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Docket No. CR09-0635038-S

State of Connecticut

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Superior Court

v.

Judicial District of Hartford

Eddie Perez

October 23, 2009

**MOTION TO CONTINUE THE HEARING ON THE  
STATE'S MOTION AND FOR A NEW SCHEDULING ORDER**

Pursuant to the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, Article 1, Sections 7, 8, and 20 of the Connecticut Constitution, and Sections 41-6 and 41-7 of the Practice Book, the Defendant requests that the Court order a new scheduling order and hearing date on the State's motion to consolidate.

1. On or about August 28, 2009, the Chief State's Attorney submitted an arrest warrant affidavit to a Judge of the Superior Court seeking the Defendant's arrest in the above-referenced matter. Such warrant was signed on or about August 31, 2009, and Mr. Perez was arrested pursuant to the warrant on September 2, 2009.

On September 10, 2009 the State filed a motion to consolidate the most recent charges of criminal attempt to commit larceny in the first degree by extortion and conspiracy to commit larceny in the first degree by extortion in docket number H14H-CR09-0635038-S with the bribery, fabricating physical evidence and conspiracy to fabricate physical evidence charges in docket number H14H-CR09-0628569-S.

3. The Court's ruling on this motion is of critical importance to the Defendant and the citizens of the City of Hartford because consolidation of the charges will double or triple the length of the Defendant's trial that was previously scheduled for September

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4. In the Judicial District of Hartford, the normal time period from arrest to trial is one year or more. This time period permits counsel for the defense to prepare its defense, interview witnesses and conduct its own investigation.

5. The State, in arresting the Defendant on the eve of the jury selection on the bribery trial, has defeated the Defendant's ability to have a speedy trial on that charge. Now having defeated the Defendant's right to a timely resolution of the bribery charge by the September arrest, the State now seeks to defeat the Defendant's right to prepare his defense to the new and more complex charges.

6. The time from the Defendant's arrest on the bribery charge to the date of the scheduled jury selection was eight months. The Defendant should have more time to prepare on the charges filed in September because the new charges are more complex, involve more witnesses and present complicated questions of law. The Defendant needs time to investigate and prepare his case.

7. The Defendant will be denied the effective assistance of counsel if this matter is consolidated. Defense counsel cleared his trial calendar so that he could proceed in September on the bribery charge. That trial could not proceed because of the State's decision to arrest the Defendant on the eve of jury selection.

8. Defense counsel is now scheduled to commence jury trials in November and December 2009, and January 2010. Two of the cases involve charges of manslaughter and the third case involves a charge of sexual assault and risk of injury.

These cases will occupy the full time and energy of defense counsel. To now require defense counsel to proceed on the new charges filed in September, will deny the Defendant effective assistance of counsel.

9. The State filed its motion to consolidate unaccompanied by a memorandum except a one page recitation of some of the factors bearing on the issue of consolidation.

10. Consequently, the Defendant is not on notice of the legal authorities the State is relying upon in support of the State's motion except for the two cases that it cites.

11. The Defendant suspects that the Court will conduct its own research on the issue of consolidation. The Defendant, however, will not be on notice of the Court's research and the cases the Court is relying upon until the oral argument.

12. Furthermore, since the Court has scheduled oral argument on the same day as the Defendant's brief is due, the Court will not have adequate time to consider Defendant's arguments.

13. The normal procedure that is followed regarding a critical pretrial motion is that the moving party files its motion and supporting memorandum, the defense then responds and the moving party replies. Oral argument is then scheduled for a later date.

14. The Defendant requests that the Court issue a new scheduling order on the State's motion to consolidate. The Court should order the State to file a

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Memorandum in support of its motion, grant to the Defendant a reasonable time to respond and grant to the State a reasonable time to reply. A hearing date should be set so that the Court will have sufficient time to consider the written submissions of counsel.


15. The Defendant, as Mayor, is not entitled to any greater rights because of his position. However, he is entitled to the same rights as other defendants in the Judicial District of Hartford.

WHEREFORE, the Defendant requests that the Court continue the hearing on the State's motion to consolidate, order the State to file a memorandum in support of its motion, grant the Defendant a reasonable time to respond and grant to the State a reasonable time to reply. Thereafter, a hearing date should be set for oral argument on the motion.

**RESPECTFULLY SUBMITTED,**

**THE DEFENDANT  
EDDIE PEREZ**

BY

  
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**ORDER**

The foregoing motion having been heard, it is hereby:

GRANTED/DENIED. 10/27/09

**BY THE COURT**

  
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Judge / Clerk

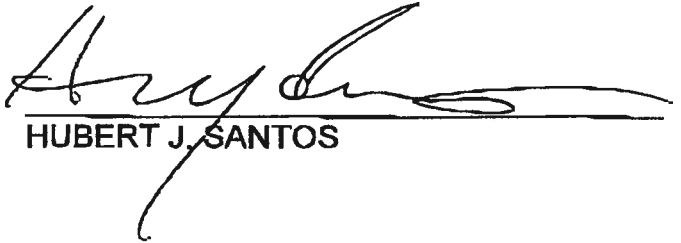
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**CERTIFICATION**

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I HEREBY CERTIFY that a copy of the foregoing has been mailed, postage prepaid, this 23rd day of October, 2009 to the following counsel of record:

Kevin T. Kane, Esq.  
Christopher Alexy, Esq.  
Michael Gailor, Esq.  
Office of the Chief State's Attorney  
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Rocky Hill, CT 06067



HUBERT J. SANTOS