

SUPERIOR COURT GA 20  
NORWALK

NO.: S20N-CR19-0147994S

2019 JUL 19 AM 11 32  
: SUPERIOR COURT

STATE OF CONNECTICUT

: G.A. #20  
NORWALK

V.

: AT NORWALK, CONNECTICUT

JAMES LAWRENCE

: JULY 19, 2019

**MEMORANDUM OF DECISION RE: MOTION TO DISMISS**  
**[BASED ON INAUTHENTIC EMAILS]**

This matter comes before the court on the defendant's *pro se* Motion to Dismiss, alleging that the emails provided to him in discovery materials are incomplete and/or inauthentic.

A hearing was held on May 7, 2019 and the defendant presented oral arguments in support of his motion. No witnesses were called, nor was anything offered to be marked as an exhibit in evidence.

Subsequently, on May 15, 2019, the defendant submitted written materials in support of his oral arguments, including documents related to Federal Rules 901, 1001-1008, and 403 with references to the case of Lorraine v. Markel American Insurance, 241 F.R.D 534 (D. Md. 2007), Connecticut Code of Evidence, Sections 1-1 through 1-5 and Section 9.1 (including the commentaries thereto), Tait's Handbook of Connecticut Evidence Sections 9.9-9.10, and Section 9.16.2 from The Practical Guide to Evidence in Connecticut, including some discussion of State v. Eleck, 130 Conn. App. 632 (2011).

The defendant was arrested by warrant on or about February 6, 2019, and charged with one count of harassment in the 2<sup>nd</sup> degree, alleged to have occurred on or about September 18, 2018.

Connecticut General Statutes Section 54-56 authorizes the dismissal of an information if "there is insufficient evidence or cause to justify the bringing or continuing of such information or the placing of the person accused therein on trial." "The purpose of the statute is to prevent unchecked power by a prosecuting attorney." (Internal quotation marks omitted.) State v. Dills, 19 Conn. App. 495, 501 (1989).

Authentication is a necessary preliminary to the introduction of most writings in evidence, including those in an electronic medium. The arguments raised by the defendant in this Motion to Dismiss may well be appropriate at time of trial, at the time any such writings are offered into evidence.

"In determining whether the evidence proffered by the state is adequate to avoid dismissal, such proof must be viewed in the light most favorable to the state." State v. Kinchen, 243 Conn. 690, 702 (1998). The insufficient evidence prong of Connecticut General Statutes Section 54-56 does not apply where a judge has found probable cause and ordered the issuance of an arrest warrant. State v. Dills, 19 Conn. App. 495, 501. (1989). (See also Connecticut Practice Book Section 41-8 – Motion to Dismiss, and Section 41-9 – Restriction on Motion to Dismiss)

Accordingly, the Motion to Dismiss is denied.

Dennis, J.

Dennis, J.

"DECISION ENTERED IN ACCORDANCE  
WITH THE FOREGOING"

7-19-19

Charles Kim, Caseflow Coordinator  
Suzanne Vieux, Supervisory Assistant State's Attorney

James Lawrence, pro-se

7-19-19

"Denied"