DOCKET NO. CR02-015491 : SUPERIOR COURT
CR02-015501
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STATE OF CONNECTICUT : JUDICIAL DISTRICT

V. : BRISTOL, CONNECTICUT

JOSHUA KOMISARJEVSKY : DECEMBER 20, 2002

BEFORE:

THE HONORABLE JAMES BENTIVEGNA, JUDGE

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

REPRESENTING THE STATE:

ATTORNEY RONALD DEARSTYNE, ASA

REPRESENTING THE DEFENDANT:

ATTORNEY WILLIAM GERACE

KELLY ZEITEL
COURT MONITOR

1 MR. DEARSTYNE: Lines one through 14 on the
2 sentencing docket, Joshua Komisarjevsky.
3 THE COURT: All right. Good afternoon.
4 MR. GERACE: Good afternoon, Your Honor.
5 Welcome to Bristol.
6 THE COURT: Thank you.
7 MR. GERACE: Judge, I just want the Court to be
8 aware that I was in front of Judge Gaffney for --
9 until after one.
10 THE COURT: That's fine.
11 MR. GERACE: That's why I was not here.
12 THE COURT: That's fine.
13 MR. DEARSTYNE: And, in fact, Attorney Gerace
14 was here early this morning. He had to go to New
15 Britain. And I -- although I don't have the
16 authority -- told him it was okay.
17 MR. GERACE: Actually, I was ordered by Judge
18 Handy, and I understand she's got the highest
19 ranking so I--
20 THE COURT: I think that was probably a good
21 idea.
22 MR. GERACE: That's what I did.
23 THE COURT: Probably a good idea. All right.
24 All right. Joshua, good afternoon.
25 THE DEFENDANT: Good afternoon, Your Honor.
26 MR. GERACE: Judge, just for the record, his
27 parents are here.

1 THE COURT: All right.

2 MR. GERACE: They'd like to -- are they allowed
3 to stand behind him, if that's all right with the
4 Court?

5 THE COURT: Are there any security issues that
6 would -- I don't know if that's going to be okay--

7 MR. GERACE: All right. Well, they could sit
8 in the front row.

9 THE COURT: If you can sit in the front row, I
10 think it would be better.

11 MR. GERACE: Okay, fine.

12 MR. DEARSTYNE: On September 17th,
13 Mr. Komisarjevsky appeared here, represented by
14 Attorney Gerace's office, and he entered guilty
15 pleas on a number of these files. And the agreement
16 that was submitted to the Court at the time the
17 pleas were entered was a split sentence with a cap
18 of 10 years on the executed portion of the sentence.

19 At that point in time, the State was aware that
20 Mr. Komisarjevsky had entered pleas in Meriden with
21 a cap of five years. And, I believe, according to
22 my notes, I put on the record on September 17th that
23 the State, at the time of sentencing, would have the
24 right to argue for consecutive time.

25 The State has had the opportunity to review the
26 P.S.I. in this matter. And, as the Court can see
27 from the P.S.I., these are not only burglaries, but

1 they are very serious burglaries.

2 In my almost 15 years as a prosecutor and my
3 eight years as a cop, I will tell the Court -- and
4 I'm sure the Court knows this already -- that most
5 house burglaries occur during the day, not at
6 nighttime, and that's basically for this reason.
7 People who break into houses prefer to break into
8 homes when no one is home, because they basically do
9 not want to be confronted by homeowners.

10 However, that is an exception in this
11 defendant's case, because in all of these cases,
12 except for the one case involving the car break,
13 they all occurred at the nighttime -- during the
14 nighttime.

15 Mr. Komisarjevsky appears before the Court
16 today. He has the record in Meriden, of course.
17 But, at the time that these were committed, he
18 basically had no record. And I will tell the Court
19 that he, as noted in the P.S.I., did assist the
20 police departments -- or the trooper -- in this
21 investigation.

22 He tells us in the P.S.I. -- he stated that
23 when the police came to his house with two warrants,
24 "I gave myself up for everything, 18 in all. I even
25 went to the ones from the summer before." The
26 subject stated that the state trooper talked to the
27 prosecutor about how cooperative he had been, but he

1 was incarcerated anyway and missed his daughter's
2 birth.
3 The trooper did come in -- initially, the
4 trooper came in with a full warrant, which was
5 signed by the State's Attorney's Office, and that
6 led to all of these other warrants. But the trooper
7 did mention to us that Mr. Komisarjevsky was
8 cooperative. And that -- he should be given some
9 credit to that.
10 But I will submit to the Court this: That in
11 the State making this offer -- and I made the
12 offer -- in my making this offer, in my view -- or
13 in the State's view -- his assistance with the
14 police department and his lack of a record was
15 already taken into consideration, because, quite
16 frankly, with this number of house burglaries and
17 with these facts, the incarceration in the State's
18 view should be far in excess of 10 years.
19 So, when I made the offer of a cap of 10 years,
20 I took into consideration the fact that he had a
21 very -- his record and his assistance with the
22 police department. Of course, the Court is free to
23 take that further into consideration. And I'm sure
24 Mr. Gerace will argue for that.
25 The other thing I want to point out about the
26 assistance or his cooperation with the police, yes,
27 he did cooperate, but he actually cooperated after

1 he was caught, after he was arrested on two
2 warrants. This is not a situation where he woke up
3 one day and decided, "I've done something terribly
4 wrong here," got dressed, and walked down into the
5 police department and said, "Here I am, this is what
6 I've done." He pretty much copped out to these
7 after he was arrested on two warrants already.
8 As far as the costs, when we finish here today,
9 there will be a cost that we will be able to
10 quantify, and there will be a cost to this
11 defendant, and the terms of how much time he will
12 have to spend in jail for these offenses, how much
13 time he may be on probation, whatever conditions the
14 Court may impose.
15 So, by the end of this afternoon, within the
16 next 15 or 20 minutes -- I'm going to use that term
17 cost -- we will know what the cost is to
18 Mr. Komisarjevsky for these crimes that he committed
19 here. We know what the numerical or the monetary
20 loss or cost is to the victims, given the
21 information that we have in the P.S.I.
22 If my addition is correct -- and I did use a
23 calculator, but I've been known to mess that up. I
24 added it up. It came to $25,369, $25,369 in losses,
25 according to the P.S.I., according to the victims in
26 the P.S.I., the victims who responded.
27 We have a number of victims who didn't respond

1 in the P.S.I. And, while I'm on that point, I'd ask
2 the Court that in regards to the victims who did not
3 respond, the State would ask the Court not to draw
4 any conclusions from that either way for this
5 reason. Perhaps they didn't respond because they
6 didn't want to be heard, or perhaps they didn't
7 respond because they were fearful. We don't know.
8 So I'd ask the Court -- the State would ask the
9 Court not to draw any conclusions in the cases in
10 which the victims did not respond.
11 The other cost is a cost that cannot be
12 quantified. And that's the emotional trauma
13 suffered by these people, the trauma that they will
14 have to live with probably for the rest of their
15 lives. And that is why the State sees this type of
16 crime as a crime against person, not a crime against
17 property.
18 A lot of people seem to think that theft and
19 breaking into homes is a crime against property. In
20 fact, it's not really a crime against property; it's
21 a crime against the people who live in those homes.
22 And, when we look through the P.S.I. that
23 the -- what the victims have to say, without reading
24 everything, the victim, under 1-5-5-0-0, stated in
25 part, "Defendant should get as much jail time as
26 possible." As a result of the incident -- and his
27 wife -- he stated that they have also installed an

1 alarm system for $600, plus the monthly fee, as a
2 result of the incident.
3 So these people, as a result of this crime,
4 went out -- apparently don't feel safe in their
5 home -- they put a new alarm system in their home.
6 And his wife still feels unsafe when he goes to work
7 early in the morning. He indicated that it's not
8 right that someone should feel unsafe on their own
9 property.
10 And I totally agree with him. You know? I
11 mean, if you can't feel safe in your own home at
12 night, where can you feel safe?
13 As we move on through the P.S.I. and we get to
14 1-6-1-7-8 on page number nine. That victim tells us
15 that -- she stated that she was missing $40 in cash
16 and her license and passport as a result of the
17 burglary. She stated that she invested in an alarm
18 system as a result of the incident, which cost $450
19 to install.
20 Again, we have another person, who after this,
21 apparently does not feel safe in their own home.
22 They went out and installed an alarm system,
23 hopefully to make them feel safer. She stated that
24 she has not slept through the night since this
25 happened, adding, "I know he's locked up, but I
26 still think someone's trying to get into my house."
27 She stated that the defendant stole things,

1 instead of getting a job cutting lawns or at
2 McDonald's, and has no regard for the victims. She
3 stated, "We all have consequences for our actions,"
4 and requested that the defendant be given the most
5 jail time possible, adding, "Someone like him
6 shouldn't be out on the street."
7 But, again, here's a victim who will have to
8 suffer this emotional trauma, probably for the rest
9 of her life. She no longer feels safe in her home.
10 You can't put a monetary value on that, and you
11 can't put any value on that or not -- at all.
12 As we move on through the P.S.I., when we get
13 to 1-6-1-7-9, that victim, the writer spoke to the
14 victim in the incident offense, who reported that he
15 did not put a claim in with his insurance company,
16 and he installed an alarm in his house after the
17 incident.
18 So, once again, we have a third person who
19 doesn't feel safe in their home any longer. And, as
20 a result of what this defendant did, they now have
21 installed an alarm system in their house.
22 What makes this particular incident very
23 aggravating is the following: He stated that there
24 were four children in the house that night, and they
25 were really frightened after the incident, adding,
26 "We were just glad that he didn't go upstairs where
27 the kids were." He stated that they would love to

1 have gotten their things back sooner from the police
2 department, but they are just glad he was caught and
3 he is going to serve jail time.
4 With regard to the amount of jail time, they do
5 not wish to make a statement. But, in that
6 particular case, not only do we have the adults
7 being fearful, but we have four kids who live in
8 that house, who now, probably for the rest of their
9 life will live -- at least in that house anyway --
10 in fear because of what this gentleman did by
11 breaking into their house, not only breaking into
12 the house, but breaking into their house at the
13 nighttime -- during the nighttime.
14 As we move further through the P.S.I., under
15 1-6-1-8-0, that victim stated that he would like the
16 defendant to go to jail, but he would be willing to
17 go along with less time if he could get his money
18 back sooner.
19 He stated that his wife is in a wheelchair, and
20 they are on a budget because he is retired. He
21 stated that he didn't notice the money missing from
22 his wallet until he went to the store to buy
23 something and the money was not there.
24 Now, that's only a handful of the victims we
25 have in this group of cases.
26 I do want to address something that is stated
27 by the defendant on line 12 -- page 12, I should

1 say. With regard to the victims, Mr. Komisarjevsky
2 stated, "I wish I could tell them I'm sorry. I
3 can't even imagine how violated. I wish there was
4 more I could do." And, of course, he has no
5 understanding of how violated these people feel in
6 their own homes. "I live with this fact. It was
7 wrong everyday." These people now have to live with
8 what happened in their home everyday.
9 And, as the Court can see from the P.S.I., from
10 what I've mentioned, it's going to cause them
11 trauma, emotional trauma and nervousness, probably
12 for the rest of their life.
13 The thing I really want to address on this
14 particular case -- page is this. "I keep hearing
15 from the prosecutor that I'm a wild animal. I'm
16 not." And I've handled these cases a few times, and
17 I just want to clarify for the record that in my
18 collection, I've never referred to this defendant as
19 a wild animal. I've had no reason to do that. And
20 that terminology would be wrong.
21 On the other hand, I do think he is a dangerous
22 person who poses a danger to the people of the State
23 of Connecticut, and as a result, should be punished
24 severely for what he's done here.
25 And the P.S.I. goes on into his personal
26 history, and that's laid out pretty well in the
27 P.S.I. and so forth. But, in regards to that, and

1 especially in regards to his claim of drugs and the
2 fact that he had to break into these houses to pay
3 back his drug dealer, I do want to note the
4 following, if I may just have a moment.
5 The P.S.I. lays out the facts, of course, and
6 lays out the attitudes of the victims. But I have
7 in the State's possession the statement that
8 Mr. Komisarjevsky gave the police department. I'm
9 not going to read the whole thing, because it's
10 quite lengthy. But it goes -- you know, it goes
11 down from page to page and details how he broke in
12 to each house and where the houses were located,
13 basically, and he talks about each house for the
14 most part.
15 But there are a couple things here that I do
16 want to point out, because it shows his planning, it
17 shows his awareness, it shows that he knows what he
18 was doing, in the State's view, it shows that he was
19 not high on drugs when he committed these crimes,
20 that he was very aware of the situation around him,
21 that he was prepared to commit these crimes, and he
22 knew what he was doing, that he was not a novice
23 breaking into someone's house.
24 On page three of his statement, about the third
25 paragraph, he's talking about how he broke into a
26 state trooper's home. And the state trooper, I
27 think, is one of the victims who did not respond to

1 the officer -- to the P.S.I. Towards the end of
2 that paragraph, he states, "I wore latex gloves for
3 all of these. I tried not to do any damage and
4 didn't want to see any of the people in the houses.
5 I started doing these in July and August, but
6 stopped when it got cold. I also had a job around
7 then, so I didn't need to do this."
8 So he tells us a couple things in those couple,
9 three lines. One, the latex gloves, he knew enough
10 to wear gloves so he wouldn't leave behind the
11 fingerprints. He tried not to do any damage. He
12 knew, by his own admission, that there were people
13 in these houses. And, even if he didn't know, he
14 could assume that people would be home during the
15 nighttime.
16 He also told us that he had a job. In the
17 P.S.I., he tells us that he had to break into the
18 houses to pay back the drug dealer. But, here, in
19 the statement he gave to the police department, he
20 tells them that he had a job and that he didn't need
21 to do this.
22 He goes on in the P.S.I. on the next page, and
23 this shows how he planned these out. "Sometime
24 between two and three weeks ago I was in the Town of
25 Burlington, Connecticut, in Ryan Ludwig's
26 neighborhood. I was alone in the neighborhood and
27 parked my Toyota pick-up truck on the grass near

1 Ryan's driveway so that Ryan and his parents would
2 be unable to see the vehicle if they looked out of
3 the house. I then walked through the several front
4 yards of houses to get a feel for the neighborhood
5 and make sure that no one was around." So now he
6 tells us how he walked through the neighborhood to
7 get a feel for the neighborhood.
8 He goes on to tell us that, "I then went to a
9 resident across the street from Ryan Ludwig's house.
10 The house had a yellow Dodge pick-up truck in the
11 driveway. I then went to the rear of the house and
12 located an unlocked sliding glass door. I then
13 opened the door and listened; I opened the door and
14 listened. Without entering their house, I then
15 stayed in the door area for approximately 10 or 15
16 minutes. I could hear someone breathing loudly, so
17 I left the area without shutting the door."
18 This is a cool, collective person who is not
19 showing, in the State's view, any nervousness
20 breaking into these houses. He tells us here that
21 he opens the door; he stands there for 10 or 15
22 minutes listening. He hears someone breathing. He
23 decides to leave.
24 He goes on, on the later page and tells us that
25 in this particular situation, "The room where I
26 entered was some type of den and office combination.
27 I then opened the sliding glass door to make a quick

escape, should I need one. I know there was a television on upstairs, so I did not go there. I then noticed a newer, good computer on a nice wood desk in the same room where I entered. I then began to disassemble the computer." And he goes on and talks about it some more.

"I needed to take two trips to the truck before leaving. I think I left the door open. I also left the window open." He's not a person who's breaking into these houses, going in, grabbing stuff, and leaving. He is looking in before he goes in. When he gets in, he's checking out the area to see what's going on around him. He then has no problem spending time there, taking apart computers. In this particular case, not only does he go in once and take stuff, he goes back in to take more stuff.

"Several nights later, I went back to Ryan Ludwig's neighborhood, planning to break into the same house where I heard the person sleeping. I arrived sometime around 1:30 a.m. I parked my truck in Ryan's driveway and walked across the street. I then went to the back of the house I had previously been at. I then opened the rear sliding door and stood in the door area and listened for approximately 10 or 15 minutes. I did not hear anything, so I entered the home." And he talks about what he took.

1 And, in this particular case, he goes on in the
2 same paragraph, "I left the house at approximately
3 4:30 a.m. I was walking back to my truck when a
4 female started a car in the driveway of the
5 residence. I then sat in the bushes until she left.
6 I sat in the bushes for approximately 5 or 10
7 minutes. The female left in the car. I then went
8 back to my truck and left the area."
9 I don't know if I mentioned this in the P.S.I.,
10 but I thought I read in the P.S.I. where that
11 particular victim said something to the effect that
12 his wife, as a result of this, was scared to go out
13 early in the morning to go to work.
14 And then, finally, in his statement, the last
15 paragraph, he tells us, "The first time I ever broke
16 into a house was when I was 14 years old in
17 Cheshire, Connecticut. This was a nighttime
18 burglary. I always broke into houses during the
19 night, never during the day. After breaking into
20 houses between the ages of 14 and 16, I stopped.
21 All of the houses were in Cheshire. And I stopped
22 because I got caught. I started up again due to a
23 lack of money and a job. I always wore gloves, with
24 the exception of one incident when I was 14. I
25 always acted alone. Approximately a year and a half
26 ago I acquired some night vision goggles. I took
27 them from a friend of mine who had stolen some of my

1 military equipment. I used the night vision
2 equipment during the burglaries during the past
3 year. I also used the green army backpack that is
4 now in my room to carry my tools, night vision, and
5 knives used to cut the screen. I always avoided
6 contact with people."
7 So now we learn that not only is he breaking
8 into homes during the nighttime when people were
9 present in the home, he has knives in his possession
10 that he uses to cut screens, at least in some of
11 these, and he is in possession of night vision
12 equipment, which allows him to walk into a dark
13 house and pretty much see what's going on, see
14 everything in that house.
15 So, even if a homeowner happened to come down
16 into a dark room, this individual, in all
17 likelihood, would be able to see that homeowner,
18 where the homeowner probably wouldn't be able to see
19 him if it was dark enough. But, again, that shows
20 preparation, that shows coolness on the part of this
21 defendant, and it just adds to the seriousness of
22 these crimes.
23 I can't recall in 15 -- over 15 years ever
24 handling cases involving burglaries where a person
25 has planned it out to this degree where, in fact,
26 they have used night vision goggles in some of the
27 break-ins.

1 Now, he doesn't, as I mentioned before, have a --
2 his record is not much. At the time, it really
3 wasn't much of a record. And I suppose the Court
4 will look at that and give him credit for that. But
5 I would ask the Court not to give him a lot of
6 credit.
7 Some people, when they start down the road of
8 criminal activity, they take small steps to begin
9 with, but this defendant, at least as an adult -- I
10 am talking about what he said when he was 14 to
11 16 -- between the ages of 14 to 16.
12 Yes, I mean, when he made his step into the
13 realm of criminal activity, he made one heck of a
14 big step. He jumped into it full. It's not like he
15 stuck his toe in the water to try it out. He jumped
16 right in. He prepared himself for it. He knew what
17 he was doing. He was very careful doing what he was
18 doing.
19 And, in doing that, he endangered the lives of
20 many, many people. Fortunately, no one has been
21 hurt physically. But, as the Court can see from the
22 P.S.I., these people have been hurt emotionally, and
23 it takes a lot longer to recover from emotional than
24 it does from physical harm. At least if you get hit
25 or struck and it hurts, the physical pain is going
26 to go away for a while.
27 I'm not sure that the pain in most of these

1 cases, people who no longer feel safe in their
2 homes, I'm not sure if that pain is ever going to go
3 away. You know? And these people are like us.
4 They're people that in all like -- that go out and
5 work every day, they're family people, they go to
6 work, they come home. They probably work hard.
7 And, if they can't go home -- if we can't go
8 home at night and feel safe in our own home and then
9 go to bed at night and sleep in our own home and
10 feel safe, then where can we feel safe, Judge? And
11 that's the end net result of what this defendant did
12 to those people, not so much what he took from them
13 financially, it's what he took from them
14 emotionally.
15 And, for those reasons, the State would ask the
16 Court to impose the following sentence: On three of
17 these counts, on one count, 10 years to serve; on a
18 second count, 10 years suspended, 5 years probation;
19 on the third count, 10 years suspended, 5 years
20 probation, all to run consecutive, for a total
21 effective sentence of 30 years suspended after 10
22 years to serve, not to run consecutive to his
23 Meriden sentence.
24 He had a number of cases in Meriden, and I
25 found out how many; I think there were five or six.
26 He went to Meriden, he disposed of those cases. The
27 prosecutors in Meriden and the Court in Meriden

1 thought those cases were worth the 5 or 6 years he
2 received down there. The State, in the State's
3 view, feels that these cases that we have here,
4 given the nature of the seriousness of them,
5 warrants, at the very least, 10 years in addition to
6 what he's serving out of the Meriden Court.
7 It punishes him, and allows these victims to
8 have some peace and comfort for a period of time,
9 and allows him when he gets out of jail in the
10 future -- and he will get out of a jail -- to be on
11 probation for a period of time and hopefully make
12 some restitution.
13 Thank you.
14 THE COURT: All right.
15 Attorney Gerace, before you make any argument,
16 I just want to make sure that we -- there's no
17 issues in terms of the P.S.I.
18 MR. GERACE: No, there are none.
19 THE COURT: Just for the record, the Court's
20 had an opportunity to read the P.S.I. thoroughly.
21 Does -- Attorney Gerace, any issues relating to the
22 P.S.I.?
23 MR. GERACE: No, it's accurate. It's
24 completely accurate.
25 THE COURT: All right.
26 Does the State have any issues relating to the
27 P.S.I.?

1 MR. DEARSTYNE: No, Your Honor.
2 THE COURT: All right.
3 Go ahead, Attorney Gerace.
4 MR. GERACE: Your Honor, what the prosecutor
5 has just indicated is all correct. It's a terrible
6 thing to have your home burglarized. I have never
7 been that unfortunate, but I can imagine the
8 residual effects are tremendous.
9 That being said -- and there were a lot of
10 burglaries -- I don't think we can stress enough the
11 fact that the magnitude of his problems are from his
12 own mouth. And the reason I mention that, Judge, is
13 the first step towards rehabilitation is, I think,
14 to acknowledge what you've done and how bad you've
15 been.
16 This one warrant that spawned all this
17 litigation may have been the impetus for Josh
18 finally to say, you know, "This is craziness. I've
19 got to stop." It may have been a self-harming wish
20 of his own to make it all known.
21 But, whatever it was, it was a motivating
22 factor for him to really bury himself, and he did.
23 He went around, in fact, and showed them houses that
24 he didn't remember the streets. He drove around and
25 showed them exactly where he burglarized houses
26 years -- well, not years before, but sometime
27 before.

1 So, that being said, he knew some of those
2 houses were in this jurisdiction and venue, and some
3 were in Meriden. And I say that for this reason,
4 Judge, because Judge Richards knew when he sentenced
5 Josh, he knew about these cases and he knew about
6 his cases. They're all part and parcel of a scheme
7 of burglaries.
8 Judge Richards gave him three years to serve.
9 That was his sentence, with six years special
10 parole. And I wasn't his lawyer; Attorney St. John
11 from Waterbury was, and he handled that. But the
12 motivating factor there was to get the cases over
13 with. They knew the enormity of the situation.
14 They knew he was going to be sentenced here. They
15 gave him three years for his role in the Meriden
16 cases.
17 Josh has a history, Judge, that is really
18 different. It's terribly disturbing. His family is
19 here today, but just the salient points that they
20 point out. The age of 14 was a terrible year for
21 him. Four people died, including his grandfather,
22 his counselor. He learned he was adopted, and,
23 according to his parents, that was traumatic for
24 him.
25 He, as you know, suffers from ADD, dyslexia,
26 and -- I don't know if I'm pronouncing it right --
27 but dysgraphia, which is another learning

1 disability. So he has three severe learning
2 disabilities. Not withstanding that, he's a very
3 smart young man. He's very capable with his hands.
4 As you saw, at 14, he was able to disassemble a
5 house and put it back together.
6 His spotty work history is not spotty in the
7 sense that he was bad on the job. Every one of his
8 employers, I think, said that he's able to work. He
9 was consistent. He only stopped showing up when he,
10 on a couple occasions, had a suicide attempt or an
11 overdose, and was unable to continue or didn't
12 choose to continue at the job. But he's able to be
13 employed.
14 He, despite his learning disabilities, can be a
15 productive member of society. And I think the issue
16 that Your Honor has to grapple with is how much of a
17 punishment is appropriate. Certainly, general
18 deterrence has to be served. These people have to
19 know. And people out there who are thinking of
20 burglarizing have to know that you'll be punished.
21 But Josh has been in jail for some period of
22 time now. He's been doing dead time since his
23 sentence in Meriden, which was some four months ago.
24 Josh, is that right?
25 THE DEFENDANT: Yes.
26 MR. GERACE: Any day in jail is too much for
27 most people. Any hour in jail is too much for most

1 people. So I don't know how much jail it takes to
2 deter someone from doing something like this. I
3 have a feeling that someone who is going to break
4 into a house at nighttime isn't going to be deterred
5 by someone else, because it's just a bizarre and
6 erratic thing to do. A rational thought process
7 can't be part of the formula that person is using to
8 think this through.
9 I say that because Joshua has had eight
10 concussions. His family saw a progressive
11 personality deterioration as a result of those
12 concussions. He has been in Elmcrest Hospital, and,
13 in my view, should have stayed there.
14 His family is very spiritual. I know you see
15 that throughout the pre-sentence report. When he
16 was prescribed anti-depressive medication, his
17 parents thought that that was a crutch, and he
18 should deal with -- it was a weakness of some sort,
19 and he should deal with it on a spiritual level.
20 When he was in Elmcrest, where he most likely
21 could have benefited from some attention to whatever
22 deficits he has, mentally and emotionally, he was
23 taken out of there and brought to a faith program in
24 Vermont or New Hampshire.
25 So, at each juncture, when Josh could have and
26 should have gotten psychiatric and/or psychotropic
27 medication, I think his parents in good faith

1 thought that they could spiritually handle the
2 situation. And I'm not being critical of them. I'm
3 just wondering that had they not made that choice,
4 how Josh would have degenerated or would he have. I
5 don't know the answer to that.
6 But it's clearly something very wrong, because
7 the State hit on something else. These burglaries,
8 although they may have been a vehicle for him to buy
9 drugs, were carefully planned, and he has a
10 photographic memory. And he took them to every
11 house and knew what he took from each house, which
12 is a scary, scary thing to contemplate.
13 So what I'm trying to suggest to the Court is
14 that there's a mental abnormality here or
15 psychiatric problem that needs to be addressed, over
16 and above the drug abuse and drug addiction.
17 So whatever remedy the Court fashions, I'm
18 asking the Court to consider that that be -- clearly
19 be a requirement, because a person who can take
20 people -- and name what they took and how they took
21 it in such detail, obviously has a twisted psyche.
22 And that is part and parcel of the problem, I think.
23 I think it's a mental aberration of some sort that
24 would, number one, compel him to do it in the first
25 place, and, secondly, to remember it and feel
26 compelled at some point to unburden himself with all
27 the details.

1 He's right; Mr. Dearstyne is right. People who
2 are junkies, they smash the window, they run in, and
3 they grab the stereo, and they run out the door. So
4 there's much more to this.
5 This young man, Judge, has parents who are
6 still sticking with him. And, in the P.S.I. it says
7 that he thought he had burned his bridges, and he's
8 surprised that they still support him. They do love
9 him very much.
10 His girlfriend is here with his little child
11 who he's held once since she's been born. He has
12 a -- he had a lack of insight, obviously, into his
13 problems.
14 And I guess the particular question is how much
15 punishment is necessary for him, and how long will
16 he have to stay in jail. Now, he's been having a
17 difficult time in jail. The Court may be aware he's
18 in protective custody.
19 THE COURT: That was in the P.S.I.
20 MR. GERACE: All kinds of things have happened
21 to him. You know that sexually, he was abused at
22 several different levels at various points in his
23 life. That, again, started out with foster children
24 in the home, the parents trying to be good citizens,
25 good people.
26 I don't know if any of this is the reason or
27 the cause. I'm pointing them out because something

1 went wrong somewhere with Josh. I'm asking the
2 Court to consider that the man was born in 1980, so
3 he's 22 years old. This is his first go about with
4 the criminal justice system. He's never gotten a
5 bite of the apple, unless you consider Meriden.
6 He's done terrible things, and the State is
7 correct again that that magnitude of this, if you
8 were to itemize it and stack it up, he should be
9 doing 30 years. You know, if he did these one a
10 year for many years, he would be, but he did it
11 all -- I want the Court to try to understand -- in a
12 flurry of activity. And I think Judge Richards
13 recognized that when he gave him the three years
14 with the six years special parole with stringent
15 conditions.
16 But his parents would like to address you at
17 this juncture, Judge.
18 THE COURT: Right.
19 MR. GERACE: If they may be allowed to come
20 forward?
21 THE COURT: Why don't we do it one at a time,
22 and if they could just -- I just need them to state
23 their name for the record.
24 All right. Good afternoon.
25 MRS. KOMISARJEVSKY: I think if you read in one
26 of the cases, you'd see that one of the detectives
27 had called our house looking for Joshua. He

1 identified himself as being from the Motor Vehicle
2 Department, but my caller ID told me otherwise. I
3 called Joshua and let him know, "You must be in
4 trouble. They're looking for you." And Josh knew
5 they were coming and stayed right there.
6 So he wasn't running, he wasn't trying to hide,
7 and he had made up his mind at that point that he
8 knew he was -- his life was in trouble and he needed
9 to cooperate. That was his decision that he made,
10 to cooperate with the police. It was with his drug
11 problems -- that's why he lost all of his
12 employments, because of his drug problems.
13 And, as Attorney Gerace brought up, he did have
14 abusive problems when he was a child that led to his
15 depression, and that's why he was not -- we didn't
16 take him out of Elmcrest; he was released. That was
17 all they would do with him at that point.
18 We did refuse the drugs because Joshua wanted
19 them. He wanted to overdose with them. And we did
20 seek other treatments, many of which they just
21 kicked him out and told him he was worthless.
22 And he has shown sorrow to us in all of the
23 times that we had visited him. And he even went so
24 far to invite young people to come to court today to
25 see what has happened to him so they don't make the
26 wrong choice too.
27 THE COURT: All right. Thank you.

1 MR. GERACE: Thank you.
2 THE COURT: All right. Sir, if you could come
3 forward and state your name for the record. Good
4 afternoon.
5 MR. KOMISARJEVSKY: My name is Ben
6 Komisarjevsky. Thank you for this honor of coming
7 before you, speaking about my son. We have stood by
8 our son for all these years, and we do love him and
9 care about him, and consider him as our true son
10 even though he was adopted.
11 And my wife and I weren't able to have
12 children, and so we went and got Joshua when he was
13 14 days old. And we've had him -- it's a privilege
14 to have him as a son since then and to walk all the
15 trials and the tribulations that we have
16 experienced.
17 And, i.e., of his own speaking that came out of
18 his mouth, which we have taught him over the years
19 to be truthful, that is one of the reasons why he
20 spoke up and shared with the officers that were
21 investigating what he had done. And I am quite
22 proud of the fact that he did admit to those actions
23 that he did.
24 He has been in prison. It's been a positive
25 effect on him to see what a prison has on people in
26 his circumstances. And these -- and prison life is
27 very difficult. And being in a protective custody

1 unit as he is in, last week was the first time that
2 he's had any gym time. And, after nine months, it's
3 very difficult being locked up 23 out of 24 hours,
4 not having any rehabilitation to be in that
5 situation, and just have gym time for the first time
6 after nine months, and being able to get together
7 with two or three other guys and play chess in the
8 game room.
9 I'm not too sure that incarceration will
10 benefit him for a long period of time like it hasn't
11 for many individuals. It will give him more
12 depression, I feel. But rehabilitation -- if the
13 correction facility can give him rehabilitation, I
14 think that would be of exceptional benefit for him
15 and get him on the road of recovery.
16 We have suggested to the Court that there may
17 be other facilities that will have a better program
18 that will give him better -- a rehabilitation
19 program that will further his ability to come out of
20 his depression and out of his difficulties.
21 By giving him the number of years that the
22 Court has suggested, I do not believe that due to
23 the present day correctional institution, that that
24 will rehabilitate him, because it hasn't, given the
25 programs for the last nine months.
26 MR. GERACE: Thank you.
27 MR. KOMISARJEVSKY: Thank you.

1 THE COURT: All right. Thank you.
2 MR. GERACE: Judge, what I think he's trying to
3 say also is that the time he's doing is particularly
4 onerous in that he's in a cell for 23 hours of the
5 day. And, when the Court calculates how much time
6 to give him, he's asking, I think, the Court to bear
7 that in mind.
8 And I just want to say this, Judge, that it
9 strikes me that if Joshua is truly remorseful and is
10 truly changing the way he thinks, the way he acts,
11 and the way he behaves, that's great, but I have a
12 feeling, Judge, he's either going to be a career
13 criminal or never come back here again. I don't
14 think there's any middle road here.
15 I don't know if the Court gets that same sense.
16 But there's something very odd about this whole
17 circumstance. And I think mental health issues are
18 paramount. And, if the Court can see its way to
19 giving him some time, concurrent with his Meriden
20 time, perhaps a little more, and then order a
21 stringent mental health regimen upon his release, I
22 think that would go more to protecting society than
23 lengthening the stay of his -- the length of his
24 prison stay.
25 Thank you.
26 THE COURT: Thank you.
27 All right. Are there any victims that are here

1 that want to make any statement?
2 MR. DEARSTYNE: I don't believe so. We have
3 not been approached by any--
4 THE COURT: Okay.
5 MR. DEARSTYNE: --and none have reported in the
6 State's Attorney's Office. But the State would like
7 to respond to a couple things.
8 THE COURT: Okay. Why don't we just see if
9 there are any victim issues -- or victim comment.
10 MS. PAKELE: I had one victim call this
11 morning--
12 THE COURT: Okay.
13 MS. PAKELE: --who had been contacted by the
14 probation department. He just requested I call him
15 with the outcome today.
16 THE COURT: All right.
17 MS. PAKELE: But he had nothing further to add.
18 THE COURT: All right. Thank you.
19 MR. GERACE: Joshua would like to address
20 before you--
21 THE COURT: Okay. Why don't we have the State
22 respond, and then--
23 Josh, why don't you go, and then we'll have the
24 State respond. Go ahead.
25 THE DEFENDANT: Thank you, Your Honor. I just
26 wanted to say that -- I'm sorry.
27 THE COURT: That's all right. Take your time.

1 Take your time.
2 I don't know if we have a tissue for him or
3 not.
4 THE DEFENDANT: I don't know why, but I always
5 thought that I could -- that I'd be able to do
6 everything on my own. I've turned my back on my
7 faith in God and my family. And, in doing so, I
8 fell flat on my face and deep in to hard drugs and
9 eventually led -- eventually deepened my depression.
10 The crimes I committed was weighing so heavily
11 on my shoulders that when the police did approach me
12 that day, I explained to them and sat down with them
13 and told them why and what I did, the other crimes
14 that I did and why I did them.
15 And the only reason why I did it was because my
16 daughter was supposed to be born within the week,
17 and I wanted a chance to start over and to start a
18 new leaf, I guess you could say. I only pray that I
19 have the opportunity to be able to raise my daughter
20 in the love and the faith that now has new meaning
21 to my life.
22 And I also respectfully and humbly ask if I
23 could turn around and express my apologies in your
24 court to my parents in front of everyone.
25 THE COURT: Well, I think you make -- I think
26 you've already sort of done that. Okay?
27 THE DEFENDANT: Thank you.

1 THE COURT: Is there anything else that you'd
2 like to say?
3 THE DEFENDANT: I am truly sorry. I wish that
4 some of the victims had shown up today, 'cause I
5 really wanted to express to them that I really am
6 sorry for the things that I did. And when I said
7 that I wished there was more that I could do, I
8 truly wish that there was anything that I could do
9 more for them. I guess that's it, Your Honor.
10 THE COURT: Anything else? All right.
11 MR. GERACE: Thanks, Judge.
12 THE COURT: Does the State have anything to add
13 in response?
14 MR. DEARSTYNE: Quickly, and this is the
15 obvious, I suppose, but this is not a "bite-at-the-
16 apple-case. You've heard me probably use that term.
17 We've used it off and on here. It's time for
18 someone to have a "bite at the apple" and go away
19 and do some time. It simply isn't that.
20 But, like I said before, his first leap into
21 the criminal field was a huge leap, and he needs to
22 be punished severely for that. We can discuss
23 rehabilitation, but, quite frankly, jail time is
24 punishment.
25 He talks about feeling safe in prison and being
26 in prison and being in a room by himself for 23
27 hours a day. That's somewhat ironic, I suppose,

1 because he put himself there. But, in doing that,
2 he put other people in a sense of a prison
3 environment also, because we have people out there
4 now who -- and we built walls to keep Josh or keep
5 Mr. Komisarjevsky in prison, and now we have
6 homeowners going out and buying alarm systems to
7 keep people like him out.
8 To some degree, those people have now become
9 prisoners in their own home. They no longer feel
10 safe in their home, just like, to some degree
11 anyway, this gentleman feels safe in jail. So, yes,
12 perhaps he does feel unsafe in prison and so forth
13 as a result of what he did. There are a number of
14 people who don't feel safe in their home, who put
15 alarm systems in and so forth. Their fear is that
16 someone is going to break into their home again.
17 I've never experienced my home being broken
18 into. Hopefully, I never will. But I will tell the
19 Court that I have had the occasion, unfortunately,
20 to go to people's houses on several occasions to
21 meet with them after they've come home to find their
22 houses broken into. And I don't know if the Court
23 has any personal experience with this or not, but I
24 know those people tend to be very distraught. It
25 has an awful effect on your life.
26 As far as the incidences, they didn't all
27 happen overnight. The majority of them happened

1 over a two-month period. But, just so the Court has
2 some idea, this Burglary Second happened in August
3 of 2001. Several happened in July of 2001. This
4 one happened in November of 2001. This one happened
5 in July of 2001. Here's one that happened in
6 February of 2002. And here's one that happened in
7 February of 2002, so July through February of 2002.
8 So, really, six through -- I guess approximately six
9 months.
10 The other thing I just want to mention is this:
11 The Court hasn't mentioned this, but it is what
12 happened in Meriden that is -- that he received
13 special parole. If the State -- I mean, if the
14 Court is thinking about that all, the State would
15 like to be heard about that.
16 THE COURT: All right. Well, the Court is
17 considering the special parole, and, if not for any
18 reason but that the fact that it's not clear, I
19 don't think at this point how somebody would be
20 supervised on both special parole and probation. I
21 think the special parole program is a relatively new
22 program. It's much more restrictive than probation.
23 And I would not want to enter a sentence in
24 Bristol that conflicted with the Meriden sentence in
25 terms of, you know, I think it would be in the
26 interest of justice for everybody to be clear as to
27 what the -- what the sentence is and what his

1 responsibilities were in terms of meeting his -- you
2 know, whatever the obligations are under the special
3 parole. I think if he's on both special parole and
4 probation, that might cause some problems.
5 MR. GERACE: There was a six-year term of
6 special parole, Judge, in Meriden.
7 THE COURT: In Meriden, yes.
8 So I think if you wanted -- if there was
9 anything else that you'd want to add in terms of
10 special parole, I guess I would like to hear that,
11 because I think that's -- at least from -- based on
12 what happened in Meriden and based on the fact that
13 a probation sentence after some incarceration, and
14 this case might be inconsistent with that, that the
15 Court was leaning towards a special parole type of
16 sentence, taken into consideration what the cap is
17 in this case, which my understanding was the agreed-
18 upon cap was ten years in terms of a possibility of
19 incarceration.
20 MR. GERACE: That's correct.
21 THE COURT: Okay.
22 MR. DEARSTYNE: Right. But it can be second.
23 THE COURT: Right.
24 MR. DEARSTYNE: If I may?
25 THE COURT: Go ahead.
26 MR. DEARSTYNE: I think the Court kind of hit
27 on my problem or my objection to special parole when

1 you said that it's a new program. That's exactly
2 what it is, it's a new program. And we've seen it
3 on paper. And, at least here in Bristol, we have
4 not seen it -- the actual workings of it. And we've
5 used it in the past, mostly -- we haven't used it a
6 lot. The judges here have used it in the past,
7 mostly on drug cases.
8 Judge Dunnell did use it recently on a burglary
9 case when she gave a young man a period of
10 incarceration followed by special parole. And I
11 objected to it for the very same reasons I'm going
12 to object to it today.
13 I would submit to the Court that we see it on
14 paper and we think we know how it's going to work,
15 but we don't actually know how it's going to work,
16 because we haven't had a chance to see it work. I
17 mean, work when someone actually gets out of jail.
18 Perhaps Your Honor has; I haven't. Perhaps
19 Mr. Gerace has; I haven't.
20 The problem with it is this: As I understand
21 it -- and maybe my understanding of the special
22 parole system is wrong -- the Court puts
23 Mr. Komisarjevsky on special parole for a period of
24 time and, hopefully, if the Court's going to do
25 that, the Court will make an order of restitution.
26 And I submit to the Court that the way I understand
27 special parole is that every day you serve on

1 special parole, that's one less day you have to go
2 back to jail if you fail to complete the
3 requirements.
4 Am I right on that?
5 THE COURT: I think so, yes.
6 MR. GERACE: I agree.
7 MR. DEARSTYNE: So my argument in regards to
8 that is that you put him on special parole with a
9 condition that he make restitution. We're talking a
10 large amount of money here, not an amount that can
11 be made in 30 days or 60 days. We're talking an
12 amount of money that has -- I don't even know if it
13 can be made over five years, which is the maximum
14 term of probation, over five years.
15 But we put him on probation or on special
16 parole for a period of time and we tell him to make
17 the restitution, well, every day he spends out is
18 one less day he goes back in.
19 So, if we put him on special parole for five
20 years, with a condition that he make the
21 restitution, what happens if he doesn't make the
22 restitution and it's four years before some special
23 parole officer decides to do something about it?
24 Now he comes back to court, and the most we can
25 do -- well, I hate to use that term most we can
26 do -- the only sentence we can give this defendant
27 is the year that he has left on special parole as

1 opposed to probation where you have the entire
2 amount of the suspended time hanging over your head
3 for the length of the probation.
4 I think it's fine for drug cases. The State
5 does not feel it's appropriate for this type of
6 case. And the Court may very well disagree with the
7 State, but that's the State's feelings on this, I
8 think. And I don't know what effect being on
9 special parole and being on probation out of this
10 Court has.
11 Do you know, Mr. Oliver?
12 MR. OLIVER: I don't. I know you can be on
13 both at the same time.
14 MR. DEARSTYNE: Okay.
15 So that's mainly my objection is what you
16 pointed out. It's a new program. If my
17 recollection serves me right, a few months ago the
18 *Hartford Courant* actually had an article on special
19 parole and how it's being used. And part of the
20 argument was saying, "Well, it's new, and we don't
21 really know how it's going to work when people start
22 getting out."
23 Of course, I guess the Court--
24 THE COURT: Well, I have a feeling that by the
25 time the defendant finishes his term of
26 incarceration, whatever the problems with special
27 parole might be resolved. But I understand what

1 your position is in terms of that.
2 MR. DEARSTYNE: Okay. Thank you, Judge.
3 THE COURT: Okay.
4 MR. GERACE: Just one more thing, Judge.
5 THE COURT: Go ahead.
6 MR. GERACE: If the Court is going to order
7 restitution, I'd ask that it be unreimbursed
8 restitution.
9 THE COURT: All right.
10 MR. GERACE: I'm sure most of these people had
11 homeowner's insurance.
12 THE COURT: All right.
13 All right. Before I begin, I would like to
14 clarify the factors that I'm going to consider in
15 determining the sentence in these cases. The first
16 factor that I'm going to consider is the nature and
17 circumstances of the different offenses. And here
18 we have Joshua charged with, I think, 14 cases
19 altogether.
20 The 12 that you pled guilty to all involve, I
21 think, nighttime residential burglaries, which is
22 probably one of the most serious crimes that
23 somebody can commit. And, also, those crimes were
24 committed -- I had over a period of about eight
25 months -- between -- let's see -- July 13, 2001, and
26 February 23, 2002, so approximately eight months.
27 And what those crimes show is sort of an M.O.,

1 what your operating procedure was. That you would
2 case these homes and that you would commit
3 calculated burglaries at night while people were
4 there sleeping. And that you would then pawn the
5 property and use, I guess, whatever proceeds that
6 you had to buy drugs or whatever that you felt was
7 appropriate to buy.
8 So I don't see somebody that -- as the State
9 has indicated, you don't seem to be somebody that's,
10 in terms of committing burglaries, an addict just
11 trying to get the money for a quick fix. What you
12 do seem like is somebody who is a predator, a
13 calculated, cold-blooded predator that decided that
14 nighttime residential burglaries was your way to
15 make money.
16 In terms of your history, it's a very
17 unfortunate past that you've had. You've had some
18 difficult times. It's very apparent that you have a
19 loving family that has done as much as they can to
20 support you, and that, unfortunately, you were
21 subject to abuse when you were younger, and I think,
22 for whatever reason, didn't get the treatment or
23 counseling that you needed at that point, and that
24 that has had a factor in your committing these
25 crimes.
26 But the reality of the situation is that
27 these -- the crimes that were committed, these 12

1 nighttime residential burglaries, are crimes that --
2 of committed -- they're calculated crimes; they were
3 intentional crimes.
4 In terms of another factor that's necessary to
5 take into consideration, I think, is the need for
6 the sentence to reflect the seriousness of the
7 offenses and to promote respect for the law.
8 As I've indicated to you, nighttime residential
9 burglaries are probably one of the most serious
10 crimes, because you're violating somebody's home at
11 night, and that's when people are most vulnerable,
12 when they're sleeping, and at least one of the cases
13 involved a home where there were children.
14 And, as the State indicated, a number of these
15 people are so fearful now after having suffered what
16 happened that they had to get alarm systems, and
17 they feel very uncomfortable being in their own
18 homes. So I think that really shows how serious
19 these charges are.
20 In terms of the need to protect the public,
21 which I think is another factor to take into
22 consideration, you're a multiple offender. You have
23 now, I think, 17 convictions for burglary, between
24 Bristol and Meriden. That's definitely a multiple
25 offender. And I would -- I think it's fair to
26 characterize your course of conduct as predatory.
27 And I don't think that that's unfair.

1 In terms of the harm to the victims and the
2 public, it's clear that the victims no longer feel
3 safe and many of the victims no longer feel safe in
4 their own homes, can't sleep at night, needed to
5 install alarm systems in a number of cases. And
6 that's -- we didn't even have responses from the
7 majority of the victims, so we don't really know
8 what other consequences there have been.
9 In terms of -- in weighing what the proper
10 sentence would be, I need to determine what's
11 necessary to provide just punishment. And I think
12 that just punishment is appropriate here. I also
13 need to determine what's necessary to protect the
14 public by isolating you from society for some period
15 of time.
16 I also have to consider the goal of specific
17 deterrence, to make sure that you understand that
18 once you're released from custody, that you cannot
19 commit these crimes any longer, and that there's
20 going to be consequences if you do so.
21 And I also need to impose a sentence that
22 reflects the goal of general deterrence, that other
23 people will be warned that if they commit similar
24 crimes, that there's going to be serious
25 consequences for those crimes.
26 Now, in determining what the final sentence is
27 going to be, the Court believes that it needs to

1 impose a sentence that does not conflict with the
2 Meriden sentence. The Meriden sentence -- the total
3 effective sentence in Meriden is three years in the
4 custody of the Commissioner of Correction, six years
5 special parole.
6 As we've indicated, special parole is a new
7 program. It's much -- supposed to be much more
8 restrictive than probation. And I don't -- I think
9 it would cause problems in this case having you on
10 both probation and special parole.
11 For those reasons, I think that special parole
12 is appropriate, not only because I think you need
13 that heightened level of supervision that special
14 parole can provide, but also to make sure that the
15 sentence does not conflict with the Meriden
16 sentence.
17 So I'm going to need to go through the -- right
18 now, I need to sentence you on 12 cases. So I'm
19 going to need to go through each case and each
20 docket number one at a time.
21 In docket number ending 501, it is a sentence
22 of the Court that you be committed to the custody of
23 the Commissioner of Correction for five years.
24 In docket number ending 172, it is a sentence
25 of the Court that you be committed to the custody of
26 the Commissioner of Correction for four years, and
27 then placed on special parole for six years.

1 So those -- and those sentences are to run
2 consecutive. So, for those two sentences in docket
3 number ending 501 and docket number ending 172, the
4 total effective sentence is nine years in the
5 custody of the Commissioner of Correction, and then
6 six years of special parole.
7 In docket number ending 173, five years
8 concurrent -- in docket numbers ending 173, 174,
9 175, 176, 177, 178, 179, 180, 181, and 500, it is
10 the sentence of the Court that you be committed to
11 the custody of the Commissioner of the Correction
12 for five years, and those sentences are to run
13 concurrent.
14 So the total effective sentence is nine years
15 imprisonment in the custody of the Commissioner of
16 Correction, six years special parole. And that
17 sentence is to run concurrent to the Meriden
18 sentence.
19 So what that means is for the next --basically
20 the next 15 years of your life, from 22 to 37,
21 you're going to be either incarcerated or on special
22 parole. So, if you can't change your life around in
23 the next 17 years, there's really no hope for you.
24 And I would hope that you would take to heart
25 and hope that you were sincere when you indicated to
26 the P.S.I. investigator that you've come to resolve
27 that you might be doing a lot of time, and that, "I

1 don't waste that time. I'm going to use it to
2 better myself." And I would hope that you use the
3 next 15 years to better yourself so that you're not
4 back before a Court, facing sentencing on similar
5 charges. All right?
6 MR. GERACE: Thank you for your consideration,
7 Judge.
8 THE COURT: All right.
9 Waive any fees and costs.
10 And was there any nolles on the remaining--
11 MR. DEARSTYNE: Nolles and any open counts. Is
12 the Court going to impose a condition of restitution
13 or not?
14 THE COURT: Yes, I'm sorry.
15 Also, as conditions of special parole -- I have
16 that on another sheet, so I have to get that --
17 undergo a substance abuse evaluation and mental
18 health evaluation, comply with any treatment as
19 deemed appropriate, including random screening.
20 Take all meds as prescribed. Pay all restitution
21 within the period of the six years of special
22 parole. Full-time -- you must obtain full-time,
23 verifiable employment or be attending school full-
24 time. You must also pay child support.
25 All right. Any other -- and that's -- for the
26 restitution, it's for any lost or damaged property,
27 unreimbursed, verified. All right?

1 MR. DEARSTYNE: No contact with any--
2 THE COURT: No contact with any of the victims
3 or their dwellings.
4 MR. DEARSTYNE: Thank you, Judge.
5 THE COURT: All right.
6 Anything else?
7 MR. DEARSTYNE: No.
8 MR. GERACE: Thank you.
9 THE COURT: Good actually.
10 MR. DEARSTYNE: Oh, actually we do. We have a
11 bunch of inventories, Mr. Gerace?
12 MR. GERACE: No claim to anything.
13 MR. DEARSTYNE: No claim to anything? All
14 right.
15 We can go through these at the end of the day,
16 if it's okay with the Court.
17 THE COURT: Okay. That's fine. Let me just
18 sign these first.
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C E R T I F I C A T I O N

I hereby certify that the foregoing is a true and accurate transcript of the tape recorded proceedings, to the best of my ability, in the aforementioned matter, heard before the Honorable James Bentivegna, Judge, in the Bristol Superior Court, Bristol, Connecticut, on the 20th day of December, 2002.

Dated at Hartford, Connecticut this 27th day of July, 2007.

KZeitel

Kelly Zeitel
Court Monitor