

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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BARBARA C. DOUDEL :
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 :
 Plaintiff, :
 :
 :
 VS. : NO.3:11 CV 001165(VLB)
 :
 :
 CITY OF NORWALK; CHIEF HARRY RILLING:
 In His Individual and Official :
 Capacities; LIEUTENANT THOMAS :
 MATTERA, In His Individual and :
 Official Capacities; SERGEANT JAMES :
 WALSH, In His Individual and :
 Official Capacities; OFFICER JARED :
 ZWICKLER, In His Individual Capacity:
 OFFICER WILLIAM CURWEN, In His :
 Individual Capacity; OFFICER JEREMY :
 SALLEY, In His Individual Capacity; :
 OFFICER KENNETH FLUDD, In His :
 Individual Capacity; And OFFICER :
 FRANK REDA, In His Individual :
 Capacity :
 :
 Defendants. :
 :
 -----X

D E P O S I T I O N

The deposition of DUANE DOUDEL, taken pursuant to the Federal Rules of Civil Procedure, on behalf of the defendants, before Leisa A. Hannah, LSR #154, Notary Public, within and for the State of Connecticut, on the 25th day of May, 2012 at 11:24 a.m., at the Office of Corporation Counsel, Norwalk City Hall, 125 East Avenue, Room 237, Norwalk, Connecticut 06851.

GOLDFARB AND AJELLO, LLC
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A P P E A R A N C E S

FOR THE PLAINTIFF:

LAW OFFICE OF RACHEL M. BAIRD
Stonegate Professional Building
379 Prospect Street
Torrington, Connecticut 06790
BY: RACHEL M. BAIRD, ESQUIRE

FOR THE DEFENDANTS:

CITY OF NORWALK
Office of Corporation Counsel
125 East Avenue
P.O. Box 798
Norwalk, Connecticut 06856-0798
BY: M. JEFFRY SPAHR, ESQUIRE

FOR THE NON-PARTY WITNESS:

(Duane Doutel)

THE LAW OFFICE OF LISA M. VINCENT
379 Prospect Street
Torrington, Connecticut 06790
BY: LISA M. VINCENT, ESQUIRE

ALSO PRESENT: BARBARA DOUTEL

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S T I P U L A T I O N S

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1 DUANE DOUTEL, called as a witness, having
2 first been duly sworn, was examined and testified as
3 follows:

4 THE DEPONENT: Duane Doutel, 12 Maher Drive,
5 Norwalk, Connecticut.

6 MS. BAIRD: The plaintiff, Barbara Doutel,
7 would like to purchase a copy of the transcript.
8 I just want an E-tran, if that's possible.

9 MR. SPAHR: I'm going to get a transcript and
10 an E-tran.

11 Okay.

12 MS. VINCENT: Duane will not be purchasing a
13 transcript.

14 DIRECT EXAMINATION

15 BY MR. SPAHR:

16 **Q** Mr. Doutel, my name is Jeffry Spahr. I'm a Deputy
17 Corporation Counsel for the City of Norwalk, and I'm
18 here representing the defendants in this case, and I'm
19 going to ask you a series of questions in this
20 deposition.

21 Have you ever been deposed before?

22 **A** Never.

23 **Q** Have you ever participated as a witness in a
24 courtroom proceeding?

25 **A** No.

1 Q Have you ever participated in a court proceeding
2 as a party?

3 A No.

4 Q Have you ever testified in court before?

5 A No.

6 Q And during the course of this deposition I'm going
7 to ask you a series of questions, and if when I ask you
8 a question you don't understand the question, you have
9 a right to ask me to repeat it, or to rephrase it, or
10 to restate the question.

11 Do you understand that?

12 A Okay. I do.

13 Q Okay. And the court reporter is going to inform
14 you that you should make your responses verbally and
15 also in a manner that can be understood clearly whether
16 it's, for example, an affirmative or a negative.

17 Do understand that?

18 A I do.

19 Q So in the course of the deposition if it becomes
20 conversational sometimes, as might happen, and I
21 indicated to you, "Is that a yes answer," that's meant
22 merely to jog your memory that you're supposed to
23 answer in a way that's clear to everyone, and not
24 intended to imply an answer.

25 Do you understand that?

1 A I do.

2 Q And the purpose of the deposition is for me to ask
3 you a series of questions, and for you to respond to
4 them, but the purpose would be defeated if you don't
5 understand the question. So the reason why I've laid
6 these rules out is so that at the end when a transcript
7 is received everyone will understand that you were
8 responding to questions that you fully understood.

9 Do you understand that portion?

10 A Yes.

11 Q Okay. Are you under the influence of any
12 medication or any substance that would affect your
13 ability to testify truthfully here today?

14 A No.

15 Q Are you under the influence of any substance or
16 any medication that would affect your memory in such a
17 manner as to prevent you from testifying here today?

18 A No.

19 Q Or to impair your ability to testify here today?

20 A No.

21 Q Is there any reason why you know of or can think
22 of that you would not be able to participate fully and
23 fairly and truthfully in this deposition here today?

24 A No.

25 Q Okay. Just briefly, without prying, could you

1 give me a brief recitation of your educational
2 background?

3 A Grammar school at a variety of schools. We moved
4 around a little bit when I was a kid. I graduated
5 Loyola High School; two years at Weber State College in
6 Ogden, Utah.

7 Q Where was Loyola High School?

8 A Los Angeles.

9 Q When did you move to the city of Norwalk?

10 A June of 2000.

11 Q Was the Maher Drive residence your first residence
12 in Norwalk?

13 A Yes.

14 Q Okay. Give me a brief history of your employment
15 background?

16 A I'm a software engineer. I have been at it for 35
17 plus years.

18 Q I didn't think they had software 35 years ago.

19 A Pardon me?

20 Q I didn't think they had software 35 years ago.

21 A They did, it just had a different form. I began
22 doing that at Ogden, Weber State College at Utah. I
23 was going for a associate's degree -- or I was actually
24 going for a bachelor's and didn't -- I ran out of the
25 GI Bill and had to go back to work, so I went to work

1 as a software engineer. There have been -- my résumé
2 is very extensive. I worked for a number of companies.
3 The last one I worked for as a consultant was Blue
4 Ridge Capital in Tarrytown.

5 Q How long ago was that?

6 A I finished with them in '09.

7 Q Is it my understanding, therefore, that you're not
8 employed at this time?

9 A I work for myself.

10 Q All right. So you do consulting?

11 A I do.

12 Q All right. And are you operating personally as a
13 consultant, or are you under some sort of LLC or
14 corporation?

15 A I have an LLC.

16 Q What's the name of that?

17 A Doutel Software Services, LLC.

18 Q And is that --

19 A In Connecticut.

20 Q In Connecticut?

21 A In Connecticut.

22 Q Okay. All right. What branch of the military
23 were you in?

24 A United States Navy.

25 Q And when did you leave there?

1 A 19 -- September 17th, 1976.

2 Q Okay. What was the rank that you held there at
3 your --

4 A E-3.

5 Q Okay. All right. Have you had a chance to review
6 the Complaint that was filed in this case?

7 A I have, but not recently.

8 Q Okay. So do you have a general understanding of
9 what the allegations are that are made in this
10 Complaint?

11 A I do.

12 Q And you understand, then, this has to do with guns
13 that are said to have been owned by your wife that were
14 seized by members of the Norwalk Police Department,
15 correct?

16 A I do understand that. Yes.

17 Q So having set that out, I'm going to ask you a
18 series of questions about the guns or weapons owned by
19 your family. I was making it clear to you that my
20 questions are directed based upon the fact that the
21 claims in this case have to do with the possession and
22 ownership of guns, and it's not necessarily my
23 intention to pry, other than what's involved in the
24 Complaint.

25 A All right.

1 Q Have you ever owned a gun?

2 A Certainly.

3 Q And when was the first time that you owned a gun?

4 A In Ogden, Utah in -- oh, let's see. When did I
5 move up there? '82 maybe.

6 Q Okay. And what type of gun was that?

7 A It was a handgun.

8 Q And do you still have that?

9 A No.

10 Q When did you lose -- when did you cease being the
11 owner of that weapon?

12 A When I gave it to my father.

13 Q And when was that?

14 A Oh, good grief.

15 Q Approximately? I don't need an exact date.

16 A Twenty years, 25 years ago.

17 Q When was the next gun that you owned?

18 A Not till I moved up here, and --

19 Q So that would have been sometime after June of
20 2000?

21 A Yeah. It would have been in -- after November of
22 2007 when I applied for my pistol permit.

23 Q What was the precipitating incident that occurred
24 that had you apply for your permit in November of 2007?

25 A In a word, Cheshire.

1 Q And when did that occur?

2 A It occurred, I think, in early '07. I couldn't
3 give you exact dates.

4 Q And what type of handgun was it that you had given
5 to your father?

6 A I think it was a .45. A long time ago.

7 Q Was that something that you had retained from the
8 service?

9 A No. I had purchased it at a store in Ogden.

10 Q What was the reason why you gave up ownership?

11 A I lived in a neighborhood where a guy was beat up
12 outside my window, and I just didn't feel real safe.

13 Q Okay. And then why did you give up possession of
14 it?

15 A Didn't need it anymore.

16 Q Okay. So I'm presuming -- how did you come into
17 possession of the gun in November of 2007?

18 Did you purchase it?

19 A I purchased it at Forest and Field.

20 Q Forest and Field?

21 A Yes.

22 Q Where is that located?

23 A It was over on -- just off New Canaan Avenue. I
24 don't know what the cross -- under the highway where
25 the Dunkin' Donuts is on Main Street --

1 Q Uh-huh.

2 A -- it was just down the street from that. They're
3 no longer there.

4 Q There's a shooting range in there now?

5 A That's the same place. It's been sold twice now,
6 I gather.

7 Q Okay. And so that was purchased by you, correct?

8 A Correct.

9 Q And what type of weapon was it that you purchased?

10 A I think it was -- the first one I got was a
11 Springfield EMP 9.

12 Q What's the EMP stand for, if you know?

13 A It's a compact. I don't know what EMP
14 specifically stands for.

15 Q And so when you're saying, "nine," you mean a nine
16 millimeter?

17 A Nine millimeter. Yes.

18 Q So this is a handgun?

19 A Yes.

20 Q Do you know, regarding the clip that came with it,
21 how much was in it, what was the capacity?

22 A I think it was an eight-round magazine, and one in
23 the chamber.

24 Q Okay. And does that gun still exist in your
25 family's possession?

1 A No. The police have it.

2 Q Okay. And then sometime after that did you come
3 into possession of another handgun?

4 A Certainly. A GLOCK 19.

5 Q And when did you get that?

6 A Oh, maybe a year after I got the EMP 9.

7 Q So that would be sometime on or about December of
8 2008?

9 A Probably.

10 Q And why did you purchase a second handgun?

11 A Wasn't real comfortable with the Springfield that
12 I was using. I wanted something with greater capacity.

13 Q Capacity as far as the number of rounds it could
14 hold?

15 A Correct. And less trouble. The EMP 9 is picky
16 about its ammo.

17 Q Okay. What caliber is the GLOCK?

18 A A nine. Nine millimeter.

19 Q What was its capacity?

20 A Fifteen in the clip, one in the chamber.

21 Q And where was that purchased from?

22 A Same place.

23 Q And were those cash purchases or credit card
24 purchases?

25 A I would assume they were credit card. I don't

1 remember specifically for the Springfield EMP.

2 Q Do you recall how much you paid for that?

3 A Maybe right around 500.

4 Q And how much for the GLOCK 19?

5 A Right around four and a half, I think.

6 Q And who's in possession of the GLOCK 19?

7 A Who is now?

8 Q Yes.

9 A The police.

10 Q Okay. And besides these two weapons have you ever
11 purchased or come into possession or ownership of
12 another weapon?

13 A Yes. A Mosberg Model 500 --

14 Q Hold on one second.

15 A -- also purchased at Forest and Field.

16 Q Okay. And that's a 12 gauge shotgun?

17 A That's correct.

18 Q You call it a Mosberg what?

19 A Model 500.

20 Q Model 500. How much did you pay for that one?

21 A I don't recall.

22 Q Do you know when you purchased that?

23 A Maybe a year after the GLOCK.

24 Q All right. So that would have been in
25 approximately December?

1 A '09. Probably the middle of '09.

2 Q Okay. What was the reason why you purchased that?

3 A Home defense.

4 Q And what was the reason -- and I'll rephrase it a
5 little bit.

6 What was the reason why you purchased that, in
7 addition to the two handguns?

8 A Home defense.

9 Q Okay. Was it -- was that shotgun altered in any
10 way by you?

11 A I removed the standard stock and placed on it the
12 pistol grip that came with it.

13 Q You mean it came as part of a kit --

14 A It did.

15 Q -- to reconfigure?

16 A Yes.

17 Q And who has that?

18 A The police.

19 Q And as far as the -- prior to the Springfield nine
20 millimeter coming into the possession of the police,
21 where did you keep it?

22 A I don't understand the question. Please rephrase
23 it.

24 Q Was it kept in your house?

25 A Certainly.

1 Q And so where within the house did you keep it?

2 A When it wasn't on my person, it was generally in
3 my bedside table.

4 Q And was there any safety precautions taken for
5 that gun?

6 A It was in my bedside table. We have no children.
7 I do not lock it up.

8 Q Okay. You kept it in your bedside table. Was it
9 kept loaded?

10 A Yes.

11 Q Was the magazine kept fully filled?

12 A Yes.

13 Q Was one round kept in the chamber?

14 A Yes.

15 Q And was the safety left on or off?

16 A Generally on.

17 Q And the GLOCK 19, where was that kept?

18 A Also in the bedside table.

19 Q Same bedside table?

20 A Yes.

21 Q And was the magazine kept fully loaded?

22 A Yes.

23 Q Was there a round in the chamber?

24 A Yes.

25 Q And was the safety on or off?

1 A It has an integral safety, it's not a manual
2 operated one.

3 Q Okay. And did that have any lock or safety
4 precaution on it?

5 A No.

6 Q And then regarding the Mosberg, prior to coming
7 into possession of the police where was that kept?

8 A Bedside.

9 Q All right. So describe --

10 A At the side of the bed leaning against the wall.

11 Q Okay. So not in a gun case or anything?

12 A No.

13 Q Okay. And was that kept loaded?

14 A Yes.

15 Q And what kind of load would you keep in that?

16 A Slug.

17 Q And I'm not that familiar with the Mosberg Model
18 500. What sort of barrel configuration is that?

19 Is that a single barrel?

20 A Single barrel. It's a pump-action side ejector.

21 Q What was the capacity for that weapon?

22 A I think six and one.

23 Q Okay. And so did you keep that fully loaded?

24 A You bet.

25 Q All right. So you had a slug in the chamber?

1 A Yes.

2 Q Okay.

3 A Safety on.

4 Q Okay. So then after those three did you come into
5 possession or ownership of another weapon?

6 A No.

7 Q Okay. And since the time of police seizure of
8 those three weapons have you gained ownership of any
9 other weapons?

10 A No.

11 Q So if I understand correctly, then, in your
12 lifetime -- or I'll say in your adult lifetime you've
13 owned four weapons. One was a .45 caliber that you
14 gave to your father, correct?

15 A Correct.

16 Q And the second was a Springfield, correct?

17 A Yes.

18 Q The third was the GLOCK, correct?

19 A Yes.

20 Q And then the fourth was the Mosberg shotgun?

21 A Correct.

22 Q Are those the only four guns that you've owned in
23 your life.

24 A Always.

25 Q Now, on the date of this incident, which is, I

1 think -- was it -- February 16th, 2011, were those
2 three guns located at your residence?

3 A Yes.

4 Q And were they located in the locations that you
5 specified where you normally kept them?

6 A Yes. Yes, they were.

7 Q All right. Okay. Apart from the weapons that you
8 have owned or purchased, has your wife ever owned or
9 purchased any weapons?

10 A Yes.

11 Q And do you know when it was that she purchased or
12 came into possession of her first?

13 A The first two she had when I met her, they were
14 the two .22 rifles.

15 Q And when did you -- I'm not going to pry into your
16 relationship, but when did you first meet her?

17 A Maybe April of 2000.

18 Q Okay. And so did you meet her prior to moving to
19 the city of Norwalk?

20 A Yes.

21 Q All right. And are you a member of any gun
22 organizations?

23 A NRA.

24 Q And how long have you been a member of the NRA?

25 A Since maybe mid-2007.

1 Q Do you subscribe to any gun magazines?

2 A Just the two that come with the NRA membership.

3 Q Okay. Do you have -- do you subscribe to any
4 hunting or other types --

5 A Negative.

6 Q Sports magazines?

7 A Negative.

8 Q Is your wife a member of the NRA?

9 A Yes, she is.

10 Q And how long has she been a member of the NRA?

11 A I believe since the same time as I have been,
12 since mid-2007.

13 Q Okay. All right. So when you first came to know
14 your wife she was already the owner of two weapons; is
15 that correct?

16 A Yes. The two .22s.

17 Q And when you say -- I'm not that familiar. And
18 what are the two .22s that she had?

19 A Where are they?

20 Q No. What are they?

21 A What are they?

22 Q Yeah.

23 A One is a Winchester, I'm not sure about the model,
24 it was a reverse action, very old. The other one is a
25 Marlin Bolt-Action .22. I've cleaned them, but I'm not

1 intimately familiar with them.

2 Q Was that a Winchester Model 31?

3 A I have no idea what model the actual number on it
4 was.

5 Q Do you know whether or not that was a high
6 velocity weapon?

7 A I really don't know.

8 Q All right. And, to your knowledge, what was the
9 reason why she had two of those weapons?

10 A They were family heirlooms. They were passed down
11 to her.

12 Q When you met her and knew that she had those
13 weapons, were those things that were held by her,
14 through your observation, as heirlooms, or were they
15 items that were used by her?

16 A No. They weren't used. They were heirlooms.

17 Q Where were they kept?

18 A In the -- what we call the dressing room next
19 to -- I guess you'd call it, what, a valet or a chest
20 of drawers, both in cases.

21 Q Okay. All right. So at the time of this incident
22 those two -- would it be fair to call them rifles?

23 A Yes, it would.

24 Q So those two rifles were kept at your home in
25 February of 2011?

1 A Yes.

2 Q And they were kept in a room separate from the
3 bedroom?

4 A Yes.

5 Q And you refer to it as a dressing room?

6 A Yeah. It's across from the bedroom.

7 Q Okay. And in the dressing room you referred to a
8 valet, so this was like a chest of drawers?

9 A Yes.

10 Q And you said that the rifles were kept next to the
11 chest of drawers?

12 A In cases. Yes.

13 Q And when you say, "cases," what do you mean by
14 that?

15 A One was a hard case; one was a soft case.

16 Q Okay. What, so one would be -- might be referred
17 to as a plastic --

18 A Yes.

19 Q -- a plastic case?

20 A Yes. It was tan in color.

21 Q Okay. And then there was another one that was a
22 bag that was green in color?

23 A Green with, yeah, I think it was beige edging or
24 tan edging.

25 Q Were those kept on the same side of the dresser?

1 A Yes. They were both together.

2 Q Was there any locking device on either of the
3 cases?

4 A Negative.

5 Q Okay. And do you know if they were kept loaded?

6 A I don't think they were, no.

7 Q And when you first met your wife and became aware
8 of her possession of those, were they kept loaded at
9 all?

10 A Not to my knowledge.

11 Q Subsequent to the Cheshire incident did you keep
12 them loaded at all?

13 A Again, not to my knowledge.

14 Q Okay. Was ammunition for those kept nearby?

15 A Certainly.

16 Q And what was the capacity for the Winchester as
17 far as --

18 A I honestly couldn't say.

19 Q What about the Marlin --

20 A And I really couldn't --

21 Q -- that was --

22 A Again, I couldn't say. It was magazine fed.
23 Sorry.

24 Q It was magazine fed?

25 A Yeah. It had a small magazine.

1 Q Okay. All right. To your knowledge, has your
2 family ever owned any other guns?

3 A Our family, as in?

4 Q Between you and your wife, I should say?

5 A No. Oh, well, yes. She has handguns.

6 Q Okay. So when you first met her she had two
7 rifles.

8 Did she ever come into possession or ownership of
9 additional weapons?

10 A Yes, she did.

11 Q And let's start -- did she come into possession of
12 more than one additional weapon?

13 A Yes.

14 Q So we'll start with the first additional weapon,
15 which would be the third in total.

16 What was the first additional weapon that she came
17 to own or possess?

18 A I think the first was -- the first was a SEUG
19 P232, a 380 caliber.

20 Q All right. And what was the capacity of that?

21 A I think nine rounds.

22 Q And would there be one in the chamber for that?

23 A You could put one in the chamber. Yes.

24 Q What was the -- and do you know where she got that
25 from?

1 A Yes. Yeah. Same place, Forest and Field.

2 Q And approximately when did she get that?

3 A About at the same time I got my EMP 9.

4 Q And that was what, about December, November of
5 2007?

6 A Actually I think she waited a little longer. It
7 would have, like, been in December. Yes.

8 Q In December?

9 A Yeah. She wanted to fire a variety of weapons on
10 the range before deciding on what she wanted.

11 Q Do you know approximately how much was paid for
12 that?

13 A I can't remember. Maybe four and a half,
14 something like that.

15 Q Just going to go back to the rifles.

16 The rifles, are they both in the possession of the
17 Norwalk Police Department, to your knowledge?

18 A They are.

19 Q And how often did your wife, if at all, use either
20 of the rifles?

21 A To my knowledge, they were not used.

22 Q And when we're talking heirlooms, were these
23 heirlooms that were passed down through her family?

24 A They were.

25 Q And were these military heirlooms?

1 A Negative. I don't believe the military fires
2 .22s.

3 Q So these were just in the possession of the family
4 that came down to her?

5 A Correct.

6 Q All right. And, to your knowledge, they were
7 never used actively by her?

8 A Not to my knowledge, no.

9 Q Okay. And did she ever come into ownership or
10 possession of an additional weapon?

11 A Yes.

12 Q And what would that be?

13 A SIG P6, I believe, nine millimeter?

14 Q And when did she come into possession of that?

15 A I don't have a clear recollection of that.

16 Q Do you know where that was purchased?

17 A Same place. Forest and Field.

18 Q And do you know how much was paid for that?

19 A I don't.

20 Q Regarding the SIG Sauer P323 -- was that a 232 or
21 a 323?

22 A A 232.

23 Q And how frequently was that used by your wife from
24 the date of purchase?

25 A Whenever we went to the range. I'd say, oh, every

1 week or two.

2 Q All right. So approximately two dozen times or so
3 per year?

4 A Easily. Yes.

5 Q And would the same be said for the SIG Sauer P6?

6 A Yes.

7 Q Would she bring both of them with her?

8 A Sometimes. Sometimes she would bring one or the
9 other.

10 Q Okay. And when you were saying, "the range," was
11 that the Forest and Field place?

12 A Yes.

13 Q And whenever it changed ownership, it would still
14 be the same location regardless?

15 A We didn't frequent it after it changed ownership
16 the first time.

17 Q Do you know when it went from Forest and Field
18 what the establishment was sold to or who took it over?

19 A I don't know any of that.

20 Q And why did you tamp down your use of the shooting
21 range after it changed ownership?

22 A I think it changed ownership right around the time
23 that the -- right around the time of this incident, and
24 I wouldn't -- how do I put it -- it was closed for
25 several months --

1 Q Okay.

2 A -- just shut down, so at that point in time I
3 wouldn't have been able to use it anyway.

4 Q Okay. So apart from, then, the couple of dozen
5 times a year use of the one or two weapons at the
6 Forest and Field, did your wife, to your knowledge, use
7 those weapons anyplace else?

8 A Use them anywhere else?

9 Q For example, another shooting range?

10 A No.

11 Q All right. So I'm trying to get an understanding
12 of the actual hands-on using of the weapons. And so
13 what I'm taking from what your wife used was when she
14 purchased it she would use one, or the other, or both
15 approximately, you know, every other week or so at the
16 shooting range; is that a fair approximation?

17 A I would say so, yes.

18 Q And so it wasn't -- to your knowledge, it wasn't
19 that she was doing any competition shooting; is that
20 correct?

21 A No. No competition.

22 Q And it wasn't that she was going to other ranges;
23 is that correct?

24 A Correct.

25 Q All right. And beyond those two handguns, to your

1 knowledge has she come into possession or ownership of
2 any other weapons?

3 A Yes.

4 Q And what would those be -- that or those be?

5 A She has -- I believe she purchased a GLOCK 19, Gen
6 4 is the model.

7 Q And when was that purchased?

8 A April. Middle of April.

9 Q Of 2011 or --

10 A Yes.

11 Q -- '12?

12 And that's a nine millimeter?

13 A Correct.

14 Q And what was the capacity on that?

15 A Fifteen in the magazine, and you could put one in
16 the chamber.

17 Q Regarding the SIG Sauer P232, where was that kept
18 at the time of this incident?

19 A In a -- in the drawer of a coffee table in the
20 living room.

21 Q And was that kept loaded?

22 A Yes.

23 Q Was that loaded with a round in the chamber?

24 A Yes.

25 Q And regarding the SIG Sauer -- excuse me -- the

1 nine millimeter that she had, where was that kept?

2 A The P6?

3 Q Yes.

4 A Bedside table, her bedside.

5 Q All right. So there was a bedside table on your
6 side of the bed and one on hers?

7 A Correct.

8 Q And yours had two guns in it, and hers had one in
9 it?

10 A Correct.

11 Q And were these kept loaded?

12 A Yes. Yeah. I believe so.

13 Q And would she have kept one in the chamber, as
14 well?

15 A I would not have known that.

16 Q And the GLOCK 19, what was the reason why that was
17 purchased in April of 2011, if you know?

18 A Because the police had seized all of her others.

19 Q And so what was the need, if you know, to have
20 another weapon?

21 A Self-defense.

22 Q Okay. And, to your knowledge, has she ever owned
23 another weapon?

24 A No.

25 Q So as of this date how many weapons are in your

1 house on Maher Drive?

2 A I have no idea.

3 Q Well, do you know if she's ever divested herself
4 of ownership of the GLOCK 19?

5 A Again, I do not know.

6 Q This has never been a topic of conversation?

7 A Never. It's entirely her business.

8 Q Has she ever informed you, "Honey," or whatever
9 she might call you, "Honey, I've sold the weapon?"

10 A She has never informed me of any such thing.

11 Q Regarding the GLOCK 19, do you know where that's
12 generally kept in the house?

13 A I do not.

14 Q Did she ever tell you where it was kept?

15 A No, she has not.

16 Q Have you ever come across it by accident?

17 A Negative.

18 Q So, to your knowledge, there may or may not be a
19 gun in your house, and you have no idea if there is one
20 where it is?

21 A Correct.

22 Q When was the last time you saw it?

23 A When she brought it home from the store.

24 Q So you became aware she bought it when she brought
25 it home from the store?

1 A That's correct.

2 Q Okay. Did you go with her to purchase it?

3 A I did.

4 Q And where was that purchased from?

5 A Forest and Field.

6 Q And approximately how much was paid for that?

7 A Again, I don't know.

8 Q Okay. Now, have you ever had a gun permit?

9 A Oh, absolutely.

10 Q And when did you first get your gun permit?

11 A I believe it came into my possession in November

12 of 2007.

13 Q Do you still have a gun permit?

14 A No. It was taken from me.

15 Q And who took it from you?

16 A Officer Jared Zwickler.

17 Q So he physically took the permit?

18 A When he returned my wallet to me it was gone, and

19 when I inquired as to where it was and when I was

20 getting it back, he said, "I can't return it to you."

21 Q All right. So I'm going to make a distinction

22 between the physical permit, and then the situation of

23 you being a permittee as far as the State's records are

24 concerned.

25 A Okay.

1 Q Are you aware -- do you understand the
2 distinction?

3 A Certainly.

4 Q Okay. So, for example, I could have a driver's
5 license in my possession or I could have a license to
6 drive which I may not be in possession, but I'm
7 permitted by the State to drive.

8 That's the distinction that I'm making.

9 A Right.

10 Q So as far as in the physical permit, you're saying
11 that that was taken or at least not given back to you
12 after Officer Zwickler took your wallet in February of
13 2011, correct?

14 A Right.

15 Q All right. Do you know whether or not your permit
16 has ever been revoked or canceled by the State?

17 A Yes. I was informed by DPS that it had been
18 canceled or revoked.

19 Q And DPS is Department of Public Safety?

20 A Yes.

21 Q When did you receive that notice?

22 A About two weeks after the incident.

23 Q So that would have been in February or March of
24 2011?

25 A February or early March, correct.

1 Q And you said you received notice.

2 Was that oral notice or written notice?

3 A No. It was Certified Mail, written.

4 Q Do you still have possession of that?

5 A I would think so.

6 Q And so to the best of your knowledge do you have
7 possession of that notice?

8 A I think so. Yes. I wouldn't be immediately able
9 to put my fingers on it, but I would probably be able
10 to find it.

11 Q And was there a reason given in the notice why
12 your permit was being revoked?

13 A Yeah. Because of an arrest for quote, unquote,
14 threatening.

15 Q And since the time of the revocation has your
16 permit ever been reinstated by the State?

17 A Negative.

18 Q Have you attempted to have it reinstated?

19 A Yes.

20 Q What efforts have you made to have it reinstated?

21 A On the advice of my attorney we filed for a
22 temporary State permit.

23 Q Who is your attorney?

24 A Rachel M. Baird.

25 Q And when you say you filed for a temporary State

1 permit, what was the process you used to file for that?

2 A We filled out a form, and it was to go -- it went
3 to the, I believe, the local police department first,
4 Norwalk PD.

5 Q When you say, we filled it out, were you the --
6 did you fill it out and --

7 A Of course I filled it out.

8 Q Okay. And did you submit it?

9 A No. I think Rachel submitted it.

10 Q Because I'm trying -- because you're saying you
11 think where it went, so I was trying to make a
12 distinction whether you actually --

13 A I didn't walk it into the department, no.

14 Q So to best of your knowledge, is it fair to say it
15 was sent to the local authority?

16 A Yes. Correct.

17 Q Did you or nobody on your behalf ever receive a
18 response to the permit application?

19 A Yes.

20 Q Who was it that received the response, to your
21 knowledge, did you or anyone on your behalf?

22 A I believe my attorney received the response.

23 Q That would be Attorney Baird?

24 A That's correct.

25 Q Do you know what the response was?

1 A Yes. It was denied.

2 Q And do you know if that response was oral or in
3 writing?

4 A I believe it was an e-mail correspondence.

5 Q Have you ever seen a copy of that?

6 A Yes.

7 Q And was it forwarded to you?

8 A Yes.

9 Q And do you have a copy of that?

10 A Not with me.

11 Q No. Have you deleted that e-mail?

12 A No.

13 Q Okay. Have you ever printed it out?

14 A Yes.

15 Q And what was the reason given for the denial?

16 A The arrest.

17 Q All right. And did you ever attempt beyond that
18 to have your permit reinstated?

19 A No.

20 Q Is there an appeals process, to your knowledge,
21 for the permit?

22 A Yes, there is.

23 Q Did you attempt to invoke the appeals process?

24 A We did, and withdrew -- actually, not for the
25 temporary. We had a hearing scheduled before BFPE,

1 Board of Firearms Permit Examiners, and withdrew that
2 because the criminal charges are still pending.

3 Q So I'm probably not as conversant with the gun
4 laws as you are --

5 A Probably.

6 Q -- I'm willing to admit.

7 If somebody applies for a local permit, is that
8 something that needs to be done prior to applying for a
9 State permit?

10 A No. You can apply for a temporary. People can
11 come from out-of-state, out of the state, apply for a
12 temporary. That is the point of a temporary. Or you
13 can apply for a temporary to have in the interim while
14 you're waiting for your permanent permit.

15 Q Okay. So if you apply for the temporary permit to
16 the local authority and that's denied, is the appeals
17 process to go to the State?

18 A I believe it is. I think it's BFPE again.

19 Q Okay. And what was the reason why you withdrew
20 the appeal to the BFPE?

21 A Because the criminal charges are still pending.

22 Q Okay. And, to your knowledge, what rights does a
23 person have when they receive a gun permit in the State
24 of Connecticut?

25 A What rights do they have?

1 Q As far as carrying the gun?

2 A I need you to be more specific than that. I don't
3 understand what you're asking.

4 Q Okay. All right. And are they allowed to take,
5 then, a gun out of their home?

6 A Absolutely.

7 Q Are they allowed to carry it in a car?

8 A Yes, they are.

9 Q And are they allowed to take it into a public
10 place?

11 A Yes. With certain restrictions.

12 Q What are those restrictions?

13 A You can't carry them into schools.

14 Q Okay.

15 A You can't have them inside, like, legislative
16 office buildings or the State Legislature. There are a
17 couple of other restrictions, but I couldn't state them
18 right now.

19 Q Okay. Under the gun carry laws in the State --

20 A Oh, courthouse. Excuse me.

21 Q Under the gun carry laws in the State of
22 Connecticut, if you have a gun permit are you allowed
23 to -- are you required to carry it in a concealed
24 fashion?

25 A No, you are not.

1 Q Are you allowed to carry it in an open fashion?

2 A Yes, you are.

3 Q To your knowledge, in carrying -- with the person
4 that has the gun permit in the State of Connecticut, to
5 your knowledge in carrying it in an open fashion are
6 there any restrictions in the manner in which you can
7 carry it openly?

8 A No. The law is moot on how a weapon must be
9 carried.

10 Q Are there any common sense considerations about
11 how a person would openly carry a weapon?

12 A No. I don't believe that there are.

13 Q Okay. Do you think that -- have you formulated an
14 opinion as to whether or not others might find a openly
15 carried weapon to be threatening?

16 A I don't understand the question.

17 MS. VINCENT: Objection.

18 BY MR. SPAHR:

19 Q So you're obviously someone who has a history of
20 carrying a weapon; is that fair to say?

21 A Yes. That's correct.

22 Q Would it be fair to state that in the State of
23 Connecticut that a non-uniformed person carrying a
24 weapon is something that would be in a minority?

25 A It is not done commonly, no.

1 Q Okay. So it would be uncommon for someone to
2 carry a weapon who's not a member of the either armed
3 services or uniformed police, correct?

4 A Uncommon, but not unlawful.

5 Q Okay. That was -- I agree. That's not my
6 question.

7 But we can agree that it's, like, uncommon?

8 A Correct.

9 Q Okay. So do you have a belief that for someone in
10 a public place to see another individual carrying a
11 weapon, that that might cause them some sort of
12 concern?

13 A It wouldn't disturb me.

14 Q Can you allow for the fact that it might disturb
15 others?

16 A It wouldn't disturb me.

17 Q Okay. But do you have any reason to believe it
18 might be disturbing to others?

19 A That's not my concern, is it?

20 Q Well, I guess -- I think it should be, but that's
21 me.

22 A The law says you can carry open or concealed.

23 Q Okay. So prior to this incident, which is
24 February of 2011, did you have a tendency to carry your
25 gun with you?

1 A Yes.

2 Q What generally would be your practice regarding --
3 on or about the time of this incident -- it's obviously
4 prior, because the gun was seized -- so on or before
5 the time of this incident what was your general
6 practice as far as carrying a weapon with you?

7 A I don't understand the question.

8 Q Prior to February 16th, 2011 -- so I'm going to
9 use that as the time frame.

10 A Yes.

11 Q And you've indicated that you would carry a weapon
12 with you; is that correct?

13 A Correct.

14 Q And I'm trying to get the level of how frequently
15 you would carry a weapon.

16 Would it be a situation -- and I'm giving you
17 suggestions, not trying to implant any thought in your
18 mind -- would it be --

19 A When I was legally allowed to carry it, I carried
20 it.

21 Q Okay. So would it be fair to say that, for
22 example, whenever you left your home you would have a
23 weapon with you?

24 A Correct.

25 Q All right. So that was your standard -- would it

1 be fair to say that was your standard practice?

2 A Yes, it would.

3 Q Of the weapons that you owned, was there one that
4 you would usually carry?

5 A The GLOCK.

6 Q And how would you carry it?

7 A Usually carry concealed. I cannot think of a time
8 when I carried it openly.

9 Q Would you carry it free, or would it be in some
10 sort of a holster?

11 A Always in the holster.

12 Q And where on your person would you carry that
13 holster?

14 A On my right hip inside my waistband.

15 Q So it would be inside of your pants, then?

16 A Inside the waistband, yes.

17 Q So I'm thinking of -- I'm thinking of a time frame
18 when the weather might be balmy or warm and you didn't
19 have a jacket.

20 So if you were out, say, wearing a pair of shorts,
21 you would carry it in a holster inside your waistband?

22 A Correct.

23 Q Would you have your shirt tucked in, or would you
24 have a t-shirt over the weapon?

25 A I think that would depend upon the shirt.

1 Q Sometimes when you went out in public that you
2 would walk --

3 A No. No. I would deliberately wear something that
4 would be over the weapon at the time.

5 Q Okay. So is it fair to say, then, prior to
6 February 2011 your standard practice would be to carry
7 this weapon with you at all times in a holster in your
8 waistband?

9 A Yes.

10 Q And did you ever carry two weapons at a time?

11 A No.

12 Q Besides a firearm did you ever carry any weapons?

13 A No.

14 Q Do you -- at the time of this incident did you
15 possess any weapons besides firearms?

16 A No.

17 Q Did you ever consider possessing a taser as, say,
18 a less than lethal alternative?

19 A Never considered it.

20 Q What about any other sort of impact weapon as a
21 less than lethal alternative to a firearm?

22 A Can you be more specific?

23 Q Sure. So if I understand correctly, the reason
24 why you originally purchased the weapon was for home
25 protection; is that correct?

1 A And personal protection. Yes.

2 Q Okay. And so personal and property protection?

3 A Correct.

4 Q So in order to accomplish that goal did you ever
5 consider using anything that might be a less than
6 lethal alternative?

7 A No.

8 Q All right. So now in this particular case did you
9 have a chance to look at the police reports involved
10 with your case?

11 A Yes.

12 Q And have you had a chance to look at the statement
13 that was given by Sandy Staw?

14 A Oh, yes.

15 MR. SPAHR: Okay. And I'm going to mark as
16 exhibits both of those.

17 (Defendant's Exhibits 1 and 2 were marked for
18 identification.)

19 (Discussion off the record.)

20 (Break.)

21 BY MR. SPAHR:

22 Q So Mr. Doutel, do me a favor please and take a
23 look at Defendant's Exhibit One, which is a series of
24 police reports related to this incident.

25 A Okay.

1 Q And you've indicated that you've had a chance to
2 see the police report in this incident?

3 A Oh, yes.

4 Q Are those the reports that you've seen?

5 A Yes.

6 Q In addition to seeing them, have you had a chance
7 to read them?

8 A Oh, yeah.

9 Q Have you had a chance to look them over right now?

10 A I'm paging through them.

11 Q What I'd like to ask you is regarding those
12 reports is if there's anything that you disagree with?

13 A Certainly.

14 Q Could you -- let's start with the first police
15 report, which is Defendant's Exhibit One, and let's
16 start from the top, and tell me what portions of this
17 you disagree with?

18 A How about you be specific?

19 Q Sure. In the first paragraph is there anything
20 stated there that you disagree with?

21 A (Referring.) Beginning on page two of four?

22 Q Yes.

23 A (Referring.) Certainly. She calls me a racist.
24 She says I often brandished the firearm --

25 Q So in the second paragraph --

1 A -- set it on the counter, and discuss it with the
2 doctor. This is all false, this whole paragraph is.
3 This is an intentional misrepresentation.

4 Q So on page two of four of Exhibit One, the
5 paragraph that starts, "Roy stated"?

6 A Yep.

7 MS. VINCENT: You know, I'm going to make an
8 objection on the format of the questioning here,
9 because reading through these paragraphs, this is
10 all -- you're asking him to agree or disagree with
11 what other individuals state to the police. I'm
12 just going to object to the form of that, and
13 allow you to proceed.

14 BY MR. SPAHR:

15 Q Let me rephrase it.

16 I'm going to say, not whether she stated it or
17 not, I'm going to ask whether you disagree with the
18 factual content of the statement?

19 A Yes. A number of them.

20 Q All right. So let's go along, and you tell me
21 which items that you disagree with?

22 A Would you be specific, please?

23 Q Yes. Sure.

24 What were you seeing Doctor -- were you seeing
25 Doctor Staw sometime prior to February 2011?

1 A I saw him, or the people in his office, for
2 approximately eight years.

3 Q All right. And immediately -- was there some
4 reason why you stopped going to see him?

5 A I didn't stop going to see him until this
6 incident, or just prior to this incident. I discovered
7 that he is a convicted felon.

8 Q And when did you discover that?

9 A On February the ninth of 2011.

10 Q And what was he convicted of, if you know?

11 A Yeah. Medicare, Medicaid insurance fraud.

12 Q And how was it you came to possess that
13 information?

14 A I found it on the Internet.

15 Q And I'm assuming that it wasn't just some kind of
16 casual search, that you were actually searching his
17 name?

18 A That's correct.

19 Q What caused you to search his name?

20 A I received a call from his office claiming that
21 the test results were out of bounds and I was going to
22 have to come in and repeat them, and of course that
23 meant repaying for them. And I just -- something just
24 didn't feel right. And taken with other things that
25 had been said to me in the past --

1 Q Said by whom?

2 A By Doctor Staw.

3 Q Okay. And what --

4 A Oh, and his office people.

5 Q All right. What sort of tests or test results are
6 we referring to here?

7 A We're referring to pre-op blood testing and
8 hemoglobin A1C's, that's a diabetic test for blood
9 sugar. Actually, not blood sugar, but --

10 Q All right. So if I understand correctly, his
11 office drew a blood sample from you?

12 A Right. It was not one of the tests that was
13 ordered for the pre-op physical.

14 Q Who was going to be the operating doctor?

15 A Doctor Altman.

16 Q Who is Doctor -- where is he located?

17 A I see him in -- he has a Norwalk office down --
18 down in the Riverview Terrace, I think is what it's
19 called.

20 Q What type of doctor is he?

21 A He is an orthopedic surgeon.

22 Q And you were going to have an orthopedic
23 procedure?

24 A Correct.

25 Q Then Doctor Altman in Norwalk issued a

1 pre-operation order?

2 A Correct.

3 Q And that called for certain pre-operation tests to
4 be conducted?

5 A Correct.

6 Q Was that order in writing?

7 A Yes, it was.

8 Q And were you given that and then you handed it to
9 Doctor Staw's office?

10 A Yes.

11 Q All right. And did you get a chance --

12 A Oh, I think he faxed it to them. I don't believe
13 I hand carried it.

14 Q And were you given a copy of the pre-operation
15 order?

16 A I don't believe I was given a copy, but one has
17 come into my possession.

18 Q And so this Doctor Staw, at least according to the
19 police report, indicates that he's in a office known as
20 Internal and Respiratory Associates?

21 A Yes.

22 Q And why was it that his office was going to do the
23 initial testing procedures?

24 A He had been my physician for -- or people that
25 were his physician assistants, whom I had seen for the

1 first six years of going to his office --

2 Q Okay.

3 A -- were my primary care people.

4 Q Okay. So an order was issued by Doctor Altman for
5 some pre-op testing, and the pre-op testing was going
6 to be conducted by Doctor Staw's office?

7 A Yes.

8 Q And one of those tests was blood testing, or
9 you're saying, no, it wasn't part of the order?

10 A There were some blood tests ordered for the
11 surgery specifically, but then what Staw tried to do
12 was to tell me, "Oh, well, we're coming up on your
13 diabetic checkup time. Why don't you just roll all
14 that in here, and your insurance will pay for it,"
15 knowing full well that it wouldn't.

16 Q He knew full well that it wouldn't?

17 A Correct. He had informed me that he could no
18 longer accept insurance.

19 Q From anyone, or just from you?

20 A I believe from anyone. The statement that he made
21 to me was, "It's just a minor mixup, and we're in court
22 trying to straighten it out."

23 And, you see, I didn't have any reason to doubt
24 him.

25 Q Okay. I understand that at some point you became

1 dissatisfied with his office; is that fair?

2 A Correct.

3 Q And so rather than just, like, throwing darts at a
4 board here, I'm trying to figure out if you could tell
5 me what was the basis for your being dissatisfied with
6 his office's performance or treatment?

7 A Two years prior to this incident I had been seeing
8 a physician assistant in his office.

9 Q What was his or her name?

10 A His name is Perry Patel. And prior to him I had
11 been -- I had been seeing another physician
12 assistant -- oh, God, what was her name? I don't
13 remember. These people I was very satisfied with.
14 Sometime in the middle of 2010 all of these people
15 disappeared.

16 Q So they were no longer in the employment of Staw's
17 office?

18 A They were no longer anywhere in the office. And
19 upon inquiring about where Perry went I had been told,
20 "He's taken a leave of absence to take care of his sick
21 father," quote, unquote.

22 Okay. Did I have any reason to doubt him? No.

23 And from that point on I ended up seeing
24 Doctor Staw for checkups, and what have you. Didn't
25 need him for much of anything, just the diabetic stuff,

1 the med checks, and so I continued to go to him.

2 Changing doctors is a real pain.

3 When he told me he couldn't take insurance
4 anymore, I said, "Okay." And hadn't had time to look
5 for another physician before it came time for the
6 pre-op physical.

7 Make sense?

8 Q Yeah. One clarification. And I may have asked
9 this before. Was he saying that his office was no
10 longer taking insurance as a blanket policy, or just
11 that there was some glitch in your personal insurance?

12 A No. He specifically stated there is a
13 misunderstanding (indicating), and we're in court right
14 now trying to straighten it out.

15 Q So it was kind of a universal insurance situation?

16 A Yes.

17 Q So go ahead. So the pre-op is coming up. He's
18 still your doctor?

19 A Right.

20 Q He's not taking insurance?

21 A Right.

22 Q You're up against a wall. You have to get this
23 done?

24 A Yes. Exactly.

25 Q So proceed from here.

1 A All right. Knowing I was short on time, because
2 Doctor Altman wanted to get the surgery on the
3 schedule, I went ahead and scheduled my appointment
4 with Doctor Staw for the pre-op physical --

5 Q Okay.

6 A -- and paid cash up front.

7 Q Okay.

8 A It was an entirely ordinary visit, there was no
9 animosity, there was no anything, it was just, do the
10 stuff and let's get it over with. And I went home.
11 Two days later, on February the ninth, I got this call
12 from his office. I think it was Roy -- Janine Roy,
13 telling me the test results were out of bounds, you're
14 going to have to come back and repeat them. And of
15 course that meant repaying for them.

16 Well, the tests that he was talking about I had
17 always been led to believe required fasting, and on the
18 day the tests were drawn I had not been fasting. They
19 had not informed me that they were going to draw these
20 tests. They weren't tests that were ordered by Doctor
21 Altman, they were the diabetic and the cholesterol, the
22 things you check normally for a diabetic. Okay? And
23 they went ahead and drew these anyway, never asking me
24 whether I had fasted. And then all of a sudden
25 they're out bounds and they're going to disqualify me

1 for surgery.

2 Well, I'm getting a little annoyed. And I said,
3 "Have Doctor Staw call me."

4 And I'm sitting there thinking to myself,
5 something just isn't right. And I started looking for
6 his name on the web, and I find many a news blurb, you
7 know, from a while back stating that he had been --
8 "Westport doctor convicted of insurance fraud or
9 Medicare fraud." And I dug a little -- I was stunned.
10 I was just floored. And I kept looking for other
11 stuff. I needed to know more. And I came upon a pdf,
12 that I forget exactly what it was, I think it was
13 before an appeals board, or something like that, but he
14 had been convicted in federal court and prevented from
15 participating in Medicare and Medicaid for a period of
16 ten years. He had been on probation for two years.
17 Oh, right about the time Perry disappeared
18 (indicating). He lied to me. Now they're trying to
19 upsell me more tests.

20 And by the time Staw called me in the evening and
21 returned my call, I fired him. I said, "As of this
22 moment you are no longer my doctor. Make sure Doctor
23 Altman gets the results of the tests and the pre-op
24 physical, we will deal with it from here." And that
25 was it. I was done with him as of February the ninth.

1 Q Did you follow-up with Doctor Altman to see
2 whether or not Doctor Staw's office --

3 A Yes.

4 Q -- had given the test results?

5 A Yes.

6 Q And tell me about --

7 A Well, I followed up on the day before the surgery
8 was scheduled for, February the 16th, because I still
9 didn't have a firm time. And I called Jenny, his
10 scheduling -- or his personal assistant --

11 Q Doctor Staw's or Doctor Altman's?

12 A Doctor Altman's personal assistant. And I was
13 told, you know, we still don't have those results, and
14 I have phoned them twice.

15 Q This is Doctor Altman's assistant --

16 A Yes.

17 Q -- is referring to having phoned Doctor Staw's?

18 A Correct. And she said, "He can't schedule your
19 surgery until you have the results."

20 Q Now, you indicated -- I'll let you go on in a
21 second -- but you indicated that the surgery was
22 scheduled for the 16th of February?

23 A Correct.

24 Q But then she was telling you that she can't
25 schedule it until they get the results?

1 A That's right.

2 Q Who told you that the surgery was scheduled for
3 the 16th?

4 A It had been set up tentatively.

5 Q So that was a target date?

6 A Right. Well, it was on a surgical schedule, but
7 there was no firm time set, it's an --

8 Q What type of surgery?

9 A It's an outpatient surgery.

10 Q So this wasn't going to be at the hospital?

11 A No. It was a surgery center in upstate here, I
12 forget the name of the town.

13 Q Doctor Altman --

14 A Shoreline, I think.

15 Q Doctor Altman was going to perform the surgery?

16 A Correct.

17 Q So he has multiple offices?

18 A Yes.

19 Q Okay. So now you're learning on the 15th of
20 February, 2011 that the test results had not come to
21 Doctor Altman's office?

22 A Correct. After having been requested by
23 Doctor Altman's office more than once.

24 Q So what did you do next?

25 A I called -- on the evening of February the 15th I

1 called and I left a message at Doctor Staw's office
2 saying that, "If I don't get these I'll be coming into
3 your office, and it won't be pretty. I need these
4 results. I paid for them up front. You have an
5 obligation to provide them, and you will provide them."

6 Q When you went to Doctor Staw's office when you had
7 the blood work done --

8 A Yes.

9 Q -- did you carry your weapon with you?

10 A Yes.

11 Q And where did you carry it, on your person?

12 A On my hip inside the waistband in its holster.

13 Q At any time did you take it out of that location?

14 A Sure. It went -- when the technician came into
15 the room to draw some blood, and then they were going
16 to do an EKG, you know, with the leads on your chest.

17 Q Yes.

18 A All right. Okay. What that meant was that I
19 needed to disrobe partially. So she left the room. I
20 was alone in the room. I pulled my shirt off and my
21 hat, and I had a coat, I think, at the time, I think,
22 February it was cold. And, anyway, I set these all on
23 the counter. And I removed the pistol from my hip in
24 its holster, placed it under the hat, and put the hat
25 over it across the room from me, and I'm sitting

1 getting the EKG done on the table.

2 Q Okay. And in any of the visits that you had prior
3 to Doctor Staw's office did you ever carry a weapon?

4 A Certainly.

5 Q And where did you carry it, on your person?

6 A Same place.

7 Q And were there other instances where you had to
8 remove it from that location?

9 A I don't remember any specific, but seems likely.

10 Q All right. So prior to February 16th, 2011 is it
11 fair to state there were times when you would take the
12 weapon off your person and put it on a counter or some
13 form of furniture?

14 A Never in plain view.

15 Q And what do you mean by, "never in plain view?"

16 A If I had to remove it from me, it was placed under
17 something so that it was not in plain view.

18 Q And what type of hat are we referring to?

19 A It's a -- I think the style is a Homburg.

20 Q So this with a brimmed hat?

21 A Yes.

22 Q An would the hat, including the brim, totally
23 encompass the weapon?

24 A Absolutely.

25 Q If I were to walk into the room would I be able to

1 see that there was a weapon under the hat?

2 A No, you would not.

3 Q While the person -- while any of the staff or the
4 doctor were in the room did you inform them that you
5 had a weapon with you?

6 A No, I did not.

7 Q Sometime prior -- or after leaving the room did
8 you inform them that you had a weapon?

9 A No, I did not.

10 Q How would somebody know that you had a weapon if
11 the weapon itself was underneath the hat, as you've
12 described it?

13 A Doctor Staw walked into the examination room after
14 the EKG was done and moved my hat, casually moved the
15 hat, and saw my gun in its holster on top of my pile of
16 clothes under the hat.

17 Q And so as far as moving, are we talking about that
18 he just slid it (indicating) making room, or did he
19 actually pick the hat up and move it (indicating)?

20 A I'd say he actually picked the hat up. I think
21 the first comment he was going to make was about the
22 hat.

23 Q Okay.

24 A It was just casual conversation at the time.

25 Q All right. So you're having a conversation. He

1 picks up the hat?

2 A Right.

3 Q Voilá, there's a weapon under it?

4 A Yes.

5 Q So what happens next?

6 A Nothing. He asks me, he said, "Oh, what's this?"

7 And I said, "Well, you've seen this before. It
8 is -- I am permitted to carry this and it is -- I carry
9 it for self-defense."

10 Q All right. And had he seen it before?

11 A Yes. So he would have seen it in past. He knew I
12 carried, because he had asked me about it before.

13 Q What were the occasions or circumstances under
14 which he would have seen that weapon in the past?

15 A I only remember one, and I can't remember
16 specifics about it, but I do remember having been asked
17 why I carried, and I cited very simply, "I carry it for
18 personal defense."

19 Q And when you say you were asked, asked by
20 Doctor Staw?

21 A Yes.

22 Q All right. So on at least one other occasion he
23 saw the gun in your possession, correct?

24 A Correct.

25 Q He had a conversation with you about it, correct?

1 A Yes.

2 Q So then going -- fast forwarding to the February
3 2011 incident. So he's seen it, seen that you have the
4 gun underneath your hat, he's asked you about it?

5 A Yep.

6 Q You've indicated self-defense, and having a
7 permit.

8 What happened next?

9 A We moved on in conversation, and the appointment
10 ended, and I went home.

11 Q Okay. Did he replace the hat over the weapon?

12 A I think he dropped it back down over it, yeah.

13 Q Did he appear nervous at all when he saw the
14 weapon?

15 A No, he didn't.

16 Q Did any of his help or staff come in at any time?

17 A No. He was the only one in the room at the time.

18 Q All right. So, to your knowledge, was he the only
19 one that actually saw the weapon?

20 A Correct. Yep.

21 Q Actually saw the weapon?

22 A Correct.

23 Q All right. So you made a call on the 15th of
24 February that was after office hours, correct?

25 A Yes.

1 **Q** And have you seen the Complaint in your wife's
2 **case?**

3 **A** Yes. I couldn't state any specifics or anything
4 **out of it.**

5 MR. SPAHR: Okay. Just mark that as
6 Defendant's --I don't have an extra copy, but mark
7 that as Three, please.

8 (Defendant's Exhibit 3 was marked for
9 identification.)

10 MR. SPAHR: I'll make a copy afterwards for
11 everybody.

12 BY MR. SPAHR:

13 **Q** Defendant's Three. Mr. Doutel, I'm going to show
14 you what's been marked as Defendant's Exhibit Three,
15 and what this is is an excerpt from your wife's
16 Complaint, and I'm going to show you and your counsel
17 paragraph 19, and just ask for you to look at paragraph
18 **19.**

19 MS. VINCENT: I have a copy right here.

20 MR. SPAHR: Oh, you have it?

21 MS. VINCENT: Yes.

22 MR. SPAHR: Okay.

23 THE DEPONENT: (Referring.)

24 BY MR. SPAHR:

25 **Q** If you could review that?

1 A (Referring.) Okay.

2 Q All right?

3 A Okay.

4 Q All right. And that, I think, indicates in the
5 Complaint that that's the sum and substance of what was
6 said by you in that telephone message that was left
7 after hours?

8 A Pretty close to verbatim.

9 Q Okay. So that would be my next question.

10 Is that -- does that fairly and accurately portray
11 what was stated by you in that --

12 A Yes.

13 Q Okay. And what was the purpose for leaving that
14 message?

15 A Very simply. A, to inform him that I would be
16 coming to pick it up, and not leaving until I get it.
17 B, maybe, just maybe, he'd have got on the stick and
18 gotten the results up to the surgeon.

19 Q When you made that comment, this was then
20 subsequent to when the doctor's office was aware that
21 you carried a weapon with you, correct?

22 A Certainly.

23 Q Okay. When you made the comment that if you don't
24 get the test results you were going to come down there
25 and it would not be pretty, what was your intent in

1 making that statement?

2 A Oh, let's see. Sitting in the office and waiting
3 until somebody put it in my hand; maybe talking to
4 other people that might be walking in and informing
5 them why they should be looking for another physician.
6 That's about it. But I know I wasn't leaving until I
7 got what I paid for.

8 Q So as someone who would carry a weapon into the
9 doctor's office, did it ever cross your mind that by
10 possibly saying you were going to come down there and
11 it wouldn't be pretty, that that might cause alarm to
12 other people?

13 A Never crossed my mind.

14 Q That's beyond your consideration that somebody who
15 carries a weapon which he has described --

16 A It was not my consideration at the time.

17 Q We've established that it's fairly uncommon for
18 someone to carry a weapon in Connecticut, correct?

19 A No, that is not what we have established.

20 Q For non-uniformed personnel to carry a weapon?

21 A That is not what we have established.

22 Q So is it common or uncommon for someone to carry a
23 weapon?

24 A It is common for people to carry a weapon.

25 Q In Connecticut?

1 A Absolutely.

2 Q How would you define "common?"

3 A Gee, there are about, what, two to 300,000 pistol
4 permits in this state.

5 Would you say that's common?

6 Q I don't know. I don't think I've ever seen a
7 person carrying a weapon in Norwalk, other than a
8 police officer.

9 A Bear in mind, are you talking about -- how you're
10 talking about carrying it --

11 Q I'm just saying --

12 A It is not unusual for a person to carry a weapon.
13 It may be unusual for them to carry it unconcealed.

14 Q Okay. And now the pistol permit allows someone to
15 keep it in their home, correct?

16 A Absolutely.

17 Q So if there are, in fact, two to 300,000 permits,
18 it doesn't mean that each person that has one has a
19 weapon, correct?

20 A No. I wouldn't say that makes a whole lot of
21 sense.

22 Q It doesn't mean that if somebody has a permit
23 they're going to carry it around the four squares of
24 their property; is that correct?

25 A It's entirely a personal choice.

1 MS. BAIRD: Before we get -- you don't need a
2 permit to keep a firearm in your home.

3 THE DEPONENT: That's correct.

4 MS. BAIRD: The line of questioning is just
5 contrary to the law.

6 MR. SPAHR: Well, his assumption is that just
7 because you have a permit, that means you're
8 carrying, and I don't think -- I think there's a
9 lot of people that might have a permit that are
10 never going to carry a weapon.

11 THE DEPONENT: That may be true, but that's
12 neither here nor there.

13 BY MR. SPAHR:

14 Q I'm trying to ask if you, in making the statement
15 that, "I'm going to come down there and it's got going
16 to be pretty," was it your intention to have some sort
17 of threat involved in that?

18 A Certainly not.

19 Q So can you conceive that it might be considered to
20 be threatening by a reasonable person to have somebody
21 come walking into the office with a gun and say, "I'm
22 going to come down and it's not going to be pretty?"

23 A That was certainly nothing I considered. I wasn't
24 threatening anyone. I needed what I had paid for. And
25 I had been living with a debilitating, very painful

1 condition for over a year.

2 Q What was that condition?

3 A A torn rotator cuff on the right side.

4 Q Now, are you left-handed or right-handed?

5 A I am left-handed at least for writing, but I use
6 my right hand for much of everything else.

7 Q Which hand do you shoot with?

8 A My right.

9 Q So your weapon hand would be the one that had the
10 torn rotator cuff?

11 A Yes. That doesn't mean I can't shoot with the
12 other hand, too.

13 Q I'm sure of that. All right. At some point were
14 you contacted by members of the Norwalk Police
15 Department --

16 A Oh, yeah.

17 Q -- in February of 2011?

18 A Yes.

19 Q Did the person identify themselves?

20 A I don't recall whether his name was stated or not.

21 Q Okay. What occurred in that conversation?

22 A He broached the subject of a voice mail message
23 that I left at my doctor's office.

24 Q Just to clarify, that was a telephone call that
25 came to you?

1 A Yes.

2 Q This was at your home?

3 A Yes.

4 Q Then what happened next in the conversation?

5 A He said he wanted me to come down and talk to them
6 about the voice mail message I left.

7 Q And originally you agreed to?

8 A No. I said, "No. I don't think there's any
9 reason I need to come down there. I haven't done
10 anything here."

11 Q And what happened next in the conversation?

12 A He asked if he could come out and talk to me. And
13 at first I agreed. And then he proceeded to tell me,
14 well, let's see, "Make sure you're not armed when I get
15 there." And that just kind of left me thinking,
16 they're not being truthful with me here.

17 And I said, "You know what? Don't come here
18 without a warrant. Don't come here unless you think
19 you have a reason to arrest me."

20 Q Okay. So you didn't think it was prudent for the
21 police officer to ask that you not have a weapon on you
22 when he spoke to you?

23 A The bottom line was that I knew he wasn't being
24 truthful at the time.

25 Q What led you to believe that he wasn't being

1 truthful?

2 A He wasn't telling me what he really wanted.

3 Q What did you perceive that he really wanted?

4 A Clearly not what he was asking for.

5 Q Well, he was asking to come out and talk to you,
6 correct?

7 A Yes, he was.

8 Q So you're thinking he didn't want to talk to you?

9 A Let's talk about frame of mind. Okay?

10 Q His or yours?

11 A I was sitting there on February the 16th, a day
12 when I should have been in surgery getting a torn
13 rotator cuff repaired. I had been messed with by
14 this -- by a convicted felon. And now I'm getting a
15 phone call from the police department. For what? For
16 saying it won't be pretty? Excuse me. My frame of
17 mind was not of a -- I was certainly not in a mood to
18 be roused or messed with. And then I'm getting calls
19 from the cops? Excuse me. I've lived 56 years of my
20 life to that point without ever having been involved
21 with police or law enforcement of any kind, and for
22 making a phone call and using the phrase, "It won't be
23 pretty," and then having a doctor imply that he was
24 worried I was going to shoot him? Please.

25 How would you have been feeling at the time?

1 Q So what led you to believe that the doctor was
2 implying that he felt that you were threatening to
3 shoot him?

4 A Well, let's see. He had called the police, hadn't
5 he?

6 Q Presumably.

7 A Uh-huh. I wasn't thinking at the time, oh, he
8 thinks I'm going to shoot him, but I was thinking more
9 along the lines of, he's had the unmitigated gall to
10 call the cops about an irritated phone call when he,
11 himself, is here at fault.

12 Q Okay. And so the rotator cuff injury you had,
13 when had that occurred?

14 A The damage?

15 Q Yes.

16 A I'd been seeing Doctor Altman for the better part
17 of 2010.

18 Q How did that occur?

19 A I don't know. We never figured it out.

20 Q Okay. And prior to the surgery had you
21 contemplated any surgical alternatives?

22 A Yeah. We actually did. We did exercises. We
23 did -- he did -- what's that -- Hydrocortisone
24 injection. None of which helped.

25 Q Okay. And did you have any script for any type of

1 medication or painkiller?

2 A Not at that time, no.

3 Q Okay. So at the time of this incident were you --
4 did you have any medication?

5 A No. Just for the diabetes.

6 Q Okay.

7 A No pain meds.

8 Q Okay. All right. And how would you describe the
9 pain level of your shoulder on this date?

10 A Bad enough that I couldn't get my hand over my
11 head if I needed to. I had to -- I had to be very
12 careful getting in and out of, say, a T-shirt. I
13 couldn't reach around behind me to pull my belt through
14 its loops, I had to put my belt on the pants before I
15 pulled them on. Very painful.

16 Q Okay. So on this date when you were talking to
17 the police officer was it still at this level of pain?

18 A Absolutely.

19 Q Okay. So the officer indicated that he wanted to
20 come and speak to you?

21 A Uh-huh.

22 Q He also further indicated that he would prefer, or
23 whichever words you want to correct me saying, that you
24 not have any weapon on you; is that fair?

25 A Bottom line here, I felt I was being roused for

1 no good reason. And I just basically said, you know,
2 "I don't want to talk to police. I don't want to talk
3 to anybody. You want to come here, either bring a
4 warrant, and don't come here unless you think you can
5 arrest me." That's it.

6 Q And what do you --

7 A I just told you my frame of mind.

8 Q Okay. What do you mean by when you use the word,
9 "rousted?"

10 A First of all, I didn't think I should be hearing
11 from the police at all, and I didn't think that there
12 was any reason that they should have been interested in
13 anything that was said. And since nothing was done,
14 and I was the injured party, I didn't feel that I
15 needed to talk to cops.

16 Q Okay. So was there anything else in the
17 conversation?

18 A No. I think that was it.

19 Q All right. And then in the sequence of events
20 leading up to your arrest, what was the next thing that
21 happened?

22 A I think that was a call -- the call was at about
23 20 after 12. Near one o'clock I suddenly get this
24 phone call from the police dispatcher telling me to
25 walk out of my house.

1 Q Okay.

2 A So I did.

3 Q Did they explain to you who they were?

4 A Did they explain to me who they were?

5 Q For example --

6 A They were pointing a gun at me.

7 Q Well, no. Not -- I'm talking about the
8 dispatcher. Let's not jump ahead. So go back to the
9 dispatcher when the phone call came to your house?

10 A Well, what is their standard procedure. I don't
11 remember exactly the words that the dispatcher spoke on
12 the phone. Standard procedure. But I presume that
13 they have a script that they follow, so I would presume
14 that they followed that script.

15 Q So let me ask you. Did they identify themselves
16 as being affiliated with the police department?

17 A Of course they did, or I wouldn't have walked out
18 of my house.

19 Q And other than saying to you, "Walk out of your
20 house," did they give you any other instruction?

21 A Don't be armed.

22 Q Okay. So they asked for you to exit your house
23 unarmed?

24 A Unarmed. Yes. I complied.

25 Q Did you ask them why?

1 A No. I complied. I just complied.

2 Q And prior to exiting your house did you look
3 outside?

4 A No, I don't think I did.

5 Q And what -- from what exit in your house did you
6 leave?

7 A Through the garage door.

8 Q And so I'm not familiar with your house. Are you
9 talking about the garage door that would be for the car
10 to go through or --

11 A It's a raised ranch. We have a door that lets
12 into the garage from where I generally work downstairs,
13 and from there I exited through the door that the --
14 that the car would normally be moving out of.

15 Q Would that be facing the street?

16 A The house sits back about 400 feet off the road --

17 Q Okay.

18 A -- so we have a long, curving driveway. It
19 wouldn't be facing the street.

20 Q Okay. You're at what, 10 Maher?

21 A Twelve.

22 Q Twelve. Okay. And is 10 Maher on the street?

23 A Yeah. It is directly in front of us.

24 Q So you have a driveway that it goes down either
25 the left side or the right side of 10?

1 A As you're facing it it would be the right.

2 Q So then you exit out of the front portion of your
3 residence.

4 Where did you go?

5 A Yes. To the driveway in front of the garage.

6 Q And what happened next?

7 A I'm looking around, and I'm seeing cops looking in
8 10.

9 And I called them, I said, "Wrong place."

10 Q Okay. What happened next?

11 A Oh, they turned around and pointed guns at me,
12 frisked me, handcuffed me.

13 Q Okay. And the fact that they pointed weapons at
14 you, did that cause you any concern?

15 A No, because I didn't think they'd have the
16 foolishness to shoot an unarmed person.

17 Q The pointing of the guns didn't cause you any
18 concern.

19 And then what happened?

20 How many officers approached you?

21 A I counted seven overall.

22 Q So as far as the officers that were looking at 10
23 Maher that you saw, about seven officers?

24 A Seven officers. I think I saw two or three nosing
25 around the windows.

1 Q Okay. And so how many of the officers approached
2 you, seven?

3 A Well, eventually I was surrounded by all of them.

4 Q Did you interact with any smaller number of them
5 more closely?

6 A Not up to that point.

7 Q How many officers were involved in the handcuffing
8 of you?

9 A Two, three. I don't know. I had my back turned.

10 Q So when they approached you were you facing them?

11 A Yeah -- no. They told me to turn around.

12 Q So they told you to turn around, and you complied?

13 A Certainly.

14 Q And then they approached you and you had your back
15 to them at the time during the cuffing procedure?

16 A Of course.

17 Q Were you cuffed in front or behind?

18 A Behind. And it was very painful.

19 Q Why was it painful?

20 A Torn rotator cuff.

21 Q I understand that your rotator cuff would hurt
22 when you raise it, but when you're handcuffed with your
23 hands below your waist or level --

24 A I told you I couldn't reach behind me to pull my
25 belt through the loops.

1 Q Did you indicate to them that you had a torn
2 rotator cuff?

3 A At that moment, no.

4 Q So at the moment I'm going to place -- put you in
5 the position where you've now been handcuffed with your
6 hands behind you.

7 What happened next?

8 A Oh, we stood around on the driveway, none of them
9 really saying anything. And then all of a sudden two
10 or three of them turned around, walked into my house.

11 And then I think I asked somebody, "What do they
12 think they're doing?"

13 "Oh, I have to clear the premises."

14 Okay. I then was shortly thereafter walked into
15 my own home in handcuffs to find that they had already
16 begun searching the house. They had seized my wife's
17 rifles, they had them sitting on the bed in the
18 bedroom. And I'm observing a cop with the Mosberg, my
19 Mosberg, holding it upside-down fishing one round at a
20 time out of a pump-action shotgun, taking them from the
21 magazine instead of working the pump. And I remember
22 thinking to myself, does he not know how to work a
23 pump-action shotgun?

24 Q And what was the portion of that that caused you
25 some concern?

1 A Well, no real concern, I just thought it was a
2 tremendous odyssey (sic). Of course I'm bothered
3 they're searching my home without a warrant.

4 Q I'm not that proficient with a Mosberg pump-action
5 shotgun.

6 How would you have removed the ammunition from it?

7 A I think I just stated you work the pump to empty
8 the magazine.

9 Q And then the shells would have -- would be
10 ejected?

11 A That's correct.

12 Q Then you would have to catch them as they eject?

13 A No. You just let them fall to the floor, or the
14 bed, or whatever. But the bottom line here is they
15 began searching my home without a warrant.

16 Q I'm going to go back to the part where you're
17 still outside and the police have entered your house
18 here.

19 A Okay.

20 Q So we're back outside when the -- prior to the
21 police entering your home.

22 And you indicated that the police were kind of
23 standing around outside?

24 A Uh-huh.

25 Q Did they have any conversation with you at all?

1 A No.

2 Q Prior to them -- or all of you entering the home,
3 did they ask you if you had any weapons in the house?

4 A I don't recall.

5 Q Did you volunteer whether or not you had any
6 weapons in the house?

7 A No, I did not.

8 Q At the time when you exited your house did you
9 have your weapon on you?

10 A No, I did not.

11 Q Where had you placed it?

12 A I think it was sitting next to my work station
13 before -- where my computer sits.

14 Q Okay. And your work station in the raised ranch,
15 is that just like a room off the kitchen?

16 A It's downstairs just off the garage.

17 Q Okay. All right. So do you know initially how
18 many police entered your home?

19 A It was either two or three.

20 Q So two or three police officers preceded you into
21 the home; is that fair?

22 A That's correct.

23 Q Did they ask you your permission?

24 A No, they did not.

25 Q As they were proceeding into the home did you

1 voice any expression of, you know, complaining about
2 it?

3 A No. I believe I told them not to come without a
4 warrant on the phone. And between his arrival and my
5 telling him on the phone not to come without a warrant,
6 I don't believe my position changed.

7 Q So do you know which officer it was that had
8 called you?

9 A I believe it was Officer Zwickler.

10 Q And do you know which officer it was that was
11 going into your house?

12 A And I believe Zwickler was one of them, and I
13 believe -- I don't know the other names.

14 Q Okay. So as they were about to enter your home,
15 immediately prior to them entering your home did you
16 voice any complaint about their entering?

17 A No.

18 What was the point?

19 Q So now we're at the point where I think two or
20 three officers have entered your home, and you're
21 outside cuffed, and then were you brought into your
22 home?

23 A Oh, I was.

24 Q All right. And what happened next?

25 A Oh, they walked me around my house. They said,

1 "Where" -- they're looking at a slip of paper and
2 someone -- apparently a list of guns. And they're
3 walking me around the house telling me, "Where are
4 these?"

5 And, let's see. I'm already being searched
6 without a warrant. I'm cuffed. I really -- there's
7 not much I could do. So rather than allow them to tear
8 my house apart, which I have no doubt they would have
9 done certainly, when asked about them I told them where
10 they were.

11 Q Okay. And so if I'm clear, the Bolt-Action rifle
12 and the Winchester had been in the dressing room, but
13 that when you saw them they had been removed from the
14 dressing room and placed on the bed of your bedroom?

15 A That's correct. And the --

16 Q The Mosberg had been to the side of a dresser in
17 your bedroom, and you saw an officer --

18 A Fishing the rounds out of it one at a time. Yes.

19 Q Okay. And as far as the remaining guns go, you
20 were asked where they were, and did you tell them where
21 they were?

22 A One at a time, yes, I did. It was only one they
23 didn't know about.

24 Q Okay.

25 A It was the 232.

1 Q That was in your bed stand?

2 A The 232 was in the living room.

3 Q Okay. And that was whose, your wife's?

4 A That's correct.

5 Q Okay. And so your wife was out of the home?

6 A She was not here. She was at work.

7 Q All right. And so she didn't have her weapon with
8 her?

9 A I wouldn't know what she had with her. Apparently
10 not. They took them all.

11 Q Okay. And then you had two firearms, correct?

12 A Yes.

13 Q One was in your work station, correct?

14 A At my work station. Yes.

15 Q And which one was that?

16 A That would have been the -- it was the GLOCK.

17 Q And where was the other one?

18 A In the bedside.

19 Q Okay. So you're saying that you showed them the
20 only one that they did not know where it was, and that
21 was the one in the living room.

22 Did they know where the one in the bedside was?

23 A They had them both. Of course they knew.

24 Q So they had that in their possession?

25 A They did.

1 Q So you're saying they entered into the bedside
2 stand?

3 A Correct.

4 Q All right.

5 A Both bedsides.

6 Q And you didn't tell them where they were?

7 A I did not. They had already done this.

8 Q So the only gun they were not aware of was the one
9 out in the living room?

10 A That's correct. At the time.

11 Q Okay. What happened next?

12 A I was taken to Norwalk P.D. and booked.

13 Q And what were you charged with?

14 A Threatening.

15 Q Okay. And what happened -- how long were you down
16 at the police station?

17 A I don't recall. A couple of hours, three.

18 Q And how did you get home?

19 A My wife.

20 Q All right. So you obviously had called her to
21 come get you?

22 A Yeah.

23 Q So what happened next?

24 A I went home with her. Yes.

25 Q All right. Did you file a complaint with the

1 police department?

2 A No. We did not.

3 Q Why is that?

4 A To be perfectly honest, I wasn't sure how to
5 proceed. I needed to get an attorney.

6 Q Okay. What's the status of the charges that you
7 have now facing you?

8 A I don't understand the question.

9 Q Okay. Well, originally you were booked on a
10 charge of threatening; is that correct?

11 A Yes. Oh, it's now been reduced to harassment.

12 Q So that's been brought down from threatening to
13 harassment; is that correct?

14 A Yes.

15 Q And is threatening a felony offense?

16 A No.

17 Q It's a misdemeanor?

18 A I believe so, yes.

19 Q And is harassment a misdemeanor?

20 A Correct.

21 Q Is that still pending in court?

22 A It is.

23 Q Do you know if you have a court date on that?

24 A No.

25 Q And, to your knowledge, have you or anybody on

1 your behalf sought to receive back your weapons that
2 have been seized by the Norwalk Police Department?

3 A Mine, certainly not.

4 Q And, to your knowledge, have you or anybody on
5 your behalf attempted to get back your wife's weapons?

6 A Yes.

7 Q And who would that be?

8 A That would have been Rachel Baird.

9 Q Do you know what attempts have been made?

10 A I don't.

11 Q Do you know if a petition has been made in court
12 on your wife's behalf to get the weapons back?

13 A I am not sure.

14 Q Okay. Is there -- in connection with the charges
15 that are pending against you, have there been any
16 orders issued by the court?

17 A Oh, yes.

18 Q And what orders have there been?

19 A Oh, let's see. The first was a modified condition
20 of bond, where I was supposed to have -- let's see. I
21 was ordered not to own any firearms, and ordered not to
22 apply for the temporary permit. And something that
23 should have required a hearing, and I did not get.

24 Q All right. So did you have to post any bond?

25 A Certainly.

1 Q And how much was your bond?

2 A \$ 2,500.00.

3 Q And along with the -- that was a cash bond, then?

4 A I had a bail bondsman.

5 Q Okay. So apart from the bond that you posted, you
6 said there was conditions attached to the bond, as
7 well?

8 A No. They were modified --

9 Q What do you mean?

10 A -- after the fact.

11 Q So this was -- initially there was a bond that was
12 set at the police headquarters?

13 A Correct.

14 Q Then sometime after this in a court proceeding the
15 judge issued a modified --

16 A Correct.

17 Q That would be Judge Hudock?

18 A Yes, it would.

19 Q And could you please tell me again what the
20 modified conditions were?

21 A That I wasn't supposed to apply for a temporary
22 permit, and that I was not to own any firearms. And,
23 again, this was supposed to have been, according to the
24 judge, temporary.

25 Q Do you know when the modified terms of probation

1 were set?

2 A I believe on May 20th comes to mind. I'm not dead
3 certain, but I think May 20th.

4 Q That's May 20th of?

5 A '11.

6 Q Okay. And so subsequent to those modified terms
7 did you apply for a permit with the State?

8 A No. Not subsequent.

9 Q So when you indicated --

10 A It was at that time or just prior to that that we
11 had applied for the temporary, and all of a sudden I'm
12 getting modified conditions of bond.

13 Q Okay. And apart from the two orders that we just
14 talked about, have there been other conditions or
15 orders placed?

16 A Yes. I am now under Protective Order five months
17 after the fact, unrequested by the witnesses
18 themselves.

19 Q Who are the witnesses?

20 A Oh, well, let's see. You've got Sandy Staw,
21 Janine Roy, and Igal Staw. Not one of them requested
22 it.

23 What do they get? We get a change in charges from
24 threatening to harassment, and all of a sudden I'm hit
25 with a Protective Order.

1 According to Sandy Staw's testimony, the only way
2 she knew about the Protective Order was that it arrived
3 in the mail.

4 Q When was this third condition put in place?

5 You said five months afterwards?

6 A When they substituted the charge of harassment for
7 threatening.

8 Q Do you know when that was, about?

9 A I don't. I'm sorry.

10 Q Are there any other conditions pertaining to your
11 case now in place?

12 A I think that covers it.

13 Q Okay. And was there a hearing on the Protective
14 Order?

15 A No. We had actually had to -- I am told that the
16 change in the conditions of bond required a hearing
17 within 14 days of Hudock's issuing same. The
18 transcript shows that he promised we would get that
19 hearing. We finally got it heard, I believe, two or
20 three months later when we walked into court -- I
21 forget -- this whole thing is very confusing -- but we
22 walked in for something -- we walked in for that
23 expecting to hear that -- get that hearing, right, and
24 they're telling us, "Oh, that's not what we're here
25 for."

1 So, in other words, they're playing games trying
2 to put it off, and put it off, and put it off.

3 Q Who's the "they" you're referring to?

4 A I'm talking about Tiffany Lockshier, Bruce Hudock,
5 and Maureen Dennis.

6 Q So is it your feeling or your claim, then, that
7 the prosecutor and the two judges are working in
8 collusion?

9 A Yes. Absolutely.

10 Q And what --

11 A They work in the same building, and there's no way
12 you can tell me that the prosecutor doesn't walk in and
13 talk to that judge.

14 Q And so what is it -- what is this plan that
15 Attorney Lockshier and Judge Hudock and Judge Dennis --

16 A I couldn't even say. All I can say is that there
17 have been what appear to be a great many of -- or a
18 great many delays. Motions that we have filed we're
19 always being told, "Oh, well, these are time of trial
20 motions."

21 Oh, okay. So, in other words -- and this last
22 appearance that we made, oh, now we're not going to be
23 seen in court for, oh, five months. Actually they've
24 scheduled a hearing for our last motion, which we
25 expected to hear when we walked into court that day,

1 now we're being told that won't be heard until actually
2 one day past the date required for a speedy trial.

3 Q And that's what, in September sometime?

4 A Correct.

5 Q Okay. So, to your knowledge, how has the absence
6 of the firearms that were seized by the Norwalk Police
7 Department affected your wife?

8 A How has it affected my wife?

9 Q Uh-huh.

10 A You'd have to ask her that.

11 Q Well, do you know -- have you -- has she
12 complained to you about not having her weapons?

13 A Absolutely.

14 Q What has been the nature of her complaint?

15 A I don't think I'm at liberty to discuss a personal
16 conversation with her.

17 Q Well, she has claims against the City?

18 A Yes, she does.

19 Q She's claiming that she's been damaged as a result
20 of --

21 A Yes, she has.

22 Q So I'm trying to ask you to --

23 A Wouldn't you call seizure of personal property
24 without a warrant damage?

25 Q Well --

1 A We would.

2 Q Well, I'm trying to get -- okay. So I'm trying to
3 get a measure of the damages. So, for example, if I
4 were injured --

5 A We're talking, sir, about a Constitutional
6 protection. We are talking about basic principles in
7 law. We are talking about the protections this country
8 was founded on. We are here on principle, we are not
9 here on anything else.

10 Q Okay. So I'm trying to establish -- so there's
11 not -- there hasn't been any robbery that she didn't
12 have a weapon?

13 A No, but we could not defend our home.

14 Q Well, she's armed now?

15 A Yes, she is.

16 Q Okay. So as far as your home goes, you guys have
17 a weapon in the home?

18 A I have no idea where she keeps it.

19 Q I didn't ask if you knew where it was, but you're
20 aware that she has a weapon?

21 A I am aware that she has a weapon.

22 Q So for protection sake we know there's at least
23 one weapon in the house, right?

24 A Uh-huh.

25 Q So I'm just trying to see -- there's no, like,

1 shooting tournament she didn't get to, there's nothing
2 like that?

3 A No.

4 Q So, to your knowledge, the claim for damages is
5 the Constitutional privileges?

6 Not to downplay those.

7 A I wouldn't downplay that one bit, sir.

8 Q I'm not being smart with you. I'm not trying to
9 downplay your Constitutional privileges. I'm just
10 trying to get a measure of the damages here.

11 A How about continual, you know, being deprived of
12 her personal property, heirlooms that belong to her,
13 property that is hers, unjustly taken.

14 MR. SPAHR: Okay. All right. You know,
15 Mr. Doutel, I don't have any further questions,
16 but I appreciate your time.

17 THE DEPONENT: Good for you.

18 MS. BAIRD: No, I don't have any questions.
19 Do you have any questions?

20 MS. VINCENT: No questions.

21 (Discussion off the record.)

22 (The deposition was adjourned at FOR:17 p.m.)

23

24

25

1 STATE OF CONNECTICUT

2 COUNTY OF HARTFORD

3

4 I, Leisa Ann Hannah, a Licensed Shorthand Reporter and
5 Notary Public in and for the State of Connecticut, do hereby
6 certify that the above proceedings were reported by me
7 stenographically and this transcript represents a true and
8 accurate transcription of said proceedings.

9

10 I further certify that I am not related to the parties
11 hereto or their counsel, and that I am not in any way
12 interested in the event of said cause.

13

14 Dated at Hartford, Connecticut, this 6th day of June,
15 2012.

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Leisa Ann Hannah, LSR

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License Number: 154

Notary Public

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24 My Commission Expires:

25 June 30, 2016

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By Mr. Spahr: 4

EXHIBITS

Defendant's Page

1 Case/Incident Report 44

2 Statement of Sandy Staw 44

3 Page 3 of Complaint 62

Exhibits retained by Attorney Spahr