

CASE SUMMARY

I am doing a 20 year to life sentence for a crime I didn't commit. I was a single parent raising four small children under seven years of age. These are my biological children. My children and I were victims of domestic violence perpetrated by my wife while I was trying to obtain help and resources to protect the children and myself. I found myself being denied services from Children's and Family Services several times in 3 ½ years. I was turned away from other advocating organizations to help individuals like myself in the situation I was in.

My wife stalked, harassed and assaulted my children and me. My wife was convicted of her first assault and domestic violence on the children and me in July 1998. Soon after, she involved Children's Services out of revenge for me having her arrested and convicted. CCCFS did a seven-month investigation that turned up nothing. They closed the case, but my wife found her way back into my life, knowing I had no resources and was disabled and very dependant and vulnerable - and believed she would get counseling for her anger.

Then my wife was investigated again in October 1999 for more violence, and I was faced with the same problems as in 1998 with CCCFS and other agencies. Police failed to charge her, and an investigation was never initiated. A fire suspiciously broke out shortly after my wife hurt the children and me and had left us. My children and I were left homeless. I put my children in an emergency shelter for about 4 weeks. In that time my children were checked, and they were OK - no abuse found, no sexual abuse, no physical abuse.

In November 1999 I found another apartment when my children made claims of physical abuse against a shelter care worker named Joyce. I got my children out of the shelter and home. For the third time I called Children's and Family Services for help. Instead they came to my house, unannounced, interviewed my children and me - and left. Workers at the shelter (Providence House) were never investigated despite attempts by my wife and I to alert CCCFS workers.

Children's and Family Services did not return until April 25, 2000 (the day after my wife's domestic violence incident), and conducted a mini-investigation similar to their investigation in November 1999. It was during this second visit to my house that my son Aaron and daughter Kristen told the workers that my wife's 13-year-old sister had physically abused them a few days prior to the visit.

During the period of my wife's return (November 1999 to February 2000) the situation began to settle down and be peaceful, but in April 2000 my wife again assaulted me and the children. I had gone to a community resource organization, in March, for help and advocacy. My wife found out, and some of her friends called and harassed the woman who was helping the children and me. My wife also falsely accused me of sleeping with the counselor. So, in short, to keep peace in my home, I stopped attending. When my wife, again in a rage, assaulted the children and me, police removed her from the home - but did not arrest her until she was apprehended committing more violence outside our home in May 2000. Then, released without bail, she stalked the children and me and threatened our lives. Twelve hours later, the police released her without charges.

The prosecutor was involved since April 2000, and promised my wife would be indicted for felony domestic violence. A Cleveland police detective was assigned to investigate. The detective, I later found out, knew my wife's father well from the Masonic lodge, and obstructed justice by hiding evidence from the Grand Jury. This cop told other precincts in the city not to respond in the event that I called for help in respect to my wife. These incidents of police misconduct were actually disclosed to me by my wife calling me on my cell phone.

I had to place my children back at the emergency crisis shelter because my wife had our power and phone service terminated. She also called and had the children's food stamps and medical insurance terminated, and continued to make threats to abduct my oldest son Ryan from school. The shelter had a specialist check my children again - all sex abuse was ruled out - but the children were traumatized from all the violence they witnessed and from their experience of their 13-year-old aunt. When I

contacted CCCFS, notifying them again of the situation, they went to my children, interviewed them - and left.

I had to call hundreds of lawyers before I found one willing to help - it took 30 days - and on May 17, 2000 I got a civil domestic violence protection order against my wife. When she found out, she ran once again - out of revenge - to CCCFS. On May 18, 2000 I finally received a call from a county worker. She wanted me to attend a staff meeting at her office. My wife attended, and workers failed to tell me beforehand. Children's Services then took all 4 children into custody. The children were placed with my sister, based on my request, and I asked my sister to immediately have them checked by their pediatricians. The examinations showed that they were OK - there was no sex abuse found. Knowing my sister would have the children only temporarily, I found a foster home in Cleveland which was willing to take all of the children.

In the meantime my wife kept calling my sister's house, breaking the civil protection order already put into effect by the court. This, in turn, made the children act out, and my sister could no longer deal with the stress; she contacted County workers, giving the children back to them. The County then removed the children from the Cleveland area and placed them 104 miles away, separating them from one another in specialized foster care in late June 2000. CCCFS failed to respond to my numerous phone calls attempting to notify them of the foster home I had already found for my children in Cleveland. It is clear to me that they never had my children's best interests in mind - only their own agenda to build a case against me in Toledo, Ohio.

After my children were removed, my wife continued her rampage, breaking the civil protection order with more assaults and other crimes. Witnesses and I attempted to file complaints with the police and the prosecutor's office - they evaded our walk-in visits, refused to return our phone calls (similar to CCCFS), and would not arrest her. My wife escaped being charged for many violations of the protection order, and a police detective even told me that he was going to get my wife off. In response to a complaint I had filed against the police at the mayor's office, the Safety Director, Anthony Guzman, had advised me to contact the detective in question. This is when the detective made the statement that he was going to get my wife off. Moreover, the police and prosecutor continued to allow my wife to break the protection order issued by the court.

Several others and I went to the media in Cleveland for help. Channel 19 News aired an exclusive on my situation in August 2000, and in the resulting investigation by Internal Affairs two unknown officers were charged with dereliction of duty. In September 2000 I received a letter of apology from the City of Cleveland informing me that enough evidence had been obtained against the two police officers to issue charges, but the letter did not disclose their names.

My wife and I attended juvenile court proceedings from May 2000 to September 2000. Robert Milkens, the juvenile court prosecutor, said he wouldn't file criminal charges against us for abuse or neglect. The magistrate then ordered the children to be returned to our custody, as soon as case plan objectives were completed and the case closed. New visitation schedules were drafted. The prosecutor promised that all of my children would be placed back in my care, provided that the case plan objectives were met.

That entire summer CCCFS refused to cooperate with my wife and I - eventually, they even waited 2 weeks to call me, notifying me of the children's placement in Toledo. In respect to referrals indicated in their own case plan, they refused to return even my phone calls. My wife and I were given 9 months to complete this plan - or the children would be taken into permanent custody. It was like they never wanted us to succeed. The county workers knew very well that my wife and I were on a time clock as mandated by the courts in getting the case plan objectives met.

Several complaints against CCCFS for misconduct and dereliction of duty were filed with the Cuyahoga County Citizens Ombudsman's Office (Ms. Washington, Assistant Ombudsman). Previously (in 1998) I had to file 2 complaints against CCCFS workers for harassment, dereliction of duty, and abuse of power, which had then contributed in part to the closing of a previous case against my family (August 1998 - January 1999).

Two weeks later, the case against the county for abuse and neglect was closed, and new visitation schedules were ordered for my wife and I. But the County broke the magistrate's order when they didn't issue the new visitation schedules. CCCFS was also guilty of conspiring to fabricate allegations of sex abuse, knowing the hearings were at an end (not once during the hearings were allegations of sex abuse raised - in conflict with the trial I received a year later).

On September 12, 2000, I filed a petition at juvenile court to make the magistrate aware that CCCFS had broken his order, that CCCFS was not returning our phone calls, and had failed to comply with even their own case plan. Via a domestic violence advocacy hotline, I was referred to a Jayson McMenn at a westside community resource center, an affirmative action organization (216-771-7297). He is an advocate for parents in instances of CCCFS abuse and misconduct towards parents in custody situations involving children. He made calls to county workers and their supervisors for my wife and I. He was shocked to find out that even he was faced with the same dilemma my wife and I were experiencing with county workers. No one from CCCFS would tell us why.

Two weeks passed, and Jayson finally gained ground and got hold of the worker. The worker told Jayson that she and her supervisor would meet with my wife and I at their office to discuss the remedies for the CCCFS workers' misconduct. Excited, my wife and I - and Jayson - went to their office in late September 2000. That was when the county leveled accusations against me and my wife for rape, although the county refused to specify the nature of the sex crimes we were being accused of. I am attaching the transcripts of my trial attorney's opening and closing arguments to explain the essence of these accusations.

The biggest question was why my wife or her parents hadn't been charged with rape also - not for one minute saying they are guilty, because they are innocent. The fact is that they were accused of the exact, same crime in the same fashion as I was - with the same amount of hearsay.

I was denied a fair trial by the trial court. The judge blocked all viable attempts of my attorney's to defend me. The biggest injustice was when the judge saw evidence in the form of medical records - and from juvenile court affidavits - showing that all forms of sex abuse had been ruled out based on the county's own investigations. The State purposefully sat on that information, which proved that my children had never been raped. My wife and in-laws were never charged - and I should have never been charged either.

The State purposefully withheld exculpatory evidence that my wife, her mom, dad, brother, and sister also allegedly participated in rape against the children. The judge said that she would not allow my defense team access to it - or allow into the record, as defense exhibits or for the purpose of appeal, any other of the children's past medical records. The trial court judge displayed prejudice against me and my defense team all the way through pre-trial and trial. The fact that an innocent man's life was at stake didn't matter to her.

My early appeals were handled by a court-appointed attorney who I feel didn't include any of the issues my trial lawyer told him to include on my brief. He hardly responded to any of my letters to him, and refused to give me copies of my transcripts. I had to file a motion for a court order to get my transcripts, and I had to get a second-party contact to get my lawyer to write me and do his job. I do have my transcripts now - 2,700 pages in 8 volumes. My trial lasted 7 days.

Currently, I am receiving assistance from the Ohio Public Defender's Office, and last year they filed a Federal Habeas Corpus Petition in my behalf. This action is still pending - but it does not address my actual innocence, but rather, concerns itself with serious Constitutional violations occurring at my trial in 2001. **Please allow me to emphasize that I am now serving a 20 year to life sentence for a crime I did not commit.** My family and I believe that the allegations against me were fabricated by the prosecution's witnesses, resulting in a secret and unfair Grand Jury indictment.

I now need access to professional investigative services to assist me in obtaining exculpatory court records in connection with my case. In addition, I need professional assistance in the location and

questioning of 2 dozen material and fact witnesses - this includes the 5 other people also accused of committing the same crime. I need help in presenting all of this evidence, once it is obtained, to the court at the appropriate time.

During the past 6 ½ years of my false imprisonment, my family and I have written or spoken to scores of university law schools, asking for their assistance. Although most of them say that my case is compelling, they are unable to help because there is no physical or DNA evidence in my case. I find myself asking - **how can there be physical or DNA evidence in a crime that was never committed?**

I am tired of rotting in prison, tired of the lies, tired of being torn away from my family. It's time that the real guilty parties - those who perpetuated the false allegations and helped bring about my wrongful conviction - be brought to justice. I love and miss my family and my children. My heart and mind are broken. I have nightmares every night. We are hoping that a person of integrity can find a way to help.

Thank you for setting aside your personal time to read my case summary and the contents of my web page. My family and I look forward to hearing from you.
Sincerely,

Grady Krzywkowski