

Judiciary Committee  
Legislative Office Building  
Hartford, CT 06106

March 14, 2016

Testimony in Opposition HB 5054

Dear Members of the Judiciary Committee:

HB 5054 provides a mechanism for courts of law to forever damage the reputation of law abiding citizens from "abuse of discretion" by judges to grant "temporary restraining orders" when an individual is accused of a "domestic violence" incident which may have no basis in fact.

In my case, which resulted in two "not guilty" verdicts at time of trial more than two years after a "probable cause" arrest warrant was issued on February 22, 2010 which had no basis in fact.

The publicity in the local newspapers of "allegations" of "domestic violence" transfers a substantial responsibility to courts, without the benefit of any "finding of facts" relating to "probable cause" in situations in which there a "false" or "unsupported claims" by those who are involved in "on going marital strife" in a "pending divorce proceeding."

There are issues of "substantive due process" to "seize arms" which would make this bill, as proposed, "unconstitutional" when considered in light of the 14<sup>th</sup> Amendment when looked in light of the 2<sup>nd</sup> Amendment.

In a recent 2<sup>nd</sup> Circuit Court of Appeals decision in Martin v. Hearst (attached) indicates that there is no "ability" to retrieve new stories which report "probable cause arrest warrants" in which in today's media world, fails to protect "perpetual" imposed by those "targeted" by "ex-spouses" or "spouses" who make "false reports" to police departments—who are later exonerated, have "probable cause" arrest warrants "nolled", are acquitted by Appellate Courts or have charges "dismissed" remanded for re-trial, as was my case litigated in Connecticut.

Please consider posting AC 34577 and the Martin v. Hearst case as an addendum to this letter in opposition to HB 5054.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Nowacki". The signature is fluid and cursive, with the first name "Michael" and last name "Nowacki" clearly distinguishable.

Michael J. Nowacki

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