

A New York appellate court has unanimously affirmed a \$5.5 million wrongful conviction award to Daniel Gristwood, an individual who falsely confessed to the attempted murder after police officers subjected him to a lengthy interrogation in a highly coercive manner. Police had investigated him in a small windowless room for 15 hours and told him he would never see his wife or five young children again unless he came clean. He was exonerated in 2006 after the actual perpetrator was identified.

Gristwood served 9 years of a 12 1/2 - 25 year sentence for attempted second-degree murder, a conviction based solely on what turned out to be a false confession. He was released in 2006 after another individual came forward and confessed to attacking Gristwood's wife with a hammer and provided extensive details that accurately described the assault and the crime scene.

Gristwood had been awake for 34 hours before making his only inculpatory statement. He was interrogated in a 6 x 8 foot windowless room for 15 hours, during which he ate nothing and had only a can of soda. A polygraph operator reported that the exam was problematic because Gristwood was struggling to stay awake and was experiencing chest pains. Nonetheless, following the polygraph exam, police interrogators became more aggressive and hostile and accused Gristwood of lying. The only inculpatory statement Gristwood made came after he was threatened that he would never see his family again if he did not cooperate.

A trial court judge ruled that Gristwood was entitled to some \$5.5 million in wrongful conviction damages after concluding that Gristwood's "confession" was the product of police misconduct. The appellate panel unanimously affirmed that award in July 2014.

**Read more in the New York Law Journal article.**