to be a police officer picked her up off the street and brought her to meet detectives from the New Haven Police department. That the detectives questioned her for eight hours and the detectives told her that they would give her money to buy drugs and that they did give her money and bring her to buy drugs.

That about two days later the detectives again offered her money for drugs and asked her to look at some photos. She then selected a photo of Taylor and a photo of Gould.

That about two days after that day, the detectives again offered her money for drugs, helped her buy drugs and took her to dinner and put her up in a hotel.

Stiles then stated that on the day of her hospital testimony before the judge, attorneys and the defendants, the detectives were yelling at the defendants during the testimony.

The Special agents then comment in the report on the "inconsistencies" O'Donnell uncovered.

Stiles informed the officers how she apologized to a terminally ill Taylor and his family.

Stiles then described her interaction with inspectors from the Chief State's Attorney's office and how they served a subpoena on her to testify at the O'Donnell trial.

Stiles does admit that O'Donnell gave her a television, rent payments and cash.

January 29, 2018 FBI Special Agents Offutt and Hanco attempted unsuccessfully to interview Pamela Youmans at her home. Youmans refuse t0 discuss the Vega murder and closed the door.

February 27, 2018 FBI Special Agents Offutt and Hanco spoke with Mxxx the mother of Txxx and recoded the interview in a two page report. In summary the report states:

Mxx stated that when she was 19 years old (1987) she has a relationship with Carlos Deleon the son of the victim Eugenio Vega and that she has a son born shortly thereafter. Deleon went to jail in 1998 for child molestation and was released in 2003. At that time Mxxx restarted her relationship with Deleon and that she had three daughters, Txxx was the youngest.

Mxxx recalls Deleon telling her that he killed his father Eugenio Vega because Deleon has stolen \$50,000 from him. According to Mxxx, Deleon said that he had a prostitute help tie up the Vega and that Deleon shot Vega in the presence of Taylor and Gould who had just walked in to the bodega.

Mxxx further recalls Deleon showing her a box he used to store two hand guns and that Deleon had buried the handguns in the back yard of his aunt's house [the O. House] before Deleon went back to jail in 1998. [no guns have ever been recovered-see FBI report of May, 9, 2018]]

Mxxx last spoke with Deleon in 2004 after Txxx disclosed that Txxx was sexually assaulted by Deleon.

February 27, 2018 FBI Special Agent Offutt interviewed Txxx who stated that:

That Txxx was approximately 13 years old in 2004 when she was sexually assaulted by Deleon a man her mother had dated.

Lopez told her that he had killed his father, Eugenio Vega and that Deleon could do the same to Mxxx.

Txxx stated about a year later she told her mother Mxxx of sexual assault by Deleon.

March 6, 2018 FBI Special Agents Offutt and Hanco interviews George Gould at MacDougall CCI. The FBI report is four pages long and covers the case history and details of the day of the Vega murder. Gould also discussed his prior criminal history.

Gould claimed that he had never been inside of the bodega, that he is innocent and that he believed Deleon killed Vega. Gould was able to pick Deleon out of a photograph. [Gould did not collaborate Deleon's alleged statement to Mxxx on how Deleon killed Vega in front of Gould and Taylor.]

March 9, 2018 FBI Special Agents Offutt and Hanco interviewed the then owners, of house that Deleon and the Ortiz family has lived at. The owners consented to a search of the yard and no guns where recovered.

March 9, 2018 FBI Special Agents Offutt and Hanko interviewed a C.O. who shared a son with Deleon.

C.O. recalled that on the day of the Vega murder Deleon left their shared home early at 4:00am and later called her that he could not find his father at the bodega even though it was open.

Thirty minutes later Deleon called to tell her that his father had been killed.

When Deleon came home later that day he told her that two black men had killed his father. Deleon had always denied to her killing his father, however stating "You will leave me if I tell you the truth"

C.O. did see Deleon with two hand guns but that she thinks he brought them to his mother's house before he went to prison in 1999.

November 17, 2017, the FBI conducted a Polygraph Examination of Gerald O'Donnell.

The examination was limited to whether O'Donnell used another person to record witness Youmans. His answer was no to the questions. No deception was discovered by the examiner.

The report states that it was O'Donnell's contention that the police officers may have had information about Deleon's involvement in the murder but covered it up due to Deleon's value as a police informant.

January 17, 2018, the FBI conducted a Polygraph Examination of Doreen Stiles.

The examination was limited to whether Stiles saw Gould and Taylor exiting the bodega on the day of the murder.

"Did you see those men inside that bodega?"

"Did you see those men inside that bodega, on that day?"

Her answers were no to both questions. No deception was discovered by the examiner.

c. Recent statements by NHPD officers involved in the initial police investigation.

On or about October 5, 2022, Deputy Assistant State's Attorney Thai Chhay and Inspectors Adrian "Pete" Acosta, John Betz, and James Naccarato met with Keith Wortz.⁵³ A significant portion of Supervisory Inspector Acosta's memorandum⁵⁴ follows:

Mr. Wortz stated that he had a clear recollection of that investigation still to this day and that he had a clear recollection of Ms. Stiles.

Mr. Wortz remembered the homicide investigation in New Haven on Grand Avenue at La Casa Green. Mr. Wortz remembered being at the scene, securing it and that he wrote the report for this homicide.

Mr. Wortz was asked, in particular, if he recalled Ms. Doreen Stiles. Mr. Wortz stated that he did. He stated that Mr. Stiles was a "Staple" in the Grand Avenue - Fair Haven area. He stated he probable had known Ms. Stiles for a couple of years from working his Police patrol in that area and that he had an amicable relationship with Ms. Stiles, in which they would speak to each other. Mr. Wortz stated that it was mostly small talk and Ms. Stiles was comfortable talking to him. He also added that it was common to see Ms. Stiles out in the area in the very early hours.

Mr. Wortz was asked, in particular, if he recalled seeing Ms. Stiles at the Dunkin Donuts on Ferry Street near Grand Avenue, the morning of July 04, 1993 prior to going to the homicide. Mr. Wortz stated he did not recall that specifically, but recalled that sometime, maybe within a the week or so, Ms. Stiles saw him while he was working, approached him and began a conversation, but this conversation was different. Mr. Wortz recalled that Ms. Stiles was specifically inquiring about the homicide at La Casa Green. Mr. Wortz stated that that conversation gave him a very strong feeling that Ms. Stiles either witnessed the homicide or knew information about that homicide. Mr. Wortz stated that he did not pry during that conversation because he felt that if he did he would scare Ms. Stiles off.

Mr. Wortz stated that he had such a strong feeling that Ms. Stiles either witnessed the homicide or knew information about the homicide and may want to come forward, that after his shift was completed he went and waited in the Detective Bureau for Brian Sullivan to come in. Brian Sullivan was in charge of the Detective Bureau, at that time. Mr. Wortz stated that this was not common practice for him. He stated that when his shift was over he would just leave. Mr. Wortz stated that he told Mr. Sullivan about Ms. Stiles. Mr. Wortz states that his information to Mr. Sullivan regarding Ms. Stiles lead to Detectives seeking out and speaking with Ms. Stiles.

We indicated to Mr. Wortz that we may want to speak to him again at a later time. Mr. Wortz agreed and stated that he would be willing to speaking [sic] with us.

⁵³ Wortz was working as a victim advocate in Waterbury.

⁵⁴ Supervisory Inspector Acosta's addendum to the memorandum notes that Wortz recalled O'Donnell trying to influence him about the evidence in the case.

Id. at 1-2.

On October 27, 2022, Inspector James Naccarato spoke to Daniel Gleason, one of the officers⁵⁵ who spoke to Doreen Stiles when she was brought into the New Haven Police Department in 1993. Inspector Naccarato's entire memorandum reads as follows:

On 10/27/2022 at approximately 1410 hours, I spoke to retired Detective Daniel Gleason via phone. I asked about his recollection of his interaction with Doreen Stiles in regards to the homicide of Eugenio Vega.

He immediately remembered that he was working in the detective bureau when he saw her at the New Haven PD and she looked like there was something wrong. He stated that he was very familiar with her and had many interactions with her over the years. He asked her if everything was ok and she immediately began to cry and said that she had information on the Vega homicide.

Gleason stated that Detective Percie Gethers then spoke with her and that was the extent of his involvement.

Id. at 1.

On November 4, 2022, Deputy Assistant State's Attorney Thai Chhay and Supervisory Inspector Adrian "Pete" Acosta spoke to Inspector Edwin Rodriguez at the Office of the Chief State's Attorney regarding his interaction with Doreen Stiles on July 6, 2011. Supervisory Inspector Acosta's memorandum partly reads as follows:

Inspector Rodriguez recalled that he was tasked with Inspector Coppola to find Doreen for the purpose to locate her and advise her she would be subpoenaed regarding the Gould / Taylor habeas case. Insp. Rodriguez recalled that when they found Doreen she began to talk unsolicited. Insp. Rodriguez recalled that Doreen said her testimony was truthful in the original 1995 trial. Insp. Rodriguez also recalled that Doreen said that O'Donnell bought her a TV. Inspector Rodriguez recalled that they immediately stopped her from talking further and transported Doreen to the New Haven Police Department where she was interviewed by Sgt. Tony Reyes. Insp. Rodriguez recalled that the interview was videotaped. Insp. Rodriguez confirmed that the excerpt in Insp. Bannon's 2012 warrant for Gerald O'Donnell pertaining to him was accurate.

Id. at 1.

On November 7, 2022, Deputy Assistant State's Attorney Thai Chhay, Supervisory Inspector Adrian "Pete" Acosta, and Inspector James Naccarato spoke to Otoniel Reyes at Quinnipiac University, Department of Public Safety. Supervisory Inspector Acosta's memorandum partly reads as follows:

Mr. Reyes recalled that he was a Sergeant at the time assigned to the Major Crimes. Mr. Reyes recalled that Insp. Rodriguez and Insp. Coppola came into the New Haven Police Department with Doreen Stiles and asked if he could speak with her regarding a case

⁵⁵ Percie Gethers, the detective who took Stiles' statements, is deceased.

she had been a witness to. Mr. Reyes stated that at the time he did not know anything about Doreen Stiles or the case. Mr. Reyes recalled that Doreen Stiles was interviewed by himself and Det. Merced. Mr. Reyes recalled that he asked Det. Merced to come into the interview because he was available. Mr. Reyes recalled that the interview was video recorded. Mr. Reyes was asked if he recalled why Ms. Stiles did not sign her statement transcript and he stated he did not recall why Ms. Stiles did not sign the statement.

Id. at 1.

On November 7, 2022, at approximately 3:21 pm, Supervisory Inspector Adrian “Pete” Acosta spoke to retired Supervisory Inspector John Bannon on the phone. Supervisory Inspector Acosta’s memorandum partly reads as follows:

Mr. Bannon recalled that he became involved with Doreen Stiles when he investigated Gerald O’Donnell for witness tampering. Mr. Bannon recalled that he spoke with Doreen Stiles several times over the course of his investigation. Mr. Bannon recalled that Doreen Stiles was not an easy person to deal with and when he spoke with her, sometimes, she was all over the place. Mr. Bannon recalled that even though Doreen Stiles was, at times, all over the place she did provide truthful and accurate information. Mr. Bannon recalled that Doreen Stiles provided information that Gerald O’Donnell bought and gave her a television set. That the crux of this investigation was that Gerald O’Donnell was attempting to influence her testimony regarding the George Gould and Ronald Taylor case.

Mr. Bannon recalled that based on the information he was able to track the television set and found that Gerald O’Donnell did buy the television set and gave it to Doreen Stiles. Subsequently Gerald O’Donnell was arrested and convicted of witness tampering. Mr. Bannon recalled that he did testify on this case and his testimony is on record.

Id. at 1.

On November 8, 2022, at approximately 1:00 pm, Supervisory Inspector Adrian “Pete” Acosta spoke to retired Inspector Stephen Coppola. Supervisory Inspector Acosta’s memorandum partly reads as follows:

Mr. Copolla [sic] recalled that he had been assigned with Inspector Rodriguez to find Doreen Stiles for the purpose to locate her and advise her she would be subpoenaed regarding the George Gould and Ronald Taylor case. Mr. Copolla recalled that they were able to locate Doreen Stiles address through a New Haven Police Department report that had her address. Mr. Copolla recalled that when they went to the address, they found Doreen Stiles and told her she was going to be subpoenaed. Mr. Copolla recalled that Doreen Stiles became angry and began to talk, unsolicited, about O’Donnell. Mr. Copolla recalled that Doreen Stiles said that O’Donnell bought her a TV. Mr. Copolla recalled that he and Inspector Rodriguez transported Doreen Stiles to the New Haven Police Department where she was interviewed by Sgt. Tony Reyes.

Id. at 1.

VI Conclusion

In this report CIU has set out the procedural history, and the defendant's claim. This report also contains further information from the original New Haven Police investigation, from the Federal Bureau of Investigations, and recent interviews by CIU inspectors of relevant individuals. CIU inspectors have been periodically attempting to find Doreen Stiles. As of April 18, 2023 there is no record of a Doreen Stiles on CLEAR (nationwide) or Google.

CIU leaves the weight to be given to the inconsistencies in Doreen Stiles testimony and the evaluation of her initial credibility and subsequent credibility to the State's Attorney for the originating jurisdiction who will decide on the appropriate action required to do justice in the matter.