

HEARST corporation

*Stephen H Yuhon
Counsel*

January 24, 2013

**VIA FIRST-CLASS MAIL
AND FACSIMILE (203.207.8689)**

The Honorable John F. Blawie
Superior Court of Connecticut
Judicial District of Danbury
146 White Street
Danbury, CT 06810

Re: December 27, 2012 Orders Sealing Search
Warrants, Police Case No. CFS12-00704559

Dear Judge Blawie:

This office represents the Danbury *News Times*, a Hearst newspaper. For the reasons cited herein, we respectfully request that the Court consider this letter submission and reconsider its orders dated December 27, 2012 extending the sealing of certain search warrants and related documents (together, the "Sealing Orders," copies of which are annexed hereto as Exhibits A-E) and immediately unseal the search warrants, and all court records related to the search warrants in this case, including, but not limited to, any applications, supporting affidavits, the returns, inventories, and any motions or orders related to sealing the warrants (collectively, the "Search Warrant Records"). We are joined in this request by the *New York Times*, The Washington Post Company, the Associated Press, and *The Journal News*, a Gannett newspaper.

The public's right of access to judicial records such as the Search Warrant Records is critical in a high-profile matter like this one. The News-Times is informed that the prosecuting authorities, as part of their investigation into the December 14, 2012 shootings at Sandy Hook Elementary School, obtained five or more search warrants and that these warrants were returned and filed with the Superior Court.

300 West 57th Street
New York, NY 10019-3792
T 212 649 2021
F 646 280 2021
syuhon@hearst.com

*Office of
General Counsel*

*Irene Burton
Senior Vice President
and General Counsel*

*Jonathan R Donnellan
Mark C Redman
Deputy General Counsel*

*Christopher A Fraser
Larry M Loeb
Debra S Weaver
Senior Counsel*

*Charlotte Burles
Leather L Dietrick
Carolene S Eaddy
Christina E Findikyan
Bridgette Fitzpatrick
Chari M Goldsmith
Carl G Guida
Audra B Hart
Yu Y Lin
Kevin J McCauley
Alexandra McGurk
Matthew C Mintzer
Aimee Nisbet
Courtney O'Connor
Ethan J Packman
Peter P Rahbar
Hira R Saiger
Iva M Saketkoo*

*Laureen Walsh Sheehan
Aavi V Sitwala
Nick Spizz
Jennifer G Tancredi
Stephen H Yuhon
Counsel*

*Catherine A Bostron
Corporate Secretary*

Practice Book § 42-49A(a) provides, “[e]xcept as otherwise provided by law, there shall be a presumption that documents filed with the court shall be available to the public.” As the Connecticut Supreme Court has recognized, Practice Book § 42-49A “codifies the common law” right of access to judicial documents and “has constitutional underpinnings” as well. *State v. Komisarjevsky*, 302 Conn. 162, 174-75 & n.12 (2011).

The News Times respectfully requests that this Court reconsider the Sealing Orders and immediately order the unsealing of the Search Warrant Records because the “exigent circumstances” required for continued sealing no longer exist, and, in any event, any limited, speculative interest served by the continued sealing of the Search Warrant Records is outweighed by strong public interest in disclosure.

The Sealing Orders appear to have been issued pursuant to Section 54-33c of the Connecticut General Statutes at the request of the State’s Attorney. That section provides a narrow exception to the statutory right of access under Practice Book § 42-49A and permits the sealing of search warrants and related documents under certain “exigent circumstances,” *State v. Clark*, No. CR0997102T, 2009 WL 4683543, at *2 (Conn. Super. Nov. 6, 2009) (annexed hereto as Exhibit F), including where “the search is part of a continuing investigation which would be adversely affected,” C.G.C. § 54-33c(a)(2). “Extensions may be granted . . . for no longer than reasonably necessary to deal with the exigency that warrants the issuance.” *Clark*, 2009 WL 4683543, at *2.

The Sealing Orders do not specify the exigent circumstances warranting the continued sealing of the Search Warrant Records, stating only that “due to the nature and circumstances of this case and the ongoing investigation, the State’s interest in continuing nondisclosure substantially outweighs any right to public disclosure at this time.”

Nor do the State’s Attorney’s motion papers set forth a basis for sealing the Search Warrant Records; the motions (which are identical in substance) contain bald, conclusory assertions that “[t]here is information contained in the search warrant affidavit that is not known to the general public and any potential suspect(s), the disclosure of which would jeopardize the investigation and chances of successfully solving any crime(s) involved,” and that “[d]isclosure . . . of the affidavit would . . . divulge[e] sensitive and confidential information . . . and also identify persons cooperating with the investigation thus possibly jeopardizing their personal safety and well-being.” (*See* Exhibit G, at 2.)

In essence, the continued sealing of the Search Warrant Records appears to be based on nothing more than the fact that the State's Attorney's investigation is ongoing. The plain language of C.G.C. § 54-33c(a)(2), however, indicates that an open investigation, without more, is not sufficient grounds for continued sealing. It is only where an open investigation "would be adversely affected" by disclosure that records may be sealed.

For several reasons, the circumstances surrounding the Search Warrant Records make it unlikely that disclosure would jeopardize the state's investigation in this matter.

First, the state's own motions suggest strongly that no charges are likely in any event: "[N]o arrests have been made and none are currently anticipated." The shooter, Adam Lanza, is deceased, as is Nancy Lanza, who reportedly owned the weapons used in the shooting. (See Exh. G, at 2.)

Second, as the Sealing Orders and the underlying sealing motions make clear, the fact that authorities have searched Nancy Lanza's home, her vehicle, and Adam Lanza's vehicle, is already a matter of public record. Moreover, the reasons for the state's interest in obtaining these warrants are neither a secret nor difficult to discern: the warrants seek to search the vehicle and residence of the shooter, as well as the vehicle of the individual who reportedly owned the weapons used in the shooting.

Third, three of the warrants were issued within hours of the shooting, and the other two warrants (both for the home, which had already been the subject of a search by that point) were issued within two days of the shooting. Given the extremely rapid time frame between the incident and the search warrant applications, it is unlikely that the investigation by that point had progressed to the point where the Search Warrant Records would contain anything but basic facts that are already known to the public at this date.

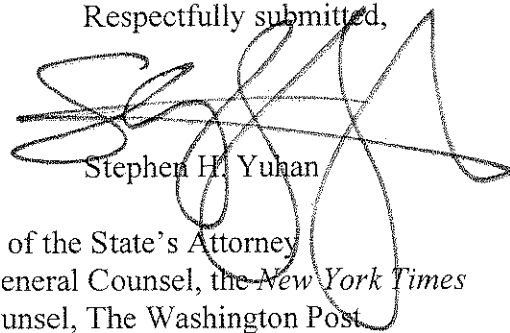
Finally, as this Court is well aware, the public interest in the shooting and the investigation is extremely strong. Accordingly, even to the extent that the state could be deemed to have initially made the requisite showing of "exigent circumstances," any interest in the continued sealing of the Search Warrant Records is outweighed by the interest in disclosure.

Honorable John F. Blawie
January 24, 2013
Page 4 of 4

The News Times respectfully submits that the Search Warrant Records should be immediately unsealed pursuant to Section 42-49A of the Practice Book, the common-law and First Amendment right of access, and relevant case law.

Thank you for your consideration of this request. In general, our goal is to work cooperatively with the Court in order to ensure that the press is able to meaningfully carry out its role as surrogates for the public to report information about these proceedings. If any Court personnel wish to contact me directly, I can be reached at (212) 649-2021.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen H. Yuhon", is written over the typed name. The signature is stylized and somewhat illegible due to overlapping loops and lines.

Stephen H. Yuhon

cc: Stephen J. Sedensky III, Office of the State's Attorney
David E. McCraw, Assistant General Counsel, the *New York Times*
Jim McLaughlin, Associate Counsel, The Washington Post
Karen Kaiser, Associate General Counsel, The Associated Press
Barbara W. Wall, Vice-President, Senior Associate General Counsel,
Gannett Co., Inc. (publisher of *The Journal News*)

Exhibit A

IN RE: SEARCH WARRANT
DATED DECEMBER 14, 2012 AT 5:29 P.M.

FOR THE RESIDENCE OF NANCY LANZA
36 YOGANANDA STREET
SANDY HOOK, CONNECTICUT

POLICE CASE NUMBER:
CFS12-00704559

SUPERIOR COURT

JUDICIAL DISTRICT

OF DANBURY

DECEMBER 27, 2012

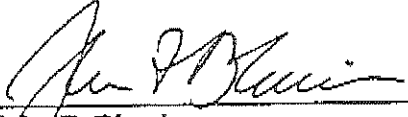
ORDER

COPY

The application of the prosecuting authority, the Danbury State's Attorney, having been considered, it is hereby GRANTED.

The period of time sealing the search warrant application, affidavit and return, and dispensing with the requirement of giving a copy of the same is hereby extended for a period of ninety (90) days from the date hereof. The court finds that due to the nature and circumstances of this case and the ongoing investigation, the State's interest in continuing nondisclosure substantially outweighs any right to public disclosure at this time.

IT IS SO ORDERED.



John F. Blawie
Judge of the Superior Court

Exhibit B

IN RE: SEARCH WARRANT
DATED DECEMBER 14, 2012

:

SUPERIOR COURT

FOR CONNECTICUT REGISTRATION
872 YEO, A 2010 HONDA CIVIC, 4 DOOR SEDAN
COLOR BLACK, PARKED IN FRONT OF
SANDY HOOK ELEMENTARY SCHOOL
12 DICKINSON DRIVE
NEWTOWN, CONNECTICUT

:

JUDICIAL DISTRICT

:

OF DANBURY

POLICE CASE NUMBER:
CFS12-00704559

:

DECEMBER 27, 2012

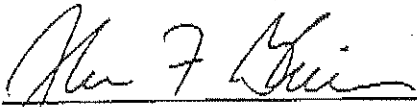
ORDER

COPY

The application of the prosecuting authority, the Danbury State's Attorney, having been considered, it is hereby GRANTED.

The period of time sealing the search warrant application, affidavit and return, and dispensing with the requirement of giving a copy of the same is hereby extended for a period of ninety (90) days from the date hereof. The court finds that due to the nature and circumstances of this case and the ongoing investigation, the State's interest in continuing nondisclosure substantially outweighs any right to public disclosure at this time.

IT IS SO ORDERED.



John F. Blawie
Judge of the Superior Court

Exhibit C

IN RE: SEARCH WARRANT
DATED DECEMBER 14, 2012 AT 7:25 P.M.

FOR THE RESIDENCE OF
NANCY AND ADAM LANZA
36 YOGANANDA STREET
SANDY HOOK, CONNECTICUT

POLICE CASE NUMBER:
CFS12-00704559

: SUPERIOR COURT
:
: JUDICIAL DISTRICT
:
: OF DANBURY
:
: DECEMBER 27, 2012

ORDER

The application of the prosecuting authority, the Danbury State's Attorney, having been considered, it is hereby GRANTED.

The period of time sealing the search warrant application, affidavit and return, and dispensing with the requirement of giving a copy of the same is hereby extended for a period of ninety (90) days from the date hereof. The court finds that due to the nature and circumstances of this case and the ongoing investigation, the State's interest in continuing nondisclosure substantially outweighs any right to public disclosure at this time.

IT IS SO ORDERED.

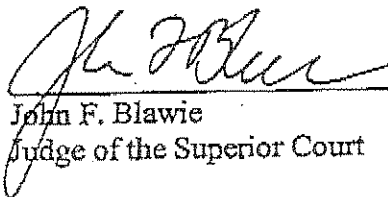

John F. Blawie
Judge of the Superior Court

Exhibit D

IN RE: SEARCH WARRANT
DATED DECEMBER 15, 2012 AT 3:03 P.M.

FOR THE RESIDENCE OF
NANCY AND ADAM LANZA
36 YOGANANDA STREET
SANDY HOOK, CONNECTICUT

POLICE CASE NUMBER:
CFS12-00704559

SUPERIOR COURT

JUDICIAL DISTRICT

OF DANBURY

DECEMBER 27, 2012

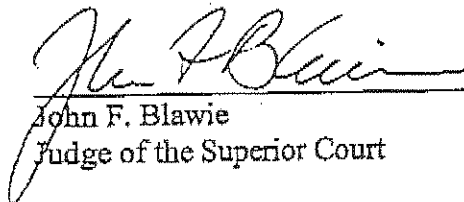
ORDER

COPY

The application of the prosecuting authority, the Danbury State's Attorney, having been considered, it is hereby GRANTED.

The period of time sealing the search warrant application, affidavit and return, and dispensing with the requirement of giving a copy of the same is hereby extended for a period of ninety (90) days from the date hereof. The court finds that due to the nature and circumstances of this case and the ongoing investigation, the State's interest in continuing nondisclosure substantially outweighs any right to public disclosure at this time.

IT IS SO ORDERED.



John F. Blawie
Judge of the Superior Court

Exhibit E

IN RE: SEARCH WARRANT
DATED DECEMBER 16, 2012 AT 4:31 P.M.

:

SUPERIOR COURT

FOR THE RESIDENCE OF
NANCY AND ADAM LANZA
36 YOGANANDA STREET
SANDY HOOK, CONNECTICUT

:

JUDICIAL DISTRICT

:

OF DANBURY

POLICE CASE NUMBER:
CFS12-00704559

:


DECEMBER 27, 2012

ORDER

The application of the prosecuting authority, the Danbury State's Attorney, having been considered, it is hereby GRANTED.

The period of time sealing the search warrant application, affidavit and return, and dispensing with the requirement of giving a copy of the same is hereby extended for a period of ninety (90) days from the date hereof. The court finds that due to the nature and circumstances of this case and the ongoing investigation, the State's interest in continuing nondisclosure substantially outweighs any right to public disclosure at this time.

IT IS SO ORDERED.



John F. Blawie
Judge of the Superior Court

COPY

EXHIBIT F

Not Reported in A.2d, 2009 WL 4683543 (Conn.Super.), 48 Conn. L. Rptr. 795
(Cite as: 2009 WL 4683543 (Conn.Super.))

H

Only the Westlaw citation is currently available.

UNPUBLISHED OPINION. CHECK COURT
RULES BEFORE CITING.

**This decision was reviewed by West editorial staff
and not assigned editorial enhancements.**

Superior Court of Connecticut,
Judicial District of New Haven.
STATE of Connecticut
v.
Raymond CLARK III.

No. CR0997102T.
Nov. 6, 2009.

ROLAND D. FASANO, Judge.

PROCEDURAL HISTORY

*1 By motions dated September 30, 2009, the defendant moves, pursuant to Section 42-49A of the Practice Book, the Fifth, Sixth, and Fourteenth Amendments to the U.S. Constitution, and Article I, Section 8 of the Connecticut Constitution, to extend the sealing orders in connection with the nine search warrants and the arrest warrant currently under seal in the above stated matter.

The Hartford Courant Company was granted its *Motion To Intervene* on October 6, 2009 and filed its objections to the defendant's motions. On October 20, 2009, the New Haven Register, Associated Press and New York Times were granted intervener status and joined in support of the Hartford Courant Company's objections to the defendant's motions. All parties were then heard in argument.

The state filed a brief in support of defendant's position; adding, in oral argument, the request of the family of the alleged victim that the affidavits in question be sealed.

It should be noted that on October 20, 2009, in addition to its brief in support of the defendant's motions filed pursuant to Section 42-49A, the state moved to extend the order sealing all search warrant

affidavits pursuant to Section 54-33c(b) of the General Statutes. Upon the filing under seal of a detailed affidavit in support, the motion to extend the sealing by operation of law was granted by this court with an extension to November 3, 2009. A further extension was filed on November 3, 2009 and granted to November 17, 2009.

LAW AND ANALYSIS

As the interveners note and the commentary makes abundantly clear, Section 42-49A of the Practice Book was fashioned to mirror United States Supreme Court precedent and supporting federal and state authorities regarding the public right to access documents filed in connection with criminal cases. The section is specific to "... Documents in Criminal Cases."

Subsection (a) provides in relevant part: "... there shall be a presumption that documents filed with the court shall be available to the public."

Subsection (b) mandates: "... the judicial authority shall not order that any files, affidavits, documents, or other materials on file with the court or filed in connection with a court proceedings be sealed or their disclosure limited."

"Affidavits" on file with the court in criminal cases are, for the most part, police authored, factual recitations constituting probable cause for the arrest of the accused or probable cause in connection with a search incident to a criminal investigation. The intent of the rule is to make affidavits, among other materials, filed in connection with criminal cases, available to the public.

Subsection (c) provides the only exception where the judicial authority may order files sealed or their disclosure limited in criminal cases; that is, to preserve an interest which overrides the public's interest in viewing the materials. The court must articulate the overriding interest; determine a lack of any alternative to sealing or limiting disclosure of the material and make any such order no broader than necessary.

*2 Clearly, the purpose of the section is to pro-

Not Reported in A.2d, 2009 WL 4683543 (Conn.Super.), 48 Conn. L. Rptr. 795
(Cite as: 2009 WL 4683543 (Conn.Super.))

mote openness and transparency in the criminal courts in an effort to foster confidence and understanding with respect to the criminal process, consistent with the rights of the accused, "The bright light cast upon the judicial process by public observation diminishes the possibilities for injustice, incompetence, perjury and fraud. Furthermore, the very openness of the process should provide the public with a more complete understanding of the judicial system and a better perception of its fairness." (Citations omitted; internal quotation marks omitted.) Rosado v. Bridgeport Roman Catholic Diocesan Corp., 292 Conn. 1, 18, 970 A.2d 656 (2009).

At the hearing on its motion, the defense offered two binders full of articles, marked Exhibits (A) and (B), in support of its position that, given the enormous media coverage of the case, including local, national, and even international coverage, disclosure of the search and arrest affidavits would deprive this defendant of his constitutional rights to an impartial jury and a fair trial.

However, if the purpose of Section 42-49A is openness and transparency, consistent with First Amendment principles, in order to promote public confidence and understanding with respect to the criminal process, should the courts restrict disclosure in direct proportion to the interest of the public—the more intense the public interest, the greater the restriction?

The defendant notes that the public's First Amendment right to access is not absolute and when counterbalanced with the defendant's right to a fair trial, it's the defendant's right to a fair trial that must prevail, since no right ranks higher. See Press-Enterprise Co. v. Superior Court of California, 464 U.S. 501, 104 S.Ct. 819, 823, 78 L.Ed.2d 629 (1984).

Additionally, the defendant argues that this court adopt a lesser standard with respect to search warrant affidavits than the "strict scrutiny" standard associated with First Amendment analysis, based on decisions of other jurisdictions, particularly where the state's investigation is ongoing.

In fact, Connecticut law does acknowledge a degree of difference between search affidavits and arrest affidavits in terms of sealing orders issued by opera-

tion of law.

Arrest affidavits may be sealed at the request of the prosecutor for "good cause shown" pursuant to Section 36-1 of the Practice Book for a period "not to exceed two weeks from the date of the arrest." Thereafter, extensions may be sought only pursuant to Section 42-49A of the Practice Book.

On the other hand, search affidavits may be sealed pursuant to Section 54-33c of the General Statutes under three sets of exigent circumstances: (1) where the safety of a confidential informant would be jeopardized; (2) where a continuing investigation would be adversely affected; and (3) where disclosure of information is prohibited pursuant to the wiretapping statute. Initial sealing may be for no longer than two weeks. Extensions may be granted, ex parte, under the same circumstances, for no longer than reasonably necessary to deal with the exigency that warrants the issuance. As previously indicated, the state has moved and been granted extensions with respect to search affidavits in this matter, to November 6, 2009 pursuant to Section 54-33c.

*3 Once the exigencies expire, however, further extensions by the prosecutor or any other party are filed pursuant to 42-49A.

Clearly, in most cases, Connecticut courts do not seal or limit disclosure of arrest and search affidavits beyond the investigative stages. The defense argues that if this court is not willing to order a blanket sealing of the affidavits in question that it, alternatively, consider redacting portions of the affidavits in accord with its particularized claims submitted under seal.

The defense cites State v. Davis, 48 Conn.Supp. 147, 834 A.2d 805 (2003) [35 Conn. L. Rptr. 105], as state authority for its proposed continued sealing of affidavits in this high profile case. *Davis* involved a state representative charged with sexual assault and risk of injury to a minor child. The arrest affidavit included seventeen paragraphs that constituted, virtually, the entire substance of the charges in graphic, explicit, sexual detail. The court noted, "A properly redacted affidavit would fully eviscerate the thrust of the allegations leaving only a skeleton of the present allegations." *Id.*, at 156, 834 A.2d 805. In granting the sealing request, the *Davis* court appropriately pre-

Not Reported in A.2d, 2009 WL 4683543 (Conn.Super.), 48 Conn. L. Rptr. 795
(Cite as: 2009 WL 4683543 (Conn.Super.))

served the defendant's overriding interest in a fair trial given the inflammatory nature of the affidavit material in that case.

The content of the affidavits in this case differ dramatically from *Davis*. A review of the material reveals, for the most part, the unembellished investigative steps of the various police agencies that, ultimately, culminated in the arrest of the accused. Much of the material, as the interveners note, is already in the public domain and much of the material is consistent with the purported purpose of fostering the public's confidence in and understanding of the criminal process. Clearly a blanket sealing of the affidavits, under the circumstances here, would not be appropriate.

However, in this court's view, consistent with the *Davis* analysis, there are limited portions of the arrest and search warrant affidavits that support a finding of an overriding interest in nondisclosure for reasons that will be specified under seal. These materials can be removed without eviscerating the substance of the affidavits. The overriding interest with respect to each nondisclosure, in most instances, is the defendant's right to an impartial jury and a fair trial.

Redaction of the specific, offending material is appropriate in the interest of securing no broader a limitation of disclosure than is necessary and there is no other reasonable alternative. The redactions affect material that is inflammatory; material of significant import that is unfairly prejudicial to the defendant; and material that constitutes an invasion of privacy unnecessary to the public's understanding of the criminal process.

Material in the affidavits that may or may not be construed by the public as strong evidence against the accused has not been redacted unless it is unfairly prejudicial; nor is it redacted because it may or may not be challenged at trial. If the standard for redaction/sealing were, simply, material suggesting the guilt of the accused or that could or would be challenged at trial, then all arrest warrants and search warrants would be sealed since their very purpose is to establish probable cause for the arrest or the search and most evidence offered against an accused is challenged at trial. Furthermore, it would make no sense to release dramatically altered affidavits that promote a public misconception that the arrest and/or

search warrants were issued under the flimsiest of circumstances.

*4 Likewise, several sentences containing police speculation and/or opinion are not redacted. These affidavits are police documents and the sentences in question are of little consequence. For the most part, the affidavits show restraint in this regard.

Though courts have found jury voir dire to be the most effective means of insuring the defendant's right to a fair trial; see *In re National Broadcasting Co., Inc.*, 653 F.2d 609, 617 (D.C.Cir.1981); and, in fact, Connecticut assures an accused the constitutional right to individual voir dire; this court is mindful of its responsibility to issue a decision that appropriately weighs the competing rights and interests of the parties and not rely on available remedies that can be applied after the fact.

For the purpose of this memorandum, the court has marked the arrest affidavit as Exhibit (A) and the search affidavits, in chronological order, as Exhibits (B) through (J). This court has determined that (6) separate segments of material, repeated throughout the court's exhibits, warrant redaction.

The public filing of this memorandum will not include the Conclusion which will outline the specific redactions and the court's reasoning with respect to each, since the substance of the redactions would, thereby, be disclosed.

This court orders that the redacted material not be disclosed to the public throughout the pendency of this case.

This date, copies of the un-redacted materials will be placed under seal and marked Court's Exhibit (1). The court's memorandum of decision including its Conclusion will be placed under seal and marked Court's Exhibit (2). The proposed redacted version of the materials will be marked Court's Exhibit (3). The contents of Court's Exhibit (3) shall remain under seal for seventy-two hours (three business days) from the date of issuance of this decision for purposes of any petition for appellate review filed pursuant to Section 42-49A, subsection (g).

Conn.Super.,2009.

Not Reported in A.2d, 2009 WL 4683543 (Conn.Super.), 48 Conn. L. Rptr. 795
(Cite as: 2009 WL 4683543 (Conn.Super.))

State v. Clark
Not Reported in A.2d, 2009 WL 4683543
(Conn.Super.), 48 Conn. L. Rptr. 795

END OF DOCUMENT

EXHIBIT G

IN RE

SEARCH WARRANT, DATED December 16, 2012 at 4:31 p.m. AND

SIGNED BY THE HONORABLE JOHN F. BLAWIE, JUDGE OF THE SUPERIOR COURT

FOR "The residence of Nancy and Adam Lanza, 36 Yogananda Street in Sandy Hook, CT. The residence is a 2 story colonial style structure, with an attached two car garage. The house is pale yellow with dark green shutters. The full address, 36 Yogananda Street is listed on the mailbox located in front of the house."

Police case number CFS#12-00704559

PROSECUTING AUTHORITY'S APPLICATION UNDER C.G.S. §54-33c(b) FOR
EXTENSION OF PERIOD SEALING SEARCH WARRANT APPLICATION AND AFFIDAVIT
AND DISPENSING WITH REQUIREMENT OF GIVING COPY OF SAME TO OWNER,
OCCUPANT OR PERSON NAMED THEREIN AND FOR SEALING OF SEARCH WARRANT
RETURN

Pursuant to C.G.S. §54-33c(b), Practice Book §42-49A(b), Article IV of the Connecticut Constitution as Amended by Article XXIII, C.G.S. §51-276¹ and the law enforcement privilege² the undersigned State's Attorney, as the prosecuting authority, hereby makes application for:

- a. A 90 day extension of the period of time sealing the search warrant application and affidavit and dispensing with the requirement of giving a copy of the same to the owner, occupant or person named therein for the same time; and
- b. An 90 day extension of the period of time sealing the return of the search warrant.

In support of this application, the undersigned represents, based on:

1. Information provided in the search warrant affidavit; and

OFFICE OF THE CLERK
SUPERIOR COURT
GA3

2012 DEC 25 A 11:07

JUDICIAL DISTRICT
SANDY HOOK
STATE OF CONNECTICUT

§51-276 puts the Division of Criminal Justice in charge of investigations and prosecutions of criminal matters.

In re The City of New York, 607 F.3rd 923, C.A. 2 (NY) June 9, 2010 (NO. 10-0327-OP); State v. Sebeck, 246 Conn. 514; 545-46 (1998).

2. Information provided to him by the investigating police officers

That the investigation, which was a basis for the issuing of the search warrant, is still continuing and no arrests have been made and none are currently anticipated, but have not been ruled out.

Additionally,


- There is information contained in the search warrant affidavit that is not known to the general public and any potential suspect(s), the disclosure of which would jeopardize the investigation and chances of successfully solving any crime(s) involved; and
- That disclosure and delivery of the affidavit would seriously jeopardize the outcome and success of the investigation by divulging sensitive and confidential information known only to investigators and any potential suspect(s) and also identify persons cooperating with the investigation thus possibly jeopardizing their personal safety and well-being.

As such

The search is part of a continuing investigation, which would be adversely affected by the giving of a copy of the affidavit, application and return and the unsealing of the same at this time (54-33c(a)).

December 26, 2012

STATE OF CONNECTICUT



Stephen J. Sedensky III

State's Attorney

Office of the State's Attorney

146 White Street

Danbury, CT 06810