



CHAPTER 3

ENTANGLEMENT

Everything is against me.

Genesis 42:36

When you are arrested, you enter a surreal world that is called the “corrections” or “justice” system. Both are misnomers. There really is precious little emphasis placed on *corrections* in this corrections system, and there is plenty of *injustice* in the justice system. It would be more accurate to call it the Entanglement System since it envelops you in its uncaring, impersonal, sticky web that can reach beyond you and into the lives of your family, friends, and colleagues. Even years after criminals have paid their court-ordered sentences, the entanglement continues.

I will never stop paying for my crime, even after the court-sanctioned punishment has ended.



My punishment initially began months before my conviction with my arrest and languishing in the smelly holding cell for several days. It continued when I met Sally at her house to retrieve my few belongings and she broke up with me. This was also when the real entanglement began.

Sally told me Lisa had called her the day after I'd been arrested and advised her to change her home locks because I had a history of obsessing over women and breaking into their homes. Lisa also told Sally that I was obsessed with Sarah, a technician who had previously worked in my lab. These accusations were absolutely untrue, as Sarah, other women who had worked for me, and even my ex-wife attested to the police after being tracked down. The police found and interviewed them, and their comments favorable to me made it into the police report on my case. The police also looked into my background and did not find any previous problems of harassment, obsession, or breaking into women's homes.

It also was strange that Lisa was able to access Sally by phone—Sally had an unlisted personal phone number because of her profession. The only thing that makes sense is that the police gave Lisa the phone number. If true, this was the beginning of several inappropriate detective actions done to discredit me in Sally's eyes. And the entanglement began.

A couple of weeks after I collected my things and said a tearful goodbye to Sally, I got a very angry email from her on an unseized computer in one of my labs. She told me that a detective stopped by her office and interrupted her session with a patient. He told her that they'd followed me to gay nightclubs. Understandably, Sally was very angry, but the detective's allegation was a complete fabrication. It never made it into any of the police reports or into my pre-sentence character investigation used to help guide the judge in his sentencing decision. I am strictly heterosexual, and I had no idea where the gay nightclubs were in the city in which I lived. I was flummoxed and quite distraught at the allegation and how it affected Sally.

I asked my attorney why the detective would make that up. He said he had seen police make up stories about accused

people in order to turn sympathetic witnesses against them. As long as the police don't share such disinformation under oath or in the official criminal report of a case, it seems that they have free rein to do that.

A detective also tracked down and contacted my ex-wife and, according to what she later told me, tried to pressure her into saying something damaging about me. He pressured her to say that I had been abusive to her, but I never was, and she told him that. He was so insistent and obnoxious that she hung up on him. All of this amounted to tampering with potential witnesses—witnesses who could have testified on my behalf in a trial. In fact, my ex-wife did become a strong supporter and spoke in my favor during the sentencing hearing.

The questionable police shenanigans did not stop there. When they seized my office and home computers, they didn't follow their typical protocol, according to my attorney. The usual procedure is to make an "image" of the computer hard drives, then return the devices. However, after several weeks, my computers still had not been returned. When my attorney asked about this, the lead detective claimed they'd found child pornography on my office computer; therefore, they would need to retain it. Child pornography?! There was *no* pornography of any kind on my computer, let alone child pornography. If there had been child porn on my computer, I would have been immediately charged with a serious federal felony. If there was *any* porn on my office computer, that fact would have made it into the police report and the university would have been alerted. That fact alone would have been sufficient grounds for immediately firing me! None of that happened. Why would a detective lie to my attorney about such a thing? My attorney just shrugged when I asked him. He didn't know and wasn't surprised.

I was not living in Chicago, New York City, or Los Angeles,

where stories of police abuse too often make the news. I lived in a medium-sized Midwest city known for its high quality of life, not for police misconduct. So, the stark realization that such misconduct does happen here, and perhaps is not so uncommon, was sobering. This is how I was introduced into the entanglement of the criminal justice system where, I learned, rules and truth are very flexible. At this point, it was almost conspiratorial.



Not all the entanglement was due to intentional misconduct or shady practices. Technical errors also confounded things. Apparently, police “science” is not always a precise thing. To realize this, you only have to read about convicted criminals who are released from prison after being exonerated upon closer examination of their cases¹, often using modern DNA analysis technology. In my case, the police had attached a GPS tracking device to my car to follow my movements. When the police turned over all information they had on the case to the defense, we obtained their log of my travels. It was a complicated document covering several weeks. It consisted of many pages, with my travels plotted on city maps. It also included a lengthy list of fifteen-minute-interval reports of my car’s location. Some of this GPS record had me at locations nowhere near my area of travel, including addresses and locations I didn’t recognize. Twice the record showed my car outside of Lisa’s house, and we easily disproved both instances. One of the times my car supposedly was outside her home, I proved it had, in fact, been parked at Sally’s house; the other time it was parked at the airport when Sally and I were in Europe.

¹ Troy Closson, “Queens Prosecutors Long Overlooked Misconduct. Can a New D.A. Do Better?”, *New York Times*, Jan. 27, 2021. https://www.nytimes.com/2021/01/27/nyregion/melinda-katz-queens.html?unlocked_article_code=1._Ew.faB2.Pc0BUJXAs9bO&smid=url-share

If these mistakes had not been caught, they could have had a crucial effect on the outcome of my case. The night my car was parked at the airport but the police claimed it was outside Lisa's house, Lisa also claimed, according to the police report, that I had been crawling around on her roof, trying to break into her house. She might have heard a noise and if so, it was probably a raccoon, which I knew she often had running across her roof. At my sentencing hearing, we showed the judge my plane ticket and a letter from Sally saying I was with her in Greece that evening. Besides, I have had a long-standing fear of heights, and there is no way I would ever be on any roof. And at the sentencing hearing, my ex-wife spoke to that fact, based on her experience living with me. My attorney had been worried that Lisa's allegation that I had tried to break into her house could lead the judge to deliver a harsher sentence because the allegation suggested I was a physical threat to Lisa. Based on this incorrect police surveillance data and Lisa's false accusation, I might have gone to prison for years, instead of the county jail for months. Fortunately, we were able to effectively counter the errors.

It is particularly notable that all the "punishment" described above happened *before* I was ever convicted of anything.



As the days rolled into weeks then into months after my arrest, I kept checking the local newspaper and news channels for stories on my arrest and became increasingly relieved that nothing was ever reported. My attorney, Brian, continued to reassure me that I had a good chance of not going to jail or prison. I also had good reason to believe that my job was secure, from talking to university leaders. My encouragement grew into excited

relief when Brian called me the afternoon before I was to face the judge to plead guilty or not guilty. He told me that, if I pleaded guilty, the prosecutor had agreed to recommend that I just serve two years of probation and not be incarcerated. That was what I had prayed and hoped for over several weeks. I rushed to Brian's office and signed the deal so he could get it to the prosecutor before my plea hearing, which was scheduled for first thing the next morning. I returned home and excitedly emailed the few friends who knew what was going on and called my family to let them all know the good news. Everyone was so happy for me. I went out and treated myself to a nice dinner to celebrate the fact that my legal problems would end in the morning. I could refocus on my life and get on with my career.

I looked forward to concentrating on my research and getting my teaching back on track. During the five days I sat in the holding cell waiting for my arraignment, I missed a meeting with the university's graduate school dean. I had been recommended for the position of Associate Dean for Biological Sciences, and he wanted to talk with me about that. Maybe at some point I could even again entertain the notion of moving into university leadership. I could sense normality returning.

I planned to take off a few days and go somewhere distracting to decompress and clear my mind after the plea hearing. But the Entanglement System was not finished with me.

I showed up early the next morning for my plea hearing, and things quickly unraveled. It was like someone found a loose thread in the fabric of my hope and began pulling. Minutes before the hearing was scheduled to begin, the prosecutor took my attorney, Brian, into a private room, where he told him he was pulling the plea deal off the table. He was reneging on the bargain we made and that I had signed the previous afternoon. And he was doing that with no change in the facts of the case.

When Brian came out of the meeting, his face was ashen and he looked dumbfounded. He had a hard time explaining what happened. He stammered and began by saying that the “good news” was that the maximum penalty was “only” three and a half years in prison. My jaw dropped and I demanded, “What the hell are you talking about?”

I felt like I had just taken a gut punch that blew the air out of my lungs. While I stood there numb and slack-jawed, letting the reality of this development settle in, Brian told me that he had never seen a plea bargain rescinded, especially after the defendant agreed to plead guilty to all charges—it was unprecedented in his experience both as a prosecutor and defense attorney. And he’d even argued cases before the US Supreme Court. I now had to make a quick decision on how to plead before the judge without knowing what sentence the prosecutor would eventually ask for. Should I plead guilty as planned and avoid a jury trial, or should I take my case to a jury and endure all that that entails? Based on the DA’s incriminating evidence, Brian and I believed that I likely would be found guilty by a jury. He also advised me that being found guilty after a trial usually meant a stiffer penalty than if one pleads guilty, thereby avoiding the time and trouble of a trial. Since I did not have a criminal record, and given the prosecutor’s earlier willingness to agree to no jail time, Brian and I hoped the judge would be lenient. In addition, I believed that pleading guilty was the right thing to do. I was guilty. Admitting to that would help speed the end of the whole fiasco, and it would not involve everyone, including Lisa and Sally, in a public trial. So, with a rekindled anxiousness that caused sweat to bead on my forehead and my shirt to stick to my back, I nervously admitted my guilt to the court.

I could barely sign the plea papers admitting my guilt—I was so scared that my hand froze, and I had to scratch my signature

in block letters. The judge scheduled the sentencing hearing for three long months away. My earlier elation over the original plea bargain gave way to the anxiety of having to wait several weeks for the sentencing hearing to learn my fate.

What should have been finished was prolonged. I arrived at the court expecting the end of the ordeal. I left the court more concerned for my future than ever. The entanglement grew.



My attorney later learned why the plea bargain had been rescinded. Lisa, who worked in an influential position, had her colleagues heavily pressure the prosecutor and the DA to reverse it. In fact, they urged to move my case to federal court to seek a much harsher penalty. She was never told how I got her boyfriend's detailed personal information, which I used in my bogus email messages to her. From the police reports, I later learned that she thought I'd been eavesdropping on her phone calls or had bugged her house. She even hired a security firm to sweep her house for listening devices. They found nothing. As clever as I thought I'd been with my fake emails, I was not so clever as to consider listening devices. The security firm told her that anyone can purchase an inexpensive, programmable radio scanner from RadioShack and sit outside someone's house to pick up cordless and cell phone conversations. I had no idea that this was possible until I read the police report. Nevertheless, Lisa believed that I had committed a federal crime by eavesdropping on her phone calls.

The police report also said that Lisa believed I had been stealing her mail, which I did not do. Both stealing mail and eavesdropping on phone calls are federal crimes, so she hoped that with her fillip, my case would be boosted to the federal level.

When the police searched my home and office, the search warrant indicated that they were looking for her mail and a programmable receiver. They found neither, because I had neither.

At the urging of Lisa and her well-connected friends, the prosecutor backed out of our signed plea agreement and later, at the sentencing hearing, asked the judge to give me the maximum sentence of three and a half years in a state prison. With no changes in the facts of the case, the prosecutor went from recommending no jail time for me to asking the judge for the maximum sentence!

My attorney and I were stunned. Brian turned to me to give advice, but I sat there in shock at the prospect of spending years in prison after reasonably expecting no incarceration. Brian gently shook my shoulder to bring me back from shock land and suggested that we counter by asking for a sentence of six months in the county jail. I never thought that I would be incarcerated, but now I was faced with an agonizing choice. I instructed Brian to argue for the six months in jail with work release privileges.

The judge split the difference, sentencing me to twelve months in the county jail with work release. I was devastated at the length of this wholly unexpected sentence. But, on the bright side, at least I could go to work each day, and that would help the year pass quickly, and I could get on with my career and, ultimately, my life. Also, by continuing to earn my salary, I could keep my home and health insurance.

I soon learned that the judicial branch and the sheriff's department that ran the county jail are not always in sync with each other, and the entanglement endured.

My sentence was passed down in a courtroom that was filled with my friends and family. My youngest brother and elderly dad flew out from the East Coast to support me at the hearing. Even my ex-wife drove a couple of hours to speak on my behalf and

ask for leniency. And several friends were there for the same reason. They all stood up for me at the hearing and asked the judge for leniency. The judge noticed this outpouring of support in his comments, saying it was unusual.

After he pronounced my sentence, I laid my head down on the table in disbelief. The prosecutor then immediately jumped up and requested that because of my distraught response I be sent to jail “forthwith.” Normally, when sentenced to county jail, unlike to prison, people have up to ninety days to report so they can get their affairs in order. The prosecutor made his motion based on my understandably shocked response to the sentence. The judge agreed with him despite my attorney’s protest, and ordered me directly to jail. I still don’t understand why an understandably dismayed response to terrible and wholly unexpected news would elicit such a response. Shouldn’t I have been dismayed?

Deputy sheriffs converged from several directions, handcuffed me, and led me away. I tried to say goodbye to everyone who was there supporting me. But the deputies pulled at me and took me back to central booking, where I surrendered my sport coat, shirt, pants, tie, belt, shoes, and the contents of my pockets to the jail’s property keeper. My clothes were dumped into a plastic trash bag with my name twist-tied onto it. I was assigned the standard jail uniform—plastic shower slippers and blue scrubs with “County Jail” boldly stenciled on the back and down the legs. They then escorted me back to the concrete holding cell I had sat in before, and it still reeked of the same urine, vomit, and unwashed bodies. After a couple of hours, I was “processed,” which began with being interviewed by a nurse about my physical and mental health. She asked if I had all my teeth. I smiled for her. I was photographed, front and both profile views, while holding my inmate number. If I had had any tattoos, they

would have been photographed. They took photos of surgical scars that resulted from my football injuries. My fingers, palm, and the side of my hand were rolled in ink and pressed on paper, and a DNA sample again was swabbed from the inside of my mouth with a Q-tip. After this initiation ritual into the fraternity of felons, I was taken back to the ice-cold, sour-smelling, eight-man holding dorm; the land of incessant, inane television noise, and very public toilet to await a jail assignment. This time, they did not lose my paperwork.

Later that night, a very inimical, frumpy woman wordlessly escorted me from the dorm to a private room, plopped herself in a chair across a table from me, and in an uncaring and accusatory tone barked, “So, what’s going on?” I had no idea what the question was about. It seemed pretty obvious what was going on—I had just been sentenced to a year in jail. I expressed my confusion regarding her question, and she softened a bit. She explained she was a mental health worker, and I was on suicide watch because I put my head down on the table after learning my sentence. The jail was concerned because I’d been despondent. Really? They aren’t used to seeing despondent people after convictions?

I told her of course I’d been shocked and grief-stricken after learning my sentence then suddenly, unexpectedly dragged to jail. Wasn’t that a normal response to such a depressing situation? Things I’d cherished were quickly slipping away from me. I had to live with the knowledge that I terribly hurt Sally, and I was unable to comfort her. Also, she had left me when I most needed her love and comfort. I’d spent all of my savings on my attorney, and I lost my freedom to a much harsher sentence than either my attorney or I anticipated. And, I had to live with the shame, pain, and guilt of my crime. Shouldn’t I be despondent? She shrugged and said that made sense. I don’t recall anything else

she said, because nothing much transpired afterward. That was the extent of the jail's worry about me.

I found the mental health worker's concern comical. Of course I was despondent! Her gruff manner toward me belied any real professional concern she should have had. This was my introduction to the dismal state of mental health care in a county jail. I elaborate further on this in Chapter 8.

The corrections system is not geared for people who normally are productive, high-functioning, and generally law-abiding members of the community. The system is used to dealing with those for whom jail is not a big deal. To them, jail is often a revolving door, a normal part of their lives. For them, "stuff happens." You go to jail and have a reunion with some of your best friends. I saw this over and over. New guys would enter the large dorms, or pods, as they were called, carrying their trash bag of belongings, only to be met with a chorus of friendly greetings. I also met homeless guys who told me that they commit petty crimes when the weather gets cold so that they can have a warm place to stay during the cold months. It is a kind of frat house for the dispossessed and cold.

Apparently, these people do not put their heads down on the table when sentenced to a year in jail. It is just a normal part of their lives. It says something when the folks in the jail seem shocked when someone shows a negative response to a bad sentence.



The next day, two deputies gave me a trash bag containing my meager belongings I was allowed and then escorted me to my "pod," which was a twenty-eight-man dorm that would be my home for the next year.