IN THE CONNECTICUT APPELLATE COURT

DKT NO. NNH-CR17-0177934-T	:	SUPERIOR COURT
STATE OF CONNECTICUT	:	JUDICIAL DISTRICT
v.	:	OF NEW HAVEN
DANIEL GREER	:	DECEMBER 12, 2019

DEFENDANT'S PETITION FOR REVIEW OF TRIAL COURT ORDER DENYING MOTION TO SET BAIL PENDING APPEAL

Pursuant to Gen. Stat. § 54-63g; Practice Book §§ 66-6, and 78a-1; the Fifth, Eighth, and Fourteenth Amendments to the United States constitution; article I, §§ 8 and 20 of the Connecticut constitution; and Connecticut common law; the defendant in the above entitled action hereby petitions this Court for review of a trial court order (by the Hon. Jon M. Alander), entered December 2, 2019, denying the defendant's request to be permitted to remain released on bond pending appeal.

The transcripts of the initial post-conviction argument on bond, held on September 25, 2019, and the sentencing hearing and argument on bond pending appeal, held on December 2, 2019, are being filed contemporaneously with this motion. Relevant transcript excerpts are annexed to this motion.

I. BRIEF HISTORY OF THE CASE

1. In Docket No. NNH-CR17-0177934-T, defendant Daniel Greer was arrested, pursuant to warrant, by the New Haven Police Department in July 2017. The warrant alleged one count of Sexual Assault in the Second Degree, in violation of Conn. Gen. Stat. § 53a-71, and one count of Risk of Injury, in violation of Conn. Gen. Stat. § 53-21. The charges were based on alleged contact with a former student of a school the defendant had founded. On the date of his arrest, defendant posted a $100,000 professional surety bond

(an amount that had been set in the warrant). By agreement with the State, he also surrendered his passport to his counsel.

2. Defendant remained at liberty on this bond for the duration of the pre-trial period, through his trial in September 2019. The case was transferred to the J.D. of New Haven, Part A. Shortly prior to trial, the State filed a long-form information charging defendant with 4 counts of Sexual Assault in the Second Degree, in violation of Conn. Gen. Stat. § 53a-71(a)(1), and 4 counts of Risk of Injury to a Minor, in violation of Conn. Gen. Stat. § 53-21(a)(2).

3. The case was tried before Judge Alander. Jury selection commenced on August 19, 2019; evidence began on September 16th, and continued through September 23, 2019. On September 23rd, upon defense motion, the trial court dismissed the 4 Sexual Assault in the 2d Degree charges as time-barred. The four Risk of Injury charges were submitted to the jury, which returned a guilty verdict on all counts on September 25, 2019.

4. Following the return of the guilty verdict, the trial court raised defendant's bond to $750,000, and he was taken into custody. The defendant posted that bond later in the day, and the trial court heard argument from both sides regarding appropriate conditions of release. The court later issued formal post-verdict conditions of release, requiring, inter alia, that the defendant be subject to electronic and GPS monitoring, and be confined at home except for medical, legal, religious and work obligations. A copy of that order, dated October 4, 2019, is attached to this motion.

5. On December 2, 2019, the court imposed identical sentences on the four Risk of Injury charges of 10 years imprisonment, execution suspended after 6 years. The sentences were ordered to run as follows: second count - concurrent to the first; third count – consecutive to the first, and concurrent with the second; fourth count – concurrent with the first, second, and third. The total effective sentence imposed was 20 years, suspended after 12. (12/2/19 Tr. 29-30).

6. At the conclusion of the sentencing proceeding, defendant gave oral notice of his intention to appeal his conviction, and requested that he be permitted to remain on bond under the same bond and conditions then in place. The trial court denied that request. Defendant was taken into custody, and has been incarcerated since December 2, 2019.

II. SPECIFIC FACTS RELIED UPON

As discussed during bond arguments in the trial court, Daniel Greer is 79 years of age. He is a U.S. citizen born and raised in New York City, and for the past 46 years has lived at 133 West Rock Avenue in New Haven with his wife of 48 years. He has no criminal history. He co-founded a religious private school in New Haven in the 1970s, and ran that school until a civil lawsuit filed by the complainant in this case forced it to close in 2016. For the past 30 years, he has been the driving force behind several non-profit corporations that have revitalized the New Haven neighborhood where the school and defendant's home are located; the non-profits acquired and renovated over 40 multi-family homes, which provide affordable housing to a broad, diverse cross-section of the New Haven community. Defendant, until his recent incarceration, had primary responsibility for overseeing the needs of the tenants of these properties. See generally 12/2/19 Tr. 12-20.

The defendant was at liberty for over 2 years during pre-trial and trial proceedings. He faithfully appeared whenever required – including on the day of sentence, knowing he faced a potentially lengthy jail sentence.

Defendant Greer also suffers from various significant health ailments, which were detailed at his sentencing hearing and in the pre-sentence report. These include kidney function and coronary issues; he has a history of stroke, and remains at risk for a repeat event.

The post-verdict bond arguments did not focus on these individualized characteristics, however, but rather on the fact that Daniel Greer is an observant Orthodox Jew, and rabbi. Following the jury's verdict, the State moved for an increase in bond,

noting that defendant was "facing a potential lengthy sentence". (9/25/19 Tr. 1).[1] The trial court agreed; it raised bond from $100,000 to $750,000, based on the fact that defendant had been convicted of "four serious felonies", no longer enjoyed the presumption of innocence, and "faces, as the state indicated, substantial jail time". (9/25/19 Tr. 2). The court ordered that if bond were to be posted, it would impose additional conditions of release. The state inquired – apparently based on nothing more than defendant's religion – "whether the defendant has two passports, an Israeli one and an American one". Id.

Defendant was taken into custody over the lunch break, and the parties returned following recess to argue conditions of release, after defendant indicated that he intended to post the new bond. Counsel submitted defendant's U.S. passport; both counsel and the defendant himself confirmed this was his only passport, and that he was a citizen only of the United States. The State, citing nothing other than defendant's religion, replied as follows:

> He claims not to have an Israeli passport, I'm not sure I necessarily believe that given that many, in particular Orthodox Jews who have been accused of crimes flee to Israel.

(9/25/19 Tr. 5). The State requested electronic monitoring and house arrest, which the trial court granted.

Between September 25, 2019 and sentencing, defendant wore both a GPS monitor and an electronic device that monitored whether he was inside his home. The court permitted him limited travel as approved by the Probation Department. See Revised Conditions of Release dated October 4, 2019 (attached).

Following imposition of sentence, defense counsel requested that defendant be permitted to remain at liberty pending appeal under the same bond and conditions imposed following the guilty verdict. Counsel noted that the same statute and rule applied – Conn.

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[1] The transcript from that date includes only colloquy on issues related to bond, which started following the return of the jury's guilty verdict.

Gen. Stat. § 54-63f and Practice Book Section 43-2 – and that risk of flight was the primary factor to be considered. Counsel noted that defendant had faithfully complied with the trial court's strict conditions of release, and argued that they were sufficient to ensure the defendant's presence pending appeal. (12/2/19 Tr. 32-35). With respect to risk of flight, the defense noted that subsequent investigation by the state had verified that defendant did not have an undisclosed, second passport that might facilitate foreign flight. (12/2/19 Tr. 33-34). The state did not dispute this point, nor repeat the religion-based broad-brush argument it made at the initial post-verdict bond argument. (12/2/19 Tr. 37). The very significant post-verdict increase in amount and restrictions of bond had already taken into account that defendant faced a "lengthy" and "substantial" sentence, so in the defense view the fact that the trial court had now imposed such a sentence did not change the calculus under the relevant law. (12/2/19 Tr. 34-37).

In refusing to continue the bond/conditions in place, or set any other conditions of release pending appeal, the trial court found that defendant's age, coupled with the length of the sentence, created a risk of flight. It also stated the following:

> The defendant also has the financial means to flee. It is my understanding that when I raised the defendant's bond to $750,000 after his conviction his wife paid a bondsman tens of thousands of dollars in cash that very day. The defendant clearly has access to resources to finance an escape from accountability.

(12/2/19 Tr. 38). There was no evidence in the record to support the court's "understanding" – and the trial court's statements about payments of "tens of thousands of dollars in cash that very day" are, quite simply, wrong.

III. LEGAL GROUNDS RELIED UPON

Although there is no constitutional entitlement to bail pending appeal, either under the federal constitution; see *Finetti v. Harris*, 609 F.2d 594, 597, 599 (2nd Cir. 1979); *Roberson v. Connecticut*, 501 F.2d 305, 308 (2nd Cir. 1974); *State v. Ayala*, 222 Conn. 331,

342 n. 11 (1992) (citing *Roberson*); or under art. I, § 8 of the Connecticut constitution; see *State v. Vaughan*, 71 Conn. 457, 460-61 (1899); *State v. Menillo*, 159 Conn. 264, 269 (1970); "once a state makes provision for such [postconviction] bail, the Eighth and Fourteenth Amendments require that it not be denied *arbitrarily or unreasonably*." (Emphasis added.) *Finetti v. Harris*, supra, 599; *Brown v. Wilmot*, 572 F.2d 404, 405 (2nd Cir. 1978); *Young v. Hubbard*, 673 F.2d 132, 134 (5th Cir. 1982). Bail set at an "arbitrary or unreasonable" amount would also violate the correlative provisions of our state constitution.

Connecticut "makes provision" for postconviction bail through its common law, statutes, and court rules. Our Supreme Court has reaffirmed the principle that Superior Court judges retain an inherent, "anciently derived" common law *power* to admit defendants to bail, after conviction, and after the imposition of sentence, in all cases. See *State v. McCahill*, 261 Conn. 492, 510-513, 518-19 (2002); *State v. Vaughan*, supra, 460-61; *Liistro v. Robinson*, 170 Conn. 116, 123-24 (1976); *Cinque v. Boyd*, 99 Conn. 70, 92-93 (1923). This discretionary "power to admit to bail exists not simply as an exercise of the judicial prerogative, but so that a defendant's right to bring an appeal will not result in a meaningless procedure." *State v. McCahill*, supra, 512. Incarceration pending appeal creates a risk of deprivation of liberty that can never be remedied, if a conviction is ultimately set aside. And of course, bail, when granted, should be set at the lowest amount that is consistent with the "essential purpose" of an appeal bond, which is to "secure the appearance of the defendant and his submission to the judgment of the court." *State v. McCoy*, 4 Conn. Cir. 109, 116 (1966). See also Section 54-63f (release to be granted "upon the first of . . . conditions of release found sufficient by the court" to ensure appearance).

Since 1967, postconviction release has also been governed by Gen. Stat. § 54-63f. In material part, that statute currently provides that a defendant convicted of "any offense" (except for certain specified offenses not implicated here), "may be released pending final disposition of the case, unless the court finds custody to be necessary to provide

reasonable assurance of such person's appearance in court . . ." Since 1976, the Rules of the Superior Court have contained a provision that is almost identical to the statute. See P.B. § 43-2. Thus, the only ground that disqualifies a defendant from postconviction release is a judicial finding that custody is "necessary to provide reasonable assurance of such person's appearance in court." Gen. Stat. § 54-63f; P.B. § 43-2.

In this case, the court erred in its conclusions about flight risk, and that no conditions of release could ensure the defendant's appearance. The State's initial arguments about flight were based on nothing more than a rank, religion-based stereotype that has no place in our justice system; it ignored the personal characteristics of the defendant, whose roots in the United States date back to the 19th century, and who has been a rock of stability in his home and neighborhood for 40+ years. More importantly, by the time of sentencing the State had verified that there was no factual basis for its "secret passport" theory, undercutting its own flight argument.

The court also erred in basing its "risk of flight" decision on a baseless theory, unsupported by the record, that the defendant had access to "tens of thousands of dollars in cash". The State did not advance this argument; there was no evidence to support the court's "understanding"; and the defendant had no notice of this issue prior to the court's denial of bond.

The trial court's focus on life expectancy and actuarial statistics was similarly flawed. The trial court reasoned that the defendant had a life expectancy of 9 years, and that, at 79 years of age, its sentence of 12 years imprisonment amounted to a "life sentence", which therefore created a heightened risk of flight. Under the court's analysis, a 30-year-old convicted of the same conduct and subject to the same punishment is automatically a better candidate for release on appeal – regardless of individual characteristics, such as the defendant's 40+ year history in the same community and vital role within that community. Defendant has contested the charges from the outset of this case – and even before this matter, in civil litigation begun in 2016 – and is committed to continuing that

challenge. Bond assessments should be made based on case-by-case personal analysis, and cannot be reduced to numerical or statistical generalizations.

In sum, the trial court erred in finding a "substantial change in circumstances" (12/2/19 Tr. 38) that warranted revocation of the post-verdict bond, and denial of release pending appeal. The amount and restrictiveness of defendant's bond were increased dramatically after the guilty verdict, with both the court and the State citing the potential for a lengthy, substantial sentence of incarceration. The actual imposition of such a sentence 2+ months later was not a "substantial change in circumstances", but rather a factor that had already been taken into account in ordering that defendant be subject to GPS monitoring and house arrest. Daniel Greer obeyed all conditions imposed by the court, and the same conditions of release would be sufficient to ensure his presence before the court. Indeed, the only "substantial change in circumstances" was the State's verification of what the defendant had represented to the trial court, i.e., that he had no dual citizenship or Israeli passport, and that arguments to the contrary were based on nothing more than offensive, religion-based stereotyping.

CONCLUSION

For the foregoing reasons, defendant respectfully requests a hearing/oral argument on this petition after it has been fully briefed. In the alternative, defendant requests that the Court direct the trial court to reinstate the bond and conditions of release ordered following defendant's conviction, and/or to direct that defendant be released under General Statutes Section 54-63f and Practice Book Section 43-2 under the same conditions, or whatever other conditions the Court deems appropriate.

THE DEFENDANT
DANIEL GREER

By: _____

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CERTIFICATION

This is to certify that copies of the foregoing Petition for Review and supporting transcript and exhibits have been sent via U.S. First Class Mail, postage prepaid, or other electronic means on the above-captioned date, to:

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Karen Roberg, Esq.
Office of the State's Attorney
J.D. of New Haven
235 Church St.
New Haven, CT 06510

David T. Grudberg

INDEX OF ATTACHMENTS

1. Revised Conditions of Release of October 4, 2019
2. Excerpt - Bond Argument of September 25, 2019
3. Sentencing and Appeal Bond Argument of December 2, 2019

NO. NNH CR23-177934	:	STATE OF CONNECTICUT
STATE OF CONNECTICUT	:	SUPERIOR COURT
v.	:	JUDICIAL DISTRICT OF NEW HAVEN
DANIEL GREER	:	OCTOBER 4, 2019

REVISED CONDITIONS OF RELEASE

At the defendant's request, the court met in chambers on October 4, 2019 with the State, attorneys for the defendant and representatives from bail and probation to discuss revising the conditions of the defendant's release. The court and the parties have agreed to the following conditions of release which the court hereby issues as orders of the court:

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1) The defendant shall not commit a federal, state, or local crime.

2) Electronic monitoring through GPS.

3) House arrest except the defendant may go to his attorney's office, medical appointments, and religious services but the synagogue must be disclosed to the Bail Commissioner who will verify that a synagogue is located at that address. The synagogue may change but it must remain in Connecticut.

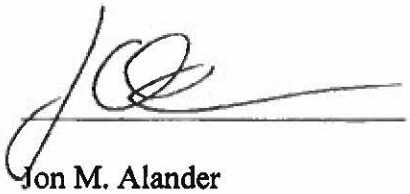
4) The defendant will be provided a curfew exception to allow him to attend to the managing of his properties and business. The exception shall be from 11 a.m. until 3:00 p.m., Monday through Friday. An inclusion zone will be established by Bail Services encompassing the business properties and a reasonable area of travel related to the defendant's home and his business locations. The defendant will be required to maintain a manual handwritten log as to where, when, and with whom he visits during his curfew exception. The defendant is only allowed off house arrest under this curfew exception to attend specific business dealings. If the

defendant requires travel outside of the established inclusion zone for a business related reason, said travel must be approved in advance by Bail Services or Adult Probation.

5) The Court allows Bail Services and Adult Probation to authorize reasonable exceptions to the curfew exceptions as they determine appropriate.

6) The defendant shall not be alone with any minor under the age of sixteen.

BY THE COURT



Jon M. Alander

Judge of the Superior Court

NO.: NNH-CR17-0177934-T	:	SUPERIOR COURT
STATE OF CONNECTICUT	:	JUDICIAL DISTRICT OF NEW HAVEN
v.	:	AT NEW HAVEN, CONNECTICUT
DANIEL GREER	:	SEPTEMBER 25, 2019

EXCERPT - BOND ARGUMENT

BEFORE THE HONORABLE JON M. ALANDER, JUDGE
AND JURY

A P P E A R A N C E S :

Representing the State of Connecticut:

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Representing the Defendant(s):

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Recorded By:
Janis Longobardi

Transcribed By:
Janis Longobardi
Court Recording Monitor
235 Church Street
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* * * *

ATTY. WILENSKY: State would like to ask for an increase in bond. The defendant no longer is cloaked in the presumption of innocence, he now stands before this Court found guilty of four counts of risk of injury facing a potential lengthy sentence, I think that a bond increase in this matter is warranted.

THE COURT: It's my understanding that bond is currently $100,000.00; is that correct?

ATTY. DOW: That's correct, your Honor.

ATTY. WILENSKY: Yes.

THE COURT: Okay.

ATTY. DOW: It was posted at the time of his arrest, which was about two years ago.

THE COURT: Attorney Dow, do you want to be heard on the issue of bond?

ATTY. DOW: I do, your Honor. I'd ask that the bond remain the same. There's no record. Under 50-- I'm sorry, 43-2 of the Practice Book the Court is permitted to allow the bond to remain the same. Over the course of this proceeding, from the time of his arrest to the present, the defendant has been in full compliance with all conditions of bond. Over and above that, the allegations pertain to activity that happened at least 12, or maybe 15 years ago, there's no indication that he is a present danger to the community whatsoever. There is an intent to appeal I

would advise the Court and, therefore, I would ask the Court to allow the bond to remain the same.

THE COURT: Yeah, the situation is obviously dramatically different then it was previously. He now stands convicted of four serious felonies for which he faces, as the state indicated, substantial jail time. In any situation like this I think the risk of flight is great, so I think a increase in bond is warranted. I'm going to set bond at a total of $750,000.00, so it's an increase of $650,000.00.

Should he intend to make bond, bond needs to be made in-- before me in court so that I can put other conditions upon his release, including forfeiting his passport and GPS monitoring. Anything else?

ATTY. DOW: If I could be heard on that. His passport is being held by Attorney Grudberg who was with him at the time he surrendered-- was-- was arrested. I'd assume you'd want that-- if bond were to be posted you'd want that to remain with Mr. Grudberg? I'm happy to assume it. I can give it to the registry-- to the Clerk of the Court if that's more appropriate.

THE COURT: Yeah, it would be held by the Clerk of the Court.

ATTY. DOW: Okay. I'll-- I'll make --

ATTY. WILENSKY: I have a quest --

ATTY. DOW: -- arrangements --

ATTY. WILENSKY: I'm sorry, Mr. Dow.

ATTY. DOW: I'll make arrangements for that. Your Honor-- If your Honor is going to be in session I assume that we will be able to appear before you this afternoon in order to take steps to post that bond?

THE COURT: I-- I-- I will be here until 5:00.

ATTY. DOW: Very good.

ATTY. WILENSKY: I would inquire as to whether the defendant has two passports, an Israeli one and an American one?

ATTY. DOW: I'll advise the Court. I don't know. I'll find out.

THE COURT: Okay. So you need to find that out, --

ATTY. DOW: Yes, sir.

THE COURT: -- whether he has mul-- multiple passports. I guess it's even possible to have multiple U.S. passports I-- I've been told. So any passports that he has need to be --

ATTY. DOW: The furthest I go is to --

THE COURT: -- turned over.

ATTY. DOW: -- East Haven, so I don't travel that far.

THE COURT: Anything else?

ATTY. DOW: Nothing further. Thank you, your Honor.

THE COURT: We are --

ATTY. DOW: Thank you, Madam Prosecutor-- Madam Prosecutors.

THE COURT: We are adjourned.

ATTY. WILENSKY: Thank you, Mr. Dow.

MARSHAL: All rise. Court is adjourned.

(Court stands in recess.)

MARSHAL: All rise. Court is now back in session. Good afternoon, your Honor.

THE COURT: Good afternoon.

ATTY. DOW: Good afternoon, your Honor.

THE COURT: So we're here because it's my understanding, Attorney Dow, that Rabbi Greer intends to post bond; correct?

ATTY. DOW: He does, your Honor.

THE COURT: Okay.

ATTY. DOW: The bondsman is here, Mr. Tracey and his associate --

THE COURT: Okay.

ATTY. DOW: -- are here, they're ready to post the bond. I have the passport that your Honor --

THE COURT: Is there just a single passport?

ATTY. DOW: Yes.

THE COURT: Is that --

DEFENDANT: I'm only a citizen of the United States.

THE COURT: And-- And you're not a citizen of

Israel, sir?

DEFENDANT: Never.

THE COURT: Okay. Well I'm going to hear in a moment-- for a mom-- from each side in a moment on what conditions of release they would like, or not like to see imposed. So why don't we hand that passport to clerk. You can give it to the Marshal to give to the clerk.

ATTY. DOW: Thank you.

MARSHAL: Yep. Excuse me.

THE COURT: Does the state want to be heard on conditions of release?

ATTY. WILENSKY: Yes, your Honor. I'd like some sort of electronic monitor-- mon-- monitoring of the defendant. He claims not to have an Israeli passport, I'm not sure I necessarily believe that given that many, in particular Orthodox Jews who have been accused of crimes flee to Israel. Given that, your Honor, I would like an electronic bracelet placed upon this defendant.

THE COURT: Okay.

ATTY. WILENSKY: And house arrest, please, except possibly for religious reasons. But I would also ask that be kept out of the Yeshiva of New Haven.

THE COURT: Attorney Dow, do you want to be heard?

ATTY. DOW: May I be heard just briefly, your Honor?

THE COURT: Yes.

ATTY. DOW: We oppose those restrictions. Your Honor did signal you were intending to consider electronic monitoring, I don't know that you were considering travel restrictions. With respect --

THE COURT: I believe there are some travel restrictions that are appropriate. Do you want to be heard?

ATTY. DOW: I-- I guess I'd like to know what you feel they are so I-- I --

THE COURT: Well, I guess --

ATTY. DOW: -- can address it.

THE COURT: -- I want to know where you think Rabbi Greer needs to go.

ATTY. DOW: Sure.

THE COURT: I-- I assume you're going to want him to be able to attend a synagogue.

ATTY. DOW: Correct.

THE COURT: And the location of that synagogue?

ATTY. DOW: Is in Massachusetts.

THE COURT: And why is it in Massachusetts?

ATTY. DOW: I don't know that I can give you a specific answer. Because that is the community to which he has a-- with which he has a relationship. During the cour-- Prior to the trial, and I think

once during the course of the trial he attended services there, Shabbat services as we now know. There are, as your Honor knows, two significant, and probably the two most significant religious holidays coming up, and that would be Rosh Hashanah and Yom Kippur.

What I was going to request-- What I am going to request of the Court is the following: That on-- That he be allowed to depart New Haven on September the 29th and-- and to return on October the 2nd; departing in the morning of Oct-- Wednesday, September 29, returning by noon on October the 2nd.

THE COURT: And what day of the week is October the 2nd?

ATTY. DOW: That's a Wednesday. That goes from Sunday to Wednesday.

THE COURT: And-- Oh, Sunday to Wednesday. And-- And the reason for that?

ATTY. DOW: That's Rosh Hashanah and that's the community in Massachusetts.

THE COURT: So he's going to be residing in Massachusetts?

ATTY. DOW: He will be staying overnight, yes, in Massachusetts.

THE COURT: And what's address of synagogue in Massachusetts?

(Defense counsel conferred with his client.)

ATTY. DOW: The Is-- Israel Syn --

DEFENDANT: Beth Israel.

ATTY. DOW: Beth Israel Synagogue, --

DEFENDANT: Onset, Massachusetts.

ATTY. DOW: -- in Onset, Massachusetts.

DEFENDANT: Onset Avenue.

ATTY. DOW: Onset Avenue in-- in Onset --

DEFENDANT: Onset, Massachusetts.

ATTY. DOW: Okay.

ATTY. WILENSKY: Where?

ATTY. DOW: That --

THE COURT: Onset Avenue in Onset Massachusetts.

ATTY. DOW: I'll-- I'll say it-- I'll say it again so we're clear. It's the Beth Israel Synagogue --

THE COURT: Yeah.

ATTY. DOW: -- in Onset Avenue in Onset, Massachusetts.

THE COURT: And so just so I understand, how-- how often-- Since what date has he been attending that synagogue?

ATTY. DOW: I think periodically since-- at least since the trial began. It wasn't every-- Your Honor will remember we had one day of jury selection we-- we broke of early, --

THE COURT: Yes.

ATTY. DOW: -- I believe it was that day at

least. And there were days before? Am I-- Shabbat days before that?

DEFENDANT: Yes.

THE COURT: Is there a local synagogue that he's been attending recent --

ATTY. DOW: No. No.

THE COURT: Not at all? So ever Sabbath he goes to Onset?

ATTY. DOW: Give me a second, please.

THE COURT: Yeah. Sure.

(Defense counsel conferred with his client.)

ATTY. DOW: Give me just a second, Judge.

ATTY. DOW: Yeah. Sure. I'm not trying to belabor this but I want to --

THE COURT: No, no, --

ATTY. DOW: You're asking--

THE COURT: -- you want to be accurate.

ATTY. DOW: Exactly. You asked information --

THE COURT: Yeah.

ATTY. DOW: -- I just want to make sure I get it right.

THE COURT: Yes. Yes.

ATTY. DOW: I'm not-- I don't want to spin stuff.

THE COURT: Not a problem.

(Defense counsel conferred with his client.)

THE COURT: Well, maybe-- maybe I can help. I

am not inclined to allow him to leave the State of Connecticut, you should discuss with him what other synagogue he could attend in the local area during the next eight weeks.

ATTY. DOW: Well, I'd-- I'd still ask for a little bit of time because I think --

THE COURT: Okay. Fine.

ATTY. DOW: -- I think there may be an answer that will address your concerns.

THE COURT: Okay.

ATTY. DOW: Okay.

(Defense counsel conferred with his client.)

ATTY. DOW: Yeah. Okay. I think I got a better sense.

THE COURT: Okay. Go ahead.

ATTY. DOW: And I will-- If your Honor has concerns about the accuracy just push me on it and I'll --

THE COURT: Okay. Go ahead.

ATTY. DOW: -- I'll get you the right information.

Your Honor understands there was a great deal of notoriety in connection with the civil action, the civil action was brought in May, as we now know May of 2016, and there was a great amount of publicity generated from the trial itself.

THE COURT: Okay.

ATTY. DOW: Within the Jewish Community of New Haven Rabbi Greer has found little, if any, welcoming community --

THE COURT: Okay.

ATTY. DOW: -- and that has caused him to have to go to other locations to seek to be able to practice his religion. One of those was in Rhode Island and there was a-- a disagreement there that caused him not to be able to attend that congregation. Over the course of, certainly this trial and before, periodically when he was unable to get a minion in place so that it would be a proper, for want of better term, religious service, he would go to the Onset Synagogue in Onset, Massachusetts.

His continuing concern now, anticipating where your Honor is going, is he's got two significant holy days here, the most-- the holiest of holy days in the Jewish religion and there is no synagogue here that will welcome him, so any restriction your Honor puts on him impacts his ability to really practice his religion. And I don't want to go over the top on this, but we're not talking about whether you go to the 9:30, 11:30 or 5:00 mass, it's just not one of those-- one of this situations.

So the request would be that he be able to attend Rosh Hashanah at-- at the location I indicated to you, and on Tuesday the 8th of October until

Thursday the 10th of October, from noon Tuesday to noon on Thursday, he would attend Yom Kippur services or participate in Yom Kippur services and the ancillary travel on those dates for this year.

THE COURT: Well --

ATTY. DOW: I think the-- I'd like to address your Honor's concern about travel just generally and the need for electronic monitoring.

There has never been any concern or any indicia of concern about his-- his abiding by conditions of release. And I understand he's no longer cloaked with the presumption of innocence. He's a 79-yearold man who has property here in New Haven, has family here in New Haven, has ties here in New Haven. Granted those ties have been frayed in large part as a result of these allegations and this recent conviction without question, but the likelihood not abiding by the conditions of his release are, I would suggest, minimal.

We look at the Practice Book and what it suggests in terms of the considerations for posting bond, they really are in ascending or descending order, I can't remember kind of which they're laid out, but the preference is for the least restrictive. And I'd ask your Honor to consider wh-- whether the-- a travel restriction is in fact required to assure his reappearance in court when required; we do so for

sentencing or to participate with counsel, and-- and participate in the appellate process as well. I really don't think-- And his wife is here in court, would been here had she not been listed by the state as witness, but all his ties are here. So I'd ask your Honor just to consider to what extent it is necessarily required that he have electronic monitoring or travel restrictions. A-- A --

THE COURT: I --

ATTY. DOW: An alternative might be that he would be required to maintain either personal, or telephonic communications, with the Bail Commissioner's Office to request the opportunity to leave any particular jurisdiction and that the bail commissioner would either take it to your Honor, or advise me and I can take it to your Honor as long it's done in a sufficiently timely fashion, without all the bells and whistles if you would.

One last consideration I ask your Honor to weigh, under the Jewish religion on-- on the-- on Shabbat wearing of an electronic device is contraindicated as they like to say medically, is prohibited by his religion. So the imposition of that condition creates significant legal and other problems that I think are not nec-- are not necessary.

THE COURT: I don't share your view that the

risks of flight are minimal. Given the circumstances now where he has been convicted of four serious felonies and faces a substantial prison sentence I think the risks of flight are substantial and, as-- as a result, I do think, notwithstanding the impact on his religion, that it is necessary that there be electronic monitoring.

With respect to the syna-- And I-- I want to accommodate his need to observe the high holy days and his need to observe the Sabbath, I want to do it in a way that does not require him to go out of state. Now are you telling me that in the last two months he has not observed the Sabbath outside-- within the State of Connecticut?

ATTY. DOW: I don't want to make that representation unless I know exactly.

THE COURT: Okay.

(Defense counsel confers with his client.)

ATTY. DOW: Can I just have a second, Judge?

THE COURT: Yes.

(Defense counsel confers with his client.)

ATTY. DOW: So, to answer your Honor's inquiry, there have been times when he has been able to attend services here in Connecticut while this case has been pending.

THE COURT: And where is that?

ATTY. DOW: I believe at the Yeshiva.

DEFENDANT: At the Yeshiva.

ATTY. DOW: At Yeshiva on Elm Street here in New Haven.

THE COURT: Okay.

ATTY. DOW: But the gathering of a minion has been of significant difficulty, okay. I'm told, and believe that the-- much like Christian high holy days, there is a special ritual and investment of time and effort that goes into the celebration of Rosh Hashanah and Yom Kippur and that the time constraints with which the rabbi is presently faced do not allow him to properly observe and/or practice-- Excuse me a minute.

(Defense counsel confers with his client.)

ATTY. DOW: So my client asked me to emphasize the-- the gathering of a minion is apparently a very-- Certainly at this stage with the rabbi's notoriety and other factors, the gathering of a minion apparently is a very deliberate and lengthy process, and to put together a minion at this point I'm advised is impossible.

THE COURT: We-- We had this issue during Jury selection, didn't we, where --

ATTY. DOW: He left-- We did. One day we-- we left early --

THE COURT: Right.

ATTY. DOW: -- and I --

THE COURT: Because he needed time to gather the minion as I remember it.

ATTY. DOW: I think that was to go to Cape Cod as I recollect, your Honor.

THE COURT: Okay. That-- That was not my-- That's not how I understood it. I might have misunder --

ATTY. WILENSKY: And that's not how the state understood it either.

THE COURT: I-- This is the first I'm hearing of traveling to Cape Cod.

ATTY. DOW: I-- That may be. But I-- I was aware of that. I didn't know that I was required to --

THE COURT: No, no, I --

ATTY. DOW: -- provide that information.

THE COURT: I'm just telling you what I thought.

ATTY. DOW: Okay. I agree. Okay, so,-- One second please.

(Defense counsel confers with his client.)

THE COURT: Okay. So here-- here's what I'm going to do-- Any-- Anywhere else? I assume you want him to be able to go to your office?

ATTY. DOW: Oh, sure.

THE COURT: Okay. And --

ATTY. DOW: And-- Or-- Or other counsel that may be involved with me.

THE COURT: And they would-- He would need to go to their office as well?

ATTY. DOW: Depending on who is where, yeah. I'm not always going to --

THE COURT: Okay. So his attorneys' office.

ATTY. DOW: For medical as well I assume.

THE COURT: Medical appointments. Okay. Fine. Anything --

ATTY. DOW: Religious.

THE COURT: -- else?

ATTY. DOW: Religious.

THE COURT: Yeah, we're going to-- I'm toing to talk about that in a second.

ATTY. DOW: Okay.

THE COURT: Anything else?

ATTY. DOW: I can't think of anything off the top of my head, --

THE COURT: Okay.

ATTY. DOW: -- no.

THE COURT: Okay. The state want to be heard any further?

ATTY. WILENSKY: Yes, your Honor. The fact that he wants to travel out state the State of Connecticut objects to that. He is trying to pick whatever Jewish laws are important to him and at this stage it's protection of minors and to see that justice is served all the way to the end to keep him from

feeling the jurisdiction. We don't let Christians out for Easter or Christmas so I'm not sure why this is any different. Religion does not trump public safety.

ATTY. DOW: I'm-- I'm not-- Can I respond? I'm not sure I understand the state's-- I understand the state's position, they don't want him going anywhere, that I understand. The rationale is kind of troublesome a little bit.

If we weigh the considerations outlined in the Practice Book and the statute there is, and-- and this is where your Honor and I disagree I guess, you feel there is a flight risk, I don't feel there is because the indicia of whether he's going to stay here or not really anchors; he has been in this community I think 40 years, he has property in New Haven.

THE COURT: Yeah, I-- I --

ATTY. DOW: You got all of that, okay.

THE COURT: No, I understand that and I accept that. I understand he has lived in this community for a long time, he has strong ties to this community, --

ATTY. DOW: Right.

THE COURT: -- I-- I accept all that.

ATTY. DOW: But-- But-- And the other-- But the other side of this that I differ with your Honor on

is the strength of his religion and his-- his desire to practice his religion.

THE COURT: And-- And I'm going to try to accommodate that within the constraints of ensure he doesn't flee.

ATTY. DOW: Understood. And there's no reason-- And I guess this is what the thought was, I think you can accommodate that by letting him go on those two holy days as I indicated with prior advice to the bail commissioner where he's going, when he gets there. Unfortunately, he can't communicate by telephone on the days of the Shabbat, obviously, but he can-- he can when he leaves the-- Onset or Massachusetts and let them know that. And-- And I must point out to the Court that is not an uncommon restriction, certainly in the in federal courts as long as I've been practicing law starting in, whenever that was, `70 or `72 or something, that condition, checking in with the bail commissioner is an ordinary requirement in many, many cases.

THE COURT: And so is GPS.

ATTY. DOW: Well, that's --

THE COURT: It-- Certainly in the state courts it is, --

ATTY. DOW: It wasn't when I --

THE COURT: -- I can't speak for the federal courts.

ATTY. DOW: It wasn't when I began.

THE COURT: Yeah, well.

ATTY. DOW: That came along, okay.

THE COURT: Yeah. Right.

ATTY. DOW: I got you on that one.

THE COURT: Okay.

ATTY. DOW: No, but-- but-- but there's also personal presence, you can require him to check in at 10:00 every morning wherever the bail commissioner is and at 5:00 at night ---

THE COURT: Yeah.

ATTY. DOW: -- every day. And it-- it gives as much-- If we look at it the other way, so if the fear is someone is going to flee, by the time the GPS registers, assuming it registers properly, you've got a five hour or seven hour window anyhow before it --

THE COURT: No, I don't-- I don't think it works that way. I think if you leave the place you're supposed to be bail will know right away, you're not going to get a five hour head start.

ATTY. DOW: But-- But-- But the ability to respond to the alert is going to consume time. And you're not talking-- You're talking about someone-- You know, I overlooked this, I submit your Honor did too to a degree, no prior criminal history --

THE COURT: Understood.

ATTY. DOW: -- whatsoever, --

THE COURT: Understood.

ATTY. DOW: -- okay.

THE COURT: Understood.

ATTY. DOW: So, you know, ironically in some of these situations you're better off having been out on bail six times knowing that you're always going to come back because you got a track record for being arrested and convicted or arrested and whatever.

THE COURT: Yeah, this would be very persuasive if I didn't have a conviction on four counts of risk of injury to a minor and-- and that's what changes the calculus dramatically.

ATTY. DOW: But how dramatic-- I'm interrupting I know. But how dramatically has it necessarily changed? If-- If the concern-- of your Honor's only concern is flight I understand, but if your Honor is combining that with a fear for safety of the community, which I haven't heard you say --

THE COURT: I'm-- Frankly, I'm not partic-- That-- That's not the weightiest concern that I have.

ATTY. DOW: Okay. You have --

THE COURT: So --

ATTY. DOW: You have a flight concern.

THE COURT: So-- So let me-- Anything else? I think it's time for me to rule at this point.

ATTY. DOW: Okay. Yeah.

THE COURT: He surrendered his passport. I'm

going to order electronic mon-- monitoring through GPS and I'm going to indicate the places he can go to. He can go to his attorneys' office, he can go to medical appointments, he can go to religious services, but the synagogue he's going to attend has to be ident-- identified-- has to be disclosed to the bail commissioner, they need to confirm that it's in fact the add-- address of a synagogue.

So I'm going to give him-- He's going to get out now, he's going to have an opportunity to-- to figure out where he wants to go to synagogue, and it needs to be a local synagogue, and I assume his wife will assist him in that, and once he identifies that to the Bail Commissioner's Office he's free to attend religious services at that synagogue. And if it needs to change because it's not as welcoming as he initially thought it would be it can change as long as it's a local synagogue. And by local I mean in the Greater New Haven area.

I think that, frankly, that that's sufficient, other than to let the Bail Commissioner's Office know that I want to be immediately notified of any violation. Anything else?

ATTY. WILENSKY: No, your Honor.

THE COURT: Attorney Dow, anything else?

ATTY. DOW: One-- One second, please.

(Defense counsel conferred with his client.)

ATTY. DOW: Let me just make sure we're clear on that --

THE COURT: Okay.

ATTY. DOW: -- your Honor is not allowing-- Excuse me a second.

THE COURT: Yep.

(Defense counsel conferred with his client.)

ATTY. DOW: Your Honor is not allowing-- or-- or denying our request to make an exception for Rosh Hashanah and Yom Kippur out of state; is that --

THE COURT: Correct.

ATTY. DOW: Excuse me a second, your Honor.

THE COURT: Yep.

(Defense counsel confers with his client.)

ATTY. DOW: Thanks, your Honor. Nothing further.

THE COURT: Okay. We are adjourned.

MARSHAL: All rise. Court stands adjourned.

(Court stands adjourned.)

NO.: NNH-CR17-0177934-T	:	SUPERIOR COURT
STATE OF CONNECTICUT	:	JUDICIAL DISTRICT OF NEW HAVEN
v.	:	AT NEW HAVEN, CONNECTICUT
DANIEL GREER	:	SEPTEMBER 25, 2019

C E R T I F I C A T I O N

I hereby certify the following pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of New Haven, New Haven, Connecticut, before the Honorable Jon M. Alander, Judge, on the 25th day of September, 2019.

Dated this 8th day of November, 2019, in New Haven, Connecticut.

Janis Longobardi
Court Recording Monitor

NO.: NNH-CR17-0177934-T	:	SUPERIOR COURT
STATE OF CONNECTICUT	:	JUDICIAL DISTRICT OF NEW HAVEN
v.	:	AT NEW HAVEN, CONNECTICUT
DANIEL GREER	:	DECEMBER 2, 2019

SENTENCING & APPEAL BOND ARGUMENT

BEFORE THE HONORABLE JON M. ALANDER, JUDGE

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MARSHAL: Oyez, Oyez, Oyez, the Honorable Superior Court for the Judicial District of New Haven at New Haven for the transaction of criminal business is now open and session in this place. All persons having cause or action pending summoned are bound to appear herein, shall take due notice thereof and give their attendance according to the law.

Court is now in session. The Honorable Jon M. Alander presiding. Good morning, your Honor.

THE COURT: Good morning.

ATTY. DOW: Good morning, your Honor.

ATTY. GRUDBERG: Good morning, your Honor.

MARSHAL: Please be seated.

THE COURT: This is the matter of State versus Daniel Greer, it's down for sentencing today. I take it counsel has received the PSI.

ATTY. WILENSKY: Yes, your Honor.

ATTY. GRUDBERG: Yes, your Honor.

THE COURT: And, Attorney Grudberg, you've had a chance to share it with your client?

ATTY. GRUDBERG: I have, your Honor.

THE COURT: Okay. Any changes either side would like to suggest in the PSI?

ATTY. GRUDBERG: The only point I would raise, your Honor, which may be viewed as technical in nature but it should be accurate, on page three, I guess it's the-- it's the fourth paragraph, there is

reference to many apartments he owns referring to Mr. Greer. I think the evidence was --

ATTY. WILENSKY: I'm sorry, page four?

THE COURT: Page three, --

ATTY. GRUDBERG: Page four, --

THE COURT: -- paragraph four.

ATTY. GRUDBERG: -- second line. And I don't think there was any dispute that any of the apartments were owned by several nonprofits, --

THE COURT: Right.

ATTY. GRUDBERG: -- there was testimony in the record about Rabbi Greer's involvement with those, but in terms of-- if we're going to be factually accurate --

THE COURT: Okay. Fine.

ATTY. GRUDBERG: -- I think it's wrong to say that he owns them.

THE COURT: Yeah. Okay. That-- That change is noted.

ATTY. GRUDBERG: Anything else?

THE COURT: Nothing else that I think is material to the --

THE COURT: Okay. Fine.

ATTY. GRUDBERG: -- Court's decision today.

THE COURT: Now prior to today I received a number of letters, both from Attorney Grudberg in-- in support of the defendant, and two apparently

unsolicited letters, all of which I have read. So since they were considered by me I'm going to file them with the clerk. So there's a-- a letter date October 29th, 2019 that I received unsolicited, a second letter dated November 20th, 2019 also direct-- came directly to me. And then I believe there were two packets of letters, Attorney Grudberg, that you submitted; is that correct?

ATTY. GRUDBERG: Yes. Letters --

THE COURT: Right.

ATTY. GRUDBERG: -- and other supplemental material.

THE COURT: Right. And there were newspaper articles for example.

ATTY. GRUDBERG: Correct, your Honor.

THE COURT: Okay. So I'm going to file those with the clerk so it's clear what-- what I considered. And all --

ATTY. GRUDBERG: I-- I believe actually it was three, your Honor.

THE COURT: Three?

ATTY. GRUDBERG: I think there was one that went into the Court, I believe, over a cover letter dated November the 7th.

THE COURT: Let me see what I actually just gave to the clerk.

ATTY. GRUDBERG: Then I believe there was

another --

THE COURT: I have November 7th, November 27th-- Oh, you're right, a November 19th. There are three.

ATTY. GRUDBERG: Yes, your Honor.

THE COURT: Yeah, there are three. Thank you.

ATTY. GRUDBERG: Thank you, your Honor.

THE COURT: Anything else? If not, I'll hear from the state first.

ATTY. WILENSKY: Thank you, your Honor. The man who stands before this court, if the letters have been submitted are to believed, must have a Dr. Jekyll and Mr. Hyde personality; it appears that he could lend incredible support to those around him and, yet, be most sever and unkind, especially to those children who were left in his charge. This man holds himself out as pillar of the community, a learned man, a pious man. He has letters of recommendation from people who think they know him who believe him to be an honorable and decent man, but truly, given the testimony that was uncovered in this courtroom, they truly do not know him.

To believe that he is a honorable man you would have to ignore the-- Let me go back. But they truly do not know him. He-- They believe he has a man who is deserving of their support, but they truly do not know him. But to believe that he is this type of man who deserves their support would ignore the testimony

of Eli Mirlis; his testimony at the civil case and his testimony in his deposition all consistently describing how this defendant took him as young boy, who had no sexual knowledge or sexual education, groomed him and used his position of authority all to use Mr. Mirlis for his own sexual gratification. It left a 15-year-old naive boy away from home having no protection, confused and absolutely utterly powerless given this man's position, not only in the school, but in the community.

These people who support him would have to ignore the testimony of RSA who the defendant began to groom in much the same way as he did Mr. Mirlis; they would have to believe that Shannon Mirlis took that witness stand and lied about her husband's disclosure in Israel. Perhaps they are unaware of the deposition given by Avi Hack, or have chosen to ignore the deposition perhaps, whose family is and was so completely enmeshed in the Greer family. In that deposition he described longstanding sexual interaction beginning when he, too, was a student of the defendant's at the Yeshiva. It began the same way as Mr. Mirlis and RSA using his position of power, his status as a brilliant and learned man in both secular and nonsecular orbits. He groomed these naïve boys by making them feel alternatively favored and fearful of his wrath, never knowing which way it

would go. He used and abused the wonder and hope-- hopefulness of a better future of a young boy, Mr. Eli Mirlis, who was left in his care, who was to protect him and educate him.

One moment, please, Judge. It has had long lasting effects on Mr. Mirlis, effects he will struggle with the rest of his life. As you heard testimony, he is closed off, susp-- suspicious of people's motives, distrustful, and has affected his romantic relationship with his wife.

The only way to deny the truth of what happened to Mr. Mirlis is to believe that the people who testified entered into some nefarious plot conspired to destroy Mr. Greer. Mr. Greer destroyed himself, your Honor, through his behavior, all the while hiding behind the cloak of a dedicated family man, an educator, and a religious leader.

Do not be swayed by the letters of those who truly don't know him or have willingly turned a blind eye to the real person.

There was a common sentencing argument by-- or commentary made by many Judges, I have not-- the state has not heard it in a few years, that as a person went through life they play-- they had a life account and everything they good-- did good went into that life account and it was to be balanced by any trouble they may have or against any wrong they may

commit. But the state asks this court how much good can a person use to offset the grooming, the sexual abuse and the derailment of a young life, especially behavior that was predatory and not isolated to just one charge in his-- at his school. The state's position is that no amount of good excuse or good conduct excuses sexual abuse of a naïve, sheltered young boy.

Mr. Mirlis has gone through so much, having to testify three times in excruciating detail what was done to him, in front of strangers no less. Do not let this man continue to hide behind his titles of an upstanding community member, an educator, and a religious leader. Do not be swayed-- The state is asking that this court not be swayed by his age, age is no excuse for imposing a lesser sentence.

The defendant should serve a lengthy period of incarceration despite his age, he is in a position of the community.

Mr. Mirlis deserves Justice, it has been a long time in coming. Mr. Greer should be incarcerated. Justice delayed is justice denied in this particular case.

Mr. Mirlis asked me to read the PSI statement that he gave with the Court's permission.

THE COURT: Certainly.

ATTY. WILENSKY: Thank you. Dear Judge Alander,

I will never recover from the emotional pain and suffering caused by the criminal acts of Daniel Greer. I will suffer post-traumatic stress syndrome for the rest of my life. I struggle with PTSD every day. I am fortunate that I have a sup-- supportive backing of family and friends.

No amount of money will ever compensate me for the pain and suffering inflicted upon me by Daniel Greer. I would gladly return whatever money I collect from Daniel Greer in order to turn the clock back and relive my childhood.

I believe that a long sentence of incarceration will go a long way to give other victims the strength and courage to come forward and report pedophiles like Daniel Greer. I believe a long sentence of incarceration will bring much needed public discourse and attention to this topic in Jewish institutions, which is still a taboo subject when compared with other issues openly discussed in the Jewish community. I believe that a lengthy pr-- prison sentence will deter others from committing this heinous crime.

Daniel is a monster. To me, the worst part is his unremorseful behavior for the heinous acts he perpetrated and the ways he treated every single person he has ever encountered. There are many in this room, former students and acquaintances of

Daniel, who know the true colors of the monster he was behind the school building doors; charismatic yes, but a sick, twisted, angry individual known for ridiculing, mocking and men-- menacing.

To this very day, Daniel Greer is still operating his synagogue. I verified with members of the New Haven Jewish community that Daniel Greer recently had Yom Kippur services with teenage young men who were sent from Lancaster, Pennsylvania by Rabbi Notis who testified at the criminal trial.

Daniel Greer has never apologized for what he did to me. Daniel Greer has no remorse for his crimes. Daniel Greer should be incar-- incarcerated immediately in order to prevent him from causing future harm. Daniel Greer is still healthy enough to walk a half a mile to his synagogue on Yom Kippur, stand for most of the day for prayer services while not eating or drinking for 24 hours.

I do not wish to speak at the sentencing of Mr. Greer. I was forced to testify at my civil trial because Daniel Greer refused to settle with me.

At that civil trial, Daniel Greer's civil attorney attacked me and called me a liar and a cheat. I was also forced to testify at lengthy depositions in the civil trial. Each time I testified I had to face Daniel Greer and relive the traumatizing experience that I had endured as a

teenager. It has been very difficult for me to repeatedly face Daniel Greer and his attorneys in court. Mr. Greer's civil attorneys attacked me at the civil trial for my failure to sit through the entire trial, as I only appeared to testify. I have endured enough trauma in my life through Mr. Greer.

You have my permission to read this letter to Daniel Greer in the courtroom. Very truly yours, Eli Mirlis.

I think, your Honor, that says it more eloquently then just about anything more the state could say. Again, the state is asking for a period of incarceration. He should be incarcerated immediately so justice will no longer be denied for not only Mr. Mirlis, but for the State of Connecticut.

THE COURT: Thank you. Attorney Grudberg.

ATTY. GRUDBERG: Thank you, your Honor. Before I get into the substance of my remarks, I know your-- your Honor is required give Mr. Greer the opportunity to speak. I will note at the outset he has obviously asserted his innocence, he pled not guilty throughout, it was a very sharply contested trial with-- with the charges, he intends to appeal and on that basis we have advised him that it would be inappropriate for him to speak and that he should remain silent. I know the Court has to give him that

opportunity, but I just wanted to put that on the record --

THE COURT: Okay. Fine.

ATTY. GRUDBERG: -- upfront. We intend to appeal and that --

THE COURT: I will ask him directly just so the record is clear, --

ATTY. GRUDBERG: And --

THE COURT: -- but I understand.

ATTY. GRUDBERG: And-- And he understands that and --

THE COURT: Okay.

ATTY. GRUDBERG: -- and may address your Honor briefly.

You know, we intend to appeal. The civil case is on appeal, it was argued in second circuit months ago. So in light and under all the circumstances that's our advice and he will follow it.

You know, the state talks about a, quote, unquote, life account, which is something that I intended to talk about in some fashion, but I think it is important for the Court to recognize that in discussing one's life, or even in discussing letters that have been written to the Court, the purpose of that is not either to maintain that in good works that one has done throughout one's life gives you somehow a license to commit crimes, or that-- frankly

that people who have written to the Court to share their observations about Daniel Greer are somehow advocating in favor of what the jury's verdict was. Not a single letter said this man is innocent.

The point is that the Court today is faced with a very different task and obligation then it was during the trial. To this point, the way our process works, your Honor has come to know Daniel Greer principally as a name on an arrest warrant, a name on a charging document, a name that was the focus of trial evidence in support of very specific allegations in that charging document. Here, however, the Court faced with the very weighty decision of deciding what is a just punishment to impose based upon the jury's finding in this case, the Court has to consider a much broader picture, in our view, beyond simply those charging documents.

His personal background, now I know the Court has that-- some of that in the Presentence Report, but I believe it needs to be spoken about publicly in the same way that all other facets of what happened in this case should be talked about.

Daniel Greer is 79-years-old. He has been married 48 years, he is the father of five, grandfather of 25. He was raised in New York City in an orthodox home, educated at a Yeshiva, attended Princeton and then Yale Law school; graduating in

1960 from Princeton, 1964 from Yale Law School.

Upon graduation, like many of his era, he went to work in large Wall Street Law Firm, Simpson Thatcher. He quickly concluded, though, that that life, though it might hold out a lucrative future, that was not for him. He walked away from that and went into public service with the Lindsay Administration in New York in the mid-1960s. He spent a number of years in that position then was called to a life of education and learning.

He attended a prestigious Yeshiva and was-- I don't know whether the-- the PSI used the term ordained, that may perhaps be the correct term, as a rabbi.

He returned to New Haven in 1976 with his wife and young Family. He had a law practice, but very quickly began what was then a small, modest school that ultimately evolved into the Yeshiva, it was initially the Gan School, the Yeshiva that your Honor heard so much testimony about and which many of the materials that we've submitted talk about the history of that.

I-- I want to spend a bit of time talking about the school because, again, the portrait-- I-- I'm at a bit of a disadvantage, I wasn't here during all the trial evidence; however, from what I've seen, I've heard, it seems to me that, again, a very narrow

portrait of that school and Daniel Greer was presented that doesn't fairly represent the full person.

I believe there was testimony about punishment, there was testimony about students being yelled at, and the common theme seemed to be that Mr. Greer was some sort of, you know, tyrant who was not-- you know, who was not a positive force within school, and frankly, your Honor, we think that the complete picture is-- that that's unfair and the complete picture paints a different story.

Was he a demanding educator? No doubt. You know, it's not the job of every educator to have every student under their control like them, it's their job to educate them, and he was a dedicated, passionate educator.

Your Honor has information before you, excuse me, about the various institutions that this small little school in New Haven-- the graduates of that-- that institution attended, and they are one of the most prestigious institutions of higher learning in the United States, ivy league, Johns Hopkins and so on. Even some of the-- one of the people who has written to the Court expressing negative views boasts incredibly impressive academic credentials as a product of the Yeshiva, so I think it is unfair to paint Dan Greer in such narrow, single-minded terms.

One extremely insightful, and you don't need to take that from me, your Honor, one of the things we submitted to the Court were materials written by other members of the Yeshiva class of 2005, the graduating class. One prepared a lengthy dictionary for the Yeshiva upon his graduation that included a preface thanking the Yeshiva for all its good work. Indicated-- You know, the dictionary laid out all of the many, many, many words that the individual had learned over the course of his education. He said the Yeshiva taught me the importance of speaking more coherently and writing letters with better clarity. I learned that speaking with better language proficiency provides for a greater success in all future ventures. I feel that this, namely the dictionary, is the best way to express my thanks, and I hope it suffices, because in truth there would be no way to show my complete appreciation. That was submitted upon graduation.

In some ways more remarkable there's a letter received in 2013, some eight years roughly after graduation and before any of these-- the allegation that were the focus of this trial became public, either in the civil or criminal forum. The individual graduating student wrote a three page letter unsolicited titled a letter of appreciation. It says often it is only after one leaves Yeshiva

that you can fully grasp the gratitude of what he took for granted.

So whatever anyone wants to say about Daniel Greer and the Yeshiva it was a passion, it was-- he cared deeply about education, and the Court has before it evidence that he succeeded, not just in the places that students attended, but the words from the students themselves.

The Court also has a letter from a longtime teacher at the Yeshiva who speaks about the good work that they did there. So I-- I would urge the Court not to rely simply upon the portrait that emerged at trial regarding the Yeshiva.

Now we also talked somewhat in our papers, and the focus of a lot of the materials submitted to the Court, was on the amazing work that Daniel Greer has done within the Edgewood Elm Community. People who have written about that are not-- You know, the-- the state finds fault with some of the letter writers saying, well, they don't know him or that they're writing in support somehow of the accusations that were put forth in the findings of the jury in this courtroom, that's now what this is about. What this is about is giving the Court an accurate portrait of the individual who stands before you for sentencing, and for that to be accurate we have to know the entirety of how one has spent their life.

This notion of a life account isn't a spurious idea of justice and how one weighs the question of what punishment is-- is appropriate, it is an appropriate part of the reasoning process to decide exactly that, what punishment is just. No one has ever suggested that what you do throughout your life somehow excuses the conduct that brings someone before the Court to be sentenced, but in deciding what punishment is appropriate looking at how someone-- looking at the deeds one did throughout their life, good and bad, is absolutely appropriate and the Court has before it a remarkable package of material, letters from people directly affected within the community expressing their gratitude, talking about how the neighborhood would not be what it is today without Daniel Greer.

One of the letter writers who owns a local business talks about, for a contrast of what things looked like before any of the good work started within the community, and that was about 30 years ago, your Honor, 1989, talks about the block between Winthrop-- the block of Winthrop between Whalley and Edgewood. I've got pictures of a typical house on that block right now that I'd like to hand up to the Court, and I'll share with the state, because I think they give the-- your Honor an idea of-- May I approach, your Honor?

THE COURT: Yes. Thank you.

ATTY. GRUDBERG: These pictures represent a typical home that this neigh-- in this neighborhood 30 years ago. Your Honor has read about how it was infested with drug dealing, crime, prostitution and so on; thirty years later we have a vibrant, multicultural, affordable neighborhood. All of the properties acquired by the nonprofits that Daniel Greer has led are affordable housing available to the low middle class within New Haven. It is a unique neighborhood within New Haven.

Your Honor has the letter from the state representative who represented the district who expresses her immense gratitude for everything that has been done over the years. It is no exaggeration to say that without Daniel Greer much of that neighborhood would still look like those pictures, if not all of it, would still look like those pictures that I just handed up to the Court.

And I should also point out, your Honor, that in speaking about this activity within the neighborhood, I'm not talking about it in the past tense, that continues to this day. There are people, even in units that are not owned by one of the nonprofits, who approach Rabbi Greer on the street, it happened as-- as recently as Friday, to talk about their home, to talk about the gratitude they have for all the

work that has been done within the community. He has served, and continues to serve, a vital role in that operation.

And your Honor heard testimony during the trial from Jean Ledbury, your Honor may have noticed at the recent hearing that we had that she has actually been ill recently and is being treated. The burden-- Her ability to assist and so on has been diminished, and Daniel Greer was, and continues to be, the driving force behind this neighborhood that he cares deeply about and has great pride for. That has, in many ways, been his life's work and he hopes to be able to continue that at some point in the future.

I should point out, your Honor, that the standard that these properties are maintained to is, quite frankly, well above what many other housing owners that predominate within the City of New Haven maintain. And I think there are other commercial forces that would only be too happy to get their hands on these units and perhaps see the neighborhood decline again.

But overall, your Honor, I think it is appropriate for the Court to take into account all of the good that Daniel Greer has done throughout that neighborhood. Your Honor heard it from local merchants, from local businesses with whom his nonprofits have interacted, from people who don't

even live in their units who thanked him for-- you know, encouraging not to sell, to main-- to remain in their home and keep the neighborhood what it is.

There was perhaps a misunderstanding or a misconception that these units were a satellite or an adjunct to the Yeshiva and that they were there just to provide housing to Orthodox Jewish students; that is not the case, your Honor. The properties are well beyond that at 40 plus residential properties that serve a vital cross section of the community and have enormously benefitted New Haven.

In deciding what punishment is appropriate and just here, your Honor, I think the Court also should take into account the extent to which Daniel Greer has already been punished by-- in this case. The state-- The state's comeback will be, well, hey, that's of his own making, and, you know, that's irrelevant. I understand based upon the verdict delivered here, yes, that is of his own making so the jury found, but that is not-- that does not limit the Court in deciding, again, what punishment is necessary and just. The Court, in our view, needs to weigh the extent to which someone has already been punished in the case if that's what we're focusing on, what is the appropriate punishment.

Your Honor has numerous articles before you dating over decades referring to the high position

Rabbi Greer held in the community talking about him as the-- you know, the de facto mayor of Edgewood; he was a high profile religious leader, he now finds himself as a pariah within that religious community. He has suffered public scorn, his name has been splashed across the front page of the local newspaper time and again with damning articles painting him in extremely negative light.

The school, which was his other life's work, other than the-- the revitalization of the community, the school has been closed since 2016.

Perhaps most painful has been loss of family. Your Honor heard testimony that as a result of this case and the civil case there has been a break and he has lost touch with children, with grandchildren, and that's been taken away from him. Again, I know that the state's comeback will be well, that's-- that's his problem, that's of his own making, but that doesn't mean that the Court, in deciding how to we punish this person what is just. The Court, I believe, is bound to take into account, and it's absolutely fair to take into account the many losses he's already suffered.

If your Honor didn't impose any punishment today he would not leave this courtroom without being severely punished for the evidence presented in this case.

The-- Another point I think the Court should take into account beyond age is health. Your Honor as a doctor's report and records regarding Mr. Greer, he indicates he has a history of stroke, he's at risk for stroke in the future, as well as coronary-- coronary artery problems.

Your Honor also knows that Mrs. Greer, the most recent submission that we've included, a statement regarding her condition, she has --

THE COURT: I'm not sure I have that.

ATTY. GRUDBERG: I think it was part of the final one that came in on the 27th, it was --

THE COURT: If I can-- I'm sorry. I apologize. Let me see that.

ATTY. GRUDBERG: I believe it was the-- I believe it was the final attachment on the 27th.

THE COURT: Okay. I apologize. Yes, I do. I'm not sure I saw that, so I'm going to look at it now.

ATTY. GRUDBERG: The doctor doesn't go into as much detail, it talks about osteoporosis. The Court should be aware that Mrs. Greer has had a number of broken bones due to that problem, including one caused by as simple an act of stepping off a curb, so that's a various-- a very serious situation as well. She obviously relies heavily on her husband for support, and any time that he's taken away will be that much more punishment upon him not being able to

be there to support her, so I urge the Court take that into account as well.

THE COURT: Let me just say I'm not sure it's attached frankly. Oh, I do have it. It's a-- It's one paragraph. It's very short, it's one paragraph.

ATTY. GRUDBERG: Yes, it-- it's a short letter.

THE COURT: Okay.

ATTY. GRUDBERG: Yeah, it doesn't go into the detail-- the medical details --

THE COURT: Okay.

ATTY. GRUDBERG: -- that I just referenced, --

THE COURT: Fine.

ATTY. GRUDBERG: -- your Honor, --

THE COURT: Okay. Go ahead.

ATTY. GRUDBERG: -- it just talks about osteoporosis.

So, again, I think those are factors that the Court should weigh as well in deciding a just punishment here.

The Court-- I'm sorry. The state suggests that age shouldn't matter and I would respectfully disagree with that. The notion of what a-- you know, what a substantial sentence is I think is-- is different for someone who is 79 then someone who is 29 or 39, and I do think the Court has to factor that in or should factor that in in deciding the right thing to do here.

We urge the Court to impose based upon not just the evidence heard in the courtroom and the jury's verdict, but also all of the information that we presented to your Honor about Daniel Greer, his work as an educator, his enormous impact within the community that has benefited hundreds, if not thousands of people within the neighborhood in the City of New Haven, we urge the Court to take all of that into account, his age and so on, his-- his past record, and to impose the lowest sentence possible that will balance the Court's perception of the need for just punishment with all of these other good factors that we have placed before the Court. We urge the Court to allow him at some point the opportunity to serve community again that he has served so faithfully since-- you know, for 30 or more years.

Thank you, your Honor. One-- One moment, your Honor.

THE COURT: Yeah. Sure.

ATTY. GRUDBERG: If I could have a moment?

(Defense counsel confers with his client.)

ATTY. GRUDBERG: Thank you, your Honor.

THE COURT: Rabbi Greer, is there anything you'd like to say?

DEFENDANT: Your Honor, I thank the Court for the opportunity to speak; however, as your Honor has

heard, my counsel has advised me to remain silent and I intend to follow that advice, but I thank you for the courtesy and the opportunity to rise.

THE COURT: Thank you, sir.

ATTY. GRUDBERG: One thing I-- I neglected to tell your Honor, part of the state's comments addressed the issue of bail, I intended to address that separately.

THE COURT: Yes. Yes.

ATTY. GRUDBERG: I should provide-- state on the record-- provide further --

THE COURT: Now-- Now is not the time to-- to address --

ATTY. GRUDBERG: Thank you, your Honor.

THE COURT: -- bail. Anything else?

ATTY. GRUDBERG: No, your Honor.

THE COURT: Okay. Well, let-- let me first say I-- I do subscribe to the view that a Judge should look at the defendant's entire life in determining an appropriate sentence, and in any sentencing I look at whatever mit-- mitigating factors may be in play and whatever aggravating factors may also be relevant.

In this case the mitigating factors are the defendant's age, 79, and his lack of criminal history. Except for this conviction, he has no other criminal convictions. He has undertaken good works in the community throughout his life; he has spent

extensive time, effort and funds to improve the Edgewood neighborhood.

The aggravating factors are the severe nature of the sexual assaults upon Mr. Mirlis; the defendant engaged in fellatio and anal sex with a minor, also the breadth of the sexual assaults, the defendant repeatedly sexually assaulted Mr. Mirlis over many months at multiple occasions, and finally the predatory nature of the assaults. Eli was a young, impressionable teenager completely at the mercy of the defendant.

Eli Mirlis was a student at the Yeshiva controlled by the defendant, the defendant controlled his studies and his grades, and because Eli was a boarding student the defendant exercised total control over his life. Eli was also an Orthodox Jew and the defendant was his rabbi, his mentor and his spiritual leader; consequently, the defendant controlled his spiritual and emotional life. The defendant committed the worse possible crime in the worst possible way.

No one is the sum of their sins; the defendant is a rabbi, a founder of a Yeshiva, and a longtime leader of the Orthodox Jewish community in New Haven. I recognize and accept that the defendant can take credit for significant accomplishments in the Edgewood neighborhood and within-- and within the

Orthodox Jewish community in New Haven. But those accomplishments do not wash away his sins, specifically the crimes for which he now stands convicted. Just as society recognizes his achievements, it justly demands retribution for his crimes.

And those crimes are especially egregious. How so? Why does society view the crimes committed by the defendant as particularly deplorable? Why have they garnered such significant media and public attention? Because they involve a colossal violation of trust. When, as parents, we sent our children to school and take them to houses of worship we entrust the leaders of those institutions with the comfort and care of our children, we share an unbroken promise-- an unspoken promise and understanding that our children will grow and prosper under their tutelage. When a teacher or religious leader breaks that promise, betrays that trust, it is both unexpected and deeply disturbing. The defendant here, Daniel Greer, was both dean of the school and a revered religious figure, his was a monumental betrayal.

Eli Mir-- Mirlis, the victim in this case, was a student at the Yeshiva and a member of the defendant's flock, the defendant used his control his authority and his status not to better Eli, not to

inspire Eli, but to manipulate him, seduce him, and ultimately to sexually abuse him. That abuse wrought emotional pain, humiliation and shame upon a teenage boy.

Rabbi Greer, I have little confidence that you understand the enormity of your betrayal or recognize the pain it has inflicted on your young congregant, it is important that a statement condemning your betrayal be made nonetheless, to be heard by others in positions of authority and esteem who might be tempted to abuse their power for sexual purposes and to be heard by the victims of sexual abuse who might-- who may find some solace in it. The Talmud teaches that there is hope for a man who is capable of being ashamed. It is my hope that someday you will truly feel ashamed for your actions and thereby embark on the road to redemption.

Now I shared with counsel in chambers an issue regarding sentencing. Public Act 02-138 raised the classification for risk of injury to a minor in violation of section 53-21, subsection (a)(2) from a C to a B felony effective October 1st, 2002. Mr. Mirlis was unable to give dates of the sexual assault, though he did testify they occurred after the beginning of the school year in 2002. Since no interrogatory was asked to be submitted to the jury and none was, there is no finding by the jury that

the sexual assaults here occurred after October 1st, 2002. In light of that, I am going to consider the penalty for these four counts to be a C felony rather than a B felony. This change does not have an important distinction because I believe I can fashion an appropriate sentence for the crimes for which Rabbi Greer has been convicted whether it's-- it's deemed a-- a C or B felony.

So, Rabbi Greer, if you'd please rise.

(The defendant stood.)

THE COURT: For the violation of-- in the first count of 53-21, subsection (a)(2), I sentence to the Custody of the Commissioner of Department of correction for a period of 10 years, execution suspended after six years, place you on probation for a period of 10 years.

Special conditions of probation are as follows: No cont-- con-- contact with the victim unless initiated by the victim; sex offender evaluation and treatment; that you register under the Sex Offender Registry; that you have no unsupervised contact with minors males under the age of 16 with the supervisor to be approved by probation; supervision under the Sex Offender Unit and comply with all sex offender conditions; mental health screening and evaluation and treatment if appropriate.

Count two for violation of 53a-21(sic),

subsection (a)(2), I sentence to the custody of the Commissioner of Department of Correction for a period of 10 years, execution suspended after six years, 10 years probation. Same special conditions. That sentence to be concurrent to the first count.

In the third count for the violation of 53-21, subsection (a)(2), I sentence to the Custody of Commissioner of Department of Correction for a period of 10 years, execution suspended after six years, 10 years probation. That sentence to be consecutive to the first count, concurrent to the second count.

The forth count, violation of 53-21, subsection (a)(2), I sentence you to the custody of the Commissioner of Department of Correction for a period of 10 years, execution suspended after six years, 10 years probation. That sentence to be concurrent to the first, second and third counts.

The total effective sentence is 20 years in prison, suspended after 12 years, 10 years probation. Mr. Greer, you may have a seat.

(The defendant sat.)

THE COURT: Obviously, the maximum period of probation(sic) is potentially 20 years. Rabbi Greer, you are eligible to earn Risk Reduction Credits, you're eligible to apply for parole. As required by statute, I impose a $151.00 fine to be deposited in the Sexual Assault Victim's Account. You're to

register as a sex offender for a period of 10 years.

Let me provide the following description of the offense for purposes of the sex offender registry: The defendant, on multiple occasions, engaged in fellatio and anal sex with a male victim who was 14 and 15-years-old at the time of the offenses.

I'm going to order a transcript of that offense-- of that description to be provided to the commissioner of Emergency Services and Public Protection.

Rabbi Greer, you also must provide a blood or other biological sample for DNA analysis.

And let me ask the clerk to give the defendant his Advisement of Rights.

COURT CLERK: May the record reflect that the defendant has been served with the following: A Pardons Process pamphlet, a Notice of Right to Appeal the Judgment of Conviction, the Notice of the Right to have his Sentence Reviewed/Application for Review, the Notice of Application, an Application for Waiver of Fees, Costs, and Expense and Appointment of Counsel on Appeal, and an appeal form and appeal form instructions.

THE COURT: Now there is the issue of an appeal bond. Let me give the clerk a moment.

(PAUSE.)

ATTY. WILENSKY: Your Honor, just --

THE COURT: Well let me first ask, Attorney Grudberg, you're seeking an appeal bond I take it?

ATTY. GRUDBERG: Yes. I-- As I argued, your Honor, I'd be seeing a continuation under the same statue was your Honor applied back following the conviction, a continuation of the bond in place, and I will provide oral notice of our intent to appeal the Court's-- the conviction and sentence.

ATTY. WILENSKY: My question, your Honor, was --

THE COURT: Yes.

ATTY. WILENSKY: -- when you read into the record for the purposes of the Sex Offender Registry --

THE COURT: Yes.

ATTY. WILENSKY: -- should you also include that they were not related to one another?

THE COURT: I-- I can if you'd like. I don't know that --

ATTY. WILENSKY: Please.

THE COURT: -- it's necessary. Fine. We'll add to the description that the victim and the defendant were not related to each other.

Did you want to be heard any further, Attorney Grudberg?

ATTY. GRUDBERG: Yes, your Honor.

THE COURT: Go ahead.

ATTY. GRUDBERG: I have-- I laid out in the

memorandum we filed with the Court the analysis we believe should apply, section 54-63f which is the statute, and Practice Book 43-2 which largely tracks that, the statute that the Court relied upon in substantially elevating the bond following conviction based in part upon arguments that he is no longer cloaked in the presumption of innocence, faced a very substantial potential jail sentence, which the Court has now imposed. But those sections provide for release after conviction pending sentence and appeal, except for cases-- except for charges that are not in play here, namely homicide. The calculus that the Court, in our view, should apply is the same as was imposed after verdict which resulted in a very substantial elevation of the bond and very stringent conditions, essentially a modified house arrest, placed on the defendant.

The one factor-- The factor relied most heavily on by the state which goes to the one main factor the law tells the Court to consider, namely risk of flight, I now understand to be-- the state has discovered to be without basis. There were statements made about Orthodox Jews potentially fleeing to Israel, perhaps having-- the existence of an undisclosed second passport. It's my understanding that the state has verified that that is not the case. We surrendered the passport

immediately following the conviction.

This is an individual, as your Honor noted, 79 years of age, he has lived in New Haven for more than 40 years, he is a citizen of the United States, has been since birth. His family and his grandparents were born here. His family has been in this country longer than my family has. He has adhered to all the conditions imposed by your Honor to ensure that he would not flee and to ensure his appearance in court and there is no basis, your Honor, in our view to reassess the decision that the Court made back following the verdict when the Court imposed-- elevated the bond to an extremely high level given the nature of the charges, $750,000.00. We believe that what is in place is more than appropriate to ensure that Daniel Greer appears in court as needed and does not flee.

He has an appeal. We have, in our view, significant issues to raise on appeal including, but not limited to, the hearing we had before the Court roughly two weeks ago, and he has every motivation to remain around to contest that.

The Court-- Excuse me. The Court has already taken steps-- adequate steps to ensure his appearance and that is the only, the only criteria that the Court-- or the law the law instructs us should be considered.

The legislature looked at this issue as recently as 2018 and carved it out so that only convictions for murder and related homicide offenses stand in a different category; otherwise, it's the exact same standard as the Court has already applied and there is nothing before your Honor now in our view that should change the Court's thought process about what is needed to ensure his appearance.

The law provides that the current bond remains in place, it is not terminated --

THE COURT: I-- I don't agree with that. If-- If you look at 54-66a it says it automatically terminates upon sentencing and a stay, if any, is lifted. You only get a stay if you're out on bail, so it's-- it's sort of a chicken and egg issue. If I don't give bail there is no stay and it's terminated upon sentencing. So-- So I'm not sure I-- I agree with your analysis that it-- it continues in effect the bond that I've set. The-- The issue may remain the same, but it-- it's still subject to my determination as to whether to set an appeal bond is my view.

ATTY. GRUDBERG: I understand your-- I understand what your Honor is saying with the chicken and egg issue, but the law doesn't talk about appeal bonds, the law talks about in 54-63f release after conviction and pending appeal.

THE COURT: No, I don't --

ATTY. GRUDBERG: That's the --

THE COURT: -- I don't disagree with you that that's the appropriate statute for me to consider in determining whether to set an appeal bond. Where you and I may part ways is whether the bond that I've now set continues in effect automatically or whether it terminates and I now have to determine under 54-63f to set bond. And even if that were not the case, would you disagree that I have the discretion to change the bond of I deem it appropriate?

ATTY. GRUDBERG: I agree that 54-63f gives the Court discretion. It is our argument as I've laid out that there is nothing before the Court in our view to change the calculus that the Court engaged in. In fact, the only new evidence before the Court, namely evidence undercutting this idea that he's got some, you know, Israeli passport in his back pocket despite a lifetime here in the City of New Haven that would present the risk of flight is now known not to be the case. So --

THE COURT: No, I under-- I understand your position, nothing has changed so I should continue to set a bond at $750,000.00; is-- is that fair to say?

ATTY. GRUDBERG: Yes, your Honor. The --

THE COURT: All right.

ATTY. GRUDBERG: The-- What is in place is

sufficient to serve the statutory purposes under 54-63f to ensure that he does not flee, which is the only factor that the Court has to take into account, and the statute also says that the Court should impose the least restrictive conditions needed to accomplish that goal.

THE COURT: Attorney Wilensky, do you want to be heard?

ATTY. WILENSKY: Yes, your Honor. The circumstances have drastically changed. The punishment is no longer nebulous with the possibility of a completely suspended sentence, he has now been or will be sentenced to a lengthy period of incarceration. It is the state's position that would then increase his risk of flight because now he knows exactly what he is facing. Given all of that, your Honor,-- And it doesn't matter about passports or otherwise, it's still a question of is he a flight risk, and it's the state's position that given the fact that he's just been sentenced 20 years in jail, execution suspended after 12, 10 years probation is a large change in circumstances which then increases his risk of flight.

THE COURT: Well, I agree that the governing statute is 54-63f and that the defendant may be released on bail post-conviction unless the Court finds custody to be necessary to provide reasonable

assurance of such person's appearance in court. I do find that there is been a substantial change in circumstances; I imposed a substantial term of imprisonment on the defendant, there exists a serious and substantial risk that the defendant will flee to avoid serving that sentence. He has a strong motivation to flee-- to flee, the sentence which I just imposed on the defendant exceeds his life expectancy. According to the social security ac-- actuarial tables, the life expectancy of a white male of the defendant's age of 79 is nine years. I imposed a 12 year period of incarceration; there is no greater incentive to flee then the cold realization that otherwise you will spend all of the remaining years of your life in prison.

The defendant also has the financial means to flee. It is my understanding that when I raised the defendant's bond to $750,000.00 after his conviction his wife paid a bondsman tens of thousands of dollars in cash that very day. The defendant clearly has access to resources to finance an escape from accountability.

In light of the foregoing, I find that the denial of an appeal bond is necessary to ensure the defendant's future appearance in court pending his appeal. So the request for further bond is denied. The $750,000.00 bond is no longer in effect.

Anything else? If not, we are adjourned.

ATTY. GRUDBERG: Your Honor, I would --

THE COURT: Yes.

ATTY. GRUDBERG: -- ask the Court to stay that order so we can appeal it to a higher court.

THE COURT: That request is denied.

MARSHAL: All rise. Court now stands adjourned. Please exit the courtroom.

(Court stands adjourned.)

NO.: NNH-CR17-0177934-T	:	SUPERIOR COURT
STATE OF CONNECTICUT	:	JUDICIAL DISTRICT OF NEW HAVEN
v.	:	AT NEW HAVEN, CONNECTICUT
DANIEL GREER	:	DECEMBER 2, 2019

C E R T I F I C A T I O N

I hereby certify the electronic version is a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of New Haven, New Haven, Connecticut, before the Honorable Jon M. Alander, Judge, on the 2nd day of December, 2019.

Dated this 5th day of December, 2019, in New Haven, Connecticut.

Janis Longobardi
Court Recording Monitor