

Heather Trentacosta:

You're preventing something, but there's no crime committed. So you're isolating this human being now for the better part of 30 years. It's absolute torment. I know he's witnessed such carnage. He's witnessed the sounds of the deterioration of minds and health.

Speaker 1:

You're listening to The Hum.

Gilad Cohen:

This episode today is sponsored by Innocence Canada, a Canadian nonprofit who identifies, advocates for, and exonerates individuals who have been convicted of a crime they did not commit. They also fight to prevent wrongful convictions through legal education and reform. Did you know that according to the University of Ottawa, at least 70 Canadians, 70 Canadians have been wrongfully convicted and exonerated while there are many more who are claiming innocence that are still locked behind bars? In the years since its inception, Innocence Canada's team of volunteers have reviewed hundreds of cases leading to the successful exoneration of over 24 innocent people who together spent more than 200 years, a mind boggling number, 200 years in prison for crimes they did not commit. To support Innocence Canada and their mission of helping get innocent people out of Canadian prisons, visit innocencecanada.com.

Gilad Cohen:

So according to the Chicago Tribune, between two to 10% of convictions are wrong in the United States. An estimated 46,000 to 230,000 innocent people face incarceration that is wrongful in the US. According to the Innocence Project, a law firm in America that is committed to exonerating those who are wrongfully incarcerated, 375 individuals have been exonerated since 1989. Of those 375, 97% were wrongfully convicted for sexual assault or murder, while 69% were wrongfully convicted as a result of eyewitness misidentification. Of those 375 wrongfully incarcerated folks, and this is a mind bending stat, a total of 5,284 years were spent in prison for crimes that were never committed. For context, if we went back 5,284 years, we'd be in the year 3263 BC, and that's just for the 375 folks that we know who've been exonerated for something they didn't do. We're joined here today by Heather Trentacosta, her brother, Sean Ryan, has been serving time in prison since 1977. Part of his time there has been for something he's saying he didn't do. We're so honored to be joined here today by Heather. Heather, how are you?

Heather Trentacosta:

Very well. It's my pleasure to be here. Thanks for having me.

Gilad Cohen:

And we're so fortunate to have here, Taylah, I'm looking over at you in this virtual world. How are you doing?

Taylah Harris-Mungo:

I'm doing good my friend, I'm doing good. Happy to be here. Happy to be meeting and talking to Heather. It's a good day.

Gilad Cohen:

Heather, can you tell us a little bit more about what landed your brother, Sean, in prison over 40 years ago? What was he sentenced to?

Heather Trentacosta:

So at the age of 19, my brother was involved in some robberies in Manhattan. He was part of a group of his friends getting into trouble. One of these robberies, sadly there was a victim who was killed while he was home during that robbery. Although Sean was not the actual killer in the case, he was charged with that in addition to the robberies. So that is what he originally got sent to prison for at 19.

Gilad Cohen:

And I understand there was a plea he didn't want to take. Is that correct?

Heather Trentacosta:

That is correct. Because he felt that he was innocent of that killing because he was not the actual killer, he thought he could fight it, but he didn't have the resources, or any money to hire an attorney or anything like that. He just thought because he was telling his version that he would be believed, but that we know is not always the case in our criminal justice system.

Gilad Cohen:

And there's so much to jump into. And this story here is actually not even what we're going to be talking about. There's a whole worm hole here, a Pandora's box that we're about to lift and discuss and your brother's story is so fascinating. And part of it too, is this thing I'm about to bring up. So we were researching your brother and this thing blew my mind. So November 7th, 1994, I read that Sean, along with three other inmates, managed to escape from Shawagunk Correctional Facility, a maximum security prison in rural Wallkill, about 60 miles north of New York City. It's not every day you meet someone who escapes from prison, or someone who knows someone who escaped from prison. So what do you remember about this event?

Heather Trentacosta:

I didn't learn about this, I heard about it on the news, but I had no idea that it was my brother until actually much later on I figured that the name Sean Ryan was common enough that perhaps someone else with that same name was the one who escaped. So I really didn't know, or even believe it, until later on when it was confirmed. I was pretty shocked and also impressed that he was able to pull that off. And I'm not encouraging anyone to try to escape from prison. We have other ways that we can try to get out of prison legally. That's exactly what we'll try to do next time.

Gilad Cohen:

We do not condone escaping from prison. We were joking earlier, there's days where I want to escape from work and I don't even know how to do that. So to escape a prison, that's unbelievable. And this actually wasn't the first time he had managed to escape from prison. Is that right?

Heather Trentacosta:

That is right. The first time was shortly after his arrest, he escaped from Rikers Island. The name in and of itself tells you it's an island and it's not a very safe, or easy place to escape from. He managed to escape there. He swam through the East River. I believe he landed somewhere at LaGuardia Airport in Queens. He was on the run for a little while. Eventually he was apprehended. He went back to prison to serve his time.

Gilad Cohen:

Just unbelievable. I'm watching Taylah, your eyeballs are taking up half your screen, just as shocked as I am.

Taylah Harris-Mungo:

All of it, the swimming, the, again, we don't condone escaping from prison, but I am that impressed to say, absolutely.

Heather Trentacosta:

He's got so many stories to tell. He's a living time capsule of just amazing stories, his own personal, and then those that he absorbed over time being in prison for so many years.

Taylah Harris-Mungo:

You're adamant that Sean is wrongfully incarcerated for something that he didn't do. Can you guide us through what the state is saying that he did do.

Heather Trentacosta:

The conviction that we're fighting now happened while he was serving time on that original charge. His original was 15 to life. So he would have already, at this point today, been most likely granted parole and hopefully contributing positively to society. The conviction was for an arson murder while in prison at Auburn Correctional Facility.

Taylah Harris-Mungo:

That's what this current round is, that's what you're fighting. And based on what Sean has told you about what happened and his involvement in the whole situation, what are his version of events?

Heather Trentacosta:

On the day of the incident, the man who lost his life that day was in his cell at Auburn Correctional Facility. And the time of the occurrence was just minutes after my brother was at his job detail. So it wouldn't have been possible for my brother to get to the location to actually commit that crime. There are records to show that my brother was at his work detail, which is far from where the prison cells are. So, that's what he maintains. He had witnesses ready and they gave affidavits to support his claim that he was nowhere near the incident. He was with other individuals. We have affidavits to support that as well.

Gilad Cohen:

Were there witnesses, you mentioned that there's proof that he was at his work assignment and nowhere near that cell. Are there witnesses who can corroborate that as well?

Heather Trentacosta:

Yes. I don't know if they're able to do that today, I don't even know if some of them are even still alive, unfortunately many of them passed away because this is so long ago, but there are at least corroborating documents to prove it. His attendance sheet for one. So, that was something suppressed. It wasn't even introduced by his assigned defense attorney. There are a lot of other factors involved. And one of those factors is a claim of ineffective counsel as well. This is multifaceted. That's just one of the pieces of evidence that would exonerate my brother and show that he wasn't there, he couldn't have been there. They just withheld that information conveniently.

Gilad Cohen:

What was your brother's relationship with the man who had passed away, who died in his cell? Were they on good terms? What was going on there?

Heather Trentacosta:

Yes, actually they were on good terms. His name was Willis Jackson, and they were at actually friends, they were friends on the outside who were committing those robberies together. So they did know each other. They had a falling out at one point, but when they were housed together in the same facility, they were on good terms. And there was even a card, like an association card, or affiliation card that they have for inmates. And my brother's name was listed on there as a friend.

Gilad Cohen:

It's just such an intricate story, which is about to maybe get even a little bit more confusing, but I want to bring up two names that, if you're reading about Sean's case, these two names are so intertwined in this story. And those two names are Judge Peter Corning, as well as district attorney Paul Carbonaro. What do you know about those two? And what role did they play in Sean's incarceration?

Heather Trentacosta:

I didn't even know their names until last spring. Because my brother had so many restrictions as far as communication, visitation, we were left only with handwritten letters as correspondence for years. So I didn't even get the names until we had our first phone call last spring. And once I learned the names of these individuals, all I did was a simple Google search. With that I learned of a lot of misconduct by both officials. Peter Corning is now deceased, but when he was a DA in Cayuga County, he had wrongful convictions with the same type of misconduct that Carbonaro had as well. So, that was convicting innocent men. So Sammy and Willie Jean Thomas were victims of his misdeeds back in the seventies while he was DA. And then he went on to become a Supreme Court judge even with that track record, where it was obvious, it was blatant that there was misconduct involved, he still went on to become a Supreme Court judge.

Heather Trentacosta:

And as that sitting judge under him came Paul Carbonaro, who followed in those same footsteps with a list, a laundry list of wrongful convictions. And they worked in tandem to convict many others. So I mentioned the Thomas brothers. There's also another case, Thomas Bianco and the Julie Monson murder, which is even more involved than we can probably get into today. It's beyond disturbing how the judge was involved in that case where his son was actually named as a suspect in the murder, his son was

never charged, nothing, never indicted, nothing. And he sat on the bench for that case, as well as Carbonaro. They both prosecuted an innocent man, convicted an innocent man, later that was overturned. So that's another addition to their track record. There's another very famous case, Roy Brown. Roy Brown was convicted of a murder. They used bite mark evidence in his case to convict him. So although there was DNA in the case, they didn't test the DNA because they just were looking to get this conviction. So let's collect whatever is going to match our conviction, our assumptions about this man.

Heather Trentacosta:

So they dismissed the expert witness that said the bite mark did not match, and there was no way they could possibly match that to Mr. Brown. They didn't try to test the DNA. They suppressed that evidence and went with the local dentist to testify to say that it was an exact match, and got a conviction on that. Again, they worked together on that as well. There are some other cases too, that I'm trying to get overturned in this whole process as well, two of which there's Shakim Ala and Damon Hill, it's the same MO in every case, they used jailhouse informants in each and every case. They suppressed evidence in each and every case. There was blatant and clear misconduct in each and every case. And this, I learned about only after my brother told me about his wrongful conviction and his claims of innocence.

Gilad Cohen:

It's just so disheartening. One thing I do know is that bite marks are a really unreliable way of convicting anybody for anything. There's this really fascinating Netflix series on the Innocence Project, where they spend an entire episode talking about bite marks. And I'm reading just about it right now that at least 26 people in the United States have been wrongfully convicted as a result of bite mark evidence, which is really interesting that they were using this in this case. Taylah, I'm curious, what's going through your mind just listening to all this stuff?

Taylah Harris-Mungo:

I actually did an undergrad in criminology. As you're talking, as soon as you said the bite mark evidence, I was like, well, that shouldn't hold up, but it does, and it has for a long time. And it's only really recently that there's been that admission that it's not as reliable as people think. So just hearing that this is another factor in the trial that your brother's going through, and dealing with the incident and the way that it's being handled, or has been handled is, like you said, it's disheartening and it is, it's such a layered story. And I truly wish that we weren't talking about somebody's life, but here we are. And I'm just, I'm taking it all in.

Heather Trentacosta:

I've been trying to simplify I this as much as I can, because you can get lost in it, because there are so many different directions. This branches out, it's actually really deeply rooted, I should say. It goes in so many different directions that the corruption is far and wide in this. And just going back with that bite mark evidence. So even if that were, so let's say, okay, he got convicted on bite mark evidence, Roy Brown, but we still have to look back, but wait a minute, what about the initial expert witness who said that it didn't match and Paul Carbonaro decided to suppress that evidence? He didn't include that because that would've excluded Roy Brown. But no, they wanted that conviction. So he would pick and choose what was made available to the court and the jury.

Gilad Cohen:

It must be so nice to just be able to pick and choose what the truth is conveniently when so many lives are at stake with those decisions you make. Just out of curiosity, where are these two individuals now, Peter Corning and Paul Carbonaro? Are they still practicing? Are they still around?

Heather Trentacosta:

So Peter Corning is deceased. Mr. Carbonaro is still practicing law in upstate New York. He's no longer a DA, or prosecutor, he does slip and fall lawsuits and stuff like that. But he's still practicing.

Gilad Cohen:

Outside of your brother's case, and outside of the work that you're doing, is there any awareness of this mistreatment, or this mishandling of the truth when it comes with, or when it comes to Carbonaro?

Heather Trentacosta:

I feel like there's not been enough attention put on this, obviously, because I don't think that we'd be here just discussing it so casually right now. There's a group that I'm a member of, it's called Justice for Julie Monson. And that was the murder case where they convicted. There are so many stories within that group that I've learned about the misconduct that Paul Carbonaro has committed and crimes, these are actual crimes that were committed. It is known, it is known locally what he's done and what he's gotten away with at least up until now. What surprises me is that the media has not jumped on this. Why the media has not exploited what's been going on for their own benefit, for their own ratings, I'm just surprised that they didn't even try to get in on this.

Gilad Cohen:

At least we're doing this, all the other things that you're working on which we'll get into in a little bit, I think it's still important to use whatever platform we can [crosstalk 00:17:47].

Heather Trentacosta:

Absolutely.

Gilad Cohen:

... to raise awareness of this, right? When we're talking about your brother and his involvement in this crime, which we're alleging he had nothing to do with, why do you think your brother was pegged for this crime? Do you believe he may have been collateral for something else? A part of a much larger thing we just don't know about.

Heather Trentacosta:

That's a possibility. And I honestly can't really try to figure out all of those aspects. I do know that they look for easy targets. I'm going to let you in on another little tidbit, speaking of easy targets. My brother was not the only one named in this crime, there were two others who were named as co-conspirators by one of the paid informants. The very interesting about this is one of those men, his name is William Chino Vasquez, he was serving time as an innocent person, but the crime he was convicted of was an arson murder.

Heather Trentacosta:

So it seems like they picked his name out because it conveniently matched the crime that he had been charged with. And I think he was not indicted in this case because they probably learned that he was fighting with an innocence claim while he was in prison. So they conveniently picked the matching crime, but didn't realize the person was fighting that conviction in the first place, and he was later exonerated and received a settlement from New York state. They did have other suspects. They had other people named in this, but they zeroed in on my brother alone. That's another thing that was suppressed entirely that anybody else was named as a suspect.

Gilad Cohen:

Does your brother have any idea who may be responsible for this particular crime?

Heather Trentacosta:

There are several different theories. He really does not know. There was something mentioned about something that happened at Attica that was a statement made by somebody. The victim himself said, while he was going into the ambulance, or while he was in the ambulance, said that they got the wrong guy. So it may have been the wrong target that got hit that day. We just really don't know. It's just such an unfortunate series of events.

Taylah Harris-Mungo:

As this is all unfolding, we've done our research, we know a little bit about what Sean's been going through, but as this is unfolding, it is the deeper and deeper it goes. Based on what you know, what you've heard from Sean, what you know of the case, can you tell our listeners other than having a personal connection, why do you believe Sean is innocent?

Heather Trentacosta:

Because I did my research. He can be my brother. He can be a total stranger. I was looking at facts. I was looking at evidence, which is what we're supposed to do in such cases anyway. And I was looking at a pattern. That's exactly what I discovered. It is a pattern and it's the exact same MO in each and every one of these cases that I wouldn't have known about had my brother not made these claims in the first place. So it can't be a coincidence. It's gone in that same direction with so many victims for so long. And as I'm telling you this, there is actually a sixth person that I found out about this last week. A family member reached out to me and told me that her brother had been wrongfully convicted and he was prosecuted by Paul Carbonaro. Now I don't have too many of the details on that case. So I'm not going to provide too much information with that. But this is a continuation. We've only just begun. We've only scratched the surface. And that's why I believe my brother.

Taylah Harris-Mungo:

The court documents state that your brother was put in solitary because he was considered a danger to the general population. And he's been there for over 27 years now. What kind of access do you have to him and what impact has two decades of solitary had on him?

Heather Trentacosta:

Well, I don't know if we'll ever truly understand the impact that this has had on my brother. Solitary is a form of torture. In New York state we just passed the halt act and that's to provide alternative methods, humane alternative methods to solitary confinement. He's been in solitary confinement, but it's a

non-disciplinary solitary confinement. So it's not for punishment, it's for what they say is prevention, but you're preventing something, but there's no crime committed. So you're isolating this human being now for the better part of 30 years, it's absolute torment. I don't know how he's been able to survive. I know he's witnessed such carnage in there. He's witnessed the sounds of the deterioration of minds and health, people taking their own lives, their lives being taken by prison officials, it's absolute torture and torment. They have housed these people in there with mental illness as opposed to getting them treatment.

Heather Trentacosta:

So they're now putting these patients with mental illness in there, untreated and creating trauma and mental illness in others who otherwise would not be suffering from that. Throughout all of this, I'm just going to say he's been incredible. He's maintained so much of his mind. And I guess that's through meditation, through reading, through exercise, constantly learning and mentoring where he can, they're not able to interact with each other, but there are ways to communicate through the bars by speaking out, and somebody can hear you. I've met people on the outside now who were mentored by my brother and are thankful that he has saved their lives. He's quite an inspiration. And he has a lot to be proud of over all these years. The good news is he is now in, what's called a Step Down Program, and he's in the final segment of the step down program where he will be reintroduced to general population.

Heather Trentacosta:

So, that is very good news. The access that I have to him is, he's able to call me. They provided the solitary inmates with tablets where they can make phone calls. So, that was our first phone call last year that we had in my entire life, first time I spoke to my brother on the phone. And that's been a really, truly a gift that I can speak to him and hear his voice. So that, and they just recently reopened visitation in New York. So I was actually able to see him a couple of weeks ago.

Taylah Harris-Mungo:

I'm really happy that you're able to actually communicate with your brother and hear his voice for the first time, that's pretty wild. As you're relearning your brother and getting to interact with him almost for the first time, how is your a relationship developing with him?

Heather Trentacosta:

In the beginning it was a little awkward only because there was just so much, how do you fill a lifetime of information? How do you get that into just a half hour conversation? So we've had to learn each other over the past year. We're actually good friends, we're not just brother and sister, we're actually good friends. The most amazing thing to me, and it gets me every single time, is I'll hear him laugh on the phone. And I'm amazed by that. We just have a really strong connection. We have very similar philosophies in life, and just being peaceful and laid back and all of that. He's just such a cool person. And I can't wait for the world to meet him.

Gilad Cohen:

I'm still sitting here just reeling over this idea that someone can spend 27 years in solitary confinement and still maintain balance. In terms of the, just the justice system as a whole, what has this whole process with your brother to you about the justice system in the United States and wrongful convictions as well?

Heather Trentacosta:

I continue to learn each and every day, I believe with social media and access to the internet now we are able to unify in a way that we never have before. We never have connected on this level before, and there's a unification now. And the advocates who want to see change and want to see reform, we are not only showing and exposing what the absolute horrors are of the injustices put upon our fellow citizens here, but we are trying to figure out how to remedy this, and how to go forward. How do we move forward?

Heather Trentacosta:

First and foremost, with the wrongly accused and getting them the help that they need, and getting them out of prison, there are so many harsh punishments, just a punishment in general and this cycle that is our justice system. And it's almost like a harvesting system and it's recycled and recycled and recycled. And there's no, there doesn't seem to be any positive impact from either policing, arresting, being incarcerated, or parole. It seems that it's a vampire system that's only sucking from society. It's only taking money. It's only taking lives. It is not giving us anything back. We need to fix it. That's what I'm committed to do.

Taylah Harris-Mungo:

I'm really glad that you're on the side of the wrongfully convicted. You're an outspoken advocate and definitely are putting in a lot of work. For folks who don't have a personal connection, or don't know as much about it, what are some reasons why they should get involved in this fight?

Heather Trentacosta:

The humanity within an individual should prompt them to get involved. Our current system does not provide adequate resources, such as the conviction review boards. Our conviction review boards are very limited. They're funded by the state. We need outside resources. We need outside support, just educate yourself alone. And if you learn about what's been going on and how the wrongful convictions that we know of are so difficult to prove in and of themselves, can you imagine how many more there are that we don't know about?

Heather Trentacosta:

In this country we still have people on death row. If we continue in this direction, we are saying it's okay to torture, torment and kill innocent people. And we shouldn't be torturing, tormenting or killing, even guilty people, we should be rehabilitating them and providing resources to them, and preventing crime, and preventing recidivism. I encourage anyone who feels any kind of way about our justice system. If you're in support of it, good, let's make it work. If you can stand up and say you represent something, just really be sure, dig deep and do your research, make sure you're representing what's right, because in the current system, it's all wrong. It is all wrong.

Gilad Cohen:

I've got to say, Heather, as heartbroken as I am to learn more and more about Sean's case, the mishandling of justice with his case and surrounding cases as well, I've got to tell you truthfully that I'm just really inspired by your passion to fight for your brother. It's really just for me, really inspiring to watch. And I know what you're doing quite a bit to help Sean, outside of doing this podcast you've also

got your own podcast. Can you tell our listeners a little bit more about your show and for those who are interested in learning more about Sean Ryan's case and figuring out how to help, how can folks get involved?

Heather Trentacosta:

I started a website last year, it's withoutconviction.org. And on there, I have links to the podcast, our Facebook page, and that's where I've been most active is on the Facebook page with podcasting and just reaching out to different groups and connecting with lots of people in the criminal justice field. But it's all Without Conviction. And I do, I actually have started a live podcast every Wednesday night, Eastern Time, 9:00 PM, Eastern Time on Facebook. So if anybody wants to join in that discussion, everybody's welcome. I have guests on, but it's pretty much an open forum for questions and answers. I will be delving into more of the details of Sean's case by episode, because it is so multifaceted.

Heather Trentacosta:

So if they want to learn more, I strongly encourage you to visit withoutconviction.org, and you can find links on there. And there's also, I try to simplify if anybody wants to make a donation, the handle for the cash app is also Without Conviction with a capital W and a capital C, Without Conviction. It's been a fight for the past year. It's been pretty tough, but I love every moment of it. I'm so inspired and I'm so fueled to continue fighting. I have made this my full-time job, aside from being a full-time mom, this is what I'm committed to.

Gilad Cohen:

Thank you so much for joining us here today. And for as of I'm using your kids' iPads and numerous computers to finally make this interview work.

Heather Trentacosta:

Thank you so much for having me and sharing Sean's story. Thank you

Gilad Cohen:

Everyone for tuning in my name is Gilad Cohen, and I'm one of your co-hosts here on The Hum.

Taylah Harris-Mungo:

And I'm Taylah Harris-Mungo, your other co-host.

Gilad Cohen:

Our producers are Alice Castelani and Rachel Lewis.

Taylah Harris-Mungo:

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Gilad Cohen:

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