Ethan Book for U.S. Senate

July 16, 2010

Honorable
Gayle S. Slossberg
State Senator
Chairman
Government Administration and Elections Committee
State of Connecticut
Legislative Office Building, Room 2200
Hartford, CT 06106

Honorable
James F. Spallone
State Representative
Chairman
Government Administration and Elections Committee
State of Connecticut
Legislative Office Building, Room 2202
Hartford, CT 06106

Dear Chairmen Slossberg and Spallone:

This is further to my follow-up pleading of March 28, 2010 (copy enclosed as Attachment 1) in which I referred to four earlier communications beginning in April of 2009 which were sent to then Committee Chairman Christopher Caruso, that dealing with what I have broadly described as an unaddressed political cancer in state government.

The subject deals with pending issues pertaining to the activities of the Connecticut Resources Recovery Authority (CRRA) as I initially began to observe them as a specialized bank officer in 1985. Among other matters, I observed very compelling yet undisputed evidence of mail fraud, bond fraud, and bid-rigging. However, it appears that no one of an appropriate capacity has wanted to affirmatively deal with and address such matters (re: several curiously timed legislative actions of 1987), that there are those such as former Attorney General Joseph Lieberman and current Attorney General Richard Blumenthal and/or those under their direct responsibility who have used improper, unprofessional and unconstitutional means to obstruct my peaceable pursuit of justice, and that others have simply conformed to a type of conspiracy of silence, of a clear posture of deliberate indifference. In effect, there is the clear appearance of both a bid-rigging conspiracy and a subsequent related cover-up conspiracy.

For good issues of public causes, in February of this year, I initiated a campaign for the U.S. Senate (www.ethanbookforussenate.org). However, very early in the campaign process, it was apparent that I was at a distinct disadvantage for the continuing, pervasive and broadly

overlapping series of consequences of various matters including of a wrongful conviction in 2001 in Stamford Superior Court and subsequent unlawful incarceration of me in 2003 for a non-violent, Class C petty misdemeanor. In addition to other related information already provided, I provide here additional relevant information.

First, I provide a complete copy of a letter which I sent on July 13, 2010 to Mitchell Rubin, Senior Assistant State's Attorney at Stamford Superior Court (Attachment 2). The letter as well as its own enclosures are rather powerful and compelling as to apparent intentional official errors committed in the 2001 proceeding in Stamford Superior Court.

Second, I provide a copy of a Reclaim form which I presented to Stamford Superior Court on July 13, 2010 (Attachment 3). The document seeks court review of various formal and unopposed pleadings including a Motion to Reconsider and Reverse Court Rulings which I presented on March 21, 2004. The rulings deal with my petitions that the Court vacates the respective criminal convictions of that petty misdemeanor matter.

It is also relevant that what is described on the Reclaim form as Defendant's 3rd Supplement to Motion for Reconsideration dated December 10, 2004 discusses the implications of Vives v. The City of New York, 305 F.Supp.2nd 289 (S.D.N.Y. 2003) to the 2001 misdemeanor action. The Vives case concludes that the New York harassment statute is unconstitutional for being overly broad in restricting constitutionally protected communication. The decision was specific for the purpose of reducing "the impermissible risk of discriminatory enforcement" (at p. 299). What I asserted in the Supplement is that for the very great similarities between the provisions of the New York harassment statute with the Connecticut statute, if the New York statute was deemed by federal court to be unconstitutional, then the respective Connecticut statute should also be deemed to be unconstitutional. Legally, the entire misdemeanor against me should be vacated simply and solely on that point. However, numerous other substantive defects to that proceeding are clearly apparent.

Third, I provide attached a copy of a letter that I sent on December 23, 2009 to Melissa Streeto, attorney in the Appellate Division of the Office of the Chief State's Attorney (Attachment 4). On October 16, 2002, Attorney Streeto made rather stretched arguments before the Appellate Court regarding a motion to dismiss the appeal presumably for having been filed before the disposition of the case. I was clear in my limited five minutes of oral argument that my early filing of the appeal involved matters of pre-trial rulings of the type that are distinctly appealable. However, Attorney Streeto failed to acknowledge my position in her arguments. The Appellate Court thereupon deviated from established precedent and dismissed the appeal.

I could also describe other curious Court deviations from established legal norms including of the 1989 Appellate Court decision of Connecticut Resources Recovery Authority et al. v. Freedom of Information Commission et al., 19 Conn.App. 489, of matters administered in Bridgeport Superior Court including of a mortgage foreclosure action in 2005 (that dealing with direct consequences of the petty misdemeanor matter), of several family matters during 2006 (those of direct consequences to the mortgage foreclosure lawsuit), of a quite title action during 2008 and 2009 (that of direct consequences of the earlier family matters),

and of a motor vehicle matter of alleged violation of state livery statutes administered in 2009 in Enfield Superior Court (i.e., wherein the Commissioner for the Department of Transportation is an *ex oficio* member of the CRRA board of directors), among others.

There is a very interesting Connecticut case decision which gives commentary of conspiracy. I find relevant portions to be very consistent with federal case references. It is State v. Hayes, 127 Conn. 543 (1941). That case involved charges of criminal conspiracy "to cheat and defraud the city of Waterbury and taxpayers thereof . . . ." (p. 548). It is also of great interest that this case quoted from State v. Murphy, 124 Conn. 554, 564, 1 A.2d 274 as follows:

> The proof of this [conspiracy] is not often made, by direct, open and positive evidence; but more generally and more naturally, by proving a repetition of acts of a character conducing to show a mutual purpose. In such case, it is seldom true, that any one act, taken by itself, can be detected as tending to prove a combination; but when it is seen in connexion with other acts, its true nature may be discovered. And so, as this species of proof is multiplied, a strong case of unlawful conspiracy is often established.

I also refer to the Black's Law Dictionary (6^{th}) lengthy definition of "conspiracy" which includes the following:

> A conspiracy may be a continuing one; actors may drop out, and others drop in; the details of operation may change from time to time; the members need not know each other or the part played by others; a member need not know all the details of the plan or the operations; he must, however, know the purpose of the conspiracy and agree to become a party to a plan to effectuate that purpose.

Then there is Krulewitch v. United States, 336 US 440-445-48, 69 S.Ct. 716, 719-20 (1949). Footnote 4 at page 720 includes the following quote from The Law of Criminal Conspiracies as found in American Cases (page 123):

> It would appear that a conspiracy must be a combination of two or more persons by some concerted action to accomplish some criminal object, or some object not criminal by means which are not criminal but where mischief to the public is involved; or, where neither the object nor the means are criminal, or even unlawful, but where injury or oppression to individuals are the result.

Further, there is cause to refer to scripture. Isaiah 59: 15 – 16 gives us the following:

> And judgment is turned away backward, and justice standeth afar off; for truth is fallen in the street, and equity cannot enter. Yea, truth faileth; and he that departeth from evil maketh himself a prey . . . .

Considering the credible facts presented in this letter and its attachments coupled with other communications which I have sent to former Chairman Christopher Caruso and to you, there is ample evidence (not exhaustive) to support my position that for 2 ½ decades, I have been the

subject of, the object of, a pervasive governmental conspiracy involving officials and employees of state agencies and state courts and also political figures and business people associated with the state officials (including opportunistic private attorneys), that with the object of distracting me, of discrediting me, of detaining me from the proper, lawful exposure of governmental issues regarding CRRA activities and from lawful pursuit of equitable remedy. Some overt acts in furtherance of this conspiracy as well as substantive adverse impacts to me of it have also been observed in the course of my legitimate and lawful campaign for the U.S. Senate.

I further submit that there are compelling causes and authority for this Committee to immediately open a full and proper investigation of this matter, that to deal with full, open and proper review of the facts of this matter, the active participants in the matter as well as to review the broader implications.

I respectfully request your full review and response.

Sincerely,

Ethan Book

P.S. I further advise that I reserve the privilege of raising at any time issues such as are described here in federal court.

Enclosures (4)

c: M.Jodi Rell, Governor
Susan Bysiewicz, Secretary of State
Barbara M. Quinn, Chief Court Administrator
Andrew J. McDonald, State Senator; Chairman, Judiciary Committee
Michael P. Lawlor, State Representative; Chairman, Judiciary Committee
Christopher Caruso, State Representative (126th)
Tony Huang, State Representative (134th)
Thomas Drew, State Representative (123nd)
Christopher Healey, Chairman Connecticut Republican Party
Linda McMahon, Candidate for the U.S. Senate
Peter Schiff, Candidate for the U.S. Senate

Constitutional integrity and individual freedom!

P.O. Box 1385 - Fairfield, CT 06825
Telephones (203) 367-8779 and (203) 943-0045
newenglimo@aol.com - www.ethanbookforussenate.org

Attachment 1

-----Original Message-----
From: newenglimo@aol.com
To: Slossberg@senatedems.ct.gov; James.Spallone@cga.ct.gov; Meyer@senatedems.ct.gov; Joe.Aresimowicz@cga.ct.gov; Michael.McLachlan@cga.ct.gov; John.Hetherington@housegop.ct.gov; Thomas.Drew@cga.ct.gov; Andrew.Fleischmann@cga.ct.gov; Livvy.Floren@housegop.ct.gov; Audin.Grogins@cga.ct.gov; David.Labriola@housegop.ct.gov; mlawlor99@juno.com; Patricia.Miller@cga.ct.gov; Tim@timobrien.org; Peggy.Reeves@cga.ct.gov
Sent: Sun, Mar 28, 2010 9:37 pm
Subject: An Important Pending Matter!

Dear Honorable Senator Slosberg, Representative Spallone and other Members of the legislative Government Administration and Elections Committee:

I bring to your attention various correspondences which I sent to then Co-Chairman Christopher Caruso including my letter of November 2, 2009 in which I propose an equitable comprehensive settlement plan for matters regarding long-term issues of the Connecticut Resources Recovery Authority (CRRA). Such issues stem from my position as a specialized bank officer. Other related letters to Representative Caruso include mine of March 30, April 13, November 22, 2008 and July 29, 2009. The letters describe what is correctly termed as an unaddressed and unresolved political cancer in state government. Other related and supporting information can be found at my recently announced campaign website at www.ethanbookforussenate.org. I welcome your full and careful review of these pertinent and substantive materials. A reasonable and prompt response is in order.

I welcome your comments and questions.

Sincerely,
Ethan Book

P.O. Box 1385 – Fairfield, CT 06825
Telephone (203) 367-8779

Attachment 2

July 13, 2010

Mitchell Rubin
Senior Assistant State's Attorney
Office of the State's Attorney
State of Connecticut
123 Hoyt Street
Stamford, CT 06905

Re: State v. Ethan Book Jr.,
Case No. S01S-CR-01-135646-S

Dear Attorney Rubin:

The purpose of this letter is for further development of yet unresolved issues of this matter. This is further to my unanswered letter to you of April 9, 2009.

The referenced matter pertains to a charge of a 1st offense, non-violent Class C (petty) misdemeanor which was presented against me in January of 2001. The matter involved essentially collection of debt. There was no violence or threat of violence, no late night or no-talk telephone calls and no unusually high frequency of communications. The case pertained primarily to what has been described as a police warning not to communicate with a female business associate, and issues of the legality of the warning and what the warning actually included. The matter was presented and conducted in the context of separate unresolved issues of state activities in resource recovery, an area in which I have been involved because of and since 1985 for my work as a specialized bank officer (See attached text of article of April 6, 1987 of the Bridgeport Telegram.).

You may be aware that on February 25, 2010, I formally announced my candidacy for the United States Senate. Even for that announcement and events which immediately preceded that, there are implications for this action and for the nature of responses of the Office of the Attorney General to my federal lawsuit in which I seek both *mandamus* and civil damages (www.ethanbookforussenate.org; See especially the text of my letter of January 9, 2010 to Attorney General Richard Blumenthal.). It is relevant that in essentially every stage of the campaign which for good causes continues, I encountered difficulties related to the referenced matter and a logical chain of consequences stemming from that. Such difficulties were explicitly observed up to and including the Connecticut Republican Convention proceedings of May 21, 2010 and also regarding the subsequent petition drive for a primary campaign and election.

Related to this, during about June 11, 2010, a prominent member of a Republican Town Committee explained to me that he had made good attempts to get signatures for my primary petition campaign but he encountered problems stemming from Internet notice of the referenced petty misdemeanor matter, apparently a situation resulting from an article which was published on February 26, 2010 by the Fairfield Citizen. It was with a view to addressing such questions that on June 13, 2010, I prepared for him the accompanying letter (with identifying portions redacted).

Attorney Rubin, I respectfully request your careful review of that letter. Do you take issue with any factual representation made in it? If so, please explain.

Also, there are other relevant questions. The trial for this matter was conducted on September 28 and October 1, 2001 with instructions to the jury and jury deliberations conducted on October 2, 2001. All portions of the trial were administered by the late Judge Richard Tobin (the same judge who had approved in January of 2001 the respective arrest warrant, a matter for implications of Practice Book, 1-22).

Do you dispute that the respective misdemeanor charges were of second degree harassment (Conn. Gen. Statutes, Sec. 53a-183) for which the only element of the offense is communication made "with intent to harass, annoy or alarm another person . . . "?

Also, do you dispute that at the beginning of your closing arguments on October 1, 2001, you commented as follows:

> . . . What this case is about is when a person tells Mr. Book, no, he doesn't respect that or comply with that. Martha Villamil saying, no, Sergeant Lupinacci saying, no, he basically does what he wants, doesn't respect what they want or listen to them. . . .
>
> . . . The issue isn't so much the types of calls, the issue is the phone calls. The fact is phone calls were made, the issue is not faxes, the fact is that the faxes are sent. (Transcript, p. 113)
>
> You heard Sergeant Lupinacci say, "I told him four or five times not to contact her." He still contacted her. He said, "Why don't you sue her if you want payment?" The answer was, no, to everything. That's what I think is going on. (Transcript, p. 114).

Attorney Rubin, do you dispute any portion of the official record which I present here?

Do you dispute the correction which I made in my closing arguments that Ms. Villamil had never specifically or directly asked me not to communicate with her?

Do you dispute my more complete account with setting of Sgt. Lupinacci asking me not to contact her as is described in the attached letter of June 13, 2010?

Do you dispute that there was a material question of what Sgt. Lupinacci had actually warned/ recommended and that after the trial, I fully demonstrated through the complete official record that the Court Reporter readback to the jury of the portion of testimony of Sgt. Lupinacci where he discussed such a recommendation was incomplete?

Do you dispute that you never specifically argued or asserted to the jury that any of my communications made to Ms. Villamil were made "with intent to harass, annoy or alarm"?

Do you dispute my position that you never clearly explained to the jury what Sgt. Lupinacci had actually recommended to me at the voluntary meeting of January 6, 2001?

Do you dispute my position that you never established before the jury that whatever Sgt. Lupinacci had recommended to me was both clear and lawful?

Based on the record which I have made of the proceeding, during the jury deliberations, the jury asked Judge Tobin "what weight should be given to such a warning". In my formal Motion of October 8, 2001 for Arrest of Judgment in the Alternative a Motion for New Trial with Additional Evidence, I timely reported that Judge Tobin's response to that question of the jury was as follows:

> I'm not supposed to give legal advice but if a police officer tells you to do something, you do it even if what he tells you is to go to church.

Attorney Rubin, do you dispute this account of the formal Court proceeding of October 2, 2001?

Do you dispute that the opinion which Judge Tobin gave to the jury was done without prior consultation with the parties as is required?

In addition, do you dispute that the opinion which Judge Tobin gave was one of serious legal and constitutional error, effectively constituting also a directed verdict?

Further, do you dispute that such an opinion given by Judge Tobin was made after approximately 3 hours and 6 minutes of prior jury deliberation (excluding breaks for lunch and questions) and that after that opinion, the jury deliberated only 6 additional minutes before advising that it was ready with a verdict (See my Supplement of January 16, 2003 to Motion for Reconsideration, p. 9.)?

Also, I point out that according to my records, there had been a scheduled pre-trial court hearing for May 3, 2001, that for the primary purpose of Court review of my formal Motion for Referral to Family Relations. I timely arrived to Court and upon my arrival, I was advised that the matter had been continued as you had been called to Hartford for a meeting. Would you please explain where the meeting was and the purpose of it?

For good and lawful causes and relevant, current public interests, I respectfully ask that you fully respond to each of the points of inquiry presented herein.

Sincerely,

Ethan Book Jr.

Enclosures (2)

Ethan Book for U.S. Senate

June 13, 2010

[
portion redacted
]

Dear [redacted]:

I appreciated that you returned my telephone message this past week to give me comments and questions regarding this candidacy. In the context of my petition drive for signatures for a primary election, you particularly mentioned to me observations of encarceration which I experienced in 2003. Notwithstanding how and when I might take the next step regarding the viable public issues of this candidacy, I deem that there is good public purpose for me to give you now some additional explanation regarding your questions and comments.

There is important context of the petty misdemeanor matter which led to the unlawful incarceration. There are two specific lawsuits which I mention in the setting of issues which I initially raised in 1985 as a specialized bank officer of state activities in resource recovery. First, there is a state court case which pertains to my formal request of the CRRA in 1986 of access to the bids which were given to the CRRA for the redevelopment and operation of the $300 million Greater Bridgeport Resource Recovery Project. After two formal hearings before the Freedom of Information Commission, in January of 1987, the Commission issued a unanimous decision to order of the CRRA immediate disclosure of the bids. The CRRA promptly appealed. The matter was briefed and argued in New Britain Superior Court on June 2, 1988. In a decision issued in August of 1988, Superior Court Judge Leonard Dorsey exceeded the statutory limitations of the Uniform Administrative Procedure Act to reverse that Commission decision. The Commission appealed to the Appellate Court. In a decision issued in September of 1989 (a decision which is mentioned in the brief biography which I gave you [portion redacted] and which is also specifically mentioned in my letter of January 9th to Richard Blumenthal, with both documents available at the campaign website), the Appellate Court deviated from established legal norms to dismiss the lawsuit. Specifically, the Court used a curious 1987 legislative change of law to retroactively apply to 1983 CRRA bidding. Also, despite the fact that the usual precedent is that the Appellate Court will consider a party's interest based on information which is available with the agency record, without any direct question of me, they deduced the fact that I was not separately represented at the appeal stage as a lack of interest in the legal controversy (See published decision of Connecticut Resources Recovery Authority et al. v. Freedom of Information Commission et al., 19 Conn.App. 489.).

Also relevant is a federal lawsuit which I presented in 1995 against the CRRA. That raised substantive claims of mail fraud, bond fraud and bid-rigging, among others. Named

Defendants of that lawsuit are the Office of the Attorney General (for actions committed under the administration of Joseph Lieberman as Attorney General), the Office of the Chief State's Attorney, and the Town of Fairfield. Some detail regarding that proceeding is contained with my letter of January 9, 2010 to Mr. Blumenthal (available at website). Most notable is that the case was dismissed by Federal Judge Dominic Squatrito, who less than six months prior to his administration of the case, was Senator Lieberman's campaign treasurer. Also notable is the manner that the Second Circuit Court of Appeals dismissed the appeal on procedural grounds, that done while Jon O. Newman was the Chief Judge (also was a Connecticut District Judge for whom Mr. Blumenthal served as law clerk from 1973-1974). I acknowledge that for that lawsuit, I seek a large dollar amount for relief. However, for the types of the whistleblower claims that are presented, such a large dollar amount is justified.

It is of note that following the Court of Appeals dismissal of the appeal, I periodically would present to that court a motion for reconsideration, which would have been denied. On March 16, 2000, I presented to that Court such a substantive motion for reconsideration. Particularly developed in that motion was the issue that Assistant Attorney General Charles Walsh, the one who was representing the state defendants in that lawsuit, had not been hired by the Office of the Attorney General in accord with the statutory requirements of the State Personnel Act. Then on March 21, 2000, without proper cause either for the timing or the issue or the merits, three armed and uniformed officials of the Department of Motor Vehicles came to my residential/commercial property in Fairfield for the explicit purpose of confiscating commercial marker plates of the five commercial vehicles which I have used in my limousine service business (an alternative to my banking career which has been disrupted for the yet unresolved whistleblower issues).

That was the setting that in January of 2001, Martha Villamil, a Colombian owner of Stamford based Park Avenue Limousines, owed to me $1,500 in intercompany debt. I understandably was in a distressed situation and for a period of about six months, I had taken fully lawful means to collect the debt. Without there being any response of any kind from her, on Thursday, January 4, 2001, as I was returning from LaGuardia airport during the early afternoon of a week-day, I stopped by her office. I knocked without receiving a response. I then placed a business card in her mailbox. The next day, I received a telephone call from Sgt. Anthony Lupinacci of the Stamford Police Department. He explained that Ms. Villamil had presented against me a formal complaint of harassment. He asked that I come to the police headquarters to discuss the matter. I told him that I didn't think that I had done anything wrong and that I had no problem in satisfying his request. Arrangements were made for me to go to the station on the following day, a Saturday.

I timely arrived to the police headquarters where I was met by Sgt. Lupinacci and Ofcr. Paul Mabey. The meeting began with me giving brief explanation similar to what is described above. Very quickly in the meeting, Sgt. Lupinacci said, "That's fine, but don't contact her any more." Under any circumstance, that statement of Sgt. Lupinacci is unusual for reasons including that Ms. Villamil had never directly asked me not to communicate with her. I said to him, "But she owes me money." He said that if I wanted to collect the debt, then I should either hire an attorney or present a lawsuit. I felt that as the manager of the business, I was the

one to decide when to end conservative collection procedures and when to begin more extreme collection means. I said to him that he had violated my 14th Amendment rights. He responded by saying that he would speak again with Ms. Villamil and get back with me the next day. He never got back to me the next day, or the day following or the day after that. After about three days of waiting without any further communication from Sgt. Lupinacci, I believed that there was no issue for which over the next ten days, I presented to Ms. Villamil three peaceable communications. On January 19th, I was arrested at my residential/commercial property by four police officers including two of the Stamford Police Department and two of the Fairfield Police Department. A bond of $25,000 was imposed and 34 misdemeanor counts were presented (Again, the fact of 34 counts being presented is unusual as 31 of the counts pertained to peaceable communications made *prior* to the meeting with police of January 4th.).

The matter seemed to be so simple that I decided to take it to trial. However, Superior Court Judge Richard Tobin failed to address a substantive defense of constitutional protection for commercial speech when in early September of 2001, he denied without explanation a motion to vacate the arrest warrant (which dealt with constitutional protection of commercial speech and also a potential conflict of interest for the Office of the State's Attorney, that pertaining to the named Defendant of the Office of the Chief State's Attorney in my lawsuit against the CRRA presented in 1995). Also curious is that in denying the motion, Judge Tobin violated Practice Book 1-22 which prohibits a judge from acting on a motion which challenges the validity of an arrest warrant which he himself had issued. Additionally, just prior to the trial, Public Defendant Thomas West reportedly commented to an acquaintance that "The attorneys in Stamford Court and the Stamford judges intend to see Ethan convicted as he has been a thorn to the state in other forums".

The trial began on September 28, 2001. Curiously, Judge Tobin again presided. There were various serious due process defects including that he prohibited me from explaining to the jury my rationale for conduct, he prohibited me from giving to the jury certain police procedures, he prohibited me from questioning a witness which had been called on my behalf and he prohibited me from giving to the jury legal material such as of the decision on Gormley v. Director, Connecticut State Department of Probation and Attorney General, 432 F.2d 938 (1980) (a case which I had specifically cited to Sgt. Lupinacci during the meeting of January 6th; a case which gave explanation of the breadth and limitations of the First Amendment and which also described my understanding of the law, a proper defense). Also, he did not give to the jury specific instructions regarding proper raised defenses as he should have done. In addition, following incomplete court reporter readback of Sgt. Lupinacci's testimony as well as a wholly incorrect response by Judge Tobin to a separate jury question, on October 2, 2001, the jury acquitted me of several counts and found me guilty of various (It is of interest that when the jury rendered its verdicts, Judge Tobin stated on the record that the jury process is accurate in 95% of cases.). I properly filed a notice of appeal which particularly challenged various pre-trial rulings which are in Connecticut law distinctly appealable. The declaration of penalty was then made on October 31, 2001.

At the disposition hearing of October 31, 2001, I was granted an appeal bond. I then promptly presented to the Superior Court a Motion for Acquittal/Rehearing and I formally filed a notice

amended of appeal. In mid 2002, I was sufficiently concerned about the extreme level of bias which had been observed of Judge Tobin that I contacted the State Judicial Branch Operations to obtain copies of his financial disclosures. I was surprised to find that during the trial, Judge Tobin was receiving an annual pension of $53,000 from Cummings & Lockwood, a law firm which during the trial was formally contracted as outside legal counsel for the CRRA, that is until the emergence of the CRRA/Enron debacle, also the law firm of which Mr. Blumenthal served as partner from 1981 – 1984.

In October of 2002, the Appellate Court dismissed the appeal. The stated reason was that because I filed the initial appeal in October of 2001 following the convictions and before the disposition, that there was not jurisdiction for there to be an amendment of the appeal which I presented following the disposition. Normally, the appeal of a criminal conviction is made following the disposition. However, the Appellate Court erred in that for my initial appeal filing in October of 2001, I specifically challenged several pre-trial rulings of the type which are distinctly appealable. Without explanation, the Appellate Court denied my timely and unopposed motion for reconsideration.

At first I was concerned about that dismissal, however I also realized that my pending Motion for Acquittal/Rehearing continued to be pending before the Superior Court. On January 9, 2003, the Court Clerk mailed to me a notice of a hearing scheduled for January 17, 2003. Because the notice gave explanation of it being a disposition hearing, I thought that the hearing was intended to address my pending Motion for Acquittal/Rehearing for which it was known by the prosecuting attorney, Mitchell Rubin, that I was in the process of preparing a substantive supplement. My specific inquiries to the Court for clarification went unanswered. I timely arrived to Court on January 17th. Without Judge Tobin addressing in any manner the pending, unopposed Motion for Acquittal and without him allowing me to present to the Court my formally prepared Supplement, and further without him allowing me a reasonable opportunity to speak, Judge Tobin *sua sponte* moved and granted his own motion to terminate the appeal bond and he concurrently imposed the sentence.

His actions were unusual for several reasons. First, a presiding judge does not have the discretion to *sua sponte* move to terminate an appeal bond. That is a non-jurisdictional issue for which a motion must be made by one of the parties. Second, in deviation from Practice Book 61-11, the motion was made verbally in court and not in a timely written motion for which the parties are afforded prior notice (which means that legally there was a lack of personal jurisdiction for the Court to have terminated the appeal bond). Third, in deviation from Practice Book, 61-14, he did not allow a ten-day grace period during which a defendant may challenge the Court action and/or make preparation for the penalty period.

Then promptly after I was remanded, I filed a formal Notice of Appeal. The usual ministerial procedure is that upon receipt of a notice of appeal, the Court Clerk endorses the notice and returns that to the litigant who then forwards the endorsed notice to the Appellate Court. That is what begins the appeal process. However, despite multiple, proper and timely follow-ups by me and by others on my behalf, that unendorsed notice of appeal *remains to this date on file with the Office of the Court Clerk!*

Based on what I am aware, it would appear that what your friend found through goggling my name on the Internet was the text of the attached article which was published by the Fairfield Citizen on February 26, 2010 (an article with other reference to a 1987 article which is available at my website with the title "Tilting at Power"). It is relevant that the recent article, though not fully inaccurate, presented detail which could be readily misinterpreted. For this reason, I promptly presented to the newspaper the attached Letter-to-the-Editor which was published on March 5th (also available at my website under the heading "Political Intrigue").

For the normal procedures, I was eligible for early release in July of 2003. However, despite my proper efforts, a decision for release was not forthcoming. I began to be more curious and suspicious. On November 6, 2003, I sent to Attorney General Richard Blumenthal the attached letter. The second paragraph begins as follows:

> Has the [Office of the Attorney General] had a specific role with officials of the [Department of Correction] with regard to me?

The entire paragraph in its context is worthy of careful review. That letter and other related and revealing matters were never specifically or directly addressed by Mr. Blumenthal or those acting in apparent association with him. This question has major implications for content of my letter of January 9, 2010 to Mr. Blumenthal, a letter which is available at my website and is a letter to which I specifically referred before the [redacted] Republican Town Committee on [redacted].

Also, I point out that other information regarding the unlawful incarceration of 2003 is contained in a Campaign Update which I distributed in late March (copy attached). It is my recollection that the up-date was widely distributed including to [redacted].

Further, the extent of my public explanations about the misdemeanor matter was early fully discussed with and concurred in with my campaign manager, Father John Walzer, the archbishop in Connecticut of the Catholic Charismatic Church.

I welcome your review and comments.

Sincerely,

Ethan Book

Enclosures

Constitutional integrity and individual freedom!

P.O. Box 1385 - Fairfield, CT 06825 – Telephone (203) 943-0045
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Ethan Book for U.S. Senate