

## Jennifer Dulos case: Intense media attention prompts gag order debate

By Lisa Backus



Fotis Dulos, charged with tampering with evidence and hindering prosecution in connection with his wife's disappearance, exits Stamford Superior Court with his attorney Norm Pattis, right, who speaks to the press Friday, August 9, 2018.

There was a moment this month when Norm Pattis admitted he thought he'd have to call his wife to plead his innocence when he saw a headline about his client, Fotis Dulos, offering his attorney a "sex pad."

"I did a double take," Pattis told Stamford Superior Court Judge John Blawie. "I was relieved to find out it wasn't about me."

Pattis made the comment as he argued vigorously against the prosecution's request for a gag order that would prohibit him from speaking publicly in defense of Fotis Dulos, charged in the disappearance of his estranged wife.

The headline, referring to an attorney who had represented Fotis Dulos in a civil lawsuit filed by his mother-in-law, is among thousands

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that have been written worldwide since Jennifer Dulos disappeared on May 24.

Fotis Dulos, 52, and his girlfriend, Michelle Troconis, 44, have each pleaded not guilty to tampering with evidence and hindering prosecution in connection with the disappearance.

Pattis said there hasn't been a day since he was hired in early June

that a reporter hasn't contacted him seeking a comment about tidbits of information leaked about the case.

There's a good reason why there has been so much attention on the case, according to Rich Hanley, an associate professor of journalism at Quinnipiac University.

"You have a missing mother of five who is photogenic, there is potential foul play and it's summer," Hanley said. "It checks all the boxes for classic episodic journalism."

The intention of a gag order is to prevent details of the case from being made public to prejudice potential jurors, but Hanley noted that very few actual facts have been released, which has further driven media coverage.

"It's all really just speculation and conjecture," Hanley said. "But there is a public interest in this case because there's no body and there are endless possibilities for stories."

Pattis has responded to the frenzy with his own tidbits and controversial theories about the disappearance.

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Police said they believe Jennifer Dulos was the victim of a "serious physical assault" based on blood spatter and blood stains found

in the garage of her New Canaan home, according to arrest warrants. State's Attorney Richard Colangelo, who requested the gag order, has said Fotis Dulos' DNA was found mixed with his wife's blood on the faucet of her kitchen sink.

The night of the disappearance police said two people resembling Fotis Dulos and Troconis were seen on video making more than 30 stops in a four-mile stretch in Hartford. Police said the man resembling Fotis Dulos was seen dumping bags into trash cans and expired license plates registered to him into a storm drain. Police said some of the evidence tossed in the trash was recovered and contained Jennifer Dulos' bloody clothing and cleaning items.

Pattis told the judge the quality of the video is poor and the people depicted did not dump 30 to 40 bags of garbage as some have perceived.

"If you look at the urban legend as reported in the press, he stopped 30 or 40 times to dispose of body parts or items," Pattis said. "It's just not true and I'm not going to permit that to become solidified in the public mind."

Pattis is no stranger to generating controversy or dealing with a swarm of reporters when representing his clients.

"It's another ball in the air — it complicates the juggling," Pattis said in an interview last week about how dealing with the media affects his job.

Pattis told the judge that perhaps the only other case he's handled that has drawn this much media attention involved Anna Gristina, the so-called "Manhattan Madam," accused of running a prostitution ring for the country's rich and famous.

Gristina was charged in 2012 with one count of promoting prostitution — yet she was held on Riker's Island on \$2 million bond for months, Pattis pointed out in his blog.

"The 44-year-old mother of four has no criminal record. The charge carries a maximum of two to seven years in prison," Pattis wrote in the blog post. "Most first-time offenders resolve a case of this sort with a plea and probation. But most folks charged with promoting prostitution are not Anna Gristina."

From the start, the Dulos case has drawn intense national and international media interest with reporters ferreting out every aspect of the family's life.

There has been plenty of fodder for coverage, considering the hundreds of court filings in the couple's acrimonious divorce case and nearly 200 proceedings in the three lawsuits filed by Jennifer Dulos' mother, Gloria Farber, who has accused her son-in-law of owing her family \$2.5 million in loans made to his real estate development company, Fore Group.

The media has uncovered that Troconis' mother pleaded guilty to federal Medicare fraud charges and Fotis Dulos' mother was

accidentally killed by the family's nanny in the driveway of their former Avon home.

Kent Douglas Mawhinney, a friend of Fotis Dulos who represented him in Farber's lawsuits, made headlines for his divorce when his wife claimed in court documents that Fotis Dulos tried to lure her to his home days before his wife disappeared.

She said in an affidavit requesting a restraining order against Mawhinney that Fotis Dulos offered a room in his home where she and her husband could be "intimate," which would have violated a criminal protective order.

Pattis called the woman's court filings "histrionics."

The Dulos case also drew the attention of author Gillian Flynn after Pattis publicly said he was looking into a "Gone Girl" defense based on her 2012 novel about a woman staging her own disappearance to frame her husband.

In response to Flynn releasing a statement that it "absolutely sickens" her that Pattis connected her novel to Jennifer Dulos, he told her to "be gone girl," and said she knew little about the actual case.

Pattis has been determined to counter any allegations made by unnamed police sources with explanations of his own — a fact that has angered many, including Colangelo.

"It's making the prosecutor's job a

little more difficult," Hanley said. "He has to deal with leaks and making sure that specific details about the case don't get out. But it's not a problem for the journalist, that's a problem for the prosecutor."

The prosecutor said Pattis' contention that Troconis passed a lie detector test was untrue, since the polygraph never happened and that the flamboyant attorney was prejudicing the case by publicly announcing his defense strategy.

"I get that counsel has an obligation to his client, I get that the rule allows him to comment, I just want him to stay within the bounds," Colangelo told the court.

Pattis threatened that if a gag order was issued, he would take the case to the state Supreme Court and beyond.

"If the Connecticut Supreme Court upholds that, my client will hire a private firm to engage his right to speak," Pattis said.

Fotis Dulos sat silently during the exchange mostly looking somewhat puzzled while tapping his fingers on a desk.

"I just want to be sure both the state and the accused have a fair trial," said Blawie, who requested both sides submit briefs on the gag order before ruling at the next court date on Sept. 13.

"Our objective is to cast enough doubt on the state's case such that we don't have to face a murder charge," Pattis said. "And we will go to the press and make that case." ■