

DOCKET NO.: TSR-CV14-4005806-S : SUPERIOR COURT  
 RICHARD ANNULI : JUDICIAL DISTRICT OF  
 V. : TOLLAND at G.A.#19  
 WARDEN : December 4, 2014

2014 DEC 4 PM 2 07  
 STATE OF CONNECTICUT  
 SUPERIOR COURT  
 G.A. 19

**MOTION FOR PROTECTIVE ORDERS FOR THE VICTIM**

A.D., the victim of the sexual assault committed by the petitioner, moves this court for an order protecting her and members of her family from harassment by the petitioner, his counsel, or private investigators in their employ. This request includes:

(1) an order precluding the petitioner or his agents from approaching the victim or her family without prior judicial authorization following a hearing in which the petitioner demonstrates that the information sought from those persons is relevant to the claims in the petition; and

(2) an order precluding the petitioner or his agents from issuing subpoenas for the victim or for members of the victim's family without prior judicial authorization following a hearing in which the petitioner demonstrates that the subpoenaed person can provide testimony relevant to the claims in the petition.

**FACTS:**

The petitioner is presumptively guilty of sexually assaulting the victim. He was convicted by a jury of six after a full trial, and that conviction was affirmed on appeal by both the Appellate and Supreme Courts. *State v. Annulli*, 130 Conn.App. 571, 574-75 (2011); *State v. Annulli*, 309 Conn 482 (2013). The

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petitioner is subject to a Standing Criminal Protective Order that he have no contact with the victim, direct or indirect.

Despite that order, and in violation of its terms, private investigators, presumably hired by counsel for the petitioner, went to the victim's workplace on November 19, 2014, aggressively and loudly announcing themselves as private investigator-detectives in front of her co-workers and clients, and demanding to speak with her.

The same firm of private investigators has been asking questions about the victim in the community, from people who have no knowledge of the crime committed by petitioner. These inquiries naturally cause people to ask the victim what is going on. Because most of her acquaintances, and many of her family members have no knowledge that she was sexually assaulted, the inquiries are unnecessarily re-victimizing her.

**LAW**

A crime victim has a "right to be treated with fairness and respect throughout the criminal justice process." Conn. Const. Amend. XXIIb(1). Maintaining privacy is a primary interest of victims of crime. One aspect of "fairness and respect" is the affirmative duty of the court to protect a victim from invasion of the victim's privacy unless there is a clear demonstration that invasion of that privacy is "material to the fairness of the trial." *Pennsylvania v. Ritchie*, 480 U.S. 39, 60 (1987).

The United States Supreme Court has expressly recognized a constitutional right to privacy based upon the Fourteenth Amendments guarantee

of "liberty;" *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510, 535 (1925); *Cruzan v. Missouri*, (1990); *Lawrence v. Texas*, 539 U.S. 558, 578 (2003)(" The petitioners are entitled to respect for their private lives."). In *Sweezy v. New Hampshire*, 354 U.S. 234, 254 (1957) the Court announced Due Process protection from state court inquiry into private matters and beliefs. The Due Process clause also supported the right to personal privacy in *Planned Parenthood v. Casey*, 505 U.S. 833, 852 (1992)("At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life.") Other Supreme Court opinions have found a privacy right in the Ninth Amendment; *Griswold v. Connecticut*, (Goldberg, J. concurring)<sup>1</sup>; and in the "pursuit of happiness." *Olmstead v. United States*, 277 U.S. 438, 478 (1928)(Brandels, J., dissenting):

"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations."

*Id.*

A criminal bringing a habeas corpus action does not have a right to re-victimize the person he has already violated. An investigation into the background of the victim has no demonstrable relevance to the determination of whether his counsel was ineffective. This court has the power to protect the victim of this sexual assault by issuing protective orders. The orders requested by the victim in this case seek to protect her right to personal privacy. Those

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<sup>1</sup> "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." U.S. Const., Amend. IX.

rights, once breached either intentionally or inadvertently, cannot be returned.

These orders reduce the risk of such a breach.

Respectfully submitted,

The Victim of Crime, A.D.

By: 

James Clark  
Victim Rights Center of Connecticut, Inc.  
8 Research Parkway  
Wallingford, CT 06492  
203-350-3515  
203-745-0073 fax

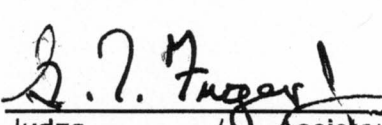
ORDER

The foregoing motion having been considered, it is hereby ORDERED:

*SWR* 1) the petitioner and his agents are ordered not to approach the victim ~~or her~~ family without prior judicial authorization following a hearing in which the petitioner demonstrates that the information sought is relevant to the claims in the petition; and


*SW* 2) the petitioner is precluded from issuing subpoenas for the victim ~~or for~~ members of the victim's family without prior judicial authorization following a hearing in which the petitioner demonstrates that the subpoenaed person can provide testimony relevant to the claims in the petition.

BY THE COURT

  
Judge / ~~Assistant Clerk~~

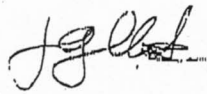
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Copies mailed to all parties:  
Wade Luckett - Barsky Law  
Eva Lenczewski - Waterbury JD  
James Clark - Victim Rights Center

 1/23/15

CERTIFICATE OF SERVICE

Service is certified pursuant to Practice Book §14-10 to :  
Attorney Wade Lockett, Bansley Law Office, 267 Orange Street, New Haven, CT  
06510, and  
SASA Eva Lenczewski, State's Attorney's Office, 400 Grand St., Waterbury, CT,  
on December 4, 2014.



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James Clark  
Commissioner of the Superior Court