

IN RE: CLEMENCY APPLICATION  
OF TYRA PATTERSON

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AFFIDAVIT OF CARL G. GORALESKI

I, Carl G. Goralesski, under penalty of perjury and having sworn to tell the truth, and with personal knowledge of the facts discussed below, state the following:

1. I am an attorney, licensed to practice law in the state of Ohio since May, 1983. I have been in private practice for the past 14 months. Before entering private practice, I worked as a public defender in Montgomery County, Ohio. I was a public defender for 19 years.
2. Along with my co-counsel Chuck Grove, I represented Tyra Patterson in *State v. Tyra Patterson, 94-CR-2753*. Tyra was charged with aggravated murder and aggravated robbery in connection with the shooting death of Michelle Lai and the robbery of Michelle and four other young women.
3. Tyra struck me as a good person who had gotten in trouble in her case because she was in the wrong place at the wrong time.
4. It is virtually impossible for me to know with certainty whether a particular client I represent is guilty or innocent of the charges he or she faces. That said, at the time I represented Tyra, I believed that she could very well be innocent of the charges.
5. I was very disappointed when Tyra was convicted and believed that her conviction was a failure of the justice system.

6. I have read Ira Mickenberg's report concerning the quality of representation that Charles and I gave Tyra at trial.
7. I have also read Professor Steve Drizin's report, in which he opines that Tyra's confession has the hallmarks of being false.
8. From my perspective, the most powerful evidence against Tyra was her ten-minute videotaped confession. In her confession, Tyra admitted to grabbing a necklace from one of the victims. Homicide Detective Tom Lawson obtained Tyra's statement.
9. At the time I was representing Tyra, I believed that the Dayton Police Department's homicide detectives, including Detective Lawson, were skilled at obtaining coerced but legally defensible confessions that would withstand scrutiny in court. Many members of the local criminal defense bar, including some lawyers in my office, widely shared this suspicion. Our concern was that the tactics these detectives used sometimes forced people to confess to crimes they did not commit.
10. When I say that the detectives used coercive tactics, I don't mean physical force. The tactics that Detective Lawson and others used never left physical marks. Rather, the detectives deployed psychological and emotional pressure tactics to get people to confess – sometimes to things the suspects did not do.
11. I've always found it suspicious that suspects would be interrogated for hours, yet the videotaped portion of the confession would only last a few minutes. A homicide detective once told me that the reason the non-

videotaped portion of the questioning lasts so much longer than the videotaped part is because it takes time for the detectives to help the suspect "organize his thoughts." That's garbage. In my opinion, detectives often use the pre-tape portion of the interrogation to rehearse the suspect to the point where he is saying what the police want to hear. While the tactics the detectives use may often produce truthful confessions, I've long suspected that those tactics may also result in false confessions.

12. Unfortunately for Tyra, when Chuck and I represented her, we did not have the means, resources or expertise to help the jury understand that Tyra's confession was false. At that time, the public defender's office had a very limited budget to hire experts. There was no way we could have hired an expert like Professor Steve Drizin to educate the jury about false confessions and the tactics that the police use to obtain them.
13. Our inability to devise a strategy to attack the confession crippled the defense to Tyra's detriment.
14. Since Tyra's case, I have handled other serious cases involving false confessions. I am much more knowledgeable about the science underlying false confessions and how to expose them. I wish I had had that expertise when I was representing Tyra.
15. I fully support Tyra's clemency petition. Sometimes innocent people get convicted of crimes they did not commit. I believe that is the case with

Tyra. I hope that the failure of justice that occurred in her case will be corrected.

Carl G. Goraleski  
Carl G. Goraleski

Sworn to and subscribed in my presence this 27<sup>th</sup> day of June, 2013, State of Ohio, Montgomery County.

[Signature]

Notary Public



David A. Singleton, Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.