

Case No. 3:20-cv-534 (JBA)

IN THE

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

Tre Mcpherson Et. Al.

Vs.

Ned Lamont Et. Al.

"INTERVENTION F.R.C.P. 24(a)(1),(2) OF "RIGHT" IS
"MY" DERIVATIVE ACTION UNDER F.R.C.P. 23.1

Transcript [T:2-20-14] submitted to "REDRESS"

[Exhibit # 7]

"2-20-14
TRANSCRIPT"

No.

IN THE
SUPREME COURT OF THE UNITED STATES

In Re
Michael A. Young - PETITIONER

Vs.

Ned Lamont Et. Al. - RESPONDENT(S)

"EMERGENCY" RULE 23 "APPLICATION FOR "EXTRAORDINARY"
"RULE 23.4" STAY "OF UNEXECUTED PORTION OF STATE COURT
"ILLEGAL" JUDGMENTS

"TRANSCRIPT"

[T: 2-20-14]

STATE OF CONNECTICUT

: GA #19

v.

: AT ROCKVILLE, CONNECTICUT

MICHAEL YOUNG

: FEBRUARY 20, 2014

P O S T - C O N V I C T I O N
M O T I O N S

BEFORE THE HONORABLE HUNCHU KWAK, JUDGE,

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

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ORDERING PARTY: MARTIN ZELDIS

Recorded By:
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20 Park Street
Rockville, Connecticut 06066

*Unethical Erwin
"PURGE" pg. 10
pg. 12, 6, 7, 8
"GRAND SCAM"
"CHARGING INFO"*

1 concerns about his competency and thought the
2 conscientious thing to do, to have him examined. Our
3 concerns have been resolved.

4 THE COURT: Okay. So are you stipulated to the
5 finding of competency?

6 ATTY. ERWIN: Yes. Yes, Your Honor.

7 THE COURT: Okay.

8 ATTY. BAER: And for the record, Your Honor,
9 I've had the opportunity to read this report, also,
10 dated February 19, 2014, by the Connecticut Mental
11 Health Center, which documents the report of the team
12 of evaluators who examined Mr. Young pursuant to this
13 Court's order and have concluded that he is competent
14 on Page 6 of that six-page report.

15 It was defense counsel's motion. The state has
16 no issue with the conclusion of the team.

17 THE COURT: Okay. Thank you.

18 Based on the uncontroverted evidence presented
19 and the written report, which has been admitted into
20 evidence as a full exhibit -- which will be entered
21 as a full exhibit.

22 THE CLERK: Yes.

23 THE COURT: Thank you -- dated
24 February 19, 2014, it has been established by a fair
25 preponderance of the evidence that the defendant is
26 competent, is able to assist in his own defense, or
27 in this case, for the sentencing, and is able to

1 Attorney Erwin. But until such time as that's the
2 case, then I oppose the dismissal.

3 THE COURT: Okay. Well, I don't have any
4 authority to dismiss or not dismiss Attorney Erwin
5 because he's a private counsel, and it's really up to
6 the defendant to.

7 I understand for the -- as far as the
8 proceedings are concerned; yes. It's best for
9 Mr. Young [sic] to stay in.

10 ATTY. ERWIN: If I could suggest, Your Honor.
11 Let me be clear. I think Mr. Young has fired me
12 privately and possibly through motions he's filed
13 with the Court.

14 THE COURT: Right.

15 ATTY. ERWIN: I believe I would have to refresh
16 my memory before I said it with one-hundred-percent
17 confidence, but I believe that that requires a
18 mandatory dismissal.

19 Personally, in the competency evaluation, he's
20 expressed no confidence in myself, Attorney Pattis,
21 or our firm. I think he's also expressed a desire to
22 go pro se.

23 If I'm mistaken, the Court may wish to canvass
24 him on that matter.

25 THE COURT: Okay.

26 ATTY. ERWIN: But I don't think that my being in
27 at this point would be what's required under the

1 three charges.

2 THE DEFENDANT: But I've been convicted without
3 due process of law, Your Honor.

4 THE COURT: Well, then you can file an appeal if
5 that's what you like, sir; but as far as we're
6 concerned, we're going to go forward with the
7 sentencing. Do you understand?

8 THE DEFENDANT: Without interrupting you, I do
9 have a pro se motion to dismiss that I would like to
10 argue myself. And I have a brief for the Court in
11 support of my actual innocence that I'd like to
12 submit to the Court.

13 THE COURT: Sir, I sat here and presided over
14 the trial. You were not innocent. The jury found
15 you guilty of assaulting a police officer,
16 interfering with a police officer. You've also been
17 convicted of committing a crime while on pretrial
18 release.

19 THE DEFENDANT: Yes, Your Honor. And the
20 assault on the police officer, that isn't an original
21 charge; and that charge was actually replaced without
22 substitute information, no bill of particulars.

23 The original charge was creating a public
24 disturbance.

25 THE COURT: All right, sir. You can file an
26 appeal in this matter if that is your wish.

27 THE DEFENDANT: Your Honor, the original charge

1 not familiar with the evidence. Attorney Durham is
2 unavailable.

3 THE COURT: No; we're not going to argue this
4 today.

5 ATTY. BAER: Thank you.

6 THE COURT: It's just -- so today, we're just
7 going to do the competency, which we finished.

8 So I'm going to give you four more weeks before
9 I sentence you.

10 THE DEFENDANT: Your Honor, I have a brief that
11 I need to submit to the Court.

12 THE COURT: Okay. You can file it, but we're
13 not going to argue that today.

14 THE DEFENDANT: But I've already submitted the
15 motion, the pro se motion to dismiss post-conviction.

16 THE COURT: All right. Well, then I'll rule on
17 that next time. But today, I can't do the hearing
18 because we don't have Attorney Durham here, who was
19 the prosecuting attorney for your trial.

20 THE DEFENDANT: Okay. So now I can submit my
21 brief to the Court?

22 THE COURT: Yes; you can do that. I mean, if
23 you fired Attorney Erwin and his law firm, that's
24 fine. If you want to go forward pro se, you can
25 certainly do that.

26 But I'm going to give you four weeks to find an
27 attorney -- a replacement attorney for yourself,

1 to work.

2 THE COURT: Okay.

3 ATTY. BAER: I know that he's starting another
4 trial, but four weeks out might --

5 THE COURT: Okay.

6 ATTY. BAER: -- might be adequate.

7 THE COURT: March 20th for sentencing, sir, with
8 or without an attorney for yourself.

9 ATTY. BAER: And just so that I'm clear,
10 Your Honor, Attorney Erwin is --

11 THE COURT: Yes.

12 ATTY. BAER: -- has been relieved?

13 THE COURT: Yes; has been removed.

14 ATTY. ERWIN: Thank you, Your Honor.

15 THE COURT: All right. His firm has been
16 removed.

17 ATTY. ERWIN: Thank you. I don't mean to
18 further muddy the waters.

19 THE COURT: Yes.

20 ATTY. ERWIN: A housekeeping matter that's
21 relevant to sentencing is -- I think this is what
22 Mr. Young was referring to. I have his file. I
23 think he's entitled to it. My firm has to do a purge
24 first.

25 We have what's been done on his PSI report. In
26 terms of preparing him for sentencing, his further
27 counsel, I know he would like to have this.

1 THE COURT: And you know, obviously, sir, if you
2 hire an attorney, you need to have that counsel
3 contact Mr. Erwin's law firm so he could get the
4 files.

5 Do you understand, sir?

6 THE DEFENDANT: Um-hmm.

7 THE COURT: Yes?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. All right.

10 ATTY. ERWIN: Thank you, Your Honor.

11 THE COURT: Anything else?

12 ATTY. BAER: And the date, Judge?

13 THE COURT: March 20th.

14 ATTY. BAER: Thank you.

15 THE CLERK: Would you like it at ten or two,
16 Your Honor?

17 THE COURT: What day is that?

18 ATTY. BAER: It's a Thursday.

19 THE COURT: Thursday? It'll have to be in the
20 afternoon, please.

21 ATTY. BAER: 2 p.m.?

22 THE COURT: Yes.

23 THE DEFENDANT: Your Honor, are we going to
24 address my motion to dismiss, my post-conviction
25 motion to dismiss at that time?

26 THE COURT: Next hearing, sir, we'll do that.

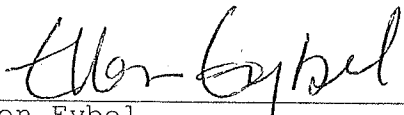
27 THE DEFENDANT: Thank you.

STATE OF CONNECTICUT : GA #19
V. : AT ROCKVILLE, CONNECTICUT
MICHAEL YOUNG : FEBRUARY 20, 2014

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, Judicial District of Tolland, Rockville, Connecticut, before the Honorable Hunchu Kwak, Judge, on the 20th day of February, 2014.

Dated this 1st day of July, 2014 in Rockville,
Connecticut.



Ellen Eybel
Court Recording Monitor

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[T: 4-17-14]

STATE OF CONNECTICUT : GA #19
v. : AT ROCKVILLE, CONNECTICUT
MICHAEL YOUNG : APRIL 17, 2014

S E N T E N C I N G

BEFORE THE HONORABLE HUNCHU KWAK, JUDGE

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ORDERING PARTY: MARTIN ZELDIS

Recorded By:
Ellen Eybel

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Ellen Eybel
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20 Park Street
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1 THE COURT: Marshal, could you please notify
2 them that they need to be out here. Thank you.

3 ATTY. JOY: Ready to begin whenever you are,
4 Your Honor.

5 THE COURT: Thank you, Attorney Joy.

6 I believe Mr. Young is being brought out.

7 Okay. Would the parties please identify
8 yourselves for the record.

9 ATTY. DURHAM: Reed Durham for the state,
10 Your Honor.

11 ATTY. JOY: Attorney Edward Joy, appointed
12 counsel for Mr. Young.

13 THE COURT: Thank you. And Mr. Young --

14 ATTY. JOY: Mr. Young is present to my left.

15 THE COURT: Thank you. And I believe he had
16 some issues with -- I know he's walking with a cane,
17 so I'm going to allow him to sit through the
18 proceedings.

19 ATTY. JOY: Thank you very much, Your Honor.

20 THE COURT: All right. Okay. This is
21 State v Young. I believe there's the matter of the
22 motion for a new trial which we need to take up
23 before we continue.

24 ATTY. JOY: Yes. Before we address that,
25 Your Honor, my client has asked me to request of the
26 Court some more time for investigation in this
27 matter.

1 Of course you know I did not sit through the
2 trial. I was not present through any of the evidence
3 that was given and testimony. And he would like me
4 to have a better opportunity to get the transcripts,
5 review them to address properly his motion for a new
6 trial.

7 THE COURT: That motion is denied. The
8 transcripts are not necessary for today's sentencing.
9 Certainly, if he wants to appeal the conviction, he
10 can do that. He'll have opportunity at that time to
11 review transcripts.

12 ATTY. JOY: Very good. As for the motion for a
13 new trial, Your Honor, I did discuss with my client
14 what we discussed in chambers, in that you had read
15 both the motion and the amendment that was recently
16 filed; and that you were interested if there was any
17 new information to be added to that.

18 I did ask my client, and he has no more
19 information to add to that.

20 THE COURT: Okay.

21 ATTY. JOY: So I do ask you, after having
22 reviewed all that, that you would grant his motion
23 for a new trial in this matter.

24 THE COURT: Okay. Attorney Durham.

25 ATTY. DURHAM: Your Honor, the state would rely
26 on its response to the original motion and the
27 comments made back on March 20th. I don't see

1 anything in the first motion for a new trial or with
2 the addendum that rises to the level that Mr. Young
3 did not get a fair trial.

4 THE COURT: Okay. All right. As Attorney Joy
5 stated, the Court has reviewed both the first motion
6 and the accompanying memorandum, as well as the
7 amendment for a new trial.

8 And as I indicated to Mr. Young the last time we
9 were here, what he's trying -- I believe he's trying
10 to say is that he did not have competent
11 representation, which I instructed him that that is
12 more appropriate for a habeas petition.

13 But that does not -- there's not enough in the
14 motion or the memorandum that would indicate the
15 Court to grant a new trial in the interest of
16 justice; therefore, the motion is denied. All right.

17 ATTY. JOY: Your Honor, my client tells me that
18 he filed a motion to dismiss the case back in -- I
19 believe it was January. And he's asking if that was
20 ever acted upon.

21 THE COURT: Motion to dismiss?

22 ATTY. JOY: Yes.

23 ATTY. DURHAM: Judge, I do have that. It was a
24 post-conviction motion to dismiss, I think filed at
25 the same time the other motions were filed, including
26 the motion to dismiss counsel. And I don't have any
27 marking as to whether that was acted on.

I would act -- ask the Court to deny the motion.

THE COURT: Attorney Joy.

ATTY. JOY: Thank you, Your Honor. I have located the -- it was dated January 24th. I don't know if the Court wishes time to review it yourself.

THE COURT: I've reviewed everything that Mr. Young has previously filed.

ATTY. JOY: Okay. Did you -- was it acted on, is the first question.

THE COURT: If it's not indicated, then -- Madam Clerk, was there any -- there's no decision on the motion to dismiss, was there?

THE CLERK: That's correct, Your Honor.

THE COURT: Okay. The motion is denied. Again, I didn't see anything in there that would warrant this Court to dismiss the case.

ATTY. JOY: Thank you. My client reserves the right to appeal these motions, Your Honor.

THE COURT: Absolutely. That's his right.

All right. Should we move on to the PSI?

ATTY. JOY: One second, Your Honor.

THE COURT: Thank you.

ATTY. JOY: On behalf of my client, Your Honor, at this time, he asks that the Court not refer to the PSI as part of the sentencing.

THE COURT: Why is that?

ATTY. JOY: He has many discrepancies that are

1 here, and he does tell me, although the PSI was
2 ordered to be redone, he says that he did not want
3 the PSI to be redone; and I just learned of that this
4 morning.

5 THE COURT: Attorney Durham.

6 ATTY. JOY: I did explain that it's like
7 un-ringing the bell, that you've already seen it.

8 THE COURT: Right. It's already done. I've
9 read it.

10 ATTY. DURHAM: Judge, I really don't take a
11 position. If he doesn't want the Court to consider
12 it --

13 THE COURT: Okay.

14 ATTY. DURHAM: -- I'm certainly going to be
15 referring to much information that's in that report.

16 THE COURT: Right.

17 ATTY. DURHAM: That's all a matter of public
18 record.

19 THE COURT: Right. Attorney Joy.

20 ATTY. JOY: Then if I could point out a couple
21 of things that my client says are incorrect about the
22 PSI, Your Honor.

23 THE COURT: Okay.

24 ATTY. JOY: As for the allegations to the
25 current offense, he does state that those are all,
26 obviously, incorrect as he does not take any
27 responsibility or admit that anything occurred on

1 that date.

2 THE COURT: Okay. That's not going to be
3 changed. He's been convicted of those charges, so --

4 ATTY. JOY: Very good. He also takes offense
5 that he did not sign -- he said he did not sign any
6 releases based on his paranoia about Attorney Pattis.

7 His reason for not signing any releases for the
8 PSI, Your Honor, was that he was very reticent to
9 sign anything because of a stipulation that he feels
10 he was forced into signing at the trial by
11 Attorney Pattis.

12 THE COURT: Okay.

13 ATTY. JOY: And so he is reluctant to sign any
14 releases.

15 THE COURT: All right. Then I guess it is what
16 it is. I don't know what to do with that, but is
17 there a specific location in the PSI that he is --

18 ATTY. JOY: Yeah. It comes up right here on
19 Page 4, at the top.

20 THE COURT: Okay.

21 ATTY. JOY: She says where he would not sign any
22 releases, explaining he was very uncomfortable
23 signing anything due to his own paranoia -- that is
24 not a word he used -- but he did state that he was
25 distrustful of signing anything based on Norm Pattis
26 questioning his competency and asking him to sign
27 that stipulation about missing evidence.

1 THE COURT: Well, it says he would not sign the
2 release, so --

3 ATTY. JOY: Correct.

4 THE COURT: So it is what it is.

5 ATTY. JOY: Okay. He was uncomfortable signing
6 anything because of the improper stipulation.

7 THE COURT: Okay. Well, it states that, so I
8 don't think that needs to be changed.

9 ATTY. JOY: Very good.

10 THE COURT: All right.

11 ATTY. JOY: As for the criminal history here, he
12 does object to the facts that are stated there. I
13 did explain to him that he had pled guilty to those
14 cases, and he tells me on several of those cases, he
15 did plead under the *Alford* doctrine; that he did not
16 agree with those facts as stated.

17 THE COURT: Okay. That's fine. But I don't
18 think there's anything here that states that he
19 agreed to these facts; that these were just
20 convictions.

21 Whether it's an *Alford* -- a guilty plea under
22 the *Alford* doctrine or a regular guilty plea, it
23 really doesn't matter to the Court.

24 ATTY. JOY: Very good. Nothing further,
25 Your Honor.

26 THE COURT: All right. Thank you.

27 ATTY. DURHAM: Judge, from the state's

1 perspective, the only inaccuracy I would point out is
2 on Page 3 during the factual basis of the current
3 offense.

4 THE COURT: Yes.

5 ATTY. DURHAM: The writer has included, the
6 male, Robert Picard, stated there was an issue
7 between he and Young only; and that's inaccurate.

8 The police report indicated that Mr. Picard told
9 the initial responding trooper that there was just an
10 issue between Jessica Reed and Mr. Young, but it was
11 nothing serious.

12 THE COURT: Right.

13 ATTY. DURHAM: And that that would -- Reed's
14 comment that followed was accurate.

15 THE COURT: Okay. So then do you wish that to
16 be corrected on the PSI?

17 ATTY. DURHAM: Just noting it for the record,
18 Your Honor.

19 THE COURT: Okay. Attorney Joy, do you want it
20 corrected in there, as the state stated, or are you
21 fine with this? It's just -- it's going to be on the
22 record.

23 ATTY. JOY: I think it's fine, Your Honor. I
24 don't think it's going to affect much.

25 THE COURT: All right. Thank you.

26 Did the police officer -- were they notified of
27 today's sentencing?

1 ATTY. DURHAM: Your Honor, I know Ms. Kozicki
2 attempted to contact --

3 THE COURT: Okay.

4 ATTY. DURHAM: -- Trooper Barrows. He is no
5 longer in Connecticut. He's now with the state
6 police in New Jersey.

7 THE COURT: Okay.

8 ATTY. DURHAM: So --

9 THE COURT: That's fine, then. Victim notice
10 has been attempted.

11 I'll hear from the state.

12 ATTY. DURHAM: Thank you, Your Honor.

13 ARGUMENT OF ATT. DURHAM:

14 Judge, in any case where we're making an offer
15 to resolve a case or a recommendation at sentencing, I try
16 to take into account what the crime is, how serious was it
17 in nature, both generally and the specific circumstances,
18 what affect it might have had on the victim, and who the
19 defendant is. What type of a life have they led coming up
20 to that point in time? What type of behavior can we expect
21 in the future?

22 And here, we have a very serious charge of
23 assault on a police officer which carries a ten-year
24 sentence. But the injury here was almost nonexistent. It's
25 an issue of pain, which is the threshold for the element of
26 the statute.

27 But we're not suggesting it was anything more

1 than that with Trooper Barrows. He was kicked. He
2 indicated he was taken aback, and it hurt; but it was
3 nothing more than that. So taking that in isolation, it's
4 not a case that merits a lengthy jail sentence.

5 But I'd submit to the Court that this is a
6 circumstance where the sum is really greater than its
7 individual parts in that Mr. Young has been getting arrested
8 since 1988. He has twenty-six years of criminal activity.
9 He has twenty-eight criminal convictions, by my count. He's
10 violated probation on three occasions.

11 And that's not even including the numerous cases
12 that the state elected not to pursue for one reason or
13 another nor the seven other pending cases that we presently
14 have in this court.

15 Mr. Young has been a burden on the Town of
16 Stafford and the State of Connecticut for quite some time.
17 In looking at his criminal history, there is a pattern of
18 behavior that's consistent through decades.

19 In 1994, he was convicted of an incident where
20 he assaulted a female, grabbed her by the hair, pushed her
21 head in to the wall. He was highly intoxicated. He didn't
22 comply with the police, yelled about the police and the
23 Courts, attempted to break an antenna off the cruiser, spit
24 on state troopers.

25 1994, he was arrested, believed to be under the
26 influence of drugs or alcohol, became unruly, was described
27 as going ballistic, eventually was taken to the hospital

LIER

1 where he claimed he had a knee that was broken.

2 He violated a protective order in 1995 and again
3 three months later in 1995, and in that particular incident,
4 he spit on a female, attempted to fight a male who was with
5 her, then followed them in a car, rammed the car, and broke
6 a window.

7 Again in December of '95, he violated a
8 protective order again.

9 In March of 1997, he violated a protective
10 order. Excuse me; that was a violation of probation.

11 In 2002, he was arrested and charged with breach
12 of peace and interfering in an incident at Joanna's Café in
13 Somers. He was intoxicated. He refused to comply with
14 directions from the state police. He spit during transport
15 to the state police. And there's notations that he told the
16 trooper he was going to make up a story that he was
17 assaulted by the state police.

18 In 2002, charged with interfering with the
19 police. Again, in September of 2002, an incident of
20 domestic violence where the defendant cut himself with a
21 knife in the foot so that when the police arrived, his
22 victim of the initial domestic would be arrested, also. And
23 again, he was intoxicated.

24 Again in 2002, he was arrested on disorderly
25 conduct, also with a roommate, where he threw a plate at
26 him.

27 In 2008 in Danielson, the defendant took a glass

LIEP

1 and smashed it in the face of Keith Mordasky, causing
2 significant lacerations.

3 And in 2011, again in Danielson, he was charged
4 with interfering with the police.

5 And then we have the numerous cases that are
6 pending in this court which all involve allegations of
7 violence, of drinking, being intoxicated, and failing to
8 comply with any direction of the state police, running into
9 the woods on at least two of the occasions.

10 I find it interesting in the PSI that Mr. Young
11 does not think he has a drinking problem. He says that it's
12 an exaggeration. The police have been blowing it out of
13 proportion for years; and that incidents have not been
14 alcohol-driven. It's merely that he becomes agitated when
15 he's targeted by the police after consuming even a small
16 amount of alcohol.

17 I think that's alarming that he fails to
18 recognize that he has a problem, and I think it's consistent
19 with the fact that he shows no signs of changing his
20 behavior.

21 It's been clear throughout this case that
22 Mr. Young has no remorse for his behavior. He sees himself
23 as being persecuted by the police. He thinks they're out to
24 get him, as they have been for quite some time. But he
25 neglects the fact that in almost every one of the cases, the
26 police have arrived on scene as the result of a 911 call.
27 So it's not the police that are chasing him down and

"LIER"

1 harassing him but that they're being called to assist based
2 on his behavior.

3 Also, looking at Mr. Young's past, I see,
4 despite the twenty-plus convictions, that he has been given
5 chance after chance. He's been given conditional discharges
6 and fines. He's been given fully suspended sentences,
7 numerous charges that were nollied. And despite those
8 second, third chances, he has failed to reform himself.

9 I looked at the number of charges that relate to
10 violations of protective orders, conditions of release, and
11 violations of probation, and I'd suggest to the Court that
12 he's not someone that should get a split sentence; that if
13 there's a period of probation, I don't think it would be
14 fruitful. I don't think he's a person that's going to be
15 rehabilitated by probation, and I don't think he's someone
16 who would comply with probation.

17 We look at the traditional factors in
18 sentencing, specific, general deterrence, punishment,
19 rehabilitation. I don't see this as a case where there's
20 really any broader message for potential defendants. I
21 don't see it as a case where the sentence is going to lead
22 to his rehabilitation.

23 I do see it as an opportunity to incapacitate
24 Mr. Young and ensure that he does not harm himself or anyone
25 else. I think that every day that Mr. Young is
26 incarcerated, while unfortunate for him and for his family,
27 it is a good thing for the State of Connecticut and for

1 Stafford specifically, where I think he is unquestionably a
2 danger to the community. His violent and reckless behavior
3 has been going on, as I've stated, for nearly thirty years
4 without any sign of letting up.

5 So I'm not recommending any specific sentence to
6 the Court, but I am recommending to the Court that a lengthy
7 period of incarceration is appropriate for Mr. Young; and I
8 think that it is in the best interest of the community that
9 he serve a lengthy period of incarceration. Thank you.

10 THE COURT: Thank you.

11 Attorney Joy.

12 ATTY. JOY: Thank you, Your Honor.

13 ARGUMENT OF ATTY. JOY:

14 Your Honor, before you today sits Mr. Young, 46
15 years old, and there is a lengthy history of criminal
16 involvement here.

17 Mr. Young states that having lived in Stafford
18 for most of his life that he somehow has become a target of
19 the Stafford Police Department and the Troop C state
20 troopers and that he fails to somehow stay out of their way
21 and has resulted in all of these convictions that you see
22 before you that he did indeed plead guilty to and in some
23 instances under the *Alford* doctrine, where he did not agree
24 with any of the allegations against him.

25 Obviously, I don't have to remind the Court that
26 the cases from 1/10 going forward are all pending and that
27 all of those allegations are merely allegations and have not

1 been found to be facts.

2 Mr. Young is accompanied today by a couple of
3 his family members, his mother in particular, who does not
4 want to address the Court. But obviously, I'm sure she
5 seeks leniency on behalf of her son.

6 Mr. Young for many years has maintained a tree
7 removal business in the area, and for many years, he worked
8 on several of the disasters, Sandy. And I believe Gloria
9 was the other one -- Katrina, helping and assisting FEMA in
10 the removal of trees from these disaster areas. Oh -- and
11 Irene, also. So you know, he was a successful business man
12 prior to being incarcerated on this.

13 He has no idea what has become of all his tree
14 removal equipment, and he's incurred quite a bit of debt in
15 hiring an attorney to represent him who he then had to
16 dismiss for all the reasons which Your Honor has read.

17 And so on behalf of my client, I do ask the
18 Court for leniency and for the Court to enter a judgment
19 here in a sentence of as little time as the Court sees fit.

20 THE COURT: Does the defendant wish to make a
21 statement before the Court imposes sentence?

22 ATTY. JOY: No; he does not, Your Honor.

23 THE COURT: Okay. Thank you very much.

24 Now, as Attorney Durham mentioned, the four
25 criteria that the Court needs to consider in
26 sentencing somebody are protecting the public,
27 deterrence, rehabilitation, and punishment.

1 If it were simply punishment, it would be an
2 easy sentence today because I would just give him the
3 max, but I need to consider the other criteria, as
4 well.

5 On May 10, 2011, the police were dispatched to
6 the offender's home for a domestic violence
7 complaint. According to the complainant,
8 Jessica Reed, Mr. Young assaulted and strangled her.

9 Mr. Young was also charged with interfering with
10 an officer and two counts of assault on a police
11 officer, as well as threatening in the second and
12 reckless endangerment in the first degree.

13 After a jury trial on all the counts, Mr. Young
14 was found not guilty on all counts except as to one
15 count for assault on a police officer and
16 interfering. He was also found guilty of committing

17 a crime while on pretrial release, in violation of
18 Connecticut General Statute Section 53a-40b.

19 Assault on a police officer is a C felony, which
20 is a punishment of up to ten years in prison.
21 Interfering with an officer is an A misdemeanor,
22 punishable by up to one year in prison. And
23 committing a crime while on pretrial release can be
24 punished by up to ten years for a felony and one year
25 for a misdemeanor. Therefore, Mr. Young faces a
26 maximum sentence of twenty-two years for his crimes
27 if they are to run consecutively.

NOT on
May 10
2011

"YES" The "ONE" that was
"IMPROPERLY" changed from
creating Public
Disturbance
"YES" "ILLEGAL" enhanced
with "NO" PRIOR
CONVICTION"
POST EX
FACTO
VIOLATION"

1 We have continued his sentencing for a few
2 months, several times for the PSI to be completed,
3 and then we had another continuance for Mr. Young to
4 be examined, as his former attorneys had some issues
5 regarding that matter. He was found competent to be
6 sentenced, however.

7 And then he was given an opportunity for another
8 PSI after he discharged his previous counsel,
9 Attorney Pattis' law firm, and Attorney Joy was
10 appointed as a special public defender in this
11 matter.

12 Mr. Young has a very long history of arrests and
13 convictions going back to 1998, including several
14 convictions for interfering with police officers.

15 Many of the charges were nollied, and he only
16 received fines for many others. He received
17 suspended sentences and was placed on probations
18 which were later violated. And until 1996, Mr. Young
19 did not serve any prison sentences, when he served
20 about three years in prison for a number of
21 convictions including three counts of violation of
22 protective orders.

23 He has eight more files on the trial list
24 involving multiple counts for violent behavior and
25 interfering with police officers. It is evident to
26 this Court that Mr. Young has violent tendencies and
27 has issues with authority, particularly with police

1 officers; therefore, he poses a significant safety
2 risk to the public.

3 He has disregarded police instructions, as well
4 as Court orders in the past, and it is ironic that
5 had he simply complied with police instructions on
6 this night, he would be a free man, at least as to
7 these counts, because the jury found him not guilty
8 on the domestic violence charges.

9 Either Mr. Young has an inability to follow
10 instructions of the police or he has no regard for
11 police officers, both of which is of concern for the
12 Court. But in any event, he needs to understand that
13 he is not above the law and cannot do as he pleases
14 without suffering the consequences.

15 Perhaps because in the past so many of his cases
16 were either nollied or he received mostly suspended
17 sentences, he believes he can continue to act as he
18 does and flout the system, but Mr. Young needs to
19 understand this Court will not tolerate this type of
20 behavior any longer; and he must be punished for his
21 illegal actions.

22 Police officers have a very difficult job to
23 perform, and they are subjected to danger constantly;
24 and we need to protect our officers so that they can
25 perform their duties in protecting society. And
26 protecting the public is one of the criteria that the
27 Court must consider in sentencing.

1 And I understand there was very little injury in
2 this matter, but as Attorney Durham stated, it's his
3 history of interfering and not following police
4 officers that is of concern. A significant period of
5 incarceration is warranted in this case due to
6 Mr. Young's lengthy prior history and his repeated
7 behavior of confrontation with the police.

8 This Court also needs to be cognizant of the
9 need for deterrence, not only for Mr. Young but also
10 of others who may be thinking of doing the same.

11 Because of his past violations of probation and
12 inability to follow Court orders, as well as the
13 number of arrests and convictions, it is the Court's
14 opinion that probation is not appropriate in this
15 case.

16 Therefore, on the charge of assault on a police
17 officer, in violation of Connecticut General Statute
18 Section 53a-167c, it is the sentence of the Court
19 that the defendant be committed to the custody of the
20 Commissioner of Correction for a period of five years
21 to serve, followed by five years special parole.

22 On the charge of interfering with an officer, in
23 violation of Connecticut General Statute Section
24 53a-167a, one year to serve, consecutive.

25 On the charge of committing a crime while on
26 pretrial release, in violation of Connecticut General
27 Statute Section 53a-40b, on the assault on a police

1 officer, five years to serve, consecutive, and one
2 year to serve on interfering with a police officer,
3 also to run consecutive.

4 Total effective sentence is twelve years to
5 serve, followed by five years special parole.

6 And do we have his forms for his right to
7 appeal, as well as sentence review?

8 THE CLERK: Yes, Your Honor.

9 THE COURT: If that could be handed over to the
10 defendant.

11 Let the record reflect that's being done.

12 ATTY. JOY: My client does intend to appeal,
13 Your Honor. Will the Court consider an appeal bond
14 in this matter?

15 THE COURT: The appeal bond is denied.

16 ATTY. JOY: Thank you.

17 THE COURT: Is there anything else?

18 ATTY. DURHAM: No, Your Honor. I'd just ask the
19 transcript be prepared for --

20 THE COURT: Yes.

21 ATTY. JOY: Thank you.

22 ATTY. DURHAM: -- Board of Pardons and Paroles.

23 THE COURT: Order transcripts.

24 THE CLERK: And are there any costs?

25 THE COURT: I'm going to waive any costs and
26 fees --

27 ATTY. JOY: Thank you.

1 THE COURT: -- due to his incarceration.

2 ATTY. DURHAM: Judge, I think all of Mr. Young's
3 other matters are on the docket for today, as well,
4 so I think we are going to need another court date so
5 that I can speak with Mr. Joy about what we're going
6 to do with all of his other cases.

7 THE COURT: Am I -- is that being brought before
8 me?

9 ATTY. DURHAM: I think it's going to be before
10 Judge Simon --

11 THE COURT: Okay.

12 ATTY. DURHAM: -- or whoever happens to be
13 sitting on the bench.

14 THE COURT: Do you want to pick a date for that
15 purpose?

16 ATTY. JOY: Sure. How about Tuesday, May 13th?

17 ATTY. DURHAM: That's fine with the state.

18 THE COURT: Okay. May 13th before Judge Simon
19 for the remainder of the cases.

20 Is there anything else?

21 ATTY. JOY: Nothing here, Your Honor.

22 ATTY. DURHAM: Nothing from the state, Judge.

23 THE COURT: All right. Thank you very much.

24 Court is adjourned.
25
26
27

NO: T19R-CR11-0099206-S

: SUPERIOR COURT

STATE OF CONNECTICUT

: GA #19

v.

: AT ROCKVILLE, CONNECTICUT

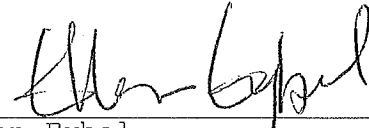
MICHAEL YOUNG

: APRIL 17, 2014

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, Judicial District of Tolland, Rockville, Connecticut, before the Honorable Hunchu Kwak, Judge, on the 17th day of April, 2014.

Dated this 21st day of April, 2014 in Rockville, Connecticut.



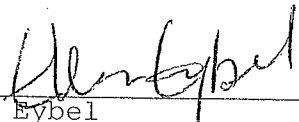
Ellen Eybel
Court Recording Monitor

NO: T19R-CR11-0099206-S : SUPERIOR COURT
STATE OF CONNECTICUT : GA #19
V. : AT ROCKVILLE, CONNECTICUT
MICHAEL YOUNG : APRIL 17, 2014.

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

I hereby certify the electronic version is a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Tolland, Rockville, Connecticut, before the Honorable Hunchu Kwak, Judge, on the 17th day of April, 2014.

Dated this 21st day of April, 2014 in Rockville, Connecticut.



Ellen Eybel
Court Recording Monitor

Case No. 3:20-cv-534 (JBA)

IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Tre Mcpherson Et. Al.

Vs.

Ned Lamont Et. Al.

"INTERVENTION F.R.C.P. 24(a)(1),(2) OF "RIGHT" IS
"MY" DERIVATIVE ACTION UNDER "F.R.C.P. 23.1"

Transcript [T: 9-17-19] submitted to "REDRESS"

[Exhibit # 7]

9-17-19
"TRANSCRIPT"

No.

IN THE
SUPREME COURT OF THE UNITED STATES

In Re

Michael A. Young - PETITIONER

Vs.

Ned Lamont Et. Al. - RESPONDENT(S)

"EMERGENCY" RULE 23 "APPLICATION FOR "EXTRAORDINARY"
"RULE 23.4" STAY "OF UNEXECUTED PORTION OF STATE COURT
"ILLEGAL" JUDGMENTS

"TRANSCRIPT"

[T: 9-17-19]

NO: TSR-CV14-4006214-S

: SUPERIOR COURT

MICHAEL YOUNG

: JUDICIAL DISTRICT
OF TOLLAND

V.

: AT ROCKVILLE, CONNECTICUT

WARDEN, STATE PRISON

: SEPTEMBER 17, 2019

HABEAS TRIAL

BEFORE THE HONORABLE COURTNEY CHAPLIN, JUDGE

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

Representing the Petitioner:

MICHAEL YOUNG
Self-Represented Party

Representing the Respondent:

ATTORNEY TAMARA GROSSO
Chief States Attorney's Office
300 Corporate Place
Rocky Hill, CT 06067

Recorded By:
Leah Bell

Transcribed By:
Leah Bell
Court Recording Monitor
20 Park Street
Rockville, CT 06066

Received 11-8-19

1 required before the commencement of trial, they had
2 maliciously changed Count 4 from the original count,
3 which was creating a public disturbance infraction
4 under Connecticut General Statute 53a-181a,
5 maliciously changed it to assault of a public safety
6 or medical -- emergency medical personnel. And
7 specifically specified only in violation of
8 Connecticut General Statute 53a-167(c) (a) (1) which
9 was an additional count to their Count 3, which is a
10 different subsection. But, nevertheless, an original
11 count in their May 11th 2011 short form filing. But
12 any rate, I was found not guilty on Count 3.

13 But as to Count 4 here, it's misinformed as an
14 original information filing. As you can see on
15 INCORRECT ^{its} ^{#2} Exhibit 1, it's captioned information, not substitute
16 information. Therefore, manipulating the accurate
17 record as it was an original information.

18 Now as to Exhibit 3 now, that I had submitted,
19 which is the JDCR 71 second short form filing by the
20 State, it reflects Count 4 now is assault of a public
21 safety/emergency medical/public transportation in
22 violation of Connecticut General Statute 53a-167c.
23 And there's no count at all of the original failure
24 to submit to fingerprint filing. But at any rate,
25 the general rule requirements of information filings
26 are the same general principles as to form and
27 contents and rules of pleading that apply to

1 Conclusions, arguments, and beliefs should not be
2 stated, but should be facts. An information,
3 moreover, cannot be doubled. And I specified
4 doubled. And I'll tell you in a little bit why.
5 This is, one cannot be charged with two or more
6 offenses in the same count. This makes it bad on the
7 ground of duplicity or DOUBLENESS. More
8 importantly, it must not be repugnant because as is
9 here in this case and in this information filing, if
10 one or more parts of the information is repugnant,
11 repugnant to the other part, the whole is void.
12 Especially, especially as is here where repugnant
13 matter is material and cannot be held merely
14 superfluous NOR not redundant. And beyond certainty has
15 altered the prejudicial surprising untimely Count 4
16 and preceding Count 3 averments.

17 Most importantly, these both intentional corrupt
18 material insufficiencies with no PROPERLY particular named
19 victims in Count 4 nor Count 3, cannot be rejected as
20 immaterial surplusage or MERE INFORMAL
21 defects CURED CARRIED by any verdict, nor ever can be
22 deemed as a waiver of my right to arrest these
23 illegal judgments. Again, the statements must not be
24 in the alternative. This is, the information must
25 not charge one with committing one or the other of
26 two offenses. For example, if an information states
27 that the accused set fire to, or caused fire to, be

"INCORRECT"

"INCORRECT"

"INCORRECT"

1 The day, the month, and the year should be stated.

2 It is not necessary however to state the hour but all
3 of the other has to be stated. Then and there, as
4 stated in the averment of the time and place must be
5 repeated at common law with each and every material
6 allegation of the offense. We got seven offenses
7 here. Not once did he use the term, then and there.
8 To avoid the cumbersome method of literally repeating
9 the day and the month and the year and also the
10 county as first said out, the phrase then and there
11 is used as often as each new material part of the
12 offense is alleged. Now, what, what we got here?
13 Just off the top of my head, Count 2 -- we got on or
14 about May 11th, approximately nine, said Michael
15 Young did obstruct, resist, hinder, or endanger a
16 police officer in the performance of his official
17 duties in violation, again, not stating that it's
18 against the peace and dignity of the State, but at
19 any rate -- then and there ain't there. Then and
20 there is not the so called word of art in Count 4 as
21 well, in any of them elements.

22 As to statutory offenses here, it's sometimes
23 said that it's sufficient in statutory offenses to
24 follow the word of the Statute, but this practice may
25 however be fatal as it is in this information filing
26 to the information. If the Statute in describing the
27 offense contains all the necessary elements of the

1 always be avoided. Since matter inserted by way of
2 excessiveness, although unnecessary, is no longer in
3 ~~IMMATERIAL~~ **IMMATERIAL** material and must remain and must be proved. So
4 maybe that's why you don't see anybody's name in
5 Count 3 or Count 4 under these felony offenses.
6 Because they made up, the State made up these victims
7 as they went along at trial. And the record proves
8 that. They didn't know who to put in there when they
9 filed that. Maybe because they didn't know what
10 police officer was gonna go along with their
11 shenanigans. I'll give you an example. In an
12 information for larceny of a horse, it describes him
13 as a Bay Horse, four years old, having two white feet
14 and a star upon its forehead. Such a particular
15 description, although not required, must stand. No
16 part of it can be rejected as surplusage. It's a
17 material part of the offense now and larceny of just
18 a horse must be proven or the case fails. But if the
19 whole of a statement can be stricken out without
20 destroying the accusation, it isn't necessary to
21 ~~INCORRECT~~ **MATTER IS** prove it. Where matters materials merely surplusage,
22 **NO** it has not effect on the information filing. But
23 I'll, I'll tell you, Your Honor, the names of the
24 victims needed to be in here. They needed to state
25 the names who are particular -- they needed to be
26 certain on who I assaulted or allegedly assaulted in
27 them crimes.

1 believe it's in Count 5 neither. But at any rate,
2 let me give you an example here. Forgery requires an
3 intent to defraud larceny and intent to deprive the
4 owner of permanent, permanently of the property.
5 Burglary and intent to, to commit a felony.

6 ATTY. GROSSO: Objection, Your Honor.

7 Relevance.

8 THE COURT: Mr. Young, do you claim it?

9 THE WITNESS: Not -- claim what?

10 THE COURT: The statement you just made that
11 she's objecting to.

12 THE WITNESS: It's an example.

13 THE COURT: Attorney Grosso?

14 ATTY. GROSSO: I'm not certain what the
15 relevance of some example is to what was actually
16 charged and proven and litigated in this underlying
17 criminal case.

18 THE COURT: So the reference to the burglary
19 example will be given the appropriate weight by the
20 Court.

21 ATTY. GROSSO: Thank you.

22 THE COURT: So noted.

23 THE WITNESS: May I move on?

24 THE COURT: You may continue.

25 THE WITNESS: How 'bout this one? Many
26 statutory offenses also require a specific intent,
27 such as Count 2 here -- let me start that over. Many

1 common law an essential part of the description of
2 the certain offenses. And unless they're made
3 unnecessary by local Statutes or decisions, they must
4 be employed to make the information good. These are
5 technical words and have established meaning. So no
6 other words can substitute for them.

7 Among these terms, are the words feloniously and
8 with malice, ~~after forethought~~ ^{AFORETHOUGHT}, in perjury, the words
9 willfully and corruptly, ~~so are~~ ^{SWORE} falsely. As has, has
10 been done in this case, Your Honor. Feloniously, of

11 pertaining to or having the quality of a felony.

12 ~~Receding~~ ^{PROCEEDING} from an evil heart or purpose. Done with
13 deliberate intention of committing a crime, without
14 color of right of excuse, maliciously, acting with
15 felonious intent. Acting with the intent to commit a
16 felony. Felonious, a technical word -- oh, I think
17 we had brought that up over my words of art.

18 Technical word of law, which means done with intent
19 to commit a crime of the grade or quality of a
20 felony. Not just with the intent, but with the
21 quality of a felony. I'll give you an example, a
22 felonious assault, Count 4 is a felonious assault.
23 Under the Connecticut General Statute 53a-

24 167(c)(a)(1), it needs to state in there that I
25 committed physical injury to such police officer with
26 the intent to commit a felonious assault. And it
27 doesn't state that nowhere in that Count 4. The term

1 properly prepare for a trial, and prevent him from
2 ever being tried again for the same offense. All
3 right.

4 So Count 2, the undersigning Deputy State's
5 Attorney for the Judicial District of Tolland further
6 accuses Michael A. Young of interfering with an
7 officer. So the chosen words of art, accuses Michael
8 A. Young, right there, charges me, charges me, right
9 there in the, I believe it's the commencement. So
10 that would be the commencement. He's charging me
11 when he states the, when he chooses the word of art,
12 accuses. He charges me right there in the
13 commencement. But, then, you go on, and then the
14 next word after interfering with an officer, he uses
15 the word, again, he chooses the word and charges, in
16 the area -- that's not certainty, of 164 East Street.
17 Okay. Again, he's claiming in the area, which is not
18 certain, of the area of 164 East Street in the town
19 of Stafford Springs on or about the 10th day of May
20 2011. Again, at approximately 9:00 p.m. He uses the
21 term approximately. There's no then and there. The
22 said, Michael A. Young, so now he's using, he's
23 doubling my name here, right. He didn't just use it
24 in the commencement, but now he's using it down here.
25 Michael A. Young did -- he doesn't use intended and
26 did, he just says did obstruct, resist, hinder, or
27 endanger police officer in performance of such police

1 Edition, the word charges is the expense which have
2 been incurred or dispersements made in connection
3 with a contract. And I submit to you, Your Honor,
4 this information drafting, to my knowledge, is a
5 contract. It's a contract that Mr. Reed Durham
6 drafted. Whether he drafted it on May 13th 2013 or
7 he drafted it sometime before then and, and, and
8 postdated it, or drafted it after that. He never
9 submitted it till August 8th 2013. But anyways, it's
10 definitely drafted by Mr. Reed Durham. You know, and
11 without getting into the particulars on where you see
12 on, on Exhibit 2, there's August 8th 2013 stamped on
13 each count with the initials not guilty plea. And,
14 you know, at the top it says filed in court at 11:15
15 or whatnot. Without getting to the merits of this
16 not guilty plea on August 8th 2013, I submit to you,
17 Your Honor, that, that would be an informal binding
18 contract of my not guilty plea of the wordings chose
19 in his information filing. The contents of this
20 document right here need to be enforced.

21 Let's use that word enforced, because now I'm
22 gonna touch upon -- if you go to Connecticut General
23 -- no, your Connecticut Practice Book, Connecticut
24 Practice Book 44-37, it's gonna show you some
25 definitions of terms, Your Honor. And I submit to
26 you that these chosen words of art were chosen for a
27 reason. So in that section 44-37, in the Connecticut

1 his office when he signs this document. Okay? He's
2 under the oath of his office, and he knows I did not
3 commit these crimes. And therefore, he's not gonna
4 sign his name to crimes he knows I didn't commit. So
5 what does he claim? He claims that I'm in violation
6 of Section 53a-167a, that's Count 2, and I'm in
7 violation of Connecticut General Statutes 53a-167(c)
8 (a)(1). That's what he claims.

9 So now let's go to y'all's Connecticut Practice
10 Book Section 44-37, under the definition of terms of
11 a violation, means an offense for which only a
12 sentence authorized, is a fine, in which is not
13 expressly designated as an infraction. I can see
14 that Count 2 an Count 4 in this information filing
15 are not infractions, but under the terms of this
16 binding contract between now Mr. Reed Durham and my
17 alleged not guilty pleas stamped there, a sentence of
18 incarceration will not follow. A fine shall be
19 imposed only, authorized, is a fine to be imposed.
20 I've been sitting in prison for six years, now. I'm
21 just stating the word of art that were used in this
22 binding contract, Your Honor.

23 ATTY. GROSSO: Your Honor, I'm going to object.
24 This document is a Full Exhibit. The Court is well
25 aware of terms of art and it speaks for itself. I
26 believe -- I'm sorry. That's my objection.

27 THE COURT: Mr. Young, anything in response to

1 make your ruling.

2 THE COURT: Attorney Grosso, the Court notes
3 your objection. The Court's overruling the objection
4 to the extent that Mr. Young has been using it as a
5 basis to make his testimony. He's been referencing
6 it. But, Mr. Young, the Court will advise you to
7 limit your reading of it. Just refer to specific
8 portions of it. Thank you.

9 THE WITNESS: I'll try my best, Your Honor.

10 ATTY. GROSSO: Thank you, Your Honor.

11 THE COURT: You may proceed.

12 THE WITNESS: Okay. Again, I want to address
13 Count 2 that there's no claim of specific intent or
14 willful statement which must be alleged for the mind
15 crime under that. That's a fatal defect there. And
16 I wanna touch upon where when he states that in the
17 area of 164 East Street, now we know that this
18 information filing came on August 8th prior to trial,
19 where by the looks of his draft, he's claiming that
20 these crimes basically happened at 164 East Street.

INACCURATE

TRANSCRIPTION

21 But, now, there was two separate incidences,
22 specifically to Count 4. It was alleged at trial. I
23 was convicted that it happened in that 164 East
24 Street. But, in his preliminary draft here, he
25 claims the same area of 164 East Street on the
26 assault -- I mean the interfering with a police
27 officer, Count 2. But at trial, now, I've been

1 separate trial on this. So with that being said, I
2 am entitled to plead guilty, plead not guilty,
3 election by trial by jury, election by trial by
4 judge. I was never afforded them opportunities, Your
5 Honor. But the key fact here is this is another
6 separate contract he drafted. I never bound into
7 this contract because I never gave a plea. If you
8 look, I was found guilty after a jury trial. That's
9 what it says, 9/3/13. There's no stamp on here
10 saying not guilty plea on 8/13, 8/30, any other date.
11 There's no plea. And in the record, Your Honor,
12 there's no plea. Therefore, the trial court had no
13 subject matter nor personam jurisdiction to sentence
14 me on this Part B information filing, which enhanced
15 my sentence six years.

16 Right now I have six years in. I was sentenced
17 to a total of 12 years' incarceration. I have over
18 six years in right now. This is null and void. This
19 sentence is null and void. There was no plea. I
20 never, I never informally, formally, however you
21 wanna put it, entered into this plea agreement
22 with -- I mean, entered into this contract with a
23 plea agreement. I never gave a plea on this.

24 There's no subject matter jurisdiction and there's no
25 personam jurisdiction for this six year enhancement
26 sentence in the Part B information filing alone.

27 I wanna touch upon one more thing -- the arrest

1 over the subject matter or the person is absolutely
2 void. And one restrained of his liberty by such, a
3 sentence and verdict has his remedy and right through
4 a habeas corpus.

5 It's took me a long time to come here and get
6 here. And I have in no way, Your Honor, been
7 delaying any proceedings. If you look at the trial
8 record, you'll see over and over have I made it clear
9 that these are void, null and void. I've been all
10 the way to the United States Supreme Court with this
11 case, as pursuing matters in this courthouse in state
12 appeals. So in no way have I been trying to delay
13 these proceedings. So at this point, Your Honor, I
14 would ask yourself, or I would ask of you, if you
15 would reconsider your previous judgment on my
16 preliminary motion this morning for release pending
17 the outcome of this case. So that I may have a
18 proper opportunity to obtain assisted legal Special
19 Forces in this matter. And if nothing else, an
20 alternative resolution would be to at least, to at
21 least vacate this Part B 53 -- Connecticut General
22 Statute 53a-40b enhancement.

23 THE COURT: Mr. Young, where we are right now is
24 in the midst of your testimony. If you wish to
25 address any motions to the Court, renew any motions,
26 request consideration, the Court will entertain such
27 after your testimony has concluded. But we will not

1 THE WITNESS: So at this point, my direct on
2 this matter will be concluded.

3 THE COURT: Thank you. Attorney Grosso, any
4 cross-examination?

5 ATTY. GROSSO: No, Your Honor.

6 THE COURT: Thank you. No cross-examination
7 provided.

8 THE PETITIONER: So my only rebuttal will be I
9 reserve my witness recall right.

10 THE COURT: The Court will allow you such.

11 THE PETITIONER: And I would like to presume
12 tomorrow.

13 THE COURT: We'll address that -- we'll address
14 scheduling in a moment. At this point, do you wish
15 to renew your motions, or your requests for
16 reconsideration at this time?

17 THE PETITIONER: I do.

18 THE COURT: All right. So just so I'm clear,
19 your request was for one, the Court to reconsider
20 your request to be released at this time to pursue
21 legal assistance, or alternatively, for the Court to
22 vacate the Part B enhancement. Is that correct?

23 THE PETITIONER: That was my request, but if you
24 just give me a second to refer back to my motion?

25 THE COURT: Please do. Take your time.

26 THE PETITIONER: If I can make one further
27 comment, so all right, I am referring to -- I would

"SEE..."
"NO WAIVER"
"GRANTED"

1 Based upon that consideration, the Court
2 indicated earlier we need a new date for those
3 subpoenas to be issued, served, and for those to
4 respond to appear in court. So that was the date we
5 provided of February 19th 2020 for those two
6 witnesses to testify on that date for subpoena. This
7 trial was scheduled for a two day trial. Today being
8 day one. We were originally scheduled for tomorrow
9 September 18th for day two, noting at this time that
10 we have no witnesses prepared to testify tomorrow for
11 the Petitioner's side. Day two that is marked for
12 tomorrow is now marked off.

13 THE PETITIONER: But I'm prepared to testify
14 tomorrow.

15 THE COURT: And Mr. Young has indicated his
16 willingness to testify tomorrow, however, the Court
17 has indicated the Court has heard testimony from Mr.
18 Young today. The Court has afforded him reasonable
19 latitude to provide whatever testimony he wanted to
20 provide. The Court in no way curtailed his desire or
21 ability to testify today. And, therefore, the Court
22 gave him chance to testify, have cross-examination,
23 and then provide rebuttal testimony as well for that
24 point. The Court is not allowing the request for
25 tomorrow for a trial for the petitioner to testify
26 again. We will resume the next court date February
27 19th 2020.

1 rest. Issue your ruling. This matter is adjourned.

2 THE COURT: So Mr. Young, you're indicating you
3 do not wish to call any further witnesses.

4 THE PETITIONER: No. We're done.

5 THE COURT: You have no desire to call those two
6 witnesses.

7 THE PETITIONER: Done. I'm not waiting till
8 February, and then wait for another ruling. I just
9 want you to issue your ruling. That's it.

10 THE COURT: Attorney Grosso, any comment?

11 ATTY. GROSSO: The respondent rests.

12 THE COURT: All right. So noting that Mr. Young
13 has indicated that he is not planning or willing to
14 prosecute this matter further, the Court has heard
15 his testimony today. The Court was allowing Mr.
16 Young the latitude to have two additional witnesses
17 and have time for those subpoenas to be served.

18 Mr. Young was to receive the documentation from
19 the criminal Clerk's Office that he -- that the State
20 agreed to provide him despite there being no
21 requirement to do so under Practice Book's rule of
22 rules.

23 The Court will consider Mr. Young's statements
24 today as there is desire to no longer prosecute this
25 matter. The Court will decide the matter based on
26 the evidence the Court has heard today.

27 At this point, February 19th is marked off as

NO: TSR-CV14-4006214-S	:	SUPERIOR COURT
MICHAEL YOUNG	:	JUDICIAL DISTRICT OF TOLLAND
V.	:	AT ROCKVILLE, CONNECTICUT
WARDEN, STATE PRISON	:	SEPTEMBER 17, 2019

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, Judicial District of Tolland, Rockville, Connecticut, before the Honorable Courtney Chaplin, Judge, on the 17th day of September, 2019.

Dated this 18th day of October, 2019, in Rockville, Connecticut.


Leah Bell
Court Recording Monitor