

Jennifer Dulos case: Will dismissal argument reveal more evidence?

By Ethan Fry



Fotis Dulos, left, is accompanied by his attorney Norm Pattis, after making an appearance at Connecticut Superior Court in Stamford, Conn. Wednesday, June 26, 2019.

A motion filed this week by Fotis Dulos' lawyers asking a judge to dismiss the charges against him presents an interesting argument but may have an ulterior motive.

"I think that this is an effort on the defense's part to get more discovery," said Brittany

Paz, a defense attorney and former associate of Fotis Dulos defense lawyer Norm Pattis. "The problem is that this is an ongoing investigation and so discovery has been sparse."

Fotis Dulos and his girlfriend, Michelle Troconis, have pleaded not guilty to charges



...in a motion written by **Norm Pattis**, Kevin Smith and Zachary Reiland "In a rush to produce a suspect, they have pointed to the defendant and used circular logic to charge him with crimes — which are necessarily concomitant to other, underlying crimes — that they have not charged."



of hindering prosecution and evidence tampering in the investigation of the disappearance of Jennifer Dulos.

In the motion, Fotis Dulos' lawyers note that neither Fotis Dulos nor anyone else has been charged with causing his estranged wife's disappearance, and said prosecutors jumped the gun in arresting him and Troconis.

"The state does not know where Jennifer Dulos is," according to the motion, written by Pattis, Kevin Smith and Zachary Reiland. "They do not know what has happened to her. In a rush to produce a suspect, they have pointed to the defendant and used circular logic to charge him with crimes — which are necessarily concomitant to other, underlying crimes — that they have not charged.

The motion says prosecutors "put the cart before the horse and lack any evidentiary support for the crimes charged."

Paz said the motion presents an "interesting legal argument."

"His argument is that at this point, Dulos is charged with hindering, and according to the language of the statute, you can't hinder your own prosecution and Michelle Troconis is not charged with a crime that would support a hindering charge,

either," Paz said.

"That being said, I think it's clear that the state intends to add more charges before a trial happens, which would then render Norm's arguments moot," she said.

Paz, a lawyer at Ruane Attorneys, said a judge would normally decline to hear Pattis' motion based on the fact that an arrest warrant was signed, indicating a judge found probable cause to support the charges.

The motion filed Wednesday tries a different approach, Paz said, "but I think the court will still interpret his motion as a motion alleging insufficient evidence and deny it on procedural grounds to be raised after a trial."

"I think Norm knows this but just wants to see if it gets him access to more discovery," she said.

According to arrest warrants, two people resembling Fotis Dulos and Troconis were seen stopping along a four-mile stretch of Albany Avenue in Hartford around the same time Jennifer Dulos was reported missing May 24.

Surveillance videos depict Fotis Dulos tossing garbage bags that were later found to contain his wife's blood, the warrants state.

Police said there were signs the

50-year-old mother was the victim of a "serious physical assault" after finding blood stains and spatter in the garage of her home.

The motion to dismiss filed Wednesday says prosecutors turned over discovery in the case Monday that consisted of 26 CDs of surveillance videos "purporting to show the defendant."

The motion to dismiss doesn't go into details regarding the videos, other than to say, "none of the discovery relates to events that may have taken place in the home of Jennifer Dulos on May 24, 2019."

Pattis did not respond to a request for comment Thursday about what is shown on the videos. Authorities have declined to release the footage.

Fotis Dulos' lawyers also filed a motion Wednesday asking a judge to approve moving the GPS bracelet monitoring his movements from his ankle to his arm.

In that motion, the lawyers said the bracelet "is causing the flesh on the defendant's ankles to be irritated and torn."

The motion says the company that monitors and maintains the GPS bracelets through the state probation office has agreed to let him wear the bracelet on his

arm.

The motion asks a judge to approve the move as well.

Fotis Dulos is free after posting \$500,000 bond. His next court appearance is scheduled for Aug. 2.

The motions filed Wednesday are two of several pending in the case, including requests for a judge to release Jennifer Dulos' medical records and to order police to release evidence they seized from Fotis Dulos, including several vehicles.

Jennifer Dulos was reported missing around 7 p.m. May 24 after she missed several doctors appointments in New York earlier in the day. New Canaan, state police and federal law enforcement began an investigation that has resulted in searches of several homes, a Hartford trash plant, and several bodies of water in the Avon/Farmington area.

In a statement released Wednesday — two months since the disappearance — Jennifer Dulos' family and friends said they “miss her beyond words.” ■