

NO: S20NCR110128328S : SUPERIOR COURT  
STATE OF CONNECTICUT : G.A. # 20  
v. : AT NORWALK, CONNECTICUT  
DUANE DOUDEL : JULY 5, 2012

\*HEARING

BEFORE THE HONORABLE JUDGE BRUCE P. HUDOCK

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

Representing the State of Connecticut:

ATTORNEY NICHOL PECO  
Assistant State's Attorney  
17 Belden Ave.  
Norwalk, CT 06850

Representing the Defendant:

ATTORNEY RACHEL BAIRD  
Law Office of Rachel M. Baird  
379 Prospect St.  
Torrington, CT 06790

Recorded By:  
Usamah Khan

Transcribed By:  
Usamah Khan  
Court Recording Monitor  
17 Belden Ave  
Norwalk, CT 06850

1           ATTY. PECO: Duane Doutel.

2           THE CLERK: Line three on the arraignment  
3 docket.

4           ATTY. BAIRD: Your Honor, Rachel Baird on behalf  
5 of Mr. Doutel. Mr. Doutel is on his way. Is it  
6 required that he be here at this court appearance  
7 today?

8           THE COURT: Well --

9           ATTY. BAIRD: He should be here in a couple of  
10 minutes.

11          THE COURT: Okay, we can wait.

12          ATTY. BAIRD: I just wasn't sure.

13          (Matter passed)

14          ATTY. PECO: We can recall Duane Doutel.

15          ATTY. BAIRD: Good morning, Your Honor. Rachel  
16 Baird on behalf of Mr. Doutel who's coming up.

17          THE COURT: All right. I scheduled this  
18 preliminarily to discuss your motion for speedy  
19 trial. State wish to be heard?

20          ATTY. PECO: Yes, Your Honor. The state has  
21 filed substitute information charging the defendant  
22 with creating a public disturbance; therefore, the  
23 defendant is no longer entitled to this motion. The  
24 state would suggest a date at the end of September  
25 and Monday for an infraction trial. I mean, assuming  
26 that Counsel still wants a trial.

27          THE COURT: All right. Counsel?

1           ATTY. BAIRD: We filed the speedy trial motion  
2 on Friday; I believe it was the 29<sup>th</sup> of June.

3           THE COURT: Sounds right.

4           ATTY. BAIRD: And I received a phone call. It  
5 was either Monday July 1<sup>st</sup> or Tuesday July 2<sup>nd</sup>.  
6 Monday July 2<sup>nd</sup> or Tuesday July 3<sup>rd</sup> from the Clerk's  
7 Office of this Court informing me that a substitute  
8 information had been filed and that the Court wanted  
9 or I had the option of requesting some sort of  
10 hearing on that.

11           THE COURT: Well, I -- first of all, I'll enter  
12 a not guilty plea to the infraction if that's what  
13 you wish. And at this point, you're entitled to a  
14 magistrate's trial and my purpose today upon hearing  
15 from the clerk that this was the case to set this  
16 down for a trial before a magistrate.

17           ATTY. BAIRD: I did -- I have not received the  
18 substitute information. I did send someone to the  
19 Court to look in the clerk's file for it on Tuesday  
20 after being notified. And my understanding was it  
21 may not have been in the clerk's file at that time  
22 for some reason we didn't have access to it. I don't  
23 know if there's an opposition to the speedy trial  
24 motion or not or if the opposition is just the  
25 substitute information of creating a public  
26 disturbance.

27           ATTY. PECO: We mailed a response to Counsel

1 which was a copy of the motion and a copy of the  
2 substitute information. We'd be happy to copy it for  
3 her now and give it to her.

4 ATTY. BAIRD: Okay.

5 THE COURT: Well, the speedy trial motion is of  
6 no moment at this point because the charge has been  
7 reduced to an infraction.

8 ATTY. BAIRD: I'm prepared to argue that it is  
9 of moment.

10 THE COURT: Well, you'll do that in front of a  
11 magistrate.

12 ATTY. BAIRD: No, Your Honor.

13 THE COURT: I'm sorry.

14 ATTY. BAIRD: We --

15 THE COURT: I'm sorry.

16 ATTY. BAIRD: We object.

17 THE COURT: I'm sorry, Counselor.

18 ATTY. BAIRD: I need to make a record, Your  
19 Honor.

20 THE COURT: Counsel.

21 ATTY. BAIRD: Your Honor --

22 THE COURT: Counsel.

23 ATTY. BAIRD: -- this will be appealed and --

24 THE COURT: Excuse me.

25 ATTY. BAIRD: -- I need to make a record.

26 THE COURT: Are you saying no to me?

27 ATTY. BAIRD: I am. I'm saying I disagree and I

1           need to make a record.

2           THE COURT: Counsel, how long have you been  
3 practicing law?

4           ATTY. BAIRD: Am I going to be able to make a  
5 record or will I be denied that?

6           THE COURT: But you know full well to just come  
7 out and say no.

8           ATTY. BAIRD: Your Honor interrupted me. I was  
9 going to say; no, Your Honor, I would like to argue  
10 that at this time. In other words, I don't want this  
11 just to end without me being able to put my objection  
12 on the record because I have researched this.

13          THE COURT: First of all, you can argue, you can  
14 make a motion to the magistrate to have the  
15 proceedings recorded. You can file whatever motions  
16 you feel are appropriate to be heard by the  
17 magistrate.

18          ATTY. BAIRD: Your Honor, I need to put on the  
19 record that I do not believe that the state filing a  
20 substitute information of creating a public  
21 disturbance negates the speedy trial motion. An  
22 arrest was made for threatening in the 2<sup>nd</sup> degree.  
23 An information was brought for threatening in the 2<sup>nd</sup>  
24 degree. It doesn't matter what happens thereafter.  
25 He's entitled to a speedy trial. I also would like  
26 to say pursuant to section 36-17, we object to the  
27 substitute information being filed at this time and

1 the Court may consider that because it dully  
2 prejudices the defendant.

3 This is what happened in this case, Your Honor.  
4 He was charged with threatening in the 2<sup>nd</sup> degree.  
5 When he withdrew his application for AR, all the  
6 sudden after three months the state moved for a  
7 protective order and the Court issued that. When the  
8 state filed a motion for -- when the state filed a  
9 substitute information for harassment in the 2<sup>nd</sup>  
10 degree. We move to dismiss the threatening in the  
11 2<sup>nd</sup> degree. The Judge would not hear that. We move  
12 to dismiss the harassment in the 2<sup>nd</sup> degree. The  
13 Court would not hear that. When we ask that a speedy  
14 trial motion that was speedy trial take place, then  
15 all of the sudden the state filed an information of  
16 creating a public disturbance to deny him his right  
17 to have a jury of his peers decide this issue.

18 We don't want a judge in this court house  
19 deciding this issue, Your Honor, because we believe  
20 that at every turn that's been taken in this case  
21 where we have attempted to move to dismiss  
22 threatening in the 2<sup>nd</sup> degree; the Court would not  
23 hear it. We move to dismiss harassment in the 2<sup>nd</sup>  
24 degree; the Court would not hear it. And now the  
25 state has filed creating a public disturbance, an  
26 infraction, and the only purpose in that is to deny  
27 Mr. Doutel a trial. I had a conversation with a

1 federal court judge the other day, Judge Bryant  
2 (Phonetics) and she was --

3 THE COURT: I am not going to hear you discuss  
4 an opinion by some other judge.

5 ATTY. BAIRD: Your Honor --

6 THE COURT: No.

7 ATTY. BAIRD: We --

8 THE COURT: No. I will say this to you,  
9 Counsel.

10 ATTY. BAIRD: We move to recuse --

11 THE COURT: No.

12 ATTY. BAIRD: -- this court. We move for a  
13 change of venue.

14 THE COURT: Counsel.

15 ATTY. BAIRD: Mr. Doutel --

16 THE COURT: Counsel.

17 ATTY. BAIRD: -- can not get a free (sic) trial  
18 a -- he can not get a hearing.

19 THE COURT: It's a fair trial, Counsel, if you  
20 can come out with the word.

21 ATTY. BAIRD: I can't, Your Honor, because I  
22 feel like I'm being rushed. It's almost 1:00. I  
23 feel like you're --

24 THE COURT: Counsel.

25 ATTY. BAIRD: -- denying me a right to make a  
26 record.

27 THE COURT: Counsel, I have --

1           ATTY. BAIRD: I have a three page argument  
2           prepared here.

3           THE COURT: Counsel, I'm asking you to be quiet.  
4           I have asked you to come here as quickly as possible  
5           in response to your speedy trial motion. I have no  
6           control over what the state does with its  
7           information. Now, you may smile at me, you may have  
8           whatever opinions you wish of me, but I have  
9           requested that you come here as quickly as possible  
10          in response to your speedy trial motion. The state  
11          in the meantime has filed an infraction. You may  
12          wish to argue some sort of motion as it regards the  
13          infraction. You've put it on the record that he  
14          doesn't have his -- right to a free trial and I've  
15          corrected you to say fair trial.

16          ATTY. BAIRD: Thank you, Your Honor.

17          THE COURT: I'm not precluding you from filing  
18          whatever motions you wish are appropriate. But for  
19          now, I will schedule this matter for a court trial.  
20          Why can not the state proceed on the last Monday in  
21          July?

22          ATTY. PECO: Because that's already scheduled.  
23          The next available date is September 24<sup>th</sup>.

24          THE COURT: What do you mean? What's already  
25          scheduled?

26          ATTY. PECO: There's 10 other magistrate trials  
27          that date. If that's what you wish, we can do that.



1 It's just that Counsel --

2 THE COURT: That's what I wish. Counsel's  
3 requested a trial within 30 days and I'm granting  
4 that request at least.

5 ATTY. PECO: Okay.

6 THE COURT: So, there will be a trial on, I  
7 believe, Monday is a magistrate's trial.

8 ATTY. PECO: July 30<sup>th</sup>.

9 THE COURT: That will be on July the 30<sup>th</sup>,  
10 Counsel, whatever other motions you wish to file, you  
11 are certainly not prevented from doing so. It's  
12 9:00; thank you.

13 ATTY. BAIRD: Oh, Your Honor, the one -- if I  
14 could confirm, I forgot this.

15 THE COURT: All right, Sir. I want you to go  
16 step out in the lobby. Thank you. I've warned you  
17 once. That's it.

18 UNIDENTIFIED MALE: Yes, Your Honor.

19 THE COURT: Thank you. Leave.

20 ATTY. BAIRD: It's my understanding that given  
21 the substitute charge of creating a public  
22 disturbance that the protective orders automatically  
23 vacated and lifted because it doesn't apply to  
24 infractions.

25 THE COURT: State wish to be heard?

26 ATTY. PECO: No.

27 THE COURT: All right, so ordered.

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ATTY. BAIRD: Thank you.

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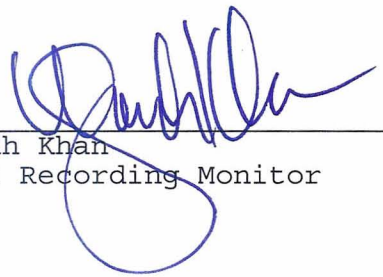
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C E R T I F I C A T I O N

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 Bruce P. Hudock, Judge, on the 5<sup>th</sup> day of July, 2012.

Dated this 6<sup>th</sup> day of July, 2012 in Norwalk, Connecticut.

  
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Usamah Khan  
Court Recording Monitor