

NO: MMX-CR14-0675616T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF MIDDLESEX
v. : AT MIDDLETOWN, CONNECTICUT
EDWARD F. TAUPIER : NOVEMBER 18, 2014

BEFORE THE HONORABLE DAVID P. GOLD, JUDGE

A P P E A R A N C E S :

Representing the State of Connecticut:

ATTORNEY BRENDA L. HANS
Assistant State's Attorney
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Middletown, CT 06457

Representing the Defendant:

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1 THE COURT: All right. Parties are present.
2 Attorney Baird, on behalf of Mr. Taupier, who is here
3 as well. And Ms. Hans is here on behalf of the
4 State.

5 I think we have three matters to take up today.
6 The first concerns the protective orders that
7 currently appear in each of Mr. Taupier's pending
8 criminal files. Those protective orders each are --
9 each list is the protected party, Mr. Taupier's wife
10 and make reference to their children. But, the
11 orders are the same in each with just the docket
12 number different in each file.

13 The first order of business, as I understand it,
14 is the defense motion to vacate those protective
15 orders. The claim being that they do not fall within
16 the purview of family violence crimes that would
17 warrant protective orders to be issued of the kind
18 that were earlier issued.

19 So, does that summarize, accurately, Ms. Baird,
20 your position?

21 ATTY. BAIRD: Yes.

22 THE COURT: So, having now been made aware of
23 the nature of the defense request, what's the State's
24 position?

25 ATTY. HANS: Well, Your Honor, as the Court
26 recalls we filed a written brief regarding the
27 protective order.

1 In hindsight, I think 54-1(k) the harassment
2 charge and threatening charge in Judge Elizabeth
3 Bozzuto's case, Tanya Taupier and her two children
4 could loosely be termed victims since there were
5 repeated references made regarding the children in
6 that threatening email. So I think it probably could
7 have been properly issued, at least in the
8 threatening case, not the voyeurism case.

9 But I have no objection to the Court -- the
10 defendant's motion to vacate that protective order as
11 long as we can provide similar conditions to protect
12 Ms. Taupier and her two children as the conditions of
13 release.

14 And I wouldn't ask Your Honor for any more
15 onerous conditions than that are in the civil court
16 regarding child visitation or contact with Ms.
17 Taupier. I certainly want Mr. Taupier to be able to
18 see his children and would not want to impede that in
19 any way.

20 THE COURT: All right. Attorney Baird, the
21 State is expressing its view that it has no objection
22 to the protective orders being vacated with the
23 proviso that terms be expressly appended to the
24 defendant's release that would, in essence, mirror
25 those terms that appeared on the protective order.
26 So how do you respond to that? So, I take it that
27 would mean continued no-contact with Ms. Taupier and

1 the two children as well as with Judge Bozzuto. No
2 contact with them. Stay away from their homes, stay
3 away from their places of work. No threats,
4 violence, the usual conditions that would appear on a
5 protective order. And not to communicate with any
6 third party in a manner likely to cause alarm to the
7 protected persons, namely Judge Bozzuto and Mrs.
8 Taupier and the children.

9 There would be a -- as I understand it, please
10 correct me if I'm wrong, Ms. Hans, there would be a
11 carve out that would allow Mr. Taupier to have
12 contact with the children in whatever manner has been
13 authorized by existing family court orders.

14 ATTY. HANS: That's what -- yes, Your Honor.

15 THE COURT: Well, Ms. Baird?

16 ATTY. BAIRD: I did not realize that it was
17 contemplated that if the protective orders were
18 vacated that a condition of release would include
19 specifically no contact with the children.

20 THE COURT: Well, it would be no contact with
21 the carve out. Certainly there would be no contact
22 in a manner that would be not contemplated by the
23 family court order. So, the defendant, as I
24 understand it, has been granted some rights to
25 supervised visits with the children, or maybe that's
26 still to be issued. But if the family court judge
27 awards Mr. Taupier rights to visit with his children,

1 then he would be permitted to do that in the manner
2 that the family court awards. But no contact with
3 the children would be covering all other contact.

4 ATTY. BAIRD: I don't know if it is
5 distinguishable then to just enter a condition that
6 Mr. Taupier follow the orders of the family court
7 with regard to his children because just the
8 appearance in a protective order --

9 THE COURT: Well, there's not going to be a
10 protective order.

11 ATTY. BAIRD: Or a condition of release no
12 contact with your children.

13 THE COURT: Well, but if this Court does not
14 issue an order of no contact then it's not clear to
15 me that the family court order would adequately cover
16 the situations that could arise. I think the state's
17 desire is to see that whatever contact the defendant
18 has is limited -- with his kids, is limited to the
19 contact which has been preapproved by the family
20 court.

21 I could certainly be -- I don't know if we're
22 arguing now over semantics, but the order could
23 provide that the defendant shall only have such
24 contact with his children as has been ordered by the
25 family court. That would, I guess, eliminate the
26 need to say no contact. But the intent, and
27 certainly the spirit of this order, would be that the

1 defendant not have any contact with his children
2 unless that contact has been the subject of a family
3 court order.

4 ATTY. BAIRD: The defendant has no issue with a
5 no-contact order with his wife or Judge Bozzuto.

6 THE COURT: All right.

7 ATTY. BAIRD: But if he has to agree to a no-
8 contact order with his children, as a condition of
9 the protective orders being dissolved, then I think
10 his choice would be to have a hearing on the
11 protective orders. And whatever the judge, whatever
12 you say you say, but it's not him agreeing to have no
13 contact with his children.

14 THE COURT: Well, I mean, I don't know if really
15 one requires the other. The state is not objecting
16 to the vacating of the protective order. The Court,
17 separate and apart from that, has the inherent
18 authority to set conditions of release, which it
19 deems necessary to insure the safety of all involved.

20 It has been my intent, all along, to limit the
21 defendant's contact with the children to such contact
22 as been deemed appropriate by the family court.
23 Deferring to the family court, that determination,
24 because I think it's in a better position to make it.

25 And I don't want there to be a need for you to
26 come back to this court -- for example, it's my
27 understanding that tomorrow the defendant is going to

1 be in family court. If there's an order entered
2 tomorrow that the defendant can have contact with his
3 children, under certain conditions, then I want that
4 to go into effect immediately. So whatever the
5 family court says is consistent with what I'm saying.

6 ATTY. BAIRD: Right, I just didn't want there to
7 be any issue that I represented that we were in
8 agreement with a no-contact order --

9 THE COURT: Fair enough. Fair enough.

10 ATTY. BAIRD: -- with the children and that the
11 prosecutor agreed to vacate the protective orders
12 based on that assumption.

13 THE COURT: Your comments are noted then for the
14 record.

15 Do you need a moment with your client? Go
16 ahead.

17 ATTY. BAIRD: All set.

18 THE COURT: So, then I think what the Court,
19 without objection from the state, is going to do
20 today is that there currently is a protective order
21 in each file. Those protective orders are vacated.
22 The conditions of the defendant's release are
23 modified. May I see the protective order?

24 As conditions of the defendant's release the
25 defendant may not assault, threaten -- I'm going to
26 give this back to you, okay. So this is box number
27 two here.

1 The defendant shall not assault, threaten, abuse
2 harass, follow, interfere with or stalk the protected
3 parties. The protective parties in the voyeurism
4 case are Tanya Taupier. The defendant is to stay
5 away from the home of Tanya Taupier and wherever she
6 shall reside. The defendant shall not contact Tanya
7 Taupier, in any manner, including by written,
8 electronic or telephone contact. And do not contact
9 the protected person's home, workplace or others with
10 whom the contact would be likely to cause annoyance
11 or alarm to the protected person. The defendant
12 shall stay 100 yards away from the protected person.
13 The defendant is to have no -- this order of no
14 contact pertains to the defendant's minor children,
15 Gabriele and Sarah, except to the extent that such
16 contact between the defendant and the minor children
17 is in accordance with current family court orders.

18 Finally, the defendant shall not possess or have
19 within his home any firearms or ammunition.

20 In the so-called threatening file the same
21 orders issue. But the protected party, in that
22 order, the party protected by the released conditions
23 in that file shall be Judge Bozzuto.

24 And I believe in the Judge Bozzuto file --
25 wasn't there a special order the Court entered
26 restricting the defendant's ability to travel near
27 the courthouse?

1 ATTY. HANS: I just show that defendant shall
2 stay out of the town of residence of Judge Bozzuto.

3 THE COURT: Now, there is the -- Attorney Baird,
4 there was an order issued by the Court on September
5 15th which was issued by the Court when Mr. Taupier
6 was represented by Attorney Schoenhorn. Do you have
7 a copy of that?

8 ATTY. BAIRD: Is that the order with regard to
9 being able to visit counsel --

10 THE COURT: Yeah.

11 ATTY. BAIRD: -- or have appointments with
12 counsel? I know what it looks like and I think I've
13 just been provided -- no, I know what it looks like.

14 THE COURT: All right. I'm just -- let me just
15 make clear -- did you find it Mr. Taupier?

16 ATTY. BAIRD: I did. He did.

17 THE COURT: Okay. The order with regard to
18 Judge Bozzuto, the Court had ordered that the
19 defendant stay 1,000 feet away from Judge Bozzuto and
20 that will remain in place 1,000 feet.

21 Well, Attorney Baird, this covered the situation
22 where the defendant might have been attending to
23 meetings at 108 Oak Street.

24 ATTY. BAIRD: Yes.

25 THE COURT: Where Attorney Schoenhorn was.

26 ATTY. BAIRD: Yes.

27 THE COURT: So, given that you now represent Mr.

1 Taupier I take it he doesn't need to be at 108 Oak
2 Street?

3 ATTY. BAIRD: He needs to be in that vicinity.
4 And I think we discussed this the last court date.
5 Attorney Mathers has an office right on that street.

6 THE COURT: Same street?

7 ATTY. BAIRD: Yes.

8 THE COURT: On Oak Street?

9 ATTY. BAIRD: Yes. Grand Street.

10 THE COURT: All right, well then --

11 ATTY. BAIRD: Grand Street, Your Honor, it runs
12 right next to it.

13 THE COURT: All right. Well, I think that's --

14 ATTY. BAIRD: Perpendicular.

15 THE COURT: -- perpendicular to it.

16 ATTY. BAIRD: Yes.

17 THE COURT: But Grand Street, I guess -- well
18 then the order remains in effect on the September
19 15th order remains in effect even though the
20 defendant is no longer consulting with Attorney
21 Schoenhorn, to the extent that his attorney of
22 record, Ms. Mathers, has an office which would be
23 within the same zone of protection. Then the order
24 of September 15th should remain in effect even though
25 it may not be 108 Oak Street, it should be the
26 address at which Attorney Mathers practices.

27 ATTY. BAIRD: 9 Grand Street.

1 THE COURT: So the September 15th order is
2 modified to change 108 Oak Street to 9 Grand Street
3 and to change Attorney Schoenhorn's name to Attorney
4 Mathers' name.

5 So, what we have then are conditions of release
6 which are in place. But before we -- I think that
7 takes care of the protective orders and the State's
8 desire to see that the protective order conditions
9 have been transferred. We've covered the prohibition
10 against possessing firearms or ammunition. We've
11 created the zones of protection around Mrs. Taupier
12 and Judge Bozzuto. We have limited the defendant's
13 access to the children in the manner deemed
14 appropriate by the family court. We've dealt with
15 the September 15th order shifting its applicability
16 to Attorney Mathers from Attorney Schoenhorn.

17 What we're left with, I think, as we're dealing
18 with the bond issue is Ms. -- and this is our second
19 order of business today, is Attorney Baird's request
20 that there be some modification of the defendant's
21 conditions of release which currently have the
22 defendant on both electronic monitoring and GPS and
23 have the defendant confined with some carve outs 24/7
24 to his home.

25 ATTY. BAIRD: Yes.

26 THE COURT: And the current carve outs are for
27 lawyers' visits, court appearances, and are there

1 others?

2 ATTY. HANS: I think last time you did indicate
3 whatever the family court orders are --

4 THE COURT: Visitation. Right, visitation,
5 because I know we talked about the possibility of
6 visits. So I don't know if there were any other --
7 but all of those carve outs require the defendant to
8 give prior notice and receive prior approval from the
9 probation officer monitoring the defendant.

10 And I should say, for the record, that at least
11 the report that I received this morning from CSSD
12 indicates the defendant has been in compliance with
13 the terms of his release.

14 So, what are you requesting, specifically,
15 Attorney Baird, concerning the non-financial
16 restrictions on the defendant's release?

17 ATTY. BAIRD: We are requesting to make an
18 argument as to why the condition should be modified
19 setting forth the reasons in accordance with section
20 38-4 of the Practice Book, General Statute's 54-64a
21 and article 1, section 8 of the Connecticut
22 Constitution which prohibits excessive bail.

23 We also intend to respond to the State's brief
24 that was filed today, which we did receive, setting
25 forth various arguments that we believe are not
26 supported by the facts or by evidence. We have one
27 witness that we plan to ask to testify.

1 And then my understanding is the State has
2 witnesses to respond to our motion, which we'll have
3 the opportunity to cross-examine. And then if any
4 issues arise during that we may, or may not, ask the
5 Court for an opportunity to rebut.

6 THE COURT: All right. This is a witness whose
7 testimony would be relevant to the appropriateness of
8 non-financial conditions of release, such as the
9 lockdown?

10 ATTY. BAIRD: The witness would present
11 testimony, I would proffer the testimony of the
12 witness would be relevant to the weakness of the
13 charge of threatening that resulted in all the
14 various bond conditions and the bail that followed
15 from the September -- the September court hearings
16 and arrests.

17 THE COURT: I think I'm uncertain as to how a
18 witness, a fact witness, would be allowed to offer
19 testimony about the strength of a case.

20 ATTY. HANS: Your Honor, unless he's an expert,
21 a lay person, I think it's irrelevant and I object.

22 THE COURT: All right. Well, I just -- before I
23 even hear an objection, I guess I'm asking you how
24 would a witness be in a position to assist the Court
25 in determining the strength of the case?

26 ATTY. BAIRD: It's somewhat of an unusual
27 posture. But information did come to me that there

1 was an individual who was in the courthouse on
2 November 5th --

3 THE COURT: November 5th, okay.

4 ATTY. BAIRD: -- when for a completely different
5 proceeding, not relating to Mr. Taupier. But this
6 individual does know Mr. Taupier. And that he
7 overheard a conversation in the courthouse hallway
8 between Ms. Hans, the prosecutor, and a marshal with
9 regard to the strength or validity of the threatening
10 charge that's being brought against Mr. Taupier. We
11 would offer it as an exception to hearsay under the
12 party opponent exception, a declaration.

13 THE COURT: I still don't see, even if such a
14 conversation were to have occurred, how that would
15 assist the Court in determining -- you're suggesting
16 as if the Court can, of its own, determine the
17 strength of the case sufficient to make an accurate
18 assessment of the bond conditions. And I don't
19 think, I certainly wouldn't allow the State to
20 introduce evidence that your client was overheard
21 saying they've got a pretty strong case against me,
22 if the shoe was on the other foot. I don't think I
23 would allow that. So, I don't see why I should treat
24 the opposite situation any differently.

25 I think determining the strength of the case is
26 a responsibility that the Court must undertake and
27 the offer of testimony of one claiming to have

1 overheard a conversation wouldn't be of any
2 assistance in that regard. Even if a prosecutor were
3 to assume that the case wasn't strong, it doesn't
4 mean -- and I'm not suggesting that that was said or
5 wasn't said. But, the Court has to make its own
6 determination of that. And just because the
7 prosecutor would tell me this is a strong case I'm
8 not bound by that. If I thought it was a weak case
9 then I would factor that into the mix.

10 So I don't -- unless you have a more persuasive
11 offer of proof to make I don't think I would allow
12 testimony of that kind.

13 ATTY. BAIRD: Well, I can't begin to represent
14 exactly what the testimony would be. I mean, I know
15 this is a court hearing; it's not before a jury. And
16 if it were before a jury I think it would be
17 admissible if Mr. Taupier had made comments that the
18 State had a strong case against him, as admission.

19 But, leaving that aside, just like the Court is
20 able to assess the weakness or strength of a case the
21 Court's also able to assess whether a witness'
22 testimony is relevant or not. And this witness'
23 testimony would not prejudice the Court in its
24 decision.

25 THE COURT: No, but the Court is not limited in
26 determining the materiality of evidence to assessing
27 only whether it will prejudice the Court in its

1 decision making. If your offer of proof is that you
2 have a witness who is prepared to testify that he or
3 she overheard Attorney Hans saying to a marshal that
4 her case was weak, then I will not permit that
5 testimony.

6 ATTY. BAIRD: If I go into more detail about --

7 THE COURT: Well, I mean, unless it's offered
8 for another purpose then I wouldn't think -- I'll
9 give you a moment to speak to your witness to see if
10 there's additional evidence that might be
11 forthcoming, but I think that the nature of it is
12 such that I'm confident in ruling, in advance, that
13 it would not be appropriate.

14 ATTY. BAIRD: If I could just refer to his
15 notes?

16 THE COURT: Yes.

17 ATTY. BAIRD: Thank you.

18 ATTY. HANS: Your Honor, just for the record,
19 the name of the witness?

20 THE COURT: Well, if the witness isn't going to
21 be called then I don't know if I'm going to require
22 the defense to give you the name of the witness. If
23 the witness testifies his name, or her name, will be
24 provided.

25 ATTY. BAIRD: The only addition I have to what
26 I've already said, Your Honor, was that the proffer
27 of evidence would be a comment made that there really

1 wasn't a threat, he just sent an email.

2 THE COURT: Well, that certainly does not cause
3 the Court to feel it's original assessment of the
4 materiality of that evidence should you revisit it.
5 So, I'll continue to grant the State's objection. I
6 won't allow that testimony.

7 I will certainly entertain argument, from both
8 of you, on the relative strengths and weaknesses of
9 the case.

10 So, Attorney Baird, please do not interpret my
11 decision as precluding you from commenting on your
12 assessment of the strength of the evidence because
13 the Practice Book does direct the Court to consider
14 that as one of the factors to be considered in the
15 setting of bond and bond conditions. So --

16 ATTY. BAIRD: Thank you, Your Honor.

17 THE COURT: -- you're welcome.

18 ATTY. BAIRD: So I'll proceed with oral
19 argument.

20 THE COURT: You may. So what we're discussing
21 now is the non-financial conditions of release, which
22 for lack of a better term would be the restrictions
23 placed on the defendant's freedom of movement.

24 ATTY. BAIRD: Yes. In the context of the fact
25 that \$75,000.00 cash bond was posted as well.

26 THE COURT: Correct.

27 ATTY. BAIRD: Just as background, Your Honor, in

1 this case Mr. Taupier was arrested on August 29th,
2 2014. He was charged with threatening in the first
3 degree and harassment in the second degree.

4 At that time he had been appearing in court
5 since the spring of 2013 without, my understanding, a
6 bail commissioner letter, and certainly not without
7 any charge of failure to appear. He had been
8 released on a surety bond and that was sufficient to
9 assure his appearance in court. And he did, in fact,
10 appear in court, Mr. Taupier, and this was a warrant
11 that was signed for his arrest. And on the warrant
12 it said \$35,000.00 cash bond. The warrant did not
13 check off the box and did not list any non-financial
14 conditions of release.

15 And at that time the magistrate, the judge
16 signing the warrant had the information available to
17 him in the warrant, including the allegation about
18 the email.

19 Had the judge, signing the warrant, intended to
20 impose non-financial conditions of bond he had the
21 opportunity, and he certainly took the opportunity to
22 indicate that Mr. Taupier would be required to post a
23 \$35,000.00 cash bond.

24 Mr. Taupier was given a court date to appear on
25 September 12th. But on Tuesday, September 2nd, he
26 appeared in court, he was called to appear in court,
27 and his bond was increased by \$40,000.00 cash to

1 \$75,000 cash total and we all know that he posted
2 that.

3 And in court on September 2nd the judge stated
4 that I'm going to increase the bond, as requested by
5 the state, not to the amount that is alleged because
6 it does not appear that all of the guns are not
7 accounted for, the bond is going to be increased by
8 40,000, it's cash only. I do want a house arrest
9 except for court appearances, medical emergencies and
10 verified employment hours. And then the Court said
11 you will be back down in Middletown. In fact, Mr.
12 Taupier did appear in Middletown on Thursday,
13 September 4th.

14 And then on September 8th there was a
15 conversation and that the conditions were modified.
16 There was no testimony or evidence offered, under
17 oath, and the court imposed the following order.
18 Because of the non-compliance and notwithstanding
19 Judge Alexander's carve out that allowed the
20 defendant to go to work, I am effecting immediately
21 stripping the defendant of that right to leave his
22 home to go to work, so the employment carve out is
23 revoked, the defendant therefore must remain in his
24 home 24/7.

25 And that's the way it's basically stood with
26 regard to the home detention that Mr. Taupier has
27 been unable to work, has been unable to effectively

1 seek work since September -- since September 2nd,
2 basically. But more importantly since September 8th
3 when that additional carve out that he would not be
4 allowed to go to work or the carve out was revoked,
5 meaning that he could not even seek work and he could
6 not go to work.

7 And so what happened in this case was Mr.
8 Taupier posted \$75,000.00 cash bond so he could work
9 and then when he was out after posting it there was a
10 condition put on so he couldn't work. So not only
11 does he not have money, but he does not have the
12 ability to earn income either.

13 So, the issue is, if it was deemed by a court
14 that somehow \$75,000.00 cash bond was enough to
15 assure his appearance in court and protect the
16 community why, in fact, did that change? Well, it
17 changed because there were allegations that he was
18 compliant with his home confinement, which the State
19 has never proven or shown to a court to be true.

20 And the motion that I, in fact, filed on
21 November 10th arose from an incident that morning at
22 his home where probation called him at about 5
23 o'clock in the morning and said where are you, we
24 can't find you? And it turned out that there were
25 two areas in Mr. Taupier's home that were not
26 assessable to the GPS and electronic monitoring.

27 Which, by the way, he's been on both since these

1 orders were entered. And it's our position that that
2 runs contrary to the policies and procedures of CSSD
3 to have somebody not only on GPS, but on also home
4 monitoring confinement. And I'll get into this --
5 I'll get into that a little bit more as we go on.

6 In looking at Practice Book Section 38-4,
7 released by a judicial authority, there are six
8 different provisions regarding the posting of bond
9 and Mr. Taupier falls under number six, the
10 defendant's execution of a cash bond and his or her
11 deposit with the clerk of the court of cash in that
12 amount of the bond set by the judicial authority in
13 no greater amount than necessary.

14 Our first argument is that \$75,000.00 cash was
15 greater than necessary. This is a man who has no
16 criminal record. He's never been convicted of
17 anything, never used a diversionary program, had been
18 attending court for 13 months without fail. There
19 have been motions submitted with regard to the legal,
20 the legal issue in that voyeurism case, and whether
21 or not he actually did violate the law. And the
22 case, the new case that he picked up or that he was
23 being prosecuted on as of September, 2014, is also
24 subject to a motion to dismiss, again, with regard to
25 whether he's -- what he's alleged to have done
26 actually violates the law.

27 Now, with regard to number six in Practice Book

1 38-4(a)(6), he did post the bond. And then there's
2 Practice Book 38-4(b), which says that in addition to
3 or conjunction with any of the conditions of release
4 the judicial authority may impose one or more
5 nonfinancial conditions of release pursuant to
6 subsection (d).

7 The judicial authority may, in determining what
8 conditions of release will reasonably assure the
9 appearance, look at factors (1) through (7).

10 The State, in its brief that it filed today,
11 addressed these factors (1) through (7). The first
12 being the nature and circumstances of the offence,
13 including the weight of the evidence against the
14 defendant.

15 Our argument is that the weight of the evidence
16 is slight because the weight of the evidence, even if
17 believed, does not constitute a crime in either case.
18 And our motions go into further detail about that.

19 If you look at the State's brief that was filed
20 today, it talks about, although the email was not
21 sent directly to Judge Bozzuto, one of the recipients
22 who was alarmed by the context reported it to a
23 Hartford Legal Aid Attorney and then later to the
24 police. And then to buttress this charge, the State
25 says it's important to note that the defendant had
26 guns at another individual's house, per the family
27 court order, but had retrieved them within a week of

1 making the email threat about Judge Bozzuto.

2 The amount of bond in this case and the non-
3 financial conditions buttress by comments made by the
4 State, as I've just read, it's almost a bond and non-
5 financial conditions, it's almost an argument that
6 the State's making and that has resulted in these
7 conditions imposed upon Mr. Taupier that he made a
8 substantial step towards inflicting physical harm
9 against Judge Bozzuto.

10 Well, he didn't, he made no substantial step,
11 this was not an attempt to commit assault, this was
12 not an attempt to commit murder. There was no
13 substantial step made.

14 But the State, even though it's not charging
15 that, is trying to make the argument that the bond
16 should accord with such a serious crime. And that's
17 at the crux of this. The State is trying to put Mr.
18 Taupier under conditions as if he's alleged to have
19 committed something far more serious than the charges
20 reflect.

21 The defendant's record of previous convictions
22 is the second thing under 38-4(b) that the Court
23 considers with regard to imposing non-financial
24 conditions. The defendant's record of previous
25 convictions, he has none.

26 Number (3), the defendant's past record of
27 appearance in court after being admitted to bail.

1 As far as I know it's perfect.

2 So, (1), (2) and (3) down the board we argue
3 that if the Court basis its decision of nonfinancial
4 conditions of bond so far based on (1), (2) and (3)
5 there should be no conditions.

6 Number (4), the defendant's family ties. Well,
7 we do know that the defendant has two children
8 because that's part of this case. And that he is in
9 family court. That he is trying to get visitation
10 with them. That he's concerned about them. That
11 he's concerned about the mental distress imposed upon
12 them by not being able to see them. That he's very
13 close to them. That he has definite family ties to
14 his two children.

15 I can represent to the court, as is allowed in a
16 bond hearing, that his father is in court today, his
17 sister is in court today, and he has tremendous
18 family ties in the State of Connecticut.

19 So again, four for four so far on the side that
20 there should be no nonfinancial conditions against
21 Mr. Taupier.

22 The defendant's employment record. Your Honor,
23 Mr. Taupier was gainfully employed when this happened
24 with Citigroup. He is in the banking industry. He
25 had an opportunity to become a -- to move from a
26 contract employee to a full-time employee with
27 Citigroup. And when this happened that offer was

1 rescinded. Two days later his employment as a
2 contract employee was also rescinded. So his
3 employment record is good up till this case.

4 The defendant's financial resources character
5 and mental condition. The defendant's financial
6 resources, this is number (6), have been impacted by
7 this. But certainly the Court took into account his
8 financial resources in setting bond at \$75,000.00
9 knowing that -- well I don't know that, but he was
10 able to make that \$75,000.00, he has financial
11 resources, he has a home that the Court knows about,
12 knows somewhat of the structure of the home, that it
13 is an asset, that it a valuable property.

14 Now, number (6) also addresses mental condition.
15 And I know that the State has made comments in its
16 brief about being concerned about Mr. Taupier's
17 mental condition. And that's on page four of the
18 brief. The bizarre description of shooting into
19 Judge Bozzuto's master bedroom reflects grave concern
20 for the defendant's mental condition.

21 Well, to my knowledge there's been no order of
22 the court that he submit to a mental health
23 evaluation, that he receive any counseling. So the
24 concern for his mental condition does not appear to
25 be supported by any actual actions to determine what
26 that mental condition is and I don't know what the
27 State bases such a serious charge on as to put it in

1 a brief, grave concerns for the defendant's mental
2 condition.

3 And it should be noted that this email that is
4 of concern in the second arrest where he's charged
5 with threatening and harassment, that's been revised
6 by long form information, it hasn't yet been filed.
7 There were six people on the email and only one
8 contacted anyone else out of concern. What about the
9 other five individuals, were they concerned? I mean,
10 if you just take the weight of it that's -- you know,
11 one in six was concerned enough to go talk to
12 somebody. It seems like that person is the unusual
13 one being in the clear minority feeling like the
14 email presented any sort of threat to anyone. And
15 taking from that in the context in which this email
16 was sent, it was a private email sent, presumably, to
17 others who shared frustrations about the family
18 court, who had shared similar frustrations previously
19 about the family court and thought they were in a
20 private group where they could voice their opinions
21 not knowing that those opinions would go further.
22 And it seems like five of the people understood that
23 but one of the people did not understand that.

24 If all six had went and reported it then my
25 argument would be a lot less persuasive. But the
26 fact that only one reported it really goes to did
27 they believe that that email exhibited a mental

1 condition, or did they accept it for what it was, an
2 expression of frustration that probably many people,
3 if they were -- had a recorder on them at all times,
4 or a video of them on at all times would, perhaps, at
5 times, be caught saying or joining in conversations
6 or being part of the conversations for similar things
7 if they did get out would be not understood by others
8 who are not familiar with the context in which they
9 were spoken.

10 Going onto number (7), the defendant's community
11 ties. Again, he owns a home; he's involved in a
12 prolonged court proceeding with his wife with regard
13 to his children. He has family, he worked, he has
14 ties to the community.

15 So I'm arguing that of the seven I've mentioned
16 so far none of them would support in considering them
17 that non-financial conditions should be attached to
18 Mr. Taupier's release.

19 Number (8), history of violence. There is no
20 history of violence.

21 Number (9), whether the defendant has previously
22 been convicted of similar offenses while released on
23 bond, no.

24 Number (10), the likelihood based upon the
25 expressed intention of the defendant that he or she
26 will commit another crime while released.

27 Well, if Mr. Taupier was going to commit another

1 crime while released he certainly had -- he certainly
2 has had adequate opportunity in the past three months
3 because let's face it, even GPS and home detention
4 are not going to prevent him from committing another
5 crime while on release if he's determined to do so.

6 So I would argue in looking at these 10
7 considerations for nonfinancial conditions of
8 release, that none of them support the conditions
9 that have been placed on Mr. Taupier, let alone any
10 conditions other than posting a bond.

11 For these reasons, Your Honor, we argue that at
12 the least Mr. Taupier be subject to the conditions
13 that the Court has already set. Although we argue
14 they're not necessary. That he not be confined to
15 his home, he's been confined to his home for three
16 months. He's a man with no criminal history, no
17 record of violence. An allegation of a threat that
18 we pose to the court under the circumstances it was
19 made and under the plain language does not constitute
20 a threat. There's no evidence that he presents any
21 sort of danger or threat to his children. In fact,
22 all the evidence is contrary that he wants nothing
23 more than to be accessible to his children. That the
24 mere fact that he's detained at home presents a face
25 to the world that he is a danger when he is not.
26 That the \$75,000.00 that he has posted more than
27 assures his appearance in court. That the GPS that

1 he's subject to now when he is not at home, and also
2 when he is at home because he also has it in his
3 home, is not necessary given the charges, given the
4 facts underlying the charges, given that's what
5 occurred in the last three months.

6 And just let me finally address what I think
7 drove this from September from his arrest in
8 September and that was the fact that a risk warrant
9 was executed at his home and firearms were found
10 there. And the state mentions that in its brief.
11 And the court, not this court, but the Hartford court
12 used that as a reason to increase his cash bond. And
13 as reason to increase the cash bond the court pointed
14 to a family court order, an agreement, that Mr.
15 Taupier not possess any firearms.

16 And in family court, in Connecticut, what has
17 become increasingly common is that the courts and the
18 parties will want individuals who own firearms to
19 agree not to possess firearms. And if the
20 individuals don't do that, individuals become fearful
21 that somehow their rights to see their children are
22 going to be forfeited or that they're otherwise going
23 to be seen as not appropriate to have children in
24 their home.

25 And so time and time again, including in Mr.
26 Taupier's case, that agreement is made not to possess
27 firearms so that there's no chance that you're going

1 to not be able to see or have access to your
2 children. But that's a family court order. And the
3 punishment for a family court order is that the other
4 side, if they believe you're in violation of it they
5 file a motion for contempt. And if you're found in
6 contempt the punishment or penalty is not jail, it's
7 not home detention, it's not confinement, it's
8 nothing that's criminal in nature, it's purely civil.

9 But what happened in this case is that the
10 family court order drifted over into the criminal
11 case and there was an allegation that oh, you
12 violated the family court order so we're going to use
13 that to increase your criminal bond. The family
14 court case is the family court case. And the
15 criminal court case should not be used to drive or to
16 implement the conditions of the family court case.
17 But in this case that's exactly what it did.

18 And so this allegation that this case has
19 anything to do with violation of a family court
20 order, there was no restraining order in place that
21 prevented Mr. Taupier from possessing firearms.
22 There was no criminal aspect to whether he possessed
23 firearms at that time. But it was dragged into this
24 case and the bond was increased, electronic
25 monitoring was ordered and then it all went downhill
26 from there.

27 We ask that that family court order, by

1 agreement, be taken out of the mix, that this case be
2 considered solely on the facts of this case. There's
3 no allegation, whatsoever, that any firearm was,
4 there was any substantial step taken to use a
5 firearm. In fact, the firearm that was mentioned in
6 the email at issue was never found at Mr. Taupier's
7 home. There's no record of that firearm ever being
8 owned by Mr. Taupier, or documented, some say
9 registered, with the state police.

10 Now, in this case there is a condition that he
11 not possess firearms. And if he does possess
12 firearms then there would be criminal penalties
13 attached to it.

14 But back in September there was no such thing.
15 And had it not been for that allegation that there
16 was a family court order violated by him having
17 firearms, these conditions, I argue, would not have
18 been in place if firearms had not been mentioned in
19 this case then none of these conditions would be in
20 place. And it was inappropriate and not relevant to
21 bring an agreement that had been made in family court
22 into this case.

23 And so with that reason, Your Honor, we ask that
24 the conditions that have already been imposed by the
25 Court, we offer that those are sufficient. There's
26 no evidence to the contrary that the orders already
27 entered by this court will not be sufficient to

1 assure his appearance in court and maintain the
2 safety of the persons protected as named in the
3 conditions of reason. Thank you.

4 ATTY. HANS: Your Honor, first and foremost,
5 sufficiently of evidence on either of these two
6 cases, under Practice Book sections 41-8 and 41-9 is
7 of no moment. Both of these cases were signed by a
8 neutral magistrate who examined all the facts, who
9 considered probable cause. They were signed by a
10 police officer and a police officer supervisor. They
11 were also signed by a prosecutor. So under Practice
12 Book 41-8 and -9 she could not even bring an
13 insufficiently of evidence challenge on these.

14 So saying that the cases are weak or that
15 they're insufficient evidence or that they are
16 somehow not a threatening case or that the voyeurism
17 cases is weak, it's of no moment. She can't
18 challenge an insufficiently of evidence because they
19 were signed by a neutral magistrate, ample probable
20 cause was found on both charges in both cases.

21 Concerning the conditions of release and looking
22 at General Statutes 54-64 the Court should not only
23 consider whether or not the defendant will appear in
24 court, but the safety of other persons. And that's
25 what we're talking about, Your Honor.

26 And my question to you is this, what's changed
27 since he made the threatening email that contained

1 highly detailed information about Judge Bozzuto's
2 residence, her nanny, the description of her bedroom,
3 approximate location near a cemetery where, that
4 someone could hide from an area of concealment and
5 shoot a weapon 245 yards away through a double paned
6 window. What has changed in the last two months to
7 lead the Court to believe, in any manner, that he
8 does not pose a safety to the family court judge who
9 entered a temporary order to give full custody to
10 Tanya Taupier, his wife?

11 So, the State would submit that there are no --
12 Judge Alexander imposed the initial conditions, Your
13 Honor. They're not too stringent; the bond is not
14 too high. He's facing 10 criminal charges on two
15 separate cases. He has three felonies pending,
16 including a threatening in the first degree against a
17 Superior Court judge and two voyeurism charges.

18 So I submit that basically Judge Alexander, when
19 she saw that the family court order was violated,
20 which the Court should consider, if he's going to
21 violate the family court orders what is to be -- what
22 is to keep him from violating these court's orders?

23 And, Your Honor, you already had evidence
24 presented on your last hearing that he was not
25 properly charging his machine, his GPS monitoring
26 machine. On September 2nd his location was unknown.
27 So there is evidence, even today, that's been

1 presented before the Court that's been flaunting the
2 court orders.

3 What has changed to make the Court impose less
4 onerous conditions to insure the safety of Judge
5 Bozzuto, her young children and family, and Tanya
6 Taupier and her two young children?

7 I submit that all the conditions are
8 appropriate, they're not too restrictive. The cash
9 bond is appropriate for the crimes that are charged,
10 for the gravity of their offenses, and I'd ask that
11 you keep the conditions as they are.

12 THE COURT: Thank you.

13 ATTY. BAIRD: Well, if I could just respond.
14 What has changed since this happened, Mr. Taupier has
15 had continued access to his computer and to the
16 internet and there's been no evidence that there's
17 been any more threats against anybody, so that's one
18 thing that's changed.

19 My other response to that is what could have
20 changed. He's been basically locked up at his home,
21 so there's not a whole lot that could have changed.

22 The 10 criminal charges that the State has
23 referenced, those include six that have recently been
24 added that where there has never been a finding of
25 probable cause on those six.

26 And with regard to me being able to argue
27 insufficiency of the evidence, I'm arguing under

1 41-8(2), not (5) or (9). So, I am allowed to argue
2 that even if the arrests have been by warrant.

3 THE COURT: All right. Thank you both for your
4 arguments.

5 Obviously it was -- I was not the judge that set
6 the additional bond that raised the defendant's
7 initial bond from 35,000 to 75,000.

8 But I do agree with the State, Attorney Baird,
9 that Judge Alexander's consideration of the fact that
10 there was evidence that the defendant had violated
11 the terms of the family court order was, in my view,
12 properly considered by Judge Alexander. This was not
13 an order that had to do with custody or visitation.
14 It was a specific order, which I understood, and I
15 don't know if I'm correct, but it was my
16 understanding was agreed to by the defendant. It was
17 a stipulation entered into by the defendant and his
18 wife that the defendant would not have any guns in
19 the home.

20 Now, you've said in your argument that the
21 defendant felt constrained to agree to that fearing
22 that he would not be given access to his children.
23 There's no evidence of that before me, I don't know
24 whether that's the case. But there was an agreement,
25 which was followed up, I believe with an order, that
26 the defendant not possess any firearms.

27 So, the sequence of events that led to Judge

1 Alexander's increase in the bond were as follows.

2 The State became aware of the fact that the defendant
3 had sent an email within, probably within hours of
4 the issuance of an order by Judge Bozzuto. The order
5 issued by Judge Bozzuto impacted on the defendant's
6 ability to parent his children. Hours later an email
7 is sent by the defendant. It includes a direct
8 reference to Judge Bozzuto, a direct reference to her
9 town of residence, a direct reference to the fact
10 that she has children, that a nanny resides in the
11 home with them.

12 The email says, and I'm quoting now, there is
13 245 yards between her master bedroom and a cemetery
14 that provides cover and concealment. The email goes
15 onto say, someone who wants to take my kids better
16 have an F-35 and smart bombs, otherwise they will be
17 found and adjusted, they should seek shelter on the
18 ISS, International Space Station.

19 The email goes on to add that a 308 at 250 yards
20 with a double pane drops .5 inches per foot beyond
21 the glass and loses seven percent of foot pounds of
22 force, goes onto -- at 250 yards non-armor piercing
23 ammunition is referred to. And then unless you sleep
24 with level three body armor or live on the ISS you
25 should be careful of your actions.

26 Specifically, the defendant is alleged to have
27 said in the email, and I quote again, they can steal

1 my kids from my cold, dead bleeding cordite filled
2 fist as my 60-round mag falls to the floor and I'm
3 dying as I change out to the next 30-round.

4 Now that's the email that came to the attention
5 of the State.

6 Judge Mularky, I believe, signed the warrant
7 charging the defendant with threatening and
8 harassment. The information that then became, came
9 to the attention of Judge Alexander was that the
10 defendant, despite his agreement to transfer all
11 firearms from his possession, having agreed to do
12 that in the family case had, in fact, either not done
13 so or having done so in the first incidence, had
14 reacquired some of those guns, because at the time of
15 the execution of the so-called risk warrant, the
16 defendant was found to be in possession of a number
17 of firearms.

18 So, in my view, Judge Alexander, appropriately,
19 considered the defendant's violation of a family
20 court order, not because it was the violation of a
21 family court order, in and of itself, but because it
22 was a violation that (a) involved -- that enabled the
23 defendant to possess firearms, and two, it placed
24 into a much more urgent sense the statements the
25 defendant had made in the email. Certainly one can
26 interpret this email to suggest that the defendant
27 was prepared to bring harm to Judge Bozzuto, had

1 staked out her home, had measured distances from
2 areas of covered concealment near, by her home, and
3 was in a position to attempt to harm her from a
4 distance of 245 yards by using a particular type of
5 firearm in a particular type of armor piercing
6 ammunition.

7 So, yes. Judge Alexander, exercising her
8 authority under 38-4 and her right to consider
9 whether or not the defendant may pose a risk to the
10 physical safety of another person, took into account
11 the fact that the defendant had made these statements
12 and had, allegedly, in violation of a family court
13 order, continued to possess firearms.

14 And I must say, Attorney Baird, in covering
15 number 10 of sub b in 38-4 sub 10 specifically says
16 that one of the factors the court can consider in
17 setting bond is the likelihood based upon the
18 expressed intention of a defendant that he or she
19 will commit another crime while released.

20 I frankly don't believe that number 10 is all
21 that frequently cited because of the infrequency of
22 situations in which the defendant has an expressed
23 intent to commit new crimes.

24 But in your client's case one could certainly
25 interpret the defendant's words when coupled with his
26 continued possession of guns as reflecting an express
27 intent, and importantly one that he could fulfill, to

1 commit another crime while on release, specifically,
2 to bring harm to the judge, who at hours or maybe a
3 day before, issued orders that I suspect the
4 defendant believed, using his words, that stole his
5 kids. So he was prepared to deal with the party that
6 might steal his kids by firing all of the rounds from
7 a 60-round mag and then changing out to the next 30-
8 round magazine and his kids would have to be dragged
9 from his cold, dead, bleeding, cordite filled fists.
10 Certainly, a fair reading of that is that he was
11 going to have his kids, in his arms as this happened,
12 and that was the only way his kids were going to be
13 taken.

14 So certainly harm to Judge Bozzuto, harm to the
15 kids, were all fair readings, or interpretations, of
16 this statement that the defendant included in his
17 email.

18 So, with regard to your claim that Judge
19 Alexander inappropriately raised the bond I
20 respectfully disagree given the circumstances I've
21 noted.

22 Now, this Court, when the defendant came here,
23 further believed that non-financial conditions of
24 release were necessary in order to deal with my
25 feeling that the defendant posed a continued risk to
26 the physical safety of Judge Bozzuto and the
27 children.

1 And I had the authority under sub d to add non-
2 financial terms, even if Judge Alexander did not.
3 And it was for that reason, and frankly because of
4 initial, what I viewed as the defendant's initial
5 resistance to fully comply with the terms of his
6 electronic monitoring, that I believed it was
7 necessary, in accordance with sub d, sub 2, to place
8 specified restrictions on the defendant's travel.
9 And that is why I imposed a 24/7 lockdown on Mr.
10 Taupier.

11 Now, Attorney Baird, what has happened since
12 that court order, which was in the first week of
13 September, if memory serves, I have attempted, as we
14 have proceeded to this date, to assess the
15 defendant's level of compliance in the same way that
16 this court initially ordered all encompassing orders.
17 I have added additional carve outs as time has
18 passed, both to reflect appropriate, what I thought
19 appropriate limitations such that the defendant could
20 have contact with the children, as the family court
21 deemed appropriate. I certainly allowed the
22 defendant to see his attorneys as he needed to. I,
23 at this point, am not inclined to completely relieve
24 the defendant of these restrictions, which I think
25 continue to be warranted given the nature of the
26 statements he has made, which I view as an expressed
27 intention.

1 I recognize though that the defendant has two
2 children. I recognize that his support of those
3 children will be important throughout the pendency of
4 the case and thereafter.

5 I had indicated to you at an earlier date that
6 if there was a work option that I might consider
7 allowing the defendant to attend to a job. I was
8 told that he had lost the job that he had, you, I
9 guess, reported that to be true. I might consider
10 allowing -- the defendant, I would imagine, is free
11 because I don't recall placing any restrictions on
12 his use of the internet. I suppose the defendant
13 could seek employment while he's under the 24/7
14 lockdown, I don't think the type of work that he does
15 would generally involve making door to door cold
16 calls. But if the defendant were to report to me
17 that he had found employment or even that he had had
18 an interview set up for employment, I think with the
19 permission of his supervisor I would be likely to
20 allow that.

21 But you're asking me to just remove all of the
22 restrictions and I think that this case does not call
23 for such a stark change in the conditions of his
24 release.

25 Are you in a position now to tell me that the
26 defendant has any job interviews lined up, which I
27 can address specifically? Or a job lined up or a

1 plan to visit an employer or anything of that nature,
2 because that's something that I would consider.

3 But, this is, I realize there are legal issues
4 presented by this case, I realize that we're now,
5 it's our last order of business is going to be
6 setting a trial date, I have decided that this case
7 should not linger on the docket, the parties are not,
8 as best I can tell, going to come to any agreement on
9 this case, so I've already said that I want to get
10 the case tried. But, if you tell me that your client
11 has a job interview, if you tell me that your client
12 wants to make a call to a particular employer that he
13 feels he might have a job opportunity with, it was
14 certainly not the Court's primary intention in
15 entering these orders of depriving the defendant of
16 his opportunity to work.

17 But the defendant is alleged to have made
18 statements which one could fairly interpret as a
19 threat to be judged that it entered the orders hours
20 earlier concerning his children.

21 ATTY. BAIRD: And may I address that, Your
22 Honor?

23 THE COURT: Of course.

24 Yes, you may. But is there a specific -- before
25 I lose sight of this, is there a specific
26 appointment, interview, location that the defendant
27 wants to travel to, which I can consider as a

1 specific request rather than the wholesale request,
2 which is what I've understood you to make, that he be
3 relieved of all restrictions.

4 ATTY. BAIRD: Given that the current conditions
5 have been in place he has not made appointments or
6 considered the possibility that he would be able to
7 make appointments.

8 THE COURT: Well, listen --

9 ATTY. BAIRD: So there are none pending right
10 now.

11 THE COURT: All right. And I don't expect the
12 defendant to be able to read what I'm likely to do
13 next. But I certainly have ruled favorably, I
14 believe, twice before, on his request to have some
15 additional carve outs.

16 So, to the extent the defendant has been
17 foregoing his job search fearing that I might not
18 allow him to go to the interview, then I will invite
19 him to begin the job search if that's what he needs,
20 and I'll consider what opportunities arise.

21 ATTY. BAIRD: Of course.

22 THE COURT: But, I need to hear what that is and
23 I'll consider what I'm given.

24 And you wanted to respond to something else, I
25 cut you off, but feel free to if you'd like to.

26 ATTY. BAIRD: Well, I just didn't want to let it
27 pass that the court has taken into consideration a

1 certain timeline with regard to the decision that I
2 understand was just made and I just want to clarify.
3 And I had subpoenaed many witnesses on a previous
4 court date that had familiarity with the family court
5 proceeding, sort of to draw a picture of what was
6 going on at that time, all the motions that were
7 being filed, Mr. Taupier's pro se status at some
8 point. And I didn't go into any of that today, and
9 perhaps I should have. I didn't know it would be
10 relevant today.

11 THE COURT: Well, I'm not --

12 ATTY. BAIRD: But Your Honor, it's just that the
13 timeline, the email preceded the order given by Judge
14 Bozzuto, it did not occur hours -- it preceded it by
15 five days.

16 THE COURT: But, I thought there was something
17 that came up about the school, the kids being moved
18 from one school system to another.

19 ATTY. BAIRD: Right. Right.

20 THE COURT: And wasn't that done by order of a
21 judge?

22 ATTY. BAIRD: Well, what happened was there
23 were, Mr. Taupier was pro se and so the emails of
24 motions for contempt were just flowing fast and crazy
25 from the other side, you know, and he was just
26 sitting there getting all these emails and motions
27 and it led to frustration on his part, there's no

1 doubt about it.

2 But, Judge Bozzuto didn't act on these motions
3 until the following week. And so I just wanted to
4 clarify that --

5 THE COURT: Well, then that should be -- that's
6 a fair comment and it will be noted, for the record.
7 So, is there anything specific at this juncture?

8 ATTY. BAIRD: No.

9 THE COURT: All right. I invite you -- although
10 we're now going to pick a trial date, we're not going
11 to convene again, absent some reason to, but I invite
12 you, specifically, to notify the court by written
13 motion if there is an opportunity and I will consider
14 it. Because I think now the only order of business
15 remaining for us today is to set the trial schedule
16 based on a brief chambers discussion I had before I
17 came out here.

18 The State has advised the defense and the court
19 that it will proceed first on the so-called
20 threatening case involving the email. It will not be
21 seeking joinder of that case with the voyeurism case,
22 am I correct, Attorney Hans?

23 ATTY. HANS: Yes, sir.

24 THE COURT: All right. Now, Attorney Baird has
25 indicated that she wishes to make a motion to dismiss
26 under 41-something sub 2. 41 --

27 ATTY. BAIRD: -8.

1 THE COURT: 41-9?

2 ATTY. BAIRD: I thought it was 8.

3 THE COURT: 8? 41-8, you're right.

4 ATTY. BAIRD: Okay.

5 THE COURT: 41-8 sub 2, so there was a motion
6 filed by prior counsel addressing this point.

7 ATTY. BAIRD: Yes.

8 THE COURT: But you want to file something that
9 might incorporate some or all of that, but you want
10 to file additional material.

11 ATTY. BAIRD: Yes.

12 THE COURT: Okay. You've asked, I believe, for
13 three weeks to do that.

14 ATTY. BAIRD: Yes.

15 THE COURT: Okay. So, three weeks from today is
16 the 9th, I think. Right? The 9th would be three
17 weeks. So do you want that Friday?

18 ATTY. BAIRD: Yes.

19 THE COURT: Okay. So that would be 12-12.

20 So, do you anticipate any other motions or just
21 is that the one that you're, at least, thinking about
22 first and foremost? It would be a motion to dismiss,
23 which is claiming that the State's information is
24 defective in that it fails to charge an offense.

25 ATTY. BAIRD: Yes. And, you know, I'll file a
26 motion for bill of particulars and just --

27 THE COURT: All right. Certainly, yes.

1 ATTY. BAIRD: Right.

2 THE COURT: Anything you need to file just file
3 it.

4 Now, the State is going to want to respond to
5 that. I take it the State may be responding both on
6 procedural grounds that what, in fact, that motion
7 is, is an effort to squeeze into sub 2 what is really
8 a sub 5 or sub 9. And it may also address the
9 substantive claims that Attorney Baird will likely
10 raise in the motion.

11 So, you need three weeks, less, more, what?
12 Three weeks, same amount?

13 ATTY. HANS: It's fine, Your Honor.

14 THE COURT: So that brings us to the end of the
15 year. Let's see, that's one, what's that January
16 2nd, 19th, 20 -- yeah, I guess January 2nd?

17 All right. So that's January 2nd.

18 ATTY. HANS: And Your Honor, that would be to
19 respond to the bill of particulars in the motion to
20 dismiss.

21 THE COURT: Right.

22 ATTY. HANS: If I get more motions could I
23 ask --

24 THE COURT: If there's more then -- but now the
25 motion, and you're going to indicate to me, I guess,
26 so please make note of this because I know that
27 you've mentioned that there's now a six count long

1 form, which I haven't seen, but I suspect I will, so
2 you're going to need to identify whether or not your
3 motion pertains to some or all of the counts. So,
4 you'll do that?

5 ATTY. BAIRD: Right. That absolutely needs to
6 be done.

7 THE COURT: Okay. So that needs to be done. So
8 please make note to the extent that your motion deals
9 with some counts and not others specify that. Now,
10 do you want a chance to respond to -- do you want a
11 brief time for a reply brief?

12 ATTY. BAIRD: I guess that depends.

13 THE COURT: A week?

14 ATTY. BAIRD: We're going to have oral argument
15 on it.

16 THE COURT: I guess. I guess we could. So, do
17 you want to file a reply brief, if you're going to --
18 and you don't need to, I mean, you may cover it all.
19 Do you want a week to do that and then we'll schedule
20 the argument for -- how about an argument on January
21 14th?

22 If Ms. Hans' brief is due January 2nd, your
23 brief, if you wish to file one, would be due January
24 9th. That's a Friday. And then the following
25 Wednesday we could do the argument.

26 And then I anticipate I'm going to need some
27 time on this because I can see the issues are, could

1 be challenging. Once I see the briefs I will do my
2 level best to give you an idea about how much time I
3 think I'm going to need. Frankly I may try to do
4 some of the research before I get yours to shorten
5 the time. But, you know, I don't think we're going
6 to find a case on all fours, at least not in
7 Connecticut, at least not that I'm aware of. And I
8 suspect there's issues here that are going to have to
9 be briefed involving everything from true threats, if
10 this can be raised in this forum to questions about
11 the fact that this email was sent to someone else and
12 not directly to the party identified, these are
13 significant issues.

14 So, all that I can say is once I get a look at
15 the area of the law, review your briefs, I will pick
16 a date on which I'll issue my ruling and then we'll
17 be ready to start the trial. And I suspect you'll
18 want a jury trial on this.

19 ATTY. BAIRD: We've elected for a jury.

20 THE COURT: Elected a jury trial. Okay.

21 So, I just don't know if I can do this in a week
22 or two; it may take a little longer.

23 What I would -- if you can get your briefs in
24 any sooner than we've identified that would be great.
25 But I would hope to start the case as soon as I've
26 ruled. So, I suppose the earliest we could probably
27 get this started would probably be February 1st or 2nd

1 would probably be the earliest. I mean, I just,
2 we're doing the argument on the 14th. Unless I find
3 this to be much easier than I anticipate I can see it
4 being February, that's only two weeks later. And
5 we'll then have to exchange witness lists and --
6 So clear out your calendars for the beginning of
7 February and keep open the 14th of January as well.

8 And I'm going to start my research now because I
9 can anticipate -- and listen, and I will say this, to
10 the extent that the two of you want to share with me,
11 even in an -- as long as we give copies to opposing
12 counsel, sort of the areas that you plan on
13 addressing or the real pertinent cases that you think
14 I need to review, then as long as you share it with
15 your sister counsel then it will give me a roadmap to
16 begin my research, which could expedite the whole
17 process. There's no reason for me to find out at the
18 very last day what it is you're claiming. If I'm
19 missing a claim, then let me know in advance and I'll
20 start to do the research.

21 So, and again, Mr. Taupier has, if Mr. Taupier
22 has a specific appointment, interview, job offer,
23 please let me know. It can be done if it's a rush
24 job, so to speak. If he finds out in the afternoon
25 that he's got a lined up appointment for tomorrow,
26 call the clerk's office. I'll get it done the day
27 that you tell me about it. I don't need to even drag

1 you in here. If the State knows what it is we can
2 have a telephone conference and I can call the
3 defendant's monitor and say I'm authorizing this so
4 he could be in an appointment the next day.

5 And then we'll figure out a way to get the case
6 tried and we'll see where we stand then and then
7 we'll have one case down and I suspect one more to
8 go. But we'll find our way through it.

9 Now, if there are any changes in the family
10 court, I don't know if you interact with Ms. Mathers
11 or not but keep me abreast.

12 Now, threw you, Attorney Baird, Mr. Taupier, I
13 just want -- I know that there was an earlier date
14 where I was led to believe that you felt that there
15 was an order that I had entered that prohibited the
16 family court from doing something. I don't want you
17 to leave here with that impression. So, if you're
18 left with some uncertainty in the family court,
19 contact Attorney Baird, she can contact me and we can
20 straighten it out.

21 Anything else?

22 ATTY. HANS: Nothing, Your Honor.

23 THE COURT: Very good. I thank everybody for
24 their arguments. Matter is continued until January
25 14th subject to being called sooner.

26 And one thing, Mr. Taupier, I direct you to go
27 to the 5th floor, please, to the bail commissioner

1 they'll have a new bond form that you'll need to
2 sign, please, that just says that you understand that
3 these court orders have been made conditions of your
4 release.

5 Anything else? Thank you.

6 ATTY. BAIRD: No, thank you.

7 THE COURT: Attorney Baird, Attorney Hans.

8 We'll be adjourned. Thank you everyone.

9 (COURT ADJOURNED AT 4:12 P.M.)

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NO: MMX-CR14-0675616T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF MIDDLESEX
v. : AT MIDDLETOWN, CONNECTICUT
EDWARD F. TAUPIER : NOVEMBER 18, 2014

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Middlesex, Middletown, Connecticut, before the Honorable David P. Gold, Judge, on the 18th day of November, 2014.

Dated this 3rd day of December, 2014 in Middletown, Connecticut.

Carrie Bogdan
Court Recording Monitor