

CR14-0675616 –T : SUPERIOR COURT
STATE : JUDICIAL DISTRICT OF
V. MIDDLETOWN
EDWARD TAUPIER : FEBRUARY 26, 2015

STATE’S MOTION IN LIMINE RE RISK WARRANT WITHDRAWAL

The State of Connecticut, pursuant to Connecticut Practice Book § 42-15¹, moves this court in limine to exclude reference to the State’s withdrawal of the state police search and seizure risk warrant dated August 29, 2014. In support of this motion the State asserts as follows:

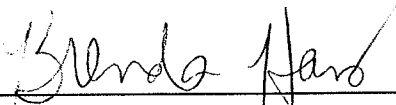
1. On August 29, 2014, Troopers Andrew Katreyna and Daniel DeJesus prepared a search and seizure warrant for firearms for persons posing a risk to self or others in the above-captioned case. The defendant’s residence at 6 Douglas Drive in Cromwell, CT was searched for firearms and numerous guns were seized as evidence. The basis for the warrant was the threatening email the defendant purportedly authored regarding Judge Elizabeth Bozzuto. The warrant was signed by Honorable Edward Mullarky.
2. On September 19, 2014, Trooper Daniel DeJesus prepared a second affidavit and application for a search and seizure warrant to have the firearms seized under the risk warrant seized as evidence of the threatening crime. Judge Diana signed that warrant and the guns were held under that warrant. This obviated the need for the firearms to be held under the risk warrant. As such, the State’s withdrawal of the risk warrant.

¹ Practice Book § 42-15 provides in pertinent part as follows: “[t]he judicial authority to whom a matter has been referred for trial may in its discretion entertain a motion in limine made by either party regarding the admission or exclusion of anticipated evidence.”

3. The State seeks to exclude the defendant and all others from stating that the risk warrant was "thrown out" or in any manner illegal. The withdrawal of the warrant is irrelevant and creates the danger of misleading or confusing the jury. Evidence Code 4-1 defines "relevant evidence" as having any tendency to make the existence of any fact that is material to the determination of the proceeding more probable or less probable than it would be without the evidence. The fact that the risk warrant was withdrawn has no probative value on the issue of the defendant's guilt. Evidence Code 4-3 allows the court to exclude even relevant evidence if "its probative value is outweighed by the danger of unfair prejudice or surprise, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time or needless presentation of cumulative evidence." The State submits that evidence of the withdrawal of the risk warrant is a waste of time and may confuse the jury over an issue that has no bearing on the case.

Based on the foregoing, the State respectfully asks the court to grant its motion in limine to exclude any mention that the risk warrant was withdrawn.

THE STATE OF CONNECTICUT

By: 

BRENDA HANS, Assistant State's Attorney, Juris# 420294

State's Attorney's Office

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ORDER

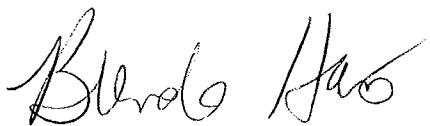
The State's motion *in limine* to exclude reference to the withdrawal of the risk warrant, having been reviewed by the Court, is hereby ORDERED:

_____ GRANTED

_____ DENIED

CERTIFICATION

I hereby certify that a copy of the foregoing was emailed to counsel for the defendant, Rachel Baird, Old Post Office Square 8 Church Street Suite 3 B, Torrington, CT 06790 rbaird@rachelbairdlaw.com fax # (860) 626-9992 on February 26, 2015.



BRENDA HANS, Assistant State's Attorney

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STATE’S MOTION IN LIMINE RE SEXUAL ORIENTATION OF WITNESSES

The State of Connecticut, pursuant to Connecticut Practice Book § 42-15¹, moves this court in limine to exclude any reference to the sexual orientation of any State’s witnesses. In support of this motion the State asserts as follows:

1. Under Evidence Code 4-1, the sexual orientation of any witnesses is irrelevant to the issues of the case. The defendant’s Facebook page has contained derogatory comments regarding the sexual orientation of potential witnesses in the State’s case.
2. Under Evidence Code 4-3, evidence of any witness’s sexual orientation is not probative of the existence of any material fact in the case. Any probative value is outweighed by the potential of misleading or confusing the jury as to the salient issues in the proceeding.

Based on the foregoing, the State respectfully asks the court to grant its motion in limine to exclude any mention of the sexual orientation of the State’s witnesses.

¹ Practice Book § 42-15 provides in pertinent part as follows: “[t]he judicial authority to whom a matter has been referred for trial may in its discretion entertain a motion in limine made by either party regarding the admission or exclusion of anticipated evidence.”

THE STATE OF CONNECTICUT

By: Brenda Hans

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ORDER

The State's motion *in limine* to exclude reference to the sexual orientation of the State's witnesses, having been reviewed by the Court, is hereby ORDERED:

_____ GRANTED

_____ DENIED

CERTIFICATION

I hereby certify that a copy of the foregoing was emailed to counsel for the defendant, Rachel Baird, Old Post Office Square 8 Church Street Suite 3 B, Torrington, CT 06790 rbaird@rachelbairdlaw.com fax # (860) 626-9992 on February 26, 2015.

Brenda Hans

BRENDA HANS, Assistant State's Attorney