

NO: S20NCR110128328S : SUPERIOR COURT
STATE OF CONNECTICUT : G.A. #20
v. : AT NORWALK, CONNECTICUT
DUANE DOUTEL : AUGUST 22, 2011

BEFORE THE HONORABLE MAUREEN DENNIS, JUDGE

A P P E A R A N C E S :

Representing the Plaintiff:

ATTORNEY TIFFANY LOCKSHIER
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Norwalk, CT 06850

Representing the Defendant:

ATTORNEY RACHEL BAIRD
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Recorded & Transcribed
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1 ATTY. LOCKSHIER: The matter of Duane Doutel,
2 line -- I believe its 300 on the docket.

3 THE COURT: Okay. Yes.

4 ATTY. LOCKSHIER: Your Honor, before we begin the
5 hearing, Attorney Koffsky is here on behalf of the
6 complainants in this matter, and I believe soon
7 they'll be running into a scheduling problem.

8 THE COURT: Okay. Let's first of all have
9 everybody identify themselves for the record.

10 ATTY. BAIRD: Sure. Rachel Baird on behalf Duane
11 Doutel who is to my left.

12 THE COURT: Okay, okay.

13 ATTY. LOCKSHIER: Tiffany Lockshier, State of
14 Connecticut.

15 THE COURT: Okay. Thank you. Yes?

16 ATTY. KOFFSKY: Good morning, Your Honor.

17 THE COURT: Yes.

18 ATTY. KOFFSKY: Attorney Bruce Koffsky. I have
19 an appearance in for the victims in this matter. But
20 I wanted to just raise two matters with the Court.

21 The first matter is that when last we were here,
22 the Court indicated that we were going to start the
23 hearing at about 2:00 and we were going to take the
24 witnesses ad seriatim. My --

25 THE COURT: At whatever their convenience was,
26 yes.

27 ATTY. KOFFSKY: That's correct, Your Honor.

1 ATTY. KOFFSKY: My client, Dr. Staw, his wife,
2 Mrs. Staw and the office manager is here. They have
3 patients coming in at 3:00, so I am going to request
4 that Dr. Staw be afforded the opportunity of giving
5 testimony first, and be able to get out of here so
6 that he can see his 3:00 patient.

7 THE COURT: That's fine with me.

8 ATTY. KOFFSKY: The second matter Your Honor, is
9 the last time that this matter was down, I sat in the
10 courtroom for -- I know we all did for about three
11 hours. I have had an opportunity to talk to my
12 clients and also the prosecutor. I'm asking to
13 withdraw my appearance at this point.

14 Their position has not changed. They're in very
15 good hands with Ms. Lockshier and members of the
16 State. They have no objection and in fact, they would
17 move with me to allow me to withdraw my appearance
18 because I'm not giving them any advice. At this point
19 right now, they are simply complainants and witnesses
20 in this matter.

21 THE COURT: Okay. And just for the record, could
22 you list the names of your clients?

23 ATTY. KOFFSKY: Sure. I have filed appearances
24 for Dr. --

25 THE COURT: Stay -- stay here so you're close to
26 the microphones.

27 ATTY. KOFFSKY: Sorry. Dr. Igal Staw, S-t-a-w.

1 THE COURT: Okay.

2 ATTY. KOFFSKY: His wife, Sandy Staw, Jeanine Roy
3 (phonetic), Your Honor.

4 THE COURT: Okay. And those are the three
5 individuals seated in the courtroom, and are you in
6 agreement for him to withdraw, all three of you?

7 ATTY. KOFFSKY: Doctor?

8 DR. STAW: Yes.

9 THE COURT: And the record can reflect that they
10 are all nodding in the affirmative. Okay.

11 ATTY. KOFFSKY: Thank you, Your Honor.

12 THE COURT: You're excused.

13 ATTY. KOFFSKY: Thank you, Ms. Lockshier.

14 THE COURT: Thank you. Okay. So, we'll take up
15 Dr. Staw next?

16 ATTY. BAIRD: Yes, Your Honor.

17 THE COURT: Okay. Could you come down here
18 please, sir?

19 Would you remain standing for a moment, sir, and
20 raise your right hand?

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1 Dr. Igal Staw, doing business at 83 East Avenue in Norwalk,
2 Connecticut, having first been duly sworn, was examined and
3 testified as follows:

4 THE COURT: Would you please state your name and
5 your work address for the record?

6 THE WITNESS: First name Igal, I-g-a-l. Last
7 name Staw, S-t-a-w.

8 THE COURT: Okay.

9 THE WITNESS: S-t-a-w.

10 THE COURT: Yes, sir.

11 THE WITNESS: And work address is 83 East Avenue
12 in Norwalk.

13 THE COURT: Thank you very much. You may
14 inquire.

15 DIRECT EXAMINATION BY ATTY. BAIRD:

16 Q Okay. Dr. Staw, my name is Attorney Rachel Baird and
17 I represent Duane Doutel in this matter. How are you today?

18 A About as well as any other day.

19 Q Okay. And are you aware why you're here today?

20 A I think I am.

21 Q Okay. And is it your understanding that you're here
22 to provide testimony on a motion that was brought by Mr.
23 Doutel?

24 A I'm not aware of the -- of the detail.

25 Q Okay. You are a medical doctor; is that correct --

26 A Yes.

27 Q -- in Norwalk?

1 A Yes.

2 Q And how -- approximately how long was Mr. Doutel your
3 patient?

4 A I don't know the exact time but its been years.

5 Q Okay. And --

6 A On and off.

7 Q And at some point, did you have an opportunity to see
8 Mr. Doutel bring a firearm into your office?

9 A Yes.

10 Q When did you first observe Mr. Doutel with a firearm
11 in your office?

12 A I don't remember the first time, but he's brought it
13 in several times.

14 Q And when you say several times, do you mean two times?

16 A Several is more than two.

17 Q Okay. Did he bring it in each time he came for an
18 appointment?

19 A I don't know that he brought it every time.

20 Q You said that several doesn't mean two. In your -- in
21 your op --

22 THE COURT: He said several means more than two.

23 ATTY. BAIRD: Right.

24 BY ATTY. BAIRD:

25 Q You said several means more than two. So it doesn't
26 mean two, it means more than two; correct?

27 A That's what I said.

1 Q Okay. Can you give me an idea, in your opinion from
2 your testimony, how many times several means?

3 A I can't.

4 Q Was it more than three?

5 A I said I can't.

6 Q Okay. So you don't know if it was more than three?

7 A It could have been.

8 ATTY. LOCKSHIER: Objection. Asked and
9 answered.

10 THE COURT: The objection is sustained.

11 ATTY. BAIRD: Okay. So I'm not -- I'm not sure
12 what his test -- I just want to make it clear for the
13 record, I don't know what his testimony is.

14 ATTY. LOCKSHIER: I think his test --

15 THE COURT: He said its more than two and he
16 can't say whether its more than three.

17 ATTY. BAIRD: Okay.

18 BY ATTY. BAIRD:

19 Q Now, if its more than two, do you remember those three
20 occasions or more in particular?

21 A I can remember only the last one in detail.

22 Q Okay. And what was the last one?

23 A I can -- I have to look up the date, but I believe
24 this was in -- may I look it up?

25 Q And before you look it up, what records will you be
26 relying on to look it up?

27 A My office notes and my own notes.

1 Q Okay. And so you're going to be looking at your
2 office notes and your own notes to recall when the last time
3 was?

4 A Yes. I believe it was February 7th, but I'd like to
5 make sure.

6 Q Okay. I have no -- I have no objection to you looking
7 at your notes to refresh your recollection.

8 A February 7.

9 Q And -- and by the way, those documents that you have
10 in front of you, did you bring those pursuant to a subpoena
11 that you were issued to bring documents?

12 A Yes.

13 Q And have you refreshed your recollection and your
14 testimony is that the last time you saw Mr. Doutel in your
15 office was February 7th, 2011 with a firearm?

16 A If I understand your question correctly, I remember
17 his last visit with a firearm. I had to refresh my
18 recollection that it was indeed February 7th.

19 Q And what do you remember in detail, if you can tell me
20 everything you remember about seeing that firearm with Mr.
21 Doutel on February 7, 2011?

22 A The firearm was under a hat on a counter in room
23 number two in my office.

24 Q Okay. And how did you come to see the firearm under a
25 hat in room number two of your office?

26 A I don't remember who removed or partially removed the
27 hat, but somehow the hat was removed and I saw it.

1 Q Okay. And when you went into room number two of your
2 office and saw the firearm because the hat on top of it was
3 partially moved, what did you do?

4 A I said it's a firearm.

5 Q Did you talk to Mr. Doutel about the firearm that you
6 saw in room number two?

7 A Yes. He told me that it's a firearm. Its licensed.
8 He's allowed to carry and that's what it is.

9 Q Okay. And did Mr. Doutel pick the firearm up in front
10 of you that day?

11 A Not in front -- I don't remember him picking it up in
12 front of me, no.

13 Q Okay. Did he threaten you with the firearm that day?

14 A No.

15 Q Did he -- did he -- what did he say about the firearm
16 other than what you've already testified to, if anything?

17 A Yes. I'll repeat myself, that he's allowed to carry,
18 and I said well, why are you carrying it, he said, well -- he
19 give me some story why he's carrying it and on protection,
20 something like that.

21 Q And did your office have any policy that prohibited
22 individuals from bringing firearms into your office?

23 A No. We don't expect it.

24 Q Now, you had seen Mr. Doutel bring a firearm into your
25 office on at least two occasions prior to February 7th, 2011?

27 A That's correct.

1 Q Correct?

2 A That's correct, yes.

3 Q And when you knew that he had the firearm, at least
4 two times prior to February 7, 2011, did you -- did you
5 discuss making a policy at that time that firearms not be
6 brought in your office?

7 A No.

8 Q Did you ever tell Mr. Doutel do not bring a firearm in
9 this office again?

10 A No.

11 Q Did you, prior to February 7th or on February 7th call
12 the police when you saw Mr. Doutel with a firearm in your
13 office?

14 A No.

15 Q Now, you had indicated to the Norwalk Police
16 Department that you were going to -- well, let me ask it this
17 way. Did you indicate to the Norwalk Police Department that
18 you would provide a copy of the voicemail tape that Mr.
19 Doutel left on the office phone?

20 A Yes.

21 Q And did you provide a copy of that voicemail tape to
22 the police department?

23 A Yes.

24 Q And how did you go about obtaining that voicemail tape
25 and providing it to the police department?

26 A Was an email -- sorry. It was on a voicemail that was
27 left on our -- on our telephone machine.

1 Q Okay. And did you take the telephone machine to the
2 police department?

3 A No.

4 Q What procedure did you do so that the police
5 department could listen to the voicemail tape at the police
6 department?

7 A I put it on a CD.

8 Q Okay. And how did you -- how did you go about putting
9 it on a CD?

10 A Well, there is this -- the way we get our messages is
11 as an attachment.

12 Q Mm hmm.

13 A An attachment to an email which we get. We have a
14 service, an automated service that when you leave a
15 voicemail, we get it in a -- as an attachment. That
16 attachment was copied directly to the CD.

17 Q Okay. And is there any reason you couldn't have just
18 emailed that -- that email that you got from your service
19 with the attachment to the Norwalk Police Department?

20 A I could have. I still have it. I can do it any time.

22 Q Okay. And did the Norwalk Police Department ask you
23 to do that?

24 A No.

25 Q Did they tell you how they wanted you to obtain a copy
26 of the voicemail?

27 ATTY. LOCKSHIER: I'm going to object to this

1 line of questioning, Your Honor, as to relevance.
2 The tape has already come in as a full exhibit
3 without objection.

4 THE COURT: What -- what's this all about?

5 ATTY. BAIRD: Well, the tape that came in without
6 objection is a tape that I received from the
7 prosecutor. I have no way of -- and I'm going to ask
8 the doctor to listen to it so that he can testify
9 that's the tape he heard.

10 But I have no way of knowing, and nobody else in
11 this courtroom does either except Dr. Staw, whether
12 the C.D. that's in evidence which contains the voice
13 message, is the same voice message that was
14 communicated to Dr. Staw in the email as an
15 attachment.

16 THE COURT: Okay. Why don't -- why don't we kind
17 of get to that since our time is kind of limited.

19 ATTY. BAIRD: Well, before his testimony, I had
20 no idea that there was an email or attachment.

21 THE COURT: Well, but now we do. Lets just move
22 on. That's fine.

23 ATTY. BAIRD: Okay, okay.

24 BY ATTY. BAIRD:

25 Q Did you --

26 ATTY. LOCKSHIER: Is this bothering you?

27 ATTY. BAIRD: It is.

1 ATTY. LOCKSHIER: Oh, I'm so sorry.

2 ATTY. BAIRD: Thank you. Did you -- just for
3 the record, the prosecutor was tapping her pen to
4 -- a foot away from me and it was distracting me,
5 so I apologize for that break.

6 THE COURT: For the record, its -- the pen has
7 been put down.

8 BY ATTY. BAIRD:

9 Q Now, after February 16th, 2011 when you made your
10 report to the police, did you contact the prosecutor's office
11 to ask that any orders be put in place for your protection?

13 A I didn't do a thing.

14 Q Do you know if anyone else in your office contacted
15 the prosecutor's office after February 15th or 16th, 2011 to
16 ask that orders be put in place?

17 A I don't know.

18 Q Has Mr. Doutel come to the premises where your office
19 is located since February 16th, 2011?

20 A I haven't seen him there.

21 Q Now, in the documents that you provided today or that
22 you brought pursuant to the subpoena, is there any document
23 in there which contains proof that your office did in fact
24 send the test results to Dr. Altman, Mr. Doutel's surgeon?

25 A Yes, we do.

26 Q Okay. And --

27 ATTY. BAIRD: -- if I may approach the witness

1 to look at what he brought pursuant to the subpoena?

2 THE COURT: Certainly.

3 THE WITNESS: What I have in here is the request
4 for the -- for the consultation or the eva --
5 evaluation, my note describing the evaluation, the lab
6 results, lab reports, cardiogram, and the record from
7 the -- from the fax machine showing that it was sent
8 on 2-14 at 4:55 p.m. and with the status, okay, three
9 times.

10 ATTY. BAIRD: Okay. If I could have that and
11 take it back to my microphone here. Thank you.

12 BY ATTY. BAIRD:

13 Q And is -- while I'm looking something else up, with
14 regard to the document you just provided me pursuant to the
15 subpoena, let me ask you -- let me begin another line of
16 questioning so that we can move this along.

17 Did Mr. Doutel pay you in cash for your services on
18 February 7th, 2011?

19 A Yes, he did.

20 Q And did you submit a bill to an insurance company for
21 services from February 7th, 2011?

22 ATTY. LOCKSHIER: I'm going to object as to
23 relevance. This is a hearing -- its my understanding
24 that this is a hearing on the conditions of release.
25 I'm not sure what this has to do with anything.

26 And actually, the information that was subpoenaed
27 for today, appears to me as if its going to be used

1 to be used for some other hearing or suit or -- I'm
2 not sure what the plan is here. But certainly, I
3 would hope that the Court is not going to allow this
4 to be some sort of fishing expedition for another
5 issue.

6 THE COURT: How --

7 ATTY. LOCKSHIER: We're going really far off the
8 field here.

9 THE COURT: Okay. On the --

10 ATTY. LOCKSHIER: And Dr. Staw has a patient at
11 3:00.

12 THE COURT: On the relevance issue, counsel, may
13 I hear from you?

14 ATTY. BAIRD: Well, on the relevance issue,
15 credibility is certainly always a factor when a
16 witness is testifying. And do you want me to go into
17 what this concerns? The concerns that he's testified
18 that Mr. Doutel paid cash on February 7th, 2011. I
19 have records where his office submitted bills for that
20 day to an insurance company and the insurance company
21 rejected those that day because the doctor had already
22 been paid for services.

23 I also intend to go into his criminal record as
24 well to show credibility issues, so I'll say that in
25 advance.

26 THE COURT: Okay. And -- and on his criminal
27 record, you're talking about convictions that would

1 relate to truth or veracity?

2 ATTY. BAIRD: Yes.

3 THE COURT: Okay. The objection is overruled.

4 You can answer this. We'll see, but let's not get too
5 far a field.

6 BY ATTY. BAIRD:

7 Q Okay. And again, did you bill Casey Doutel, excuse
8 me, Barbara Casey Doutel's insurance company for the services
9 that you rendered to Mr. Doutel on February 7, 2011?

11 A We bill on a routine basis. I'm not a participating
12 physician in the -- in the particular insurance company that
13 they carry. We are in litigation with them, so we submit the
14 bills knowing that we are not going to be paid for them,
15 simply to build our case against Anthem. It's in the hands
16 of -- its in the hand of the lawyers at this point. So we
17 don't submit in order to get paid, and in fact, we did not
18 get paid by Anthem.

19 What we do do is, on behalf of the patient, we submit an
20 out of patient -- an out of patient form, so the patient can
21 become reimbursed on his own. Now, that requires -- we do
22 this for every patient. That requires a signature from the
23 patient, that he allows us to file on his behalf which we do.
24 We don't have Mr. Doutel's signature on there.

25 Q Okay. And so -- and so am I correct that this is --
26 this is a procedure that was recommended to you by counsel
27 that you're following because of the litigation?

1 A Yes. That's correct.

2 Q And is that litigation in court right now?

3 A No. Well, right now its in negotiation. It had gone
4 through --

5 Q Okay.

6 A -- some motions. I don't know the exact legality of
7 this, but yes, Anthem was -- was sued and they had some
8 objections. The objections -- their objections were
9 overruled. We are now negotiating pre-trial negotiations.

10 Q And -- and with regard to this litigation with Anthem,
11 does that have anything to do with the felony that you
12 pleaded guilty to in federal court?

13 A Yes, it does.

14 Q Okay. And what -- what did you plead guilty to?

15 A I pleaded guilty to a charge of insurance fraud, which
16 of course the judge realized that was not really fraud, but I
17 did plead guilty.

18 Q And did Mr. Doutel -- was Mr. Doutel aware of that
19 guilty plea?

20 A I think he was.

21 Q Okay. And do you know when --

22 A I know he was.

23 Q How do you know he was?

24 A Because there was a previous visit while we were
25 normally on the Anthem network, and he had paid in cash
26 during that time also and he knew the reason for it.

27 Q Did you ever call Dr. Altman to say that listen, you

1 have received these test results. I don't know what your
2 problem is.

3 A I called their office. I don't remember who I spoke
4 to. I don't think that I spoke to him at that time, but I
5 said that I cannot clear Mr. Douzel because of abnormal lab
6 values until I see that they are normal.

7 Q Okay. And was that -- who -- do you know who made
8 that phone call from your office?

9 A I spoke -- I spoke to somebody in their office. I
10 spoke myself. I don't know who placed the call. I know that
11 I spoke.

12 Q And do you know when that phone call was made?

13 A I believe it was on the Friday, and the date on that
14 would be either a Thursday or Friday, the 9th or the 10th of
15 February.

16 Q So, its your testimony that you spoke with Dr. Altman
17 on February 9th or 10th in --

18 A That's not what I said.

19 Q Oh.

20 A I said I spoke to someone --

21 Q In his office?

22 A In that office.

23 Q But you don't know who?

24 A I don't remember who it was.

25 Q You don't know if it was a doctor or not?

26 A I'm not sure if it was a doctor at all. I'm -- but I
27 did speak to somebody that quoted the numbers and the answer

1 yes, oh yes, he's a diabetic. That was the answer. We know.

2

3 Q Did you ever make any referral for Mr. Doutel to a
4 psychiatrist or mental health specialist?

5 A I don't think so.

6 Q Okay. Do you recall telling the police officers that
7 you believe Mr. Doutel was unstable?

8 A I don't know if those are the words that I used.

9 Q Did Sandy Staw ever complain to you about Mr. Doutel
10 and his conduct?

11 A I don't understand what you're saying.

12 Q Did -- Sandy Staw works in your office; correct?

13 A Sandy is my wife, yes. She works in the office, yes.

14 Q Okay. And in what capacity does she work there?

15 A She fills in for whatever needs to be done.

16 Q Okay. Did she ever come to you and complain to you
17 about Mr. Doutel for any reason?

18 A She didn't have to come me. We were there all the
19 time together, so I don't -- I don't understand your
20 question.

21 Q Okay. Well, even if you were there all together all
22 the time -- let me ask it again, did Sandy Staw ever come to
23 you and complain about Mr. Doutel?

24 A We discussed the message, the telephone message.

25 Q Okay.

26 A I can't tell you that she came to me to -- we all
27 listened to it.

1 Q Prior to February 16th or February 15th when he left
2 the voicemail message, had Sandy Staw ever come to you and
3 complained about Mr. Doutel?

4 A I don't remember hearing a complaint.

5 Q Jeanine Roy; in what capacity does she work in your
6 office?

7 A A receptionist.

8 Q And did Ms. Roy ever come to you prior to the
9 voicemail message on February 15th, 2011 complaining to you
10 about Mr. Doutel?

11 A I can't recall a case.

12 ATTY. BAIRD: I don't have any further
13 questions.

14 THE WITNESS: Thank you.

15 THE COURT: Madame State's Attorney?

16 ATTY. LOCKSHIER: Just briefly.

17 CROSS-EXAMINATION BY ATTY. LOCKSHIER:

18 Q Dr. Staw, isn't it true that when you gave a statement
19 to the police, you indicated that knowing that the defendant
20 becomes easily excited, you felt threatened after listening
21 to the message?

22 A Yes. That's correct.

23 ATTY. LOCKSHIER: I have nothing further, Your
24 Honor. I'd ask that Mr. -- that Dr. Staw's -- the
25 paperwork that he brought be returned to him since its
26 not being used as evidence in this trial -- in this
27 hearing rather.

1. ATTY. BAIRD: Well, if it could be placed in the
2 file, Your Honor. It was subpoenaed pursuant to a --

3 THE COURT: We don't place things in a file.

4 ATTY. BAIRD: It could be sealed in the file. I
5 mean, I subpoenaed it. I have a right to it. He's
6 not objecting.

7 ATTY. LOCKSHIER: You just don't have a right
8 to --

9 ATTY. BAIRD: The prosecutor doesn't represent
10 Mr. -- Dr. Staw.

11 ATTY. LOCKSHIER: I represent the State of
12 Connecticut, and I don't believe that there's any
13 provision statutorily or in the Practice Book that
14 allows for an attorney to subpoena information that's
15 not being used at a hearing.

16 ATTY. BAIRD: Well, we could certainly -- we
17 could certainly take longer and I could go through it
18 and it could be used at the hearing. I was trying to
19 shorten it up.

20 But basically to do that, I would need to request
21 everything he brought, sit down and look at it,
22 because I wasn't given it in advance and then we could
23 go through it.

24 ATTY. LOCKSHIER: She has paperwork in her
25 possession that he gave her. I think its
26 inappropriate for her to keep that. I don't know if
27 she wants to use it for some sort of other --

1 THE COURT: Right.

2 ATTY. LOCKSHIER: -- issue.

3 THE COURT: Anything that's introduced into
4 evidence would go in the file, but its not introduced
5 into evidence --

6 ATTY. BAIRD: Well, this is -- this is the
7 problem then --

8 THE COURT: -- it goes back to him.

9 ATTY. BAIRD: -- because I'm trying to rush
10 things, and I -- I don't want to rush things. Because
11 Dr. Staw may have patients, but my client has an
12 interest. He's the one whose liberty is being
13 threatened with incarceration. He's the one whose
14 Second Amendment rights have been taken away, and he
15 has a right to pursue this matter.

16 So, I want to see what Dr. Staw brought. I want
17 to have a chance to look it over to see if its
18 pertinent to this hearing, and then resume again and -
19 - and go through and ask Dr. Staw questions about what
20 he's brought. If that's -- if that's what needs to be
21 done, it needs to be done. I can't rush through this.

23 THE COURT: Okay. Let me -- why don't we put
24 everything back into his file. And what I'll do, Dr.
25 Staw, are these copies that you brought with your
26 pursuant to the subpoena?

27 THE WITNESS: They -- really, they are not. Let

1 me make sure. No, these are not. I -- before --
2 before I say too much, yes. Some of them are copies.
3 I believe that -- and the rest I really -- the rest
4 are -- these are copies, yes.

5 THE COURT: So, on the left-hand side they're
6 copies, and the right-hand side they're not, or --

7 THE WITNESS: No. They're -- this -- this is
8 just a -- I don't know if you need this. This is a
9 copy of my schedule for today so I don't know if
10 anybody wants it.

11 ATTY. BAIRD: I don't think I subpoenaed that.

12 THE WITNESS: May I just put it on the side?

13 THE COURT: Sure.

14 THE WITNESS: A copy of the subpoena; do you need
15 that?

16 THE COURT: No, sir.

17 THE WITNESS: And old subpoena. There's a copy
18 in here from my own diary, but I wrote on --

19 THE COURT: I don't need to know everything
20 that's in there at that point.

21 THE WITNESS: Okay.

22 THE COURT: I was actually going to make a list
23 of things that were in there and then allow you to
24 leave, recess to give counsel time to look through it,
25 and then we could figure out when we are going to
26 resume this hearing.

27 But if -- I guess what we can do, Mr. Kim, the

1 things that are not copies --

2 THE WITNESS: Yes.

3 THE COURT: -- have you separated them out?

4 THE WITNESS: I --

5 THE COURT: Or you don't know?

6 THE WITNESS: I'm -- I'm looking to see. Some
7 things are retrievable so it doesn't make any
8 difference to me. There's one thing that was -- two
9 things that were not copied. I have copies of
10 everything. You know, I don't have them copied as a
11 package. That's -- you know, I have them --

12 THE COURT: Yes. I'm just trying to --

13 THE WITNESS: So, why don't we -- we can just
14 copy the whole thing. Its not -- there's not a whole
15 lot in here.

16 THE COURT: Okay. I'm trying to figure out when
17 we can resume this. Why don't we do -- let me just
18 see this for a second please, Doctor.

19 For the record, there's a one page appointment
20 page. There's a copy of the subpoena. One, two -- is
21 this an original, this sticker thing?

22 THE WITNESS: May I look?

23 THE COURT: Yes.

24 THE WITNESS: I'm sure this is a copy.

25 THE COURT: Okay. So there's one page of notes
26 related to Duane Doutel dated 5-30-07, two pages dated
27 5-22-07, a police statement dated February 16th, '11

1 16th, '11 and a notation from a --

2 THE WITNESS: That's from my diary.

3 THE COURT: -- February 16th diary, another page
4 of patient appointments dated -- with February 7th and
5 February 11th on it, and some handwritten notes at the
6 bottom. Approximately eight pages of something that
7 appears to be test results with a cover sheet from the
8 Center for Orthopedics, and 12 pages of billing
9 statements.

10 So, why don't we do this, Mr. Kim. Why don't you
11 make copies of all of those, and then what we will do
12 is, Doctor, I'll release you now to get back to where
13 you need to be. You can keep the --

14 THE WITNESS: Thank you.

15 THE COURT: -- copy of the subpoena. If you
16 could have either Sandy Staw and/or Ms. -- is it Ray
17 or --

18 THE WITNESS: Jeanine, Jeanine Roy.

19 THE COURT: Roy?

20 THE WITNESS: Roy.

21 THE COURT: If one of them could wait, what we'll
22 do is --

23 THE WITNESS: They can.

24 THE COURT: -- we'll take a break. We'll allow
25 Attorney Baird to review what she needs to review, and
26 then we'll see where we go from there. And she can
27 then provide them -- we'll give the original file back

1 back to one of them, and unless something is going to
2 be introduced into evidence, it gets given back as
3 well.

4 ATTY. BAIRD: Thank you.

5 THE COURT: So --

6 THE WITNESS: Thank you.

7 THE COURT: Thank you. So, I'm going to take a
8 break now. And I'm also going to need to look at the
9 court schedules to see when we're going to be able to
10 continue this hearing, because I'm alone here now
11 until September 12th. So, let me look at the docket
12 dates and see what we can do so that we can at least
13 structure that.

14 ATTY. BAIRD: Do we anticipate Ms. Roy and Ms.
15 Staw testifying today?

16 THE COURT: We -- we may be able to.

17 ATTY. BAIRD: Okay.

18 THE COURT: I don't know the answer to that.

19 ATTY. BAIRD: Okay.

20 (Court stood in a recess).

21 THE COURT: Okay. We're back on the record in
22 the matter of State versus Mr. Doutel. And the record
23 can reflect that both the attorneys are present, as
24 well as Mr. Doutel.

25 ATTY. BAIRD: I want to say thank you, Your
26 Honor, for giving me that opportunity to review the
27 records that Dr. Staw brought pursuant to my subpoena.

1 subpoena.

2 The only document that I saw in there that --
3 that I would request, is the fax transmission sheet
4 that Dr. Staw had testified about.

5 THE COURT: Do you -- are you seeking to
6 introduce that in evidence in this hearing?

7 ATTY. BAIRD: Yes. The other records in there
8 are contained in Mr. Doutel's medical records which he
9 can get on his own. All the other records were
10 medical records.

11 THE COURT: Wouldn't the fax cover sheet be part
12 of his medical records?

13 ATTY. BAIRD: You see, I think so. I could -- I
14 think so, but I don't know. I mean, I've requested
15 medical records from doctors before and they haven't
16 sent their fax transmission sheets, even though I know
17 they faxed things in the case.

18 THE COURT: Okay. Well, is the State agreeing to
19 admit that into evidence?

20 ATTY. LOCKSHIER: No.

21 THE COURT: So, its going to have to be
22 introduced through a witness, presumably maybe
23 whoever.

24 ATTY. BAIRD: Right.

25 THE COURT: Assuming whoever prepared it, and
26 somehow it would have to be of relevance, so --

27 ATTY. BAIRD: Okay.

1 THE COURT: So we can take that up in the course
2 of things.

3 ATTY. BAIRD: Thank you. Sandy Staw next.

4 THE COURT: Please come up here, ma'am, and raise
5 your right hand and remaining standing.

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1 Sandy Staw, doing business located at 83 East Avenue in
2 Norwalk, Connecticut, having first been duly sworn, was
3 examined and testified as follows:

4 THE COURT: Do you solemnly swear that the
5 information, the testimony that you're going to
6 provide here today will be the truth, the whole truth,
7 and nothing but the truths so help you God or upon
8 penalty of perjury?

9 THE WITNESS: Yes.

10 THE COURT: Thank you. You may be seated. And
11 would you please tell us your full name and your work
12 address?

13 THE WITNESS: My name is Sandy Staw and I work at
14 83 East Avenue in Norwalk.

15 THE COURT: Okay.

16 DIRECT EXAMINATION BY ATTY. BAIRD:

17 Q Ms. Staw, my name is Attorney Rachel Baird and I
18 represent Duane Doutel. You work with your husband, Dr. Staw
19 at his practice in Norwalk?

20 A Correct.

21 Q And in what capacity do you work with Dr. Staw?

22 A I'm an office coordinator.

23 Q And do you recognize anyone in the courtroom today as
24 being Duane Doutel?

25 A Yes.

26 Q And am I correct that he's to my left in a blue shirt?

1 A Correct.

2 Q How long have you known Mr. Doutel?

3 A I don't know exactly.

4 Q Has it been -- well, you've known him probably at
5 least since February 7th, 2011; correct?

6 A Correct.

7 Q Did you know him one year prior to that?

8 A Yes.

9 Q Okay. Two years prior to that?

10 A I don't know exactly how long.

11 Q Okay. So, in the time that you've known Mr. Doutel to
12 -- well, first of all, and you know him in his capacity as a
13 patient of Dr. Staw, right?

14 A Correct.

15 Q In the time that Mr. Doutel has been a patient of Dr.
16 Staw's that you've known Mr. Doutel, have you ever seen him
17 bring a firearm into the medical practice?

18 A I have never seen it.

19 Q Has anyone ever spoke to you about Mr. Doutel bringing
20 a firearm into the medical practice?

21 A I know that he has brought it in, yes.

22 Q And how do you know that?

23 A My husband told me.

24 Q Okay. And when -- when did your husband first tell
25 you that Mr. Doutel brought a firearm into the practice?

26 A I don't remember.

27 Q Do you recall Mr. Doutel bringing a firearm into the

1 medical office on February 7th, 2011?

2 A I don't, no.

3 Q And is there a person that works in the medical office
4 named Jeanine Roy?

5 A Correct.

6 Q And what is her capacity in the office?

7 A She's a receptionist.

8 Q Did Ms. Roy ever come to you and talk to you about Mr.
9 Doutel bringing a firearm into the practice?

10 A No.

11 Q After February 16th, 2011, did you ever contact the
12 Norwalk Police to tell them that you were in fear of Mr.
13 Doutel?

14 A I don't have the dates. It would have to be -- I
15 don't know what date it was that the police first came to the
16 office. I can't remember.

17 Q Okay. So when the police first came to the office,
18 did you tell the police that you were in fear of Mr. Doutel?

19 A Yes.

20 Q Did you ever tell the police at any date after that
21 date that you were in fear of Mr. Doutel?

22 A No.

23 Q Did you ever contact the prosecutor in this case or
24 the Office of the State's Attorney to tell them that you were
25 in fear of Mr. Doutel?

26 A No.

27 Q Are you aware that there was an order of protection

1 issued in this case listing you as the victim?

2 A I only found out when it came to the office.

3 Q Okay. And if I could show you a copy of that.

4 THE COURT: I think it actually lists her on the
5 form as the protected person, as opposed to the
6 victim. I think that's what its called on the form.

7 ATTY. BAIRD: Yes. I should restate the
8 question then.

9 BY ATTY. BAIRD:

10 Q Were you aware that there was an order of protection
11 issued in this case against Mr. Doutel listing you as the
12 protected person?

13 A Yes.

14 Q And when did you become of that?

15 A When it was mailed to the office.

16 ATTY. BAIRD: If I could have this marked as
17 exhibit for identification? I'm not sure what number
18 we're on. I'm sorry.

19 CLERK KIM: Exhibit D.

20 THE COURT: D as in dog?

21 CLERK KIM: Yes.

22 THE COURT: Okay. So, Exhibit D for
23 identification.

24 ATTY. BAIRD: May I approach?

25 THE COURT: Certainly.

26 BY ATTY. BAIRD:

27 Q Ms. Staw, I've handed you a document that's been

1 marked as Exhibit D for identification only, so its not in
2 evidence. All I'm asking you is whether you recognize that
3 document or not.

4 A I don't have my glasses. I can't see.

5 Q Do you just need reading glasses, or do you need
6 special glasses?

7 A Reading glasses.

8 Q I have reading glasses.

9 A I have them in my handbag.

10 Q Okay.

11 A Do you want me to get --

12 Q Yes.

13 THE COURT: Yes. The Marshal will get it for
14 us. Its okay.

15 THE WITNESS: This looks like what was sent to
16 the office.

17 ATTY. BAIRD: May that be admitted as a full
18 exhibit, Your Honor?

19 THE COURT: Do you wish to be heard?

20 ATTY. LOCKSHIER: The State is objecting on
21 relevance. This is a hearing on conditions of
22 release, not a hearing on a protective order.

23 THE COURT: How do you claim it, counsel?

24 ATTY. BAIRD: There was a temporary order issued
25 by Judge Hudock indicating that Mr. Doutel not possess
26 any firearms or seek a temporary state permit.

1 As I've indicated before in this hearing, I don't
2 know his basis for that order. He didn't give a basis
3 except to say that Mr. Doutel was charged at that time
4 with threatening. I have to assume -- we have to
5 speculate then on what basis Judge Hudock issued that
6 order. And really, it must have been because Mr.
7 Doutel presented a threat to somebody, because why
8 else would you not want somebody to have firearms
9 unless you believe they posed a threat if they had
10 firearms.

11 So therefore, I'm asking this witness -- I'm
12 asking to admit the order of protection because that's
13 the same basis for an order of protection to be
14 issued, that under the protective order statute which
15 has to do with har -- harassment, the person has to be
16 in fear, or fear of their safety or of imminent harm.

17 So, the basis for the protective order would have
18 been the same basis that Judge Hudock issued the
19 temporary order; that is, that Mr. Doutel purportedly
20 posed some threat to this protected person, Sandy
21 Staw.

22 So, I want to ask her about this order of
23 protection that she received and the terms of it and
24 whether she was concerned about the terms of it and
25 thought she was protected by those terms or wanted
26 more terms.

27 We've already elicited from her that she didn't

1 ask for this, that it arrived in the mail one day.

2 And I want to know from her, whether she wanted more -

3 - whether she wanted more protection, less protection.

4 Because after all, this is a harassment case, but the
5 order doesn't even say do not assault, threaten, abuse
6 or harass.

7 So, even though it's a harassment case, there's
8 been a protective order issued that doesn't even
9 compel him not to harass or threaten. So I'm trying
10 to figure out exactly whether this witness did feel
11 threatened. If she did, why she didn't ask for more
12 orders of protection on this protective order. And I
13 have to assume that this order of protection was
14 issued for the same reason that the temporary order
15 was issued, so they both merge together with regard to
16 the reason why they were issued.

17 THE COURT: Okay. Can I see the court file,
18 please?

19 ATTY. LOCKSHIER: May I respond, Your Honor?

20 THE COURT: Yes.

21 ATTY. LOCKSHIER: Just to clarify as to what the
22 law and the issuance of a protective order with regard
23 to harassment, Connecticut General Statutes 54-1K
24 indicates or reads, upon the request -- upon the
25 arrest of a person for a violation of 53a-182b or 183,
26 the Court may issue a protective order pursuant to the
27 section if it finds that such violation caused the

1 the victim to reasonably fear for his or her physical
2 safety. Such order of the Court shall be -- such
3 order shall be an order of the Court and the clerk of
4 the Court shall cause -- and then it goes on as to how
5 its served.

6 It doesn't indicate anywhere in the statute that
7 the complainant or victim actually has to request it,
8 just that the Court has to make a finding that the
9 violation caused the victim to reasonably fear for his
10 or her physical safety. That's with regard to a
11 protective order.

12 That has nothing to do with the conditions of
13 release that we're having a hearing on now which is
14 referred to in 54-64a(c).

15 THE COURT: And 34-4 of the Practice Book. The
16 statutory cite is 45- what -- 64?

17 ATTY. LOCKSHIER: Its 54-64a(c).

18 ATTY. BAIRD: What is that the cite to, 54-64
19 what -- for what?

20 ATTY. LOCKSHIER: The nonfinancial conditions of
21 release.

22 ATTY. BAIRD: Oh.

23 ATTY. LOCKSHIER: That's what we're having a
24 hearing on.

25 ATTY. BAIRD: Yes.

26 THE COURT: Okay. Well, the objection is
27 sustained. However, I will take judicial notice of

1 the fact that in the file there is an order of
2 protection, that it is a part of the court file.

3 BY ATTY. BAIRD:

4 Q After you received the order of protection in the
5 mail, did you call the State's Attorney to get more
6 information about it?

7 A No.

8 Q Has Mr. Doutel ever come to the medical office
9 premises after his last appointment of February 7, 2011?

10 A Not that I know of.

11 Q And between February 16th, 2011 and July 5th, 2011, did
12 your concerns about Mr. Doutel remain the same?

13 A Yes.

14 Q Did they -- did they increase or decrease?

15 A They stayed the same.

16 Q If I could have the fax transmission sheet. I'm not
17 sure where it is at this point, from the documents subpoenaed
18 that Dr. Staw brought marked as Exhibit E for identification.

19 Its on the back of a document that's stapled in the left-
20 hand corner.

21 CLERK KIM: This?

22 ATTY. BAIRD: Yes.

23 ATTY. LOCKSHIER: May I just --

24 THE COURT: Certainly.

25 ATTY. BAIRD: May I approach?

26 THE COURT: Yes.

27 BY ATTY. BAIRD:

1 Q If I can direct your attention to a document that has
2 an orange sticker marked Exhibit E for identification at this
3 point, and just ask if you recognize it and that's it.

4 A I do.

5 Q And what is it?

6 A It's a fax journal report.

7 Q Okay. And -- and do you know what fax number it's a
8 journal report of, where that fax is located?

9 A We only have one fax machine in the office.

10 Q Okay. So -- so does that Exhibit E for identification
11 pertain to the fax at the medical office you work at?

13 A Correct.

14 ATTY. BAIRD: I would ask that it be admitted as
15 a full exhibit.

16 ATTY. LOCKSHIER: I'm going to object as to the
17 relevance of the document with regard to whether or
18 not the Court had the authority to enter an order
19 under 54-64a(c).

20 ATTY. BAIRD: Okay. Mr. Doutel is charged with
21 harassment. Harassment requires that he had the
22 intent to annoy or alarm. He made one phone call to a
23 medical office about whether his records had been sent
24 to his surgeon. He was upset because he believed they
25 had not been sent. So intent, I mean, I'm assuming
26 that when you issue a condition of release, whether
27 the charges in fact -- whether in fact there's

1 fact there's probable cause for the charge or the
2 strength of the charge. I mean, what is the standard
3 here? You just can't order a condition of release,
4 and this one was ordered without notice just because
5 he was charged with threatening. He's not even
6 charged with threatening anymore, so that should have
7 been enough to lift the temporary order. Because when
8 I asked Judge Hudock why he was issuing this temporary
9 order, he said because Mr. Doutel was charged with
10 threatening. Well, he's not charged with threatening,
11 so that should be enough.

12 But even if its not, then you have to look at
13 what the facts and circumstances of the charge were,
14 and whether it warrants depriving someone of their
15 firearms so that they can possess firearms, that they
16 can't protect themselves, and they can't apply for a
17 state permit. So its valid what his intent was, what
18 Mr. Doutel's intent was in calling the office, whether
19 or not the office had in fact sent the records to Dr.
20 Altman. The office is saying it did send the records.

21 Mr. Doutel, obviously from the voicemail message, was
22 under the impression they had not been sent.

24 And so its very relevant with regard to intent,
25 whether those records were in facts sent to Dr.
26 Altman.

27 ATTY. LOCKSHIER: And perhaps that record will

1 be, you know, perhaps that record will be relevant if
2 this case ever goes to trial. They're certainly not
3 relevant in this hearing.

4 ATTY. BAIRD: Everything is relevant at this
5 hearing because it has to do with a condition of
6 release.

7 ATTY. LOCKSHIER: Well, the condition of release
8 pursuant to 54-64a(c) says, with respect to the
9 release of a person pursuant to subsection b of this
10 section, that the safety of another person will be not
11 endangered, which conditions may include an order that
12 the arrested person do or organization -- let's see,
13 subsection three, not engage in specific -- in
14 specified activities, including the use or possession
15 of a dangerous weapon; and subsection five, avoid all
16 contact with the alleged victim of the crime or the
17 potential witness who may testify concerning the
18 offense.

19 Those are the two requests that I made on the
20 date of the arraignment -- actually, I'm not sure if
21 it was me or another prosecutor -- and those are the
22 conditions that were set by the Court.

23 ATTY. BAIRD: Actually, if I could correct that,
24 there was no request by the State with regard to no
25 contact. I don't recall a no contact order in this
26 case.

27 CLERK KIM: I don't see a no contact order, just

1 a protective order being issued.

2 ATTY. BAIRD: Right.

3 THE COURT: Now, the protective order was July.

4 What do the conditions of release say on the left?

5 Charles --

6 CLERK KIM: Yes?

7 THE COURT: -- the conditions of release is what
8 we're here on, not the protective order.

9 CLERK KIM: I'm sorry. The temporary order that
10 the defendant not possess any weapons or apply for a
11 pistol permit.

12 THE COURT: Okay.

13 ATTY. BAIRD: The only request from the State had
14 to do with depriving Mr. Doutel of his firearms. There
15 was no concern whatsoever that he not contact the
16 protected person or the victim in this case.

17 ATTY. LOCKSHIER: May I have a moment, Your
18 Honor?

19 THE COURT: Mm hmm. Give me the file back,
20 Charles.

21 CLERK KIM: Yes.

22 THE COURT: Thanks. Let me see the transcript.

23 ATTY. BAIRD: I do have transcripts.

24 THE COURT: I don't have the transcript. May
25 twenty whatever, there was another transcript. I
26 don't have it.

27 ATTY. BAIRD: I have two copies of the May 20th

1 transcript.

2 THE COURT: Okay. Could I just see one because
3 I'm not seeing it in the file.

4 ATTY. BAIRD: I'll give one to the State too as
5 well.

6 ATTY. LOCKSHIER: My recollection was at a court
7 date before that, Your Honor. That certainly was the
8 intention of the State was to ask for a no contact
9 order as well. I just can't find my notes from that
10 particular date. I would be referring to a date
11 before May 20th.

12 ATTY. LOCKSHIER: Well, I know in the protective
13 order there was no request do not contact the
14 protected person. That block was left blank on July
15 5th, 2011.

16 THE COURT: Right. It was the 100 yards and the
17 100 yard restriction I believe, right?

18 ATTY. BAIRD: Right.

19 THE COURT: Okay.

20 ATTY. BAIRD: I don't know where we left off.

21 THE COURT: We're on the motion regarding the fax
22 cover sheet. And I don't even -- all I know is its
23 from their fax number. So at this point, I'll sustain
24 the objection.

25 ATTY. BAIRD: Okay. If I could lay a further
26 foundation?

27 THE COURT: Go ahead.

1 BY ATTY. BAIRD:

2 Q Does -- are there any transmissions on Exhibit E for
3 identification indicating that any faxes pertaining to Mr.
4 Doutel, were sent to a Dr. Altman?

5 A It doesn't say the name of the person that it went to.
6 It just says the telephone number.

7 Q Okay. And are you able to tell by telephone numbers?

8 A I can't tell from here.

9 Q Okay. Then --

10 A I would have to look to see if that was their fax
11 number.

12 ATTY. BAIRD: Okay. Then that's it, Your Honor.

13 THE COURT: Okay.

14 BY ATTY. BAIRD:

15 Q Do you -- do you have any policy at the medical office
16 with regard to firearms being brought on the premises?

18 A No.

19 Q Did you ever indicate to Mr. Doutel that firearms
20 could not be brought on the premises?

21 A No.

22 Q Do you do any billing for the medical office?

23 A No.

24 Q Had you ever contacted police regarding Mr. Doutel
25 prior to February 16th, 2011?

26 A No.

27 ATTY. BAIRD: I don't have any further questions.

1 questions. Thanks.

2 ATTY. LOCKSHIER: I just have some very brief
3 Questioning --

4 THE WITNESS: Oh, sorry.

5 ATTY. LOCKSHIER: -- Your Honor.

6 THE COURT: Mm hmm.

7 CROSS-EXAMINATION BY ATTY. LOCKSHIER:

8 Q Mrs. Staw, do you wish to have contact with Mr.
9 Doutel?

10 A No.

11 Q Do you wish for Mr. Doutel to come back to your
12 husband's office?

13 A No.

14 Q And is it true that you gave a statement to the police
15 on February 16th, 2011?

16 A Correct.

17 Q And isn't it true that you indicated that the
18 voicemail left you uncomfortable regarding the safety of the
19 entire office because he carries a firearm and seems
20 unstable?

21 A Yes.

22 Q Is that still your opinion?

23 A Yes.

24 ATTY. LOCKSHIER: I have nothing further.

25 REDIRECT-EXAMINATION BY ATTY. BAIRD:

26 Q Did you ever discuss Mr. Doutel's instability with Dr.
27 Staw?

1 A No.

2 Q Did you ever refer Mr. Doutel to a psychiatrist or
3 mental health counselor?

4 A I'm not in that position to do that.

5 Q Okay. Did you -- did you ever tell Mr. Doutel that he
6 was not welcome back at the medical practice?

7 A No.

8 ATTY. BAIRD: No further questions.

9 THE COURT: Let me just ask you something.
10 The 83 East Avenue in Norwalk; would you describe that
11 as a dangerous neighborhood?

12 THE WITNESS: No.

13 THE COURT: Okay. Anything else based on mine?

14 ATTY. BAIRD: No, Your Honor.

15 THE COURT: Okay. Madame State's Attorney,
16 anything based on mine?

17 ATTY. LOCKSHIER: No, Your Honor.

18 THE COURT: Okay. Thank you.

19 ATTY. BAIRD: And I understand Jeanine Roy is
20 here.

21 THE COURT: Yes.

22 ATTY. BAIRD: Jeanine Roy?

23 THE COURT: Would you please remain standing and
24 raise your right hand?

25

26

27

1 Jeanine Roy, doing business located at 83 East Avenue in
2 Norwalk, Connecticut, having first been duly sworn, was
3 examined and testified as follows:

4 THE COURT: Do you solemnly swear the
5 Testimony you are about to give concerning this matter
6 will be the truth, the whole truth, and nothing but
7 the truth so help you God or upon penalty of perjury?
8

9 THE WITNESS: Yes.

10 THE COURT: You can have a seat. Please state
11 your full name and work address.

12 THE WITNESS: Jeanine Roy, 83 East Avenue,
13 Norwalk.

14 THE COURT: Okay. And you may inquire.

15 DIRECT EXAMINATION BY ATTY. BAIRD:

16 Q Ms. Roy, my name is Attorney Rachel Baird and I
17 represent Duane Doutel in this matter. Do you know who Duane
18 Doutel is?

19 A Yes.

20 Q And how do you know him?

21 A He's a patient at my job.

22 Q And how long have you worked at the medical office of
23 Dr. Staw?

24 A Seven and a half years.

25 Q And when did you first come to know of Mr. Doutel?

26 A The first that I can recall, I have a note in his
27 chart from May 2007 of a phone call with him.

1 Q Okay. And what is your capacity in the office?

2 A A receptionist.

3 Q And have you been the receptionist the entire time
4 you've been working at Dr. Staw's office?

5 A Yes.

6 Q Have you -- during the time that you've known Mr.
7 Doutel as a patient there at the office, have you seen him
8 bring a firearm onto the premises?

9 A I have not seen it myself, no.

10 Q Okay. So you've never seen Mr. Doutel with a firearm?

12 A No.

13 Q And do you know whether he ever brought a firearm onto
14 the premises?

15 A Yes. Oh, I've been told that he had it a few times.

16 Q Okay. And without telling me what the person said or
17 didn't say to you, who told you that information?

18 A I -- I don't know.

19 Q Okay. Would it have been Dr. --

20 A It may have been -- it was Dr. Staw. I know at least
21 the one time when the hat was moved, that it was Dr. Staw.

22 Q Okay. Did Sandy Staw ever talk to you about Mr.
23 Doutel bringing a firearm onto the premises?

24 A No.

25 Q Is there a policy at the medical office with regard to
26 bringing firearms onto the premises?

27 A Well, no.

1 Q And were you the one who first listened to the
2 voicemail on February 16th, 2011?

3 A Yes.

4 Q And that was when you arrived at the office that
5 morning?

6 A Yes.

7 Q And am I correct that you received it attached to an
8 email?

9 A Yes. That's how we get our messages.

10 Q And so you listened to it on the computer?

11 A Yes.

12 Q And when you listened to it, did you listen to it the
13 first time alone?

14 A Yes.

15 Q And then did you contact someone?

16 A I did. I went in and told -- I believe I told Sandy
17 first and we listened to it, and then Dr. Staw came and
18 listened to it, I think.

19 Q And did the police arrive some time after that?

20 A Yes.

21 Q Did you make a written statement to the police?

22 A I didn't, no.

23 Q Okay. Did you ever tell the police that you had seen
24 Mr. Doutel brandishing a firearm in the office?

25 A No.

26 Q Did you ever tell the police that you knew of Mr.
27 Doutel brandishing a firearm in the office?

1 A Yes.

2 Q And how did you know of Mr. Doutel brandishing a
3 firearm in the office?

4 A Again, Dr Staw had seen it.

5 Q Okay. And Dr. Staw told you that Mr. Doutel
6 brandished a firearm?

7 ATTY. LOCKSHIER: Objection. Hearsay.

8 THE COURT: Do you claim it?

9 ATTY. BAIRD: I do. I'm trying to figure out why
10 she told the police officer that Mr. Doutel was
11 brandishing a firearm.

12 THE WITNESS: No. I told the police officer that
13 --

14 THE COURT: Wait a minute. The objection is
15 sustained to the question.

16 THE WITNESS: Oh, I'm sorry.

17 THE COURT: So, there's no question yet.

18 THE WITNESS: Sorry.

19 BY ATTY. BAIRD:

20 Q Okay. But am I correct that you never saw Mr. Doutel
21 with a firearm?

22 A Right.

23 Q There's a document in front of you. It's a -- it has
24 an orange sticker on it and its marked Exhibit E for
25 identification.

26 A Mm hmm.

27 Q Do you recognize what that document is?

1 A I do.

2 Q And what is it?

3 A It's a fax report, journal report.

4 Q Okay. And does the Exhibit E pertain to the fax
5 machine at the medical office?

6 A Yes.

7 Q Are you able to tell by looking at that report,
8 whether any information was sent pertaining to Mr. Doutel to
9 a Dr. Altman's office?

10 A Not without knowing the phone number -- the fax
11 number, no.

12 Q Did you ever contact the Norwalk Police after February
13 -- well, first of all, did you tell the Norwalk Police on
14 February 16th, 2011, that you wanted some protection against
15 Mr. Doutel?

16 A Did I ask for a protective order against him?

17 Q Yes.

18 A No.

19 Q Did you contact the Norwalk Police Department after
20 February 16, 2011, and ask them about if you could get any
21 orders of protection for Mr. Doutel?

22 A No.

23 Q Did you contact the prosecutor, and by prosecutor I
24 mean somebody in this court --

25 A Right.

26 Q -- regarding getting some sort of order to protect you
27 from Mr. Doutel?

1 A No.

2 Q Have you seen Mr. Doutel since February 7th, 2011?

3 A No.

4 Q Did you ever complain to Dr. Staw about Mr. Doutel's
5 conduct while he was at the medical office?

6 A While he was physically in the office?

7 Q Right.

8 A No.

9 Q Okay.

10 A Not that I can recall.

11 THE COURT: You mean -- I want to make sure
12 I understand the question and the answer. Are you --
13 are you saying while Mr. Doutel was in the office,
14 like at the time that he was here did --

15 THE WITNESS: Right. I --

16 THE COURT: Okay. That was your response?

17 THE WITNESS: Yes.

18 THE COURT: In other words, while Mr. Doutel was
19 physically --

20 THE WITNESS: Was in front of me.

21 THE COURT: -- present in the office, did she
22 complain to the doctor?

23 ATTY. BAIRD: Oh. Well, let me ask another
24 question then.

25 BY ATTY. BAIRD:

26 Q Did you ever complain about Mr. Doutel at all to Dr.
27 Staw?

1 A One other time. That was the May 30th, 2007. I
2 didn't complain, but I put a note in the chart that he was
3 excited on the phone.

4 Q Okay. And did you, during your time at the office,
5 consider Mr. Doutel an excitable person?

6 A Yes.

7 Q Had you ever talked to Dr. Staw about being afraid of
8 Mr. Doutel because he was an excitable person?

9 A Not before the date we called the police, no.

10 Q And that would be February 16, 2011.

11 A Yes.

12 ATTY. BAIRD: I don't have any further
13 questions.

14 THE COURT: Madame State's Attorney?

15 CROSS EXAMINATION BY ATTY. LOCKSHIER:

16 Q Who from your office called the police?

17 A I believe it was Sandy.

18 Q And you spoke to an officer when he came to your
19 office; isn't that correct?

20 A Yes.

21 Q And isn't it true that you indicated to the officer
22 that you feared for your safety based on Mr. Doutel's
23 demeanor and his threatening voicemail?

24 A Yes.

25 ATTY. LOCKSHIER: I have nothing further.

26 ATTY. BAIRD: Nothing further.

27 THE COURT: Okay. You can step --

1 THE WITNESS: Okay.

2 THE COURT: Thank you.

3 ATTY. BAIRD: I had subpoenaed Sergeant Walsh to
4 be here. I'm not sure if he's here, and a Lieutenant
5 Mattera. I'm not sure if they're here or not.
6 Usually they go into the prosecutors offices.

7 THE COURT: I don't know the answer to that.

8 ATTY. BAIRD: I don't know what they look like.

9 THE COURT: Ladies, I think you can take the ori
10 -- whatever the other file is, back with you, and in
11 fact, you can take --

12 ATTY. LOCKSHIER: I not seen --

13 THE COURT: You can take all the extra copies as
14 well.

15 ATTY. LOCKSHIER: I told the Chief that he was on
16 call, pursuant to Judge Dennis' order.

17 ATTY. BAIRD: Sure. I guess I had -- I had
18 noticed a Sergeant Walsh and a Lieutenant Mattera to
19 be here today. I had asked them to be here last time
20 too, and I think the Lieutenant was here last time.
21 I'm not sure.

22 THE COURT: I don't know. We can go -- could Mr.
23 Arnold --

24 ATTY. LOCKSHIER: DeCarlo.

25 THE COURT: -- DeCarlo. Could he check -- could
26 he perhaps call?

27 ATTY. LOCKSHIER: I know that Lieutenant Mattera

1 was here on the last court date. The Chief of Police
2 was put on call for today.

3 THE COURT: Right.

4 ATTY. LOCKSHIER: And Sergeant Walsh, I'm not
5 sure about. I can have --

6 THE COURT: I don't recall either.

7 ATTY. LOCKSHIER: -- him call Sergeant Walsh.

8 THE COURT: Okay.

9 ATTY. LOCKSHIER: I know that we're beyond the 60
10 days now with regard to the original subpoena that was
11 served on them, so --

12 THE COURT: Did you tell them of today's date?

13 ATTY. LOCKSHIER: I don't know a new subpoena has
14 been served.

15 THE COURT: The new -- the people that you're
16 mentioning who weren't in the courtroom?

17 ATTY. BAIRD: I -- I told -- I told -- I'm not
18 sure of his name, Weissgarber (phonetic), Lieutenant
19 Weissgarber, Captain Weissgarber. He worked at the
20 Norwalk Police Department and he came on Chief
21 Rilling's behalf last time and I told him. The other
22 two did not come.

23 My introduction of the subpoena statute, is that
24 its 60 days from the first date of the hearing.
25 Because to interpret it from the issuance of the
26 subpoena, first of all the plain language doesn't --
27 doesn't say that. It says hereof from the date of the

1 the hearing. But it would just be ridiculous to
2 interpret it that way because everybody would wait to
3 the last minute to issue the subpoenas, so that the 60
4 days would last out longer. And I just can't imagine
5 that was the legislative intent.

6 I had this issue brought up by legal counsel at
7 DPS earlier today, and he had argued the same, and I
8 emailed him back and I said well, that's not my
9 interpretation of the statute. Certainly that makes no
10 sense. I'd never heard that before.

11 THE COURT: Well, I don't know. But the date
12 that they were -- of the hearing that they were
13 subpoenaed to was June 24th.

14 ATTY. BAIRD: June 24th, and today is within 60
15 days of that, I think. I would assume the 22nd of
16 August is within 60 days of June 24th, even if each
17 day had 31 -- even if each month have 31 days.

18 THE COURT: I don't know the answer to that. But
19 I guess my question is, do the people who were here
20 last time on the subpoena, know that -- did anybody
21 get notice that they had to be here today?

22 ATTY. BAIRD: I sent notices to the police
23 station to Chief Rilling's office. We called down to
24 the Norwalk Police Department on Friday and asked for
25 the fax number for the Chief's office --

26 THE COURT: Okay.

27 ATTY. BAIRD: -- and sent the notices to his

1 office.

2 THE COURT: That say what, to these individuals?

3 ATTY. BAIRD: Okay, yes. Let me pull them out.

4 Here's Mattera, Rilling. I could pass these up.

5 THE COURT: No. I'm just --

6 ATTY. BAIRD: Yes. They're --

7 THE COURT: Because --

8 ATTY. BAIRD: -- notices of hearing, and they're
9 directed to the particular individuals.

10 THE COURT: Okay.

11 ATTY. BAIRD: And I have Sergeant Walsh's here as
12 well somewhere, and then the fax transmissions.

13 THE COURT: All right. I see some police
14 officers out there, so maybe there are some.

15 ATTY. LOCKSHIER: I don't think --

16 THE COURT: So, why don't I take a break and why
17 don't you --

18 ATTY. BAIRD: Okay. Thank you.

19 ATTY. LOCKSHIER: Your Honor, may I be heard
20 briefly before you break?

21 THE COURT: Mm hmm, sure.

22 ATTY. LOCKSHIER: I'm going to ask respectfully
23 that an offer of proof be made with regard to these
24 individuals and their testimony. None of them had
25 anything to do with this arrest. None of them had
26 anything to do with any conditions set by the Court.
27 And I don't think that a Lieutenant, the Chief of

1 Police and a Sergeant should have to be -- and these
2 are not the officers that are under subpoena.

3 THE COURT: Okay.

4 ATTY. LOCKSHIER: Just so that Your Honor knows.

5 THE COURT: Okay.

6 ATTY. LOCKSHIER: Its just not necessary for them
7 to come down here if they're not going to add anything
8 relevant to what we are here for today, so I am going
9 to respectfully ask for an offer of proof.

10 THE COURT: Okay. That is not an unreasonable
11 request.

12 ATTY. BAIRD: No.

13 THE COURT: Attorney Baird?

14 ATTY. BAIRD: Sergeant Walsh and Lieutenant
15 Mattera are definitely listed in the incident report
16 as having been there at the scene. The Sergeant would
17 have been the supervisor and there were firearms
18 seized. So anybody at the scene having information
19 with regard to why the firearms were seized -- in
20 other words, this -- this was a case involving a phone
21 call where no threats were made in the phone call
22 about firearms, but for some reason, the police
23 officers decided to seize not only Mr. Doutel's
24 firearms, but his wife's firearms as well, who wasn't
25 involved in the case at all.

26 So I'm interested in finding out what kind of
27 danger Mr. Doutel presented that all his firearms

1 needed to be seized that day, and that goes exactly to
2 what this temporary order is that he not possess a
3 firearm. So, clearly the police thought the shouldn't
4 possess firearms, and I want to know what he did, why
5 he couldn't possess firearms, why they took his
6 firearms that day.

7 THE COURT: Okay. So Sergeant Walsh -- you're
8 indicating that Sergeant Walsh and Lieutenant were
9 both on the scene.

10 ATTY. BAIRD: Yes. They're listed in the police
11 report as being on the scene definitely. Let me --

12 THE COURT: All right.

13 ATTY. BAIRD: Lieutenant Mattera, Sergeant Walsh,
14 Officer Kerwin, Officer Sally, Officer Flood, Officer
15 --

16 THE COURT: I don't need all the other names.
17 The offer of proof was requested with respect to --

18 ATTY. BAIRD: Yes.

19 THE COURT: -- the three names that you named.

20 ATTY. BAIRD: Right.

21 THE COURT: Which is Sergeant Walsh, Lieutenant
22 Mattera, and -- and then with respect to the Chief,
23 what is your offer of proof with respect to Chief
24 Rilling?

25 ATTY. BAIRD: My offer -- my offer of proof with
26 regard to Chief Rilling is, first of all, whether
27 there is a policy at his department wherein if

1 somebody presents an imminent danger to themselves or
2 others, they do a risk warrant. A risk warrant being
3 you go to a judge and you present evidence to the
4 judge through an affidavit saying this person is a
5 danger for this, this, this and this reason. And the
6 judge will either sign the warrant or not. And if the
7 judge signs a warrant, then they can go take the guy's
8 guns. But then he has the right to a hearing within
9 14 days to see if he can get his guns back. But in
10 this case, they skipped that entire procedure all
11 together. They just took his guns. Not only did they
12 take them, but they entered them into evidence, so he
13 can't get them back until the case is done. And I
14 want to ask Chief Rilling -- he was outside. He was
15 in handcuffs. Why on earth did your officers go in
16 and take these guns, and then without going through
17 proper process of a risk warrant, when obviously he
18 presented no danger because he was in cuffs. There
19 were no exigent circumstances whatsoever.

21 So, I want to ask Chief Rilling if his department
22 ever does risk warrants and why in this case, if he
23 was deemed a risk, why one wasn't conducted.

25 ATTY. LOCKSHIER: This is so far a field from
26 what we are here for on this hearing with regard to
27 why or if the officers legally or rightfully or

1 lawfully took Mr. Doutel's guns. That's an issue
2 between him and the police department in a different
3 venue, in a different hearing. That has nothing to do
4 with the Court setting an order that he not possess
5 any firearms, or that he not have contact with anybody
6 in the office.

7 ATTY. BAIRD: I think the Court may have been
8 influenced -- and again we don't know -- but certainly
9 a Court may be influenced by the fact that police
10 officers seize all of a defendant's firearms, and a
11 Court may say well, if the police went in, they must
12 have had a reason to seize somebody's firearms. I
13 don't want this guy to have firearms either. So I'm
14 going to enter an order today with no notice to the
15 defendant that he not possess any firearms.

16 THE COURT: Was the seizure of firearms brought
17 up in the hearing before Judge Hudock? I don't know.

18 ATTY. LOCKSHIER: No.

19 ATTY. BAIRD: Well, there was no hearing. There
20 was no hearing. He said I would have a hearing at a
21 later date. This is the hearing.

22 ATTY. LOCKSHIER: Your Honor --

23 THE COURT: Attorney Baird --

24 ATTY. LOCKSHIER: -- Judge Hudock --

25 THE COURT: -- at the proceedings at which Judge
26 Hudock entered this order, was the issue of the fact
27 that what you're representing now, that the police

1 took various weapons from the home, was that part of
2 the hearing before him?

3 ATTY. BAIRD: I don't recall. I don't think it
4 was, no.

5 THE COURT: Okay. Then -- and this gentleman was
6 out on bond; correct?

7 ATTY. BAIRD: Yes.

8 THE COURT: He -- so, he didn't come before Judge
9 Hudock. Judge Hudock didn't have to make probable
10 cause findings on a police report.

11 ATTY. BAIRD: But we're making that argument to
12 the Court now. We're making the argument to the Court
13 now. Judge Hudock didn't want to see the arrest
14 report. He did not want to go into it.

15 THE COURT: Well, no. What --

16 ATTY. BAIRD: It was set up for a hearing today.

17 THE COURT: So -- so you're speculating that
18 somehow Judge Hudock might have done this --

19 ATTY. BAIRD: No, this Judge. You, you.

20 THE COURT: Right.

21 ATTY. BAIRD: In hearing the temporary order
22 today, you may believe, reasonably believe that if the
23 police took firearms, they must have had a reason to
24 do so.

25 ATTY. LOCKSHIER: I never even brought up the
26 fact that firearms were -- ironically, she's the one
27 that brought it into evidence that firearms were

1 seized.

2 ATTY. BAIRD: Well --

3 ATTY. LOCKSHIER: The State never brought that
4 into evidence at all ever.

5 ATTY. BAIRD: It was brought up by the police
6 officers.

7 ATTY. LOCKSHIER: And didn't try to make this --
8 did not try to make this part of the hearing.

9 THE COURT: Well --

10 ATTY. LOCKSHIER: That testimony was elicited by
11 counsel, and its --

12 THE COURT: In response to specific questions
13 about it.

14 ATTY. LOCKSHIER: -- in response to specific
15 questions.

16 ATTY. BAIRD: It happened. I needed to know why,
17 why they did this.

18 THE COURT: Otherwise, I wouldn't even know about
19 it. Anyway, what -- you -- could you finish what you
20 were saying, Madame State's Attorney?

21 ATTY. LOCKSHIER: Your Honor, perhaps counsel and
22 her client have an issue with whether or not these
23 weapons were legally seized. That date and time and
24 place is not here. This is a separate hearing for
25 conditions of the defendant's release under 54-64a(c).
26 They -- it just --

27 THE COURT: Which simply says that if the

1 judicial authority determines that a nonfinancial
2 condition of release should be imposed, in addition to
3 or in conjunction with any of the conditions
4 enumerated above, and when the crimes charged or the
5 facts or circumstances brought to the attention of the
6 judicial authority, suggest that the defendant may
7 pose a risk to the physical safety of any person, that
8 the safety of any person will be endangered, which
9 conditions may include an order that he or she do one
10 or more the following, and we jump down to three; not
11 engage in specific activities, including the use or
12 possession of a dangerous weapon, an intoxicant, or a
13 controlled substance.

14 So, quite frankly to me, whatever the police
15 departments rules and regulations are, are irrelevant.

16 And whether the police did anything, it -- what I'm
17 looking at is whether the facts and circumstances of
18 this case, with what occurred based upon the testimony
19 of the people involved and the tape that I heard, are
20 such that the condition of release should be in
21 effect.

22 ATTY. BAIRD: I just don't want to leave out
23 anything, Your Honor, that may be relevant, that the
24 Court may find relevant. I want to have every
25 opportunity to present evidence because certainly when
26 this order issued, we had no idea it was going to
27 issue. We were here for a status conference, and all

1 all of a sudden, the temporary order issued. And I
2 just want to make sure that we have an opportunity to
3 present anything that's relevant to the Court's
4 consideration, because that's a pretty broad Practice
5 Book section and statute. The Court basically can
6 consider anything in determining whether the person
7 poses a danger.

8 So, I have to -- obviously I have to defer to the
9 Court in what its going to consider.

10 THE COURT: Well, to me its irrelevant what the -
11 - what the police department's procedures or issues
12 are, and what the police did.

13 ATTY. BAIRD: Well, I agree with --

14 THE COURT: In terms of --

15 ATTY. BAIRD: -- and I have no objection to that.

17 THE COURT: -- in terms of -- no, in terms of the
18 -- in terms of the weapons. And my understanding from
19 -- from the -- there was some little reference in the
20 hearing before Judge Hudock indicating -- there was
21 some reference to Mr. Doutel making some kind of an
22 application for a permit or something or a temporary
23 permit.

24 ATTY. BAIRD: Yes.

25 THE COURT: And that was included in what was
26 presented to Judge Hudock at the time.

27 ATTY. BAIRD: It was.

1 THE COURT: But it doesn't appear to me certainly
2 that there was any reference to one gun, two guns,
3 three guns. I mean, in fact, Judge Hudock may well
4 have thought there was just the one gun that this
5 gentleman carried into his doctor's visits or wherever
6 else he went, because that's really all that this case
7 -- the details of this case were about. And I don't
8 know that if he hadn't read the police reports or if
9 the officers didn't testify pursuant to your
10 questioning, I wouldn't even know that any other guns
11 were seized.

12 So, I think -- I mean if the Chief, for instance,
13 is in reference to what the Norwalk Police Department
14 policies are and whether or not the officers on the
15 scene that day acted in accordance with those policies
16 or not, that's kind of no moment to me and irrelevant
17 to this case. I don't know whether there's other
18 relevant information that Sergeant Walsh and
19 Lieutenant Mattera can provide beyond what the primary
20 -- wasn't -- didn't I hear from the primary arresting
21 officer?

22 ATTY. BAIRD: Officer Zwickler was the primary
23 officer. He -- he couldn't recall -- when I asked him
24 questions, it was difficult for him to recall.

25 THE COURT: Okay.

26 ATTY. BAIRD: He said I do not recall many
27 times --

1 THE COURT: Okay.

2 ATTY. BAIRD: -- during direct.

3 THE COURT: Well, with respect to the Chief, I
4 just don't see how anything he's going to say is of
5 relevance to this matter.

6 These other gentlemen, I don't know the answer
7 and if you want to see if they're still coming because
8 if you want to question them about things that
9 occurred on the scene, that might very well be
10 relevant. So --

11 ATTY. BAIRD: Should I -- I will try to call the
12 department then?

13 THE COURT: Yes. Why don't we check on that.
14 And then do you have any other -- are there any other
15 witnesses?

16 ATTY. BAIRD: No.

17 THE COURT: Okay. And does the State have any
18 witnesses?

19 ATTY. LOCKSHIER: No.

20 THE COURT: Okay. All right. Then let me take a
21 break and maybe if Mr. DeCarlo can assist her.

22 (Court stood in a recess).

23 THE COURT: All right. Then let's resume.
24 Excuse us for the interruption of finishing the
25 docket.

26 And we're back on the record in the matter of
27 State versus Mr. Doutel. And the record can reflect

1 that both the attorneys are present as well as Mr.
2 Doutel.

3 ATTY. BAIRD: Your Honor, if I can report back, I
4 did call the Norwalk Police Department. I spoke to
5 the Supervisor Sergeant. I didn't get his name. He
6 said that the Chief's office had received the notices
7 for Sergeant Walsh, Lieutenant Mattera, and Chief
8 Rilling to come today. Of course Chief Rilling is not
9 -- is not at issue anymore.

10 But with regard to Lieutenant Mattera and
11 Sergeant Walsh, there seems to be some issue where
12 maybe they did not get notice of the notices from the
13 Chief's office. They're off-duty now, so there's no
14 way they're coming to court. But I've spoken to my
15 client. We've presented the evidence we want to
16 present on the basis for which this Court can make a
17 decision, so we rest.

18 THE COURT: Okay. Madame State's Attorney, is
19 there anything you wish to present?

20 ATTY. LOCKSHIER: No, Your Honor. Just that I
21 called and spoke to Chief Rilling. He indicated that
22 he did get the notice on Friday, but that he has not
23 yet been able to contact Sergeant Walsh with regard to
24 that notice. So Sergeant Walsh did not have notice
25 for today's hearing.

26 THE COURT: Okay.

27 ATTY. LOCKSHIER: And Lieutenant Mattera is on

1 vacation. He was under the impression that he was not
2 needed for the hearing.

3 THE COURT: Okay. Well, it appears -- that
4 appears to be a nonissue.

5 So, do you wish to do arguments at this time?

6 ATTY. BAIRD: I do, Your Honor. And my argument
7 is not -- my argument is very brief.

8 We heard from the three witnesses that really are
9 relevant to this case, those being Sandy Staw, Jeanine
10 Roy and Dr. Staw.

11 Jeanine Roy indicated that she had never seen Mr.
12 Doutel with a firearm. Sandy Staw indicated she had
13 never seen Mr. Doutel with a firearm. Dr. Staw
14 indicated that the time he recalls seeing a firearm,
15 that Mr. Doutel wasn't holding the firearm and never
16 held it. But that when Dr. Staw went into a --
17 apparently maybe a dressing room that he referred to
18 as room two, he lifted -- or a hat had been removed
19 partially from a firearm, that allowed him to see a
20 firearm.

21 We heard testimony that firearms were not
22 prohibited from the medical offices; that Dr. Staw at
23 least knew that Mr. Doutel had brought the firearm on
24 previous occasions to the medical office and nobody
25 had asked him not to return with it.

26 We -- we heard the tape that was put into
27 evidence. The tape is said in a firm voice, but it in

1 in no way can it be interpreted as threatening anyone
2 with a firearm, or in fact, threatening anyone at all.

3 Our position is that it wasn't even harassing. It was
4 one phone call made with regard to one issue. Its not
5 like Mr. Doutel called 50 times that day or a 100
6 times that day. He called once and left a message.

8 And as I've argued previously, any attorney in
9 private practice who deals with clients receives those
10 kind of phone calls on occasion because people, when
11 their lives are at stake or their health is at stake
12 or their liberty is at stake, they tend to be very
13 serious about the matter. And if any attorney or
14 doctor reported everybody who called their office in a
15 manner that Mr. Doutel called that medical office,
16 then -- then we'd be reporting clients and medical
17 patients constantly.

18 I dare say the clerk's office receives phone
19 calls from individuals like that on a daily basis who
20 are concerned about their cases, upset about their
21 cases, want information, are frustrated. Anybody who
22 is in a service related basis, has to learn how to
23 deal with these kind of issues.

24 And what we elicited from testimony was -- was
25 that there was an issue about whether the medical
26 tests had been forwarded to Dr. Altman. Mr. Doutel
27 says they weren't. If they were, then its unclear why

1 why Mr. Doutel thought they weren't, but that was why
2 he was calling. There was no intent to annoy, harass
3 or threaten anyone else.

4 And just listening to the most pertinent evidence
5 in this case, the tape, makes that clear. He says
6 thank you at the end of the tape, never mentions a
7 firearm.

8 So, there's no basis for a condition in this case
9 given the charge, that it be a condition that Mr.
10 Doutel not possess firearms. This isn't a firearms
11 cases. Its our opinion that its no kind of case. But
12 right now, it's a harassment two case until -- until
13 the matter is resolved. But there's
14 -- there's just no reason for such an order to issue.

15 Mr. Doutel has a fundamental, constitutional
16 right to bear arms. To take that away, it's a most
17 serious matter. Its taking away a fundamental
18 constitutional right of a person which should be based
19 on more evidence that that person presents a danger to
20 others than was presented in this case.

21 I'd like to clarify that this arrest occurred on
22 February 16th, 2011; that the State did not ask for
23 any order until July 5th of 2011. That's more than
24 two months that passed before the State sought any
25 sort of protection for these individuals at Dr. Staw's
26 office, and I guess Sandy Staw being the most
27 pertinent person, any kind of protection.

1 And then again -- and then again, the protective
2 order issued, I hear the prosecutor talking -- it may
3 have been May 20th. I stand corrected. So, from
4 February 16, 2011, to May 20th, 2011, there was no
5 request made by the State for any sort of order of
6 protection, any sort of order pertaining to Mr.
7 Doutel's firearms.

8 There was no phone call made after February 16th
9 and before May 20th from anyone at Dr. Staw's office
10 saying he's been calling here, he's harassing us,
11 we're afraid of the firearms or anything like that. So
12 what was the reason why suddenly on May 20th, 2011,
13 the State sought to do this?

14 If -- if Mr. Doutel had firearms between February
15 16th and May 20th, what was the issue that arose before
16 -- around May 20th that caused the State to ask for
17 this?

18 We didn't hear any testimony in this case that
19 anything happened. In fact, we heard testimony that
20 this office had absolutely no problems with Mr.
21 Doutel, didn't contact him, didn't come to the
22 premises after his last appointment of February 7th,
23 2011.

24 For these reasons, Your Honor, we submit that the
25 temporary order, which was issued as a temporary order
26 by Judge Hudock on May 20th, should be vacated, and
27 the order lifted that Mr. Doutel not possess firearms

1 firearms and/or apply for a temporary state permit.

2 THE COURT: Mr. Clerk, can you hand me that May
3 20th transcript again, please? It was the Xeroxed
4 copy that Attorney Baird passed up. Did you give it
5 back to her?

6 CLERK KIM: Yes, I did.

7 THE COURT: Okay. Could I just see that again
8 please, Attorney Baird? I know you had extra copies.

9 ATTY. BAIRD: Maybe the State has theirs laying
10 around -- oh, here it is. I've got it.

11 THE COURT: Thank you. I'm not sure -- I had one
12 in the file and I don't know where it is.

13 Okay. Madame State's Attorney, may I hear from
14 you?

15 ATTY. LOCKSHIER: Just briefly, Your Honor. Your
16 Honor heard from Sandy Staw who testified that she did
17 not wish to have contact with the defendant in any
18 way. She testified that she was uncomfortable
19 regarding the safety of the entire office.

20 Dr. Staw testified that knowing that the
21 defendant carried a gun, he felt threatened by the
22 voicemail. The officer -- the officer manager rather,
23 testified that she feared for her safety based on his
24 demeanor and threatening voicemail.

25 Neither the statute nor the Practice Book require
26 that that request be made by the complainants or
27 victims.

1 The State is not in a position to decide why the
2 victims feel threatened, only that they do. Its
3 clearer that they did, and that is why the State made
4 this recommendation or request.

5 Your Honor further, with regard to counsel's
6 statements as to why we didn't ask for this order
7 earlier, the -- it looks like from the court file that
8 the case -- may I look at this -- that the case was --
9 on the original arraignment date on February 25th,
10 then March 25th, and April 20th.

11 Without going into the negotiations between
12 counsel and the State, Your Honor, the State certainly
13 thought that the case was going in a different
14 direction and did not ask for the condition until May
15 20th. That is correct.

16 However, the clerk's file indicates that Attorney
17 Koffsky filed an appearance on March 15th of 2011 on
18 behalf of the victims. It is my recollection that
19 Attorney Koffsky filed that appearance indicating that
20 her -- his clients were fearful of the defendant and
21 asking than they have no contact with his clients.

23 So, the fact that the request was made on May
24 20th certainly should not be held against the State in
25 any way.

26 THE COURT: Okay. Anything further, Attorney
27 Baird?

1 ATTY. BAIRD: I'm just concerned by the State's
2 comments that because the case went in a different
3 direction, that may have been a reason to seek a
4 temporary order that Mr. Doutel not possess firearms
5 and --

6 ATTY. LOCKSHIER: That's not what I meant. I
7 can't get into negotiations, but certainly there were
8 conditions that were discussed with counsel if the
9 case went -- I don't know how else to say it, but
10 that's not -- what she's saying is not really that I
11 meant it.

12 THE COURT: Okay. Go ahead, Attorney Baird.

13 ATTY. BAIRD: That's all, Your Honor.

14 THE COURT: Okay. All right. I'll take the
15 papers on this. I need to listen to the tape again,
16 and I want to review my notes and I'll issue a written
17 decision.

18 ATTY. BAIRD: Thank you, Your Honor.

19 THE COURT: Thank you.

20 CLERK KIM: Should we continue --

21 ATTY. LOCKSHIER: Charlie, do we have -- we need
22 a continuance --

23 THE COURT: We should probably give it some sort
24 of a target date also, Attorney Baird.

25 ATTY. BAIRD: Makes sense.

26 THE COURT: Now, this -- this has been moved to
27 the jury docket, I believe?

1 CLERK KIM: Yes.

2 THE COURT: And that was on the May 20th, in the
3 transcript. So why don't I do -- why don't I give you
4 something for either late September, early October for
5 -- on Judge Hudock's docket. I know when he first
6 gets back, there are a number of other cases that are
7 certainly first up, so to speak, in terms of the dates
8 that they went to the jury docket. So, certainly this
9 can go -- what works for your client? Say -- why don't
10 you look in early to mid-October, counsel?

12 ATTY. BAIRD: Well, if given the choice, I would
13 go to the 19th.

14 THE COURT: Of October?

15 ATTY. BAIRD: Yes. Is that too long?

16 THE COURT: That -- no, that should be fine.

17 ATTY. BAIRD: Okay.

18 THE COURT: Okay. So, we'll put it on Judge
19 Hudock's docket for October 19th.

20 ATTY. BAIRD: Okay. Thank you.

21 THE COURT: Thank you.

22 (The matter was concluded).

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NO: S20NCR110128328S : SUPERIOR COURT
STATE OF CONNECTICUT : G.A. #20
v. : AT NORWALK, CONNECTICUT
DUANE DOUTEL : AUGUST 22, 2011

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, G.A. #20, Norwalk, Connecticut, before the Honorable Maureen Dennis on the 22nd day of August 2011.

Dated this 12th day of September 2011 in Norwalk,
Connecticut.



Donna Bonenfant
Court Recording Monitor