

Supreme Court sets December date for gag order hearing in Dulos case

By **DAVE ALTIMARI** | HARTFORD COURANT

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Fotis Dulos talks with the media with attorney Chris LaTronica after a hearing in Stamford Superior Court.

P Fotis Dulos talks with the media with attorney Chris LaTronica after a hearing in Stamford Superior Court. Photograph by Mark Mirko | mmirko@courant.com (Mark Mirko / Hartford Courant)

Arguments on a gag order requested by a prosecutor

overseeing the investigation of missing New Canaan mother Jennifer Farber Dulos will be heard Dec. 12 at the state Supreme Court.

Stamford-Norwalk State’s Attorney Richard Colangelo asked for the gag order citing concerns about public comments

made by Norm Pattis, the lawyer for Farber Dulos' estranged husband, Fotis Dulos, who faces charges in connection with her disappearance in May.

A Superior Court judge issued the gag order prompting Pattis to appeal to Connecticut's highest court. Pattis argues that the order is overly broad and unfair to Dulos, who has been charged with hindering prosecution and evidence tampering. Dulos' next court appearance is Jan. 7 in Stamford Superior Court.

The order prohibits not only attorneys and police from talking publicly about the case but also bars any potential witnesses and other lawyers that Dulos has for civil and family cases from making public comments.

Pattis plans to argue that the "unprecedented gag order" hampers his ability to defend his client against public accusations that Dulos killed Farber Dulos.

"No court in Connecticut has previously entered a gag order of this scope; and no Court has issued a gag order of any sort without an opportunity for a full hearing," Pattis wrote in his appeal. "Judge [John] Blawie's ruling does both, inviting Courts to engage in idiosyncratic balancing of the challenges of the social media era against the imperatives of assuring a fair trial. The issues

presented by this bizarre ruling are simply too important and too far reaching to be decided in such an idiosyncratic and ad hoc manner."

The Office of the Chief State's Attorney agreed with Pattis that the Supreme Court should hear the case for several reasons, including that it could set precedent since no state Appellate Court addressed the legal standard of imposing a gag order.

But Assistant State's Attorney Robert Scheinblum argued that Blawie applied the appropriate legal standard in issuing the gag order.

"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," Scheinblum wrote.

The Courant has filed an amicus brief opposing the gag order arguing that it exceeds the court's authority and amounts to prior restraint of free speech.

"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," Attorney William Fish wrote.

The Courant will not be allowed to participate in the oral arguments.

Pattis has argued that the state has been allowed to use two arrest warrant affidavits charging Dulos with tampering with evidence as the "functional equivalent of a public investigative grand jury, strategically feeding public speculation that Mr. Dulos is a murderer" even though he hasn't been charged with killing Farber Dulos.

Dulos has been arrested twice since June 1 on tampering with evidence charges. In the first case, he also was charged with hindering prosecution. He has posted two \$500,000 bonds and remains free.

In the most recent arrest in September, authorities released a 43-page arrest warrant affidavit that said police obtained surveillance videos that showed a red Toyota truck that state police said Dulos was driving coming and going from Farmington to New Canaan on the morning of May 24 – the day Farber Dulos disappeared. She has not been found.

A home security video also showed Farber Dulos' Chevy Suburban leaving her New Canaan home shortly before 10:30 that morning. State police said in the arrest warrant affidavit that they believe Dulos was driving and that the body of

his dead wife was in it.

The affidavit also quotes Michelle Troconis, Dulos' girlfriend, as saying she saw Dulos at a Mountain Spring Road home his company owns cleaning a "coffee spill" out of the front seat of the Toyota. She said he handed her the towel and that it didn't smell like coffee.

Police said that they found Farber Dulos' blood in the truck.

Pattis has criticized the latest arrest warrant affidavit saying it publicized what state police "believed" happened compared to what the evidence so far actually shows. Pattis wrote that in the second arrest warrant affidavit, police said they "believe" Dulos may have used his wife's vehicle to help move her body from her home to some as yet undiscovered location and that they believed he was lying in wait for her to return home after dropping off their five children at school in New Canaan.

But Pattis said none of the screenshots of the red truck contained in the arrest warrant affidavit show who is driving the truck and that police have not turned over evidence to defense lawyers that puts Dulos in New Canaan on May 24.

Dulos has been under intense media scrutiny since Farber Dulos disappeared. It was

ratcheted up when state police arrested and charged Dulos and Troconis on June 1 with hindering prosecution and tampering with evidence charges.

Court records said the cellphones of Dulos and Troconis pinged on Albany Avenue in Hartford at almost the same time Farber Dulos was reported missing to New Canaan police by her friends.

State police recovered surveillance videos from cameras along Albany Avenue showing a man that they say looked like Dulos dropping at least two garbage bags lined with blood into trash cans. State police later recovered some of the items that had been thrown away including a Vineyard Vines shirt they believe Farber Dulos was wearing the day she went missing. DNA testing showed the blood belonged to Farber Dulos.

The man also was seen dropping a Fed Ex envelope into a storm drain in front of Scott's Jamaican Bakery. A woman who state police said looks like Troconis can be seen getting out of the passenger side of the Ford Raptor and picking something up off the ground just before the man walks over in front of her door and drops the package into the drain.

Troconis also has been charged twice with tampering with

evidence and has posted two bonds for \$500,000 and \$150,000, respectively. ■