

Hartford Courant challenging gag order in criminal case against Fotis Dulos, estranged husband of missing New Canaan mother Jennifer Farber Dulos

By NICHOLAS RONDINONE | HARTFORD COURANT



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The Hartford Courant has asked the state's highest court to hear an appeal of the gag order issued by a Superior Court judge in the criminal case against

Fotis Dulos, estranged husband of missing New Canaan mother Jennifer Farber Dulos, arguing that it exceeds the court's authority and amounts to prior

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restraint of free speech.

The filing on behalf the Courant comes a week after Dulos' attorney, Norm Pattis, asked the Connecticut Supreme Court to lift a Sept. 12 gag order issued by Stamford Judge John F. Blawie, first requested by Stamford/Norwalk State's Attorney Richard J. Colangelo.

"Without question, the gag order impinges on the media's, including the Courant's, critical rights to gather information from the sources closest to the proceedings," wrote the Courant's attorney William S. Fish Jr.

The state Supreme Court has yet to agree to hear the appeal and the attorney representing the Courant was told to wait until after the chief justice made a decision before asking to file an amicus brief -- typically requested by those who have strong interest in the case.

Dulos, a Farmington developer, has twice been charged with evidence tampering in connection with the May 24 disappearance of Farber Dulos, but has denied any involvement.

Blawie wrote in his order that intense media coverage of the disappearance led to the publication of "theories masquerading as facts, and stories based upon unauthorized leaks of partial information, some apparently from law enforcement sources." The order

bars any public comments from all parties involved including attorneys, law enforcement and potential witnesses.

"The gag order in the Dulos case is sweeping and may well have a damaging effect on the ability of the press to execute its constitutionally-protected right to gather and tell the news," said Andrew Julien, the Courant's publisher and editor-in-chief. "We felt it critical the court understands the full implications of its actions."

In the filing Tuesday, the Courant is asking the state Supreme Court for permission to file an amicus brief if Pattis' appeal is certified. In the brief filed with the application Tuesday, Fish wrote "The Hartford Courant Company ... as a member and representative of the media, has a strong interest in the subject matter of this appeal to ensure that any gag order issued by the trial court satisfies the constitutional rights of the press to gather and report the news."

The Courant has extensively covered the disappearance of Farber Dulos and the criminal case against Dulos with information from first-hand sources, Fish wrote, adding, "Any gag order impinges on this critical right as it interferes with the Courant's ability to hear and gather information from sources closest to the proceedings."

The Courant has asked for an

oral argument on the matter if the state Supreme Court certifies the case.

In an 11-page response to an appeal requested by Pattis, a senior assistant state's attorney from the Office of the Chief State's Attorney agreed the case should be heard for several reasons, including that it could set precedent since no state appellate court addressed the legal standard of imposing a gag order.

If the case is heard, attorney Robert J. Scheinblum wrote that the state's Supreme Court should uphold the Sept. 12 order issued by Stamford Judge John F. Blawie, barring comments on the case outside the courtroom.

Arguing Blawie applied the appropriate legal standard in issuing the order, Scheinblum also wrote: "the trial court properly applied that standard to the facts and circumstances of this case and reasonably concluded that a gag order was necessary to safeguard the state's compelling interest in a fair trial untainted by the influence of an extreme amount of prejudicial publicity surrounding this case."

Pattis wrote in his brief filed Sept. 25 that the "unprecedented gag order" silences lawyers, police and potential witnesses and hampers his ability to defend his client against public accusations that he killed Farber Dulos.

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