



# STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE  
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Testimony of Michelle Cruz, Esq., State Victim Advocate  
Submitted to the Judiciary Committee  
Wednesday, March 14, 2012

Good morning Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

**Raised Senate Bill No. 307**, *An Act Concerning the Inheritance Rights of a Beneficiary or Survivor Who is Found Not Guilty of Murdering the Deceased by Reason of Mental Disease or Deficit.*

The Office of the Victim Advocate (OVA) fully supports Raised Senate Bill No. 307. The OVA logically views the proposal as a technical revision as no individual that is either found guilty of or not guilty by reason of mental disease or defect, should benefit in any manner for causing the death of another person.

This oversight in the law was exposed after it was learned that David Messenger would inherit more than two million dollars as the sole beneficiary of his wife's will. On January 3, 1998, David Messenger bludgeoned his pregnant wife with a club in front of their five year old son. Before a three judge panel, Defendant Messenger was adjudicated not guilty of manslaughter by reason of mental disease or defect. Defendant Messenger was committed to the Whiting Forensic Institute for a period of twenty years and relinquished his parental rights and all legal claims to his son. In doing so, Messenger eliminated his son as a potential heir to his wife's estate.

The issue is not whether David Messenger calculated the chain of events that enriched his financial status as a result of the violent death of his wife. Rather, the issue is that unless Raised Senate bill No. 307 is adopted, this could and will happen again. Additionally, pursuant to C.G.S. § 17-a-600; 17b-224; 17b-228 the OVA is currently researching the process for the Department of Mental Health & Addiction Services (DMHAS) to recoup the confinement costs of David Messenger since his acquittal and commitment in November of 2001.

Thank you for consideration of my testimony.

Respectfully submitted,

*Michelle S. Cruz*  
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