

## Jennifer Dulos case: Fotis' lawyers want charges dismissed

By Ethan Fry

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**L**awyers representing Fotis Dulos claimed in a court filing on Wednesday that the prosecution has “put the cart before the horse” by charging their client in connection with Jennifer Dulos’ disappearance.



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.

The attorneys filed a motion Wednesday — two months since Jennifer Dulos vanished — to dismiss the tampering with evidence and hindering prosecution charges against her estranged husband.

“The defendant stands charged with two crimes that have no basis in the evidence or law,” according to the motion, written

by Norm Pattis, Kevin Smith and Zachary Reiland.

The lawyers note that neither Fotis Dulos nor anyone else has been charged with causing Jennifer Dulos’ disappearance.

“This is telling, as the state, faced with a media firestorm, has clearly put the cart before the horse in charging

the defendant,” the motion says. “The state’s willingness to sacrifice the defendant’s constitutional liberties in hopes of acquiring some evidence against him in the future simply cannot stand.”

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

According to arrest warrants, two people resembling Fotis Dulos and Troconis were seen making more than 30 stops in a four-mile stretch of Albany Avenue in Hartford around the same time Jennifer Dulos was reported missing May 24.

Police said there were signs that 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.

Videos also showed Fotis Dulos tossing garbage bags that were later found to contain his wife’s blood, police said.

The motion to dismiss references the surveillance videos, but does not go into much detail. It says prosecutors gave Fotis Dulos’ lawyers discovery consisting of “26 separate CDs of surveillance videos, purporting to show the defendant.”

Earlier this month, the New Canaan Police Department denied Hearst Connecticut Media’s request for the video

footage, citing an exemption in the state’s Freedom of Information Act.

The motion doesn’t dispute whether the videos show the defendant, but doesn’t specifically admit it, either. Pattis had previously said “there is an explanation” if the videos showed his client that he would present at trial.

“None of the discovery relates to events that may have taken place in the home of Jennifer Dulos on May 24, 2019,” the motion says.

“The state does not know where Jennifer Dulos is,” the motion says. “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.”

“Curtailing the defendant’s liberties and requiring him to prepare for trial in the face of a complete lack of evidence against him is constitutionally unjust and fundamentally unfair,” the motion says, asking a judge to dismiss the charges against Fotis Dulos.

Fotis Dulos’ next court date is scheduled for Aug. 2. He is free after posting \$500,000 bond.

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.

Patrick McKenna, the high-profile private investigator who helped win acquittals on murder charges for Casey Anthony and O.J. Simpson, has been hired by Fotis Dulos’ defense team. Pattis and his team have also requested Jennifer Dulos’ medical records, claiming she racked up \$14,000 in medical bills in the months leading up to her disappearance.

Pattis said the records could support his theory that Jennifer Dulos authored her own disappearance a la the novel “Gone Girl.” Pattis has also suggested that Jennifer Dulos might have perpetrated a “revenge suicide” plot. His theories have drawn sharp rebukes from Jennifer Dulos’ family and friends and “Gone Girl” author Gillian Flynn.

A statement from Jennifer’s friends and family released Wednesday said they “miss her beyond words.”

Police said they’re still looking through tips and evidence they’ve collected in the case, and asked the public to continue reaching out with information. ■