

Fotis Dulos, estranged husband of missing mother Jennifer Farber Dulos, asks Connecticut's highest court to lift gag order barring public comments from lawyers, police, witnesses

By DAVE ALTIMARI | HARTFORD COURANT

Four months after she vanished, there are still no credible leads about where she went, and why," Pattis wrote in his filing to the Supreme Court. "Prosecutors have yet to share a shred of evidence with Mr. Dulos or his counsel supporting the now highly publicized claims that there was: a violent struggle at her home the day she vanished, that her blood was on items the defendant disposed of, and that the defendant was involved in her disappearance.



With crossing guard John Parker stopping traffic, Fotis Dulos and his attorney Norm Pattis (right) leave the Stamford courthouse after Dulos appeared for a hearing on charges related to the GPS monitoring device on his ankle.

The attorney for Fotis Dulos asked the state Supreme Court on Wednesday to overturn a Superior Court judge's

"unprecedented gag order" that silences lawyers, police and even potential witnesses in his criminal case, saying it

unfairly hamstrings his attempt to defend Dulos against almost daily accusations that he murdered his estranged wife.

In a brief filed Wednesday, Norm Pattis said the state has been allowed to use two arrest warrant affidavits charging Dulos with tampering with evidence as the “functional equivalent of a public investigative grand jury, strategically feeding public speculation that Mr. Dulos is a murderer” even though he hasn’t been charged with killing Jennifer Farber Dulos.

Pattis said the gag order, issued on Sept. 12 by Judge John Blawie, bars Dulos from any effort to clear his name or respond to allegations.

“No court in Connecticut has previously entered a gag order of this scope; and no Court has issued a gag order of any sort without an opportunity for a full hearing,” Pattis wrote. “Judge Blawie’s ruling does both, inviting Courts to engage in idiosyncratic balancing of the challenges of the social media era against the imperatives of assuring a fair trial. The issues presented by this bizarre ruling are simply too important and too far reaching to be decided in such an idiosyncratic and ad hoc manner.”

Pattis is asking the state’s highest court to hold an emergency hearing and overturn the gag order. He recently filed

a similar appeal of a judge’s ruling in the Alex Jones/Sandy Hook civil case and was granted a hearing which will take place Thursday.

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

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

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

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

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

During a pre-trial hearing earlier this week, Pattis criticized the latest arrest warrant affidavit saying it publicized what state police “believed” happened compared to what the evidence so far actually shows.

Pattis wrote that in the second arrest warrant affidavit, police said they “believe” Dulos may have used his wife’s vehicle to help move her body from her home to some as yet undiscovered location and that they believed he was lying in wait for her to return home after dropping off their five children at school in New Canaan.

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

“Four months after she vanished, there are still no credible leads about where she went, and why,” Pattis wrote in his filing to the Supreme Court. “Prosecutors have yet to share a shred of evidence with Mr. Dulos or his counsel supporting the now highly publicized claims that there was: a violent struggle at her home the day she vanished, that her blood was on items the defendant disposed of, and that the defendant was

involved in her disappearance.”

Pattis has tried to combat the police case against Dulos by suggesting that Farber Dulos may have staged her own disappearance in a plot similar to Gillian Flynn’s 2012 novel “Gone Girl,” in which a wife pretends to vanish to frame her husband for murder. Pattis also has said that Farber Dulos may have engaged in a form of “revenge suicide” after receiving alarming medical news and suffering reversals in the couple’s bitter divorce and custody battle or that someone else killed her.

Blawie issued the gag order on Sept. 12 after Stamford/Norwalk State’s Attorney Richard Colangelo sought one. Both Pattis and Colangelo submitted briefs that Blawie used to issue the order which bars not only attorneys and police from talking to the press but also any potential witnesses and other lawyers that Dulos has for civil and family cases.

Pattis said Blawie’s gag order was premature and prejudices Dulos’ right to a presumption of innocence and a fair trial because it restrains him from publicly criticizing a police investigation that has raised suspicions of murder.

The gag order is “depriving Dulos of the only antidote to swirling rumor and innuendo: unequivocal, categorical denial.”

Dulos has been under intense

media scrutiny since Farber Dulos disappeared. It was ratcheted up when state police arrested and charged Dulos and his girlfriend Troconis on June 1 with hindering prosecution and tampering with evidence charges.

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

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

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

Troconis also has been charged

twice with tampering with evidence and has posted two \$500,000 bonds and remains free. Both are next due in Superior Court in early October.

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