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*Gristwood v. State*, 119 A.D.3d 1414, --- N.Y.S.2d --- (4<sup>th</sup> Dep't 2014). Wrongful conviction case. Court rejected the State's contention that, because wrongfully convicted claimant made an inculpatory statement, the record did not support the determination that claimant established by clear and convincing evidence that he did not “by his own conduct cause or bring about his conviction” (Court of Claims Act § 8-b [5][d] ). Claimant consistently maintained his innocence and contended that his inculpatory statement was coerced. “[A] coerced false confession does not bar recovery under section 8-b because it is not the claimant's ‘own conduct’ within the meaning of the statute” (*Warney v. State of New York*, 16 NY3d 428, 436). The record fully supported the court's determination that claimant's inculpatory statement was the product of police misconduct. Claimant was awake for 34 hours before making his only inculpatory statement, which was the second statement he made. He had been interrogated for 15 hours in a six—by eight-foot windowless room. He ate nothing and drank only one can of soda and, although he was a heavy smoker, he had no cigarettes in the prior four or five hours. He remained under the severe emotional trauma of having seen his wife in a horrible bloodied and battered condition. Claimant was advised that, if he took a polygraph exam and passed, he would be permitted to go home. The polygraph operator expressed significant concern to fellow officers about the reliability of the polygraph exam because claimant was “somewhat physiologically unresponsive to the polygraph.” The operator acknowledged that claimant was trying not to fall asleep during the exam. Claimant experienced severe chest pains during the exam. Nevertheless, after the polygraph exam, the interrogation took on an increasingly aggressive and hostile tone, and claimant was told by the police that he was “lying.” Claimant's inculpatory statement was made after he was threatened that he would never see his family again if he did not cooperate. Thus, claimant's statement was not voluntarily made and that claimant therefore did “not by his own conduct cause or bring about his conviction” (Court of Claims Act § 8-b [5][d] ).