

Daniel Gristwood Dies 4 Months After New York Pays \$7.3 Mil. For 9 Years Wrongful Imprisonment

Daniel G. Gristwood [died from lung cancer](#) on January 3, 2015. Four months earlier the State of New York paid him \$7.3 million for nine years of wrongful imprisonment for a brutal assault on his wife.

In January 1996 Gristwood, 29, his wife Christina, 26, and their five children from almost 10 years of marriage lived in Clay, New York, about 10 miles north of Syracuse.

When Daniel arrived home from work about 2:30 a.m. on January 12 he found his wife upstairs covered in blood. She was alive but unconscious.

Daniel was immediately taken to the North Syracuse Police Barracks and began to be interrogated by detectives. Gristwood confessed to hitting his wife with a hammer after 16 hours of interrogation in a six- by eight-foot windowless room, with no food or sleep for 34 hours, without consulting with a lawyer, and after being threatened he would never be able to see his five young children again unless he cooperated. Gristwood immediately recanted his confession as coerced.

Christina survived the attack, but she suffered severe brain damage and was paralyzed on one side. She had no memory of the assault.

Gristwood was indicted for attempted murder. The prosecution's case during his trial was primarily based on his confession. The jury rejected his alibi defense that he was drinking with friends at a tavern after he got off work at 11:45 p.m. on July 11. After his conviction on August 20, 1996, Gristwood was given the maximum sentence of 12-1/2 to 25 years in prison. During his sentencing hearing Gristwood [told the judge](#): "I didn't do this, and I miss my wife."

Gristwood [wrote in a letter](#) while in prison: "I've lost everything in my life – my wife, my children, my job, my freedom, everything. Why am I being railroaded like this?"

Gristwood's direct appeal was denied, and he had languished in prison for seven years when a miracle happened.

The actual assailant, Mastho Lebai Davis attempted beginning in March 2003 to have his confession to the attack on Christina taken



Daniel Gristwood after his release from prison (Dennis Nett, syracuse.com)

seriously. He first confessed in open court before a judge, and when the authorities did nothing, he went to the Syracuse Police Department and confessed to officers that seven years earlier he had attacked a woman with a hammer. Gristwood's lawyer investigated Davis'

confession. He filed a petition for a new trial on June 16, 2004 after he discovered evidence corroborating Davis' admission that he attacked Christina while she slept in the Gristwoods' apartment in 1996.

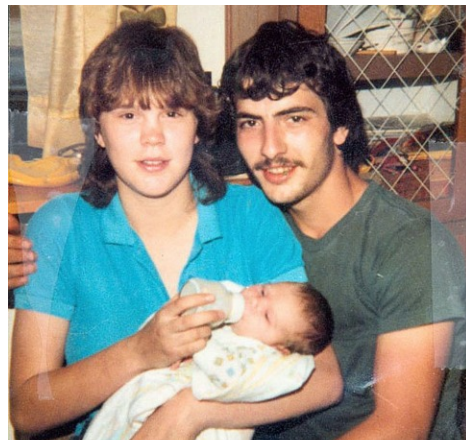
In August 2005 Judge John Brunetti — who had presided over Gristwood's trial and sentenced him to prison — vacated Gristwood's conviction and ordered a new trial [in ruling](#) there was "unassailable facts" supporting Davis' confession that he alone committed the crime. Gristwood was released on bond on August 30, 2005 after more than nine years and seven months of incarceration from the time of his arrest the day after the assault on his wife.

The State did not appeal Judge Brunetti's ruling, and the Onondaga County DA's motion to dismiss Gristwood's attempted murder indictment was granted on July 20, 2006.

The statute of limitations had expired so Davis couldn't be prosecuted for assaulting Christina.

Gristwood subsequently filed a lawsuit with the N.Y. Court of Claims to recover monetary damages for his wrongful imprisonment.

A bench trial to determine if the State was liable was held in 2011. During that trial



Christina and Daniel Gristwood in the 1980s after the birth of their child, Joseph

psychologist Dr. Allison D. Redlich [testified as an expert](#) in the area of police-induced false confessions, that "based upon her review of the circumstances present in this matter ... [that Gristwood's statement] at approximately 7:00 p.m. on the evening of January 12, 1996 was not voluntarily made."

On April 1, 2011 Judge Nicholas V. Midey, Jr. [issued his ruling](#), "... that claimant has satisfied, by clear and convincing evidence, all of the requirements set forth in Court of Claims Act § 8-b(5), and is therefore entitled to a judgment against the State for unjust conviction and imprisonment, to which the State must respond in damages. A trial limited to the issue of damages will be scheduled as soon as practicable."

A trial to determine the damages was held in January 2012. On April 4, 2013 [Judge Midey ruled](#) Gristwood was entitled to total compensation of \$5,485,394. The award included non-pecuniary damages of \$2.7 million for loss of liberty, mental anguish and loss of family relationships while incarcerated; and \$1.92 million for continuing pain and suffering that included post-incarceration psychological injuries. The award also included pecuniary damages of \$865,394 that was comprised of \$100,000.00 to cover the cost of treatment for continuing psychological issues; \$332,400 to cover lost wages, including fringe benefits, while incarcerated; and, \$432,994 to cover post-imprisonment impairment of earning capacity. Judge Midey also ordered that 9% interest per annum was to accrue on the judgment from the date of the determination of liability on April 1, 2011.

The State appealed both the finding of liability and the award of damages. On July 11, 2014 the New York Court of Appeals upheld the State's liability and the total damages awarded to Gristwood. The appeals court's [ruling stated](#): "At the time of the crime, claimant lived with his wife and five young children. Claimant established that his conviction and incarceration had a catastrophic impact on his personal and family life during the period of incarceration and continuing thereafter." The State paid Gristwood approximately \$7.3 million in two checks that were delivered to his lawyer on September 5, 2014 — \$5,485,394 plus \$1.8 million in interest from April 1, 2011. Gristwood received about \$4.4 million after his lawyer's were paid \$2.9 million in legal fees. At the time he told *The Post-Standard* (Syracuse, NY) that he was going to put 90% of the money he received into trusts for his five children.

Gristwood cont. on page 12

Gristwood cont. from page 11

Less than four months later Gristwood died of lung cancer on January 3, 2015. He was 48.

Christina Gristwood, who suffered a brain injury in the 1996 assault and divorced him while he was in prison, [died on](#) April 2, 2014. She was 44.



Christina did live to see her assailant Mastho L. Davis [convicted in](#) June 2010 of raping a 75 year-old woman, assaulting her, and burglarizing her home in St. Augustine, Florida in March 2007. During Davis' trial there was testimony that after sexually assaulting his elderly victim he humiliated her even further by pouring cooking oil over her head, and she thought he was going to set her on fire. The jury deliberated for 90 minutes before convicting Davis.

During Davis' sentencing hearing in August 2010 the prosecutor [described him](#) as an assailant of "pure evil," and mentioned in arguing for the maximum sentence that Davis had confessed to the assault on Christina Gristwood that left her disabled for life. In his statement before being sentenced Davis described himself as a "good guy," and said he had walked from New York to Florida. The judge sentenced the 39-year-old Davis to life in prison for rape, life in prison for burglarizing her house, and 30 years in prison for assaulting her. Davis has to serve a minimum mandatory term of 25 years on the rape count before being eligible for parole because the jury found that he qualified as a dangerous felony sexual offender, and his life sentences for rape and burglary are to be served consecutively.

Source:

[Oswego County man dies](#) four months after state pays him \$7.5 million for wrongful conviction, *The Post-Standard* (Syracuse, NY), January 05, 2015

[An 'open and shut case'](#) vs. an innocent man: Daniel Gristwood was imprisoned 9 years for beating his wife, but N.Y. state police had it wrong, *The Post-Standard*, October 9, 2011

[Confession was judged voluntary by 13 people](#), *The Post-Standard*, October 16, 2011, p. E-1, 4

[New York finally pays wrongly convicted man](#): \$7.3 million for nine years in prison, *The Post-Standard*, September 11, 2014

[Judge orders state to pay \\$5.5 million](#) to wrongly convicted Oswego County man, *The Post-Standard*, May 1, 2013

Daniel G. Gristwood v. State of New York (Claim No. 114040), 646 CA 13-01679 (July 2014)

[Christina Gristwood](#), victim of vicious hammer attack in Clay home 18 years ago, dies, *The Post-Standard*, April 11, 2014

[Gristwood v. The State of New York](#), No. 2011-009-109, Claim No. 114040 (April 1, 2011 ruling finding the State's liability for damages.)

[Davis gets life](#): Sentenced for 2007 rape, burglary of 75-year-old woman, *The St. Augustine Record*, August 4, 2010

Aaron S. Lowden's Conviction Based On Suspicion He Was Involved In Drug Trafficking Tossed By Maine's Highest Court

Maine's Supreme Judicial Court [has acquitted](#) Aaron S. Lowden of aggravated trafficking of a scheduled drug (methamphetamine) because the prosecution introduced no evidence during his trial that he committed the crime.

In January 2014 Lowden was 41 and renting a room on the second floor of in a house at 25 Bigelow Road in Lebanon, Maine. His landlady called the York County Sheriff's Office on January 14th and said she smelled something unusual coming from the basement of the house where Lowden had made several trips that day.

The deputy who responded was invited by Lowden to come into the basement. Lowden showed the officer a glass container partially filled with liquid he was heating on a Coleman stove. The officer suspected Lowden was manufacturing methamphetamine. [The deputy](#) "turned off the Coleman stove; evacuated the home; and contacted the fire department, the rescue unit, and the Maine Drug Enforcement Agency (MDEA)."

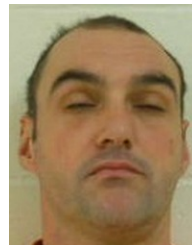
A thorough search of the house was conducted. Although a few chemicals were found, they were incomplete to manufacture methamphetamine, and no methamphetamine was found in the house. A copy of "Uncle Fester's Synthetic Manual" was found in Lowden's bedroom. [Endnote 1]

Lowden [was arrested](#), and six days later he was released on \$500 bail.

Maine's police laboratory determined methamphetamine [wasn't the liquid](#) in the glass container seized from the basement, and no illegal drugs or traces of drugs were among the items seized from his room and the basement.

Lowden was indicted on drug charges on June 5, 2012 of aggravated trafficking in a scheduled drug — namely methamphetamine.

During Lowden's jury trial that began on April 22, 2013 the prosecution's case was based on their argument the evidence of his possession of some chemicals, the stove, glass containers, and "Uncle Fester's Synthetic Manual," constituted proof of his intent to traffic in methamphetamine. Lowden's defense was that none of the prosecution's evidence supported



Aaron S. Lowden
Mug Shot (York County Sheriff's Office)

he engaged in drug trafficking as required by the statute, and speculation of what he might have been intending to do wasn't evidence.

Lowden's lawyer [made a post-verdict motion](#) for a judgment of acquittal "on the grounds that no reasonable jury could have concluded, based on the evidence presented at trial, that he unlawfully trafficked in methamphetamine." The judge denied the motion, and sentenced Lowden to 7 years imprisonment.

Lowden appealed on the basis his trial judge erred in denying his motion for a judgment of acquittal.

On February 25, 2014 the Maine Supreme Judicial Court set-aside Lowden's conviction and ordered his acquittal. In *State of Maine v. Aaron S. Lowden*, 2014 ME 20 (ME Sup. Jud. Ct., 2-25-2014) [the Court ruled](#):

"No methamphetamine was found, Lowden lacked some of the chemicals necessary to create it, and the state did not present evidence — direct or circumstantial — from which a jury could have rationally inferred that Lowden successfully manufactured or possessed methamphetamine.

Therefore, we must vacate his conviction for aggravated trafficking of scheduled drugs.

...the evidence does not support the trafficking conviction, we must remand for the entry of a judgment of acquittal."

With his retrial for his acquitted charge barred by double-jeopardy, Lowden was released later in the day on February 25.

Endnote:

1. Testimony at trial described "Uncle Fester's Synthetic Manual" as a "how to" cookbook for the manufacture of illicit drugs.

Source:

[State of Maine v. Aaron S. Lowden](#), 2014 ME 20 (ME Sup. Jud. Ct., 2-25-2014)



At the time of his arrest Aaron S. Lowden was renting a room on the second floor of this house at 25 Bigelow Road, Lebanon, Maine. (Google Streetview, Sept. 2012)