

DN: S20N-CR19-0147994S

SUPERIOR COURT

STATE OF CONNECTICUT

JUDICIAL DISTRICT OF  
STAMFORD/NORWALK  
AT NORWALK G.A. 20

V.

JAMES LAWRENCE

JUNE 27, 2019

2019 JUN 27 PM 2 28  
NORWALK  
SUPERIOR COURT GA 20  
NORWALK

**COURT'S ORDER DENYING DEFENDANT'S  
MOTION FOR FRANKS HEARING**

**Background**

The Westport Police Department arrested defendant James Lawrence by way of an arrest warrant executed by the Court, *Dennis, J.*, on November 16, 2018 (herein referred to as the "Warrant"). The Warrant charges Mr. Lawrence with Harassment in the Second Degree. Officer Mark Grasso, an Officer with the Westport Police Dept., is the affiant of the Warrant.

On February 15, 2019, Defendant James Lawrence filed a *Franks* Motion challenging the validity of the Warrant (hereinafter referred to as the "Motion").

On May 14, 2019, the Court held a preliminary hearing on the Motion to determine if a full evidentiary hearing pursuant to *Franks v. Delaware*, 438 U.S. 154 (1978), was required.<sup>1</sup>

At the conclusion of the May 14 hearing, the Court permitted the parties to file memorandums of law. On May 14, 15 and 21, Mr. Lawrence filed three memoranda respectively entitled "Franks Hearing Arguments", "Franks Hearing Memorandum of Law" and "Addition to Memorandum of Law- Tapes of Officer Grasso Taking An [sic] Talk with Me and My Request for Subpoena of Tenant Chelsey."

In his May 21 submission, Mr. Lawrence included two CDs that were not introduced into evidence at the May 14 hearing. Mr. Lawrence stated that he was not in possession or control of these two CDs until after May 14. The CDs are a recording of a February 8, 2019 interview of Mr. Lawrence with Westport police at the Westport Police Depart.. The Court viewed the May 21 submission, in part, as a motion to open the evidence of the May 14 hearing. The Court granted Mr. Lawrence's "Motion to Open" over the State's objection. The Court marked the CDs as Defendant's Exhibits D and E and has viewed both as part of the record.

**Law**

"[W]here the defendant makes a substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit, and if the alleged false statement is necessary to a finding of probable cause, the Fourth Amendment requires that a hearing be held at the defendant's request." *State*

*Yes  
Substantial*

<sup>1</sup> Prior to scheduling the May 14 hearing, the Court resolved several discovery motions filed by Mr. Lawrence...

v. Glenn, 47 Conn. App. 706, 708 (1998), quoting *State v. Stepney*, 1919 Conn. 233, 237-38 (1993), cert. denied, 465 US 1084, 104 S. Ct. 1455, 79 L.Ed.2d 772 (1984). See *Franks v. Delaware*, 438 U.S. 154, 171, 98 S.Ct. 2674, 2684 (1978). "For an omission to serve as the basis for a hearing under *Franks*, it must be such that its inclusion in the affidavit would defeat probable cause." *U.S. v. Colkley*, 899 F.2d 297, 301 (4<sup>th</sup> Cir. 1990).

A defendant's mere conclusory allegations of falsehoods are insufficient to warrant a *Franks* Hearing. *State v. Glenn*, 47 Conn. App. 706, 708 (1998), citing *Franks v. Delaware*, 438 U.S. 154, 171, 98 S.Ct. 2674, 2684 (1978). "[A]llegations must be accompanied by an offer of proof.... Affidavits or sworn or otherwise reliable statements of witnesses should be furnished, or their absence satisfactorily explained.... The deliberate falsity or reckless disregard whose impeachment is permitted today is only that of the affiant...." *State v. Morrill*, 205 Conn. 560, 569 (1987), quoting *Franks v. Delaware*, 438 U.S. 154, 171, 98 S.Ct. 2674, 2684 (1978).

Plenty of proof

This is relevant

Analysis

During the May 14 hearing, Mr. Lawrence expressed his concerns about this case in general, the credibility of the complaining witness, and the thoroughness of Officer Grasso's investigation. As the Court explained to Mr. Lawrence at the hearing, his concerns about the credibility of the complaining witness and the completeness of Officer Grasso's investigation are not grounds to grant a *Franks* Hearing but could be raised in other motions and at the time of trial.

Push for trial

There are three basic grounds Mr. Lawrence argues in support of his request for a *Franks* Hearing. First, he argues that the complaining witness ("AC")<sup>2</sup>, who is the alleged victim in this domestic matter, provided Officer Grasso with false information. Second, Mr. Lawrence argues that Officer Grasso's failure to speak with him prior to completing the Warrant affidavit was improper. Finally, he specifically challenges the truthfulness of Section 16 of the Warrant, and any statements contained in the Warrant, which relate to a woman identified in the Warrant as the "other tenant" in a residential building owned by Mr. Lawrence's parents.<sup>3</sup> Mr. Lawrence appears to identify this same individual as "Chelsey." The Court will refer to this individual as the "Tenant."

Numerous pages submitted and this simple summary

Mr. Lawrence's first argument centers on the veracity of the complaining witness, AC. In reviewing the request for a *Franks* Hearing, the question for the Court is whether the affiant of the Warrant, Officer Grasso, provided false information with reckless disregard for the truth not whether AC provided misleading information to Officer Grasso. *State v. Morrill*, 205 Conn. 560, 569 (1987). Mr. Lawrence failed to provide the Court with any evidence that Officer Grasso made a false statement in the Warrant affidavit. He also failed to provide any evidence that AC made a false statement to Officer Grasso that Officer Grasso knew or had reason to believe was false. Mr. Lawrence has the right to cross-exam AC about her statements at the time of trial. His conclusory contentions regarding the veracity of AC's statements without some offer of proof does not give rise to a *Franks* Hearing.

LIE  
LIE

Grasso knew of perjury false statements

<sup>2</sup> This is a domestic matter. As such, the Court will refer to the victim by her initials AC.

<sup>3</sup> At relevant times, Mr. Lawrence also resided in this building.

Compare Police Report, sworn written statement, and Arrest Warrant. chelsea did not say

"waited in the basement came up behind her putting hand over her mouth"

Outrageous  
Judge McLaughlin totally avoids the contents  
of the text - advocating violence!!!

Mr. Lawrence further claims that Officer Grasso's use of only portions of AC's statement and text messages was an intentional omission that would defeat probable cause. Mr. Lawrence submitted a text message dated September 20, *Exhibit C*, in support of that argument. Exhibit C purports to be a text message from AC to Mr. Lawrence's mother, who was AC's landlord at the time. There is nothing in Exhibit C that if included in the Warrant would defeat probable cause. See *US V. Colkley*, 899 F.2d 297, 301 (4<sup>th</sup> Cir. 1990). On the contrary, the information contained in Exhibit C supports the allegations contained in the Warrant.

Due idiotic paragraph on this issue.

Second, Mr. Lawrence argues that a *Franks* Hearing is necessary based on his belief that Officer Grasso's investigation was faulty because the officer did not speak with Mr. Lawrence prior to submitting the Warrant to the court for a finding of probable cause. Officer Grasso was not required to speak with Mr. Lawrence prior to completing his warrant affidavit. Moreover, in reviewing the Warrant, it is clear that Officer Grasso spent days investigating this matter. He spoke with several individuals and received sworn statements. In addition, the evidence demonstrated that Officer Grasso attempted to speak with Mr. Lawrence prior to completing his Warrant affidavit on at least two occasions. Mr. Lawrence failed to provide the Court with evidence to support a claim that Officer Grasso provided any false or intentionally misleading information in the Warrant affidavit or intentionally omitted information from the Warrant affidavit that if included in the Warrant would defeat probable cause. Mr. Lawrence's request for a *Franks* Hearing based on this argument fails.

So he can make things up and not be held accountable.

Finally, Mr. Lawrence claims that Section 16 of the Warrant and any statement in the Warrant regarding his conduct toward the Tenant, specifically a sentence in Section 3, are patently false. Section 16 includes a summary of a conversation Officer Grasso had with the Tenant. Section 16 states that Mr. Lawrence made the Tenant uncomfortable and alleges that "[t]here are times that [the Tenant] would be in the basement doing laundry and the accused would pull up and sit in his car. [The Tenant] stated she would stay in the basement as long as [she] could "hoping he would leave," but he would stay there until she walked out of the basement." See *Exhibit A, Warrant, page 5, Section 16*. In Section 3 of the Warrant, AC told Officer Grasso that "[o]n one occasion, [Mr. Lawrence] waited in the dark in the basement where the washing machine and dryer are located. [AC] stated that when another female tenant went down to the basement to do laundry, the accused approached her from behind, placed his hand over her mouth and said something to her." See *Exhibit A, Warrant, page 1, Section 3*.

Mr. Lawrence emphatically denies that the laundry room event described in Section 3 occurred. He also claims that the Tenant denied saying that Mr. Lawrence "waited in the dark and approached her from behind and put his hand over her mouth..." In support of his argument, Mr. Lawrence introduced into evidence a document his parents, the Tenant's landlords, purportedly executed before a notary public. This document was marked as Exhibit B.

First, the Court finds Exhibit B unreliable. It does not contain standard information required in a document executed before a notary such as the notary's signature, the date the document was signed or the location at which the document was signed. Even if the court were to find Exhibit B reliable, it fails to provide this Court with the requisite showing to warrant a *Franks* Hearing. Exhibit B states that Mr. Lawrence's parents spoke to the Tenant about this matter and that she

all police say  
contrary to a  
proper protocol

car report 1/11

yes  
with  
proof!!!

outrageous

Judge does not do her homework  
compare arrest warrant to police report + sworn written  
statement

Judge never mentions the one email "Discovery" evidence.

1 Email not probable cause

denied making any statement about Mr. Lawrence placing his hand over her mouth in the dark laundry room. If the Court were to delete any mention of the alleged laundry room incident or the Tenant from the Warrant, probable cause remains intact. *more probable cause of perjury than harassment.*

In addition, Exhibit B does not contradict the Tenant's statements contained in Section 16. However, even if the Court were to delete Section 16 in its entirety, probable cause for the Warrant still exists.<sup>4</sup> As such, this argument fails to trigger the need for a *Franks* Hearing.

Conclusion

— utterly corrupt.

Mr. Lawrence failed to provide any evidence to support his conclusory statements that Officer Grasso, the affiant of the Warrant, made a false statement let alone made a false statement knowingly and intentionally, with reckless disregard for the truth. Further, there was no evidence to support a finding that Officer Grasso intentionally omitted information from the Warrant that, if included in the Warrant, would defeat probable cause. As such, Mr. Lawrence's request for a *Franks* Hearing is hereby denied.

Protecting Police



"DECISION ENTERED IN ACCORDANCE WITH THE FOREGOING" (McLaughlin, J.)

6-27-19

Charles Kim, Caseflow Coordinator

Denied

6-27-19

Suzanne Vieux, Supervisory Assistant State's Attorney

James Lawrence, Pro-Se

<sup>4</sup> To the extent Mr. Lawrence's May 21 submission requests a subpoena for the Tenant to testify, such request is denied. The May 14 hearing was a preliminary hearing to determine if Mr. Lawrence could provide the Court with a substantial showing that the affiant made a knowingly false statement that would trigger the need for an evidentiary hearing—a *Franks* Hearing. May 14 was not a full evidentiary hearing requiring the testimony of individuals. Further, the Court scheduled the May 14 hearing well in advance and after discussions with Mr. Lawrence to ensure he was prepared. At no time prior to the May 14 hearing did Mr. Lawrence request a subpoena for the Tenant. Moreover, the existence of the Tenant is not a newly learned fact. Indeed, according to Exhibit B, Mr. Lawrence's parents spoke to the Tenant prior to the hearing. Exhibit B also purports to provide the Tenant's responses to Mr. Lawrence's parents' inquiry of her. This order does not preclude Mr. Lawrence from requesting a subpoena for the Tenant for future evidentiary proceedings and at the time of trial.