

DKT NO. NNH-CR17-0177934-T

STATE OF CONNECTICUT	:	SUPERIOR COURT
	:	
v.	:	J.D. OF NEW HAVEN
	:	
DANIEL GREER	:	
	:	FEBRUARY 13, 2020

**DEFENDANT'S MEMORANDUM IN SUPPORT OF
RENEWED MOTION FOR RELEASE ON BOND PENDING APPEAL**

Defendant Daniel Greer respectfully submits this memorandum in support of his renewed motion for release on bond pending appeal. The Court previously denied an oral defense motion for release pending appeal on December 2, 2019, immediately following the Court's imposition of sentence. As we discuss below, there is new evidence before the Court, as well as changed circumstances, that weigh in favor of a reconsideration of the Court's prior ruling, and the granting of release on bond pending appeal.

I. RELEVANT LEGAL AUTHORITY

We reviewed the general law applicable to release on appeal in our pre-sentence filing (Memorandum dated November 18, 2019); this section addresses the point in greater detail. 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. Patel*, 327 Conn. 932 (2017); *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.*

District of New Haven
 SUPERIOR COURT
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90

Wilmot, 572 F.2d 404, 405 (2nd Cir. 1978); *Young v. Hubbard*, 673 F.2d 132, 134 (5th Cir. 1982); *Miller v. Walker*, 413 F. Supp.2d 251, 256 (W.D.N.Y. 2006); *Martin v. Diguglielmo*, 644 F. Supp.2d 612, 621 (W.D. Pa. 2008). An “arbitrary or unreasonable” denial of post-conviction bail would also violate the correlative provisions of our state constitution.

Apart from constitutional considerations, 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. Put otherwise, the relevant rules governing post-conviction release do not contemplate that bail will be used, or withheld, either as punishment, or as a generalized means of protecting the public.

During the pendency of an appeal, the trial court retains jurisdiction over matters relating to bond, and under the authorities cited above has the power to grant bail pending appeal at any time. *Cf.* Conn. Gen. Stat. § 54-53a (providing for periodic review of defendants held without bond pending trial).

II. ARGUMENT

1. Risk of Flight

In denying defendant's post-sentencing motion for continued release pending appeal, the Court found that there was a "serious and substantial risk that the defendant will flee" to avoid serving his sentence, and that the denial of an appeal bond was necessary to ensure his future appearance in court. 12/2/19 Tr. at 38; See Exhibit A attached.

The "risk of flight" issue was first raised by the State immediately following the guilty verdict, after the Court increased the bond from \$100,000 to \$750,000. When the defense informed the Court of the defendant's intention to post bond, the Court heard from the parties regarding conditions of release. 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; see Exhibit B attached). The Court granted the State's request for electronic monitoring and house arrest, and on October 4, 2019 entered an order setting conditions of release. See Exhibit C attached.

In our pre-sentence filings regarding bond, we argued the impropriety of broad-brush arguments, such as those advanced by the State, of flight risks of "Orthodox Jews" generally, and urged the Court to assess flight risk based on personal characteristics and history, not religion-based generalizations. Between conviction and sentencing, the State investigated the passport issue, and verified that defendant Greer does not hold an Israeli passport. It did not repeat the "secret undisclosed passport" argument in the post-sentencing bond argument.¹

One of the main bases for the Court's risk of flight finding was the Court's belief that defendant had "the financial means to flee". 12/2/19 Tr. at 38. The Court stated on the record its "understanding" that, after the bond was raised to \$750,000 post-verdict, "[defendant's] wife paid a bondsman tens of thousands of dollars in cash that very day". *Id.*

We respectfully submit that the Court's analysis on this issue was flawed, and should be reconsidered. First, the basis for the understanding referenced by the Court is unclear, and there is no evidence in the record to support a finding that tens of thousands of dollars in cash were

¹ An advocate who is part of the defense team, Alan M. Dershowitz, Esq., wrote to the State in the interim expressing his concern about assessing "flight risk" based on religious characteristics, and noted a prior instance in which a federal prosecutor had been admonished for similar arguments about Orthodox Jews. See Nov 15, 2019 letter of Alan M. Dershowitz, Exhibit E attached.

paid on September 25, 2019. In addition, defendant respectfully submits that the Court's understanding was simply wrong. We have submitted in support of this renewed motion an affirmation from Sarah Greer, the defendant's wife, and an affidavit from bond agent Robert Ranfone, who posted the bond in question. See Exhibit D attached. Both Mrs. Greer and Mr. Ranfone confirm in their statements under oath/affirmation that 1) payment of the premium associated with the bond was paid over a period of months, and 2) no cash was involved in the transaction. Id. We respectfully submit, therefore, that the Court's conclusions as to risk of flight rested in part on an incorrect understanding of the relevant facts.

As noted in our prior arguments, Daniel Greer has deep, long-standing roots in the New Haven community. He was born in the United States, raised in New York, and has lived in New Haven for 46 years with his wife of 48 years. The couple's 5 children and 20+ grandchildren all live in the greater tri-state area. Defendant Greer's life's work – in addition to the Yeshiva – for the last 30+ years had been running the non-profit entities that acquired, renovated and rented dozens of homes in the Westville/Edgewood neighborhood near his home and the Yeshiva. He was tethered to New Haven in his personal and professional life, and we respectfully submit there is no reason to expect that would change if released on bond pending appeal. Defendant was in full compliance with the Court's conditions of release following the verdict in late September, see Probation Supervision Progress Report dated November 20, 2019 (Exhibit F attached). Indeed, it is likely that the longest trip he made while on electronic/GPS monitoring was from his home to counsel's office in downtown New Haven.

Daniel Greer is also committed to continuing to fight the charges in this case, as he has done from the outset – and even before, going back to the civil suit initially filed against him. At every key juncture, beginning with the civil case, his course has been to fight, not flee, his legal

problems. He intends to pursue the appeal in this matter, and to follow any other course he believes may help clear his name. Indeed, in connection with this motion we respectfully request that the Court grant a hearing, and authorize issuance of a subpoena to [REDACTED]. Defendant believes that if full, truthful testimony from Mr. [REDACTED] had been available at trial (as opposed to the limited deposition testimony rightly excluded by the Court), it would have been helpful to the defense, and the defense is committed to attempting to obtain such testimony. The possibility of identifying and presenting new evidence undermining key portions of the State's case is another factor cutting against a finding of flight risk.

2. Other Changed Circumstances

The other significant change since the date of sentencing/incarceration relates to Daniel Greer's medical status. As the Court recalls from the PSR, he is 79 years of age, with a history of significant health problems, including urological issues. Since late December, however, he has had symptoms different than he had ever experienced before, i.e., bright red blood flow and clotting in his urine stream. Relevant excerpts from the Cheshire Correctional medical records are attached as Exhibit G. As of this filing, he has not been examined by a urologist. The urologist who was treating him before incarceration, Dr. Joseph Camilleri, has reviewed these records and prepared a letter regarding his history of treatment and assessment of the new developments. He indicates that, based on his review, further outpatient testing would be indicated, and that "gross hematuria" – the technical term for this type of bleeding – could be an indicator of a more serious condition, such as bladder cancer. See Exhibit H attached.

Another significant medical problem that has not yet been treated in the correctional system is defendant's macular degeneration and retinal problems. As noted in the attached letter of Dr. Gregory Haffner, see Exhibit I attached, defendant suffers from the latter in his right eye

and the former in his left eye; the left eye had been treated with periodic injections into his eye to help preserve his vision. Dr. Haffner indicates that the treatments could be as frequent as 6-8 weeks, and that lack of adequate treatment can lead to central vision loss. Again, defendant Greer has not received any treatment for his eye problems in the roughly 2.5 months he has been in custody, and his vision has deteriorated during that time.

Mr. Greer is prepared to testify about his medical conditions and treatment (or lack thereof), should the Court wish to hold a hearing on this motion.

These heightened and serious medical concerns also weigh against a finding of flight risk. If granted bond pending appeal, defendant would be able to resume treatment with the doctors who are most familiar with his condition and care, who (hopefully) could address the alarming new symptoms.

Finally, defendant's incarceration makes it significantly more difficult for counsel to confer and communicate with him regarding matters relating to his appeal.

III. CONCLUSION

For all of the reasons discussed above, we respectfully urge the Court to reconsider its prior decision denying bond pending appeal. Defendant submits that a bond in reasonable amount, with conditions of release similar to those that were in place between September 25 and December 2, 2019, will be more than sufficient to ensure defendant's appearance at any future proceedings in this matter.

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

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

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

10 THE COURT: Yes.

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

13 --

14 THE COURT: Yes.

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

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

19 ATTY. WILENSKY: Please. . .

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

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

25 ATTY. GRUDBERG: Yes, your Honor.

26 THE COURT: Go ahead.

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

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

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

1 immediately following the conviction.

2 This is an individual, as your Honor noted, 79
3 years of age, he has lived in New Haven for more than
4 40 years, he is a citizen of the United States, has
5 been since birth. His family and his grandparents
6 were born here. His family has been in this country
7 longer than my family has. He has adhered to all the
8 conditions imposed by your Honor to ensure that he
9 would not flee and to ensure his appearance in court
10 and there is no basis, your Honor, in our view to
11 reassess the decision that the Court made back
12 following the verdict when the Court imposed--
13 elevated the bond to an extremely high level given
14 the nature of the charges, \$750,000.00. We believe
15 that what is in place is more than appropriate to
16 ensure that Daniel Greer appears in court as needed
17 and does not flee.

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

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

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

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

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

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

1 THE COURT: No, I don't --

2 ATTY. GRUDBERG: That's the --

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

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

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

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

26 THE COURT: All right.

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

1 sufficient to serve the statutory purposes under 54-
2 63f to ensure that he does not flee, which is the
3 only factor that the Court has to take into account,
4 and the statute also says that the Court should
5 impose the least restrictive conditions needed to
6 accomplish that goal.

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

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

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

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

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

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

1 Anything else? If not, we are adjourned.

2 ATTY. GRUDBERG: Your Honor, I would --

3 THE COURT: Yes.

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

6 THE COURT: That request is denied.

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

9 (Court stands adjourned.)

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

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

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

11 ATTY. WILENSKY: Yes.

12 THE COURT: Okay.

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

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

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

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

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

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

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

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

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

26 ATTY. WILENSKY: I have a quest --

27 ATTY. DOW: -- arrangements --

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

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

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

8 ATTY. DOW: Very good.

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

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

14 THE COURT: Okay. So you need to find that out,
15 --

16 ATTY. DOW: Yes, sir.

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

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

22 THE COURT: -- turned over.

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

25 THE COURT: Anything else?

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

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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

1 Israel, sir?

2 DEFENDANT: Never.

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

9 ATTY. DOW: Thank you.

10 MARSHAL: Yep. Excuse me.

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

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

21 THE COURT: Okay.

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

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

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:

- 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

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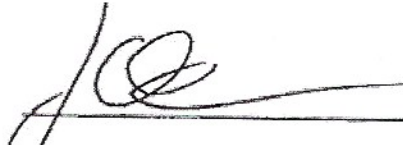
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defendant requires travel outside of the established inclusion zone for a business related reason, said travel must be approved in advance by Bail Services or Adult Probation.

- 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

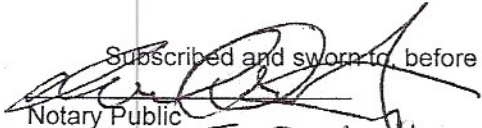
Judge of the Superior Court

AFFIDAVIT

I, ROBERT RANFONE, do hereby depose and swear:

1. I am over the age of eighteen and believe in the obligation of an oath.
2. I am a Surety Bail Bond Agent licensed by the State of Connecticut. My office address is 575 Main Street, East Haven, CT 06512-2701.
3. On September 25, 2019, I posted a surety bond in the case of *State of Connecticut v. Daniel Greer*, Docket No. NNH-CR17-0177934. The surety bond was in the amount of six hundred fifty thousand dollars (\$650,000), and it was posted on behalf of Daniel Greer, a resident of 133 West Park Avenue, New Haven, CT 06511.
4. The premium for the surety bond was paid by check and credit card, over the course of several months, and was not paid by cash.


ROBERT RANFONE



Notary Public
Exp 9/30/23

Subscribed and sworn to before me, this 29th day of January, 2020.

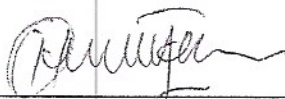
A F F I R M A T I O N

I, SARAH GREER, do hereby affirm:

1. I am over the age of eighteen.
2. I reside at 133 West Park Avenue, New Haven, CT 06511. I am the wife of Daniel Greer, who is the defendant in the case of *State of Connecticut v. Daniel Greer*, Docket No. NNH-CR17-0177934.
3. On September 25, 2019, Robert Ranfone, a Surety Bail Bond Agent doing business at 575 Main Street, East Haven, CT 06512-2701, posted a surety bond in my husband's case. The surety bond was in the amount of six hundred fifty thousand dollars (\$650,000).
4. No payments toward the premium charged in connection with the surety bond were made in cash. All payments were made either by credit card or check, over the course of several months.
5. I did not pay tens of thousands of dollars in cash, either on September 25, 2019, or any other day, to secure my husband's release on bond following his conviction.


SARAH GREER

Subscribed and affirmed, before me, this 27TH day of January, 2020.


Notary Public

HALIM OMAR
NOTARY PUBLIC
MY COMMISSION EXPIRES OCT. 31, 2020

ALAN M. DERSHOWITZ

1575 MASSACHUSETTS AVENUE
CAMBRIDGE · MASSACHUSETTS · 02138

November 15, 2019

Maxine Wilensky, Esq.
Senior Assistant State's Attorney
Judicial District of New Haven
235 Church St.
New Haven, CT 06510

Re: Daniel Greer

Dear Ms. Wilesnky:

I write regarding Dan Greer, who is an old law school acquaintance. Dan reached out to seek my advice following his recent conviction, in part because he was disturbed by arguments made following his conviction regarding Orthodox Jews gener and possible flight to Israel.

I have now reviewed the transcript of that argument, and was also troubled by some of the statements made, in particular the State's assertion that "many.... Orthodox Jews who have been accused of crimes flee to Israel". I have been in touch with Jew advocacy groups to share the transcript and solicit their thoughts. I believe it does a disservice to the justice system to paint Orthodox Jews – or any ethnic or religious group – in such stereotypical, broad-brush terms, rather than addressing history and characteristics of the individual defendant. Several years ago a federal prosecutor in the Eastern District of NY made a similar argument which we protested. My recollection is that he was sternly rebuked by his superiors for his display of bias against Orthodox Jews.

I would be happy to discuss those concerns with you, if you like.

/s/ Prof. Alan Dershowitz

CA 2019-2680351

PROBATION SUPERVISION
PROGRESS REPORT IN
RESPONSE TO A NEW ARREST
JD-AP-163 New 2-11

STATE OF CONNECTICUT
COURT SUPPORT SERVICES DIVISION
ADULT PROBATION
www.jud.ct.gov



Date 11/20/2019	Name of person on probation Daniel Greer	Date of birth 06/15/1940
Pending case docket number(s) NNH-CR17-0177934-T		

The person named above is currently on probation until _____ for:

Docket number	Total effective sentence
Charges	
Docket number	Total effective sentence
Charges	
Docket number	Total effective sentence
Charges	

Adjustment To Supervision/Compliance With Conditions

Satisfactory Unsatisfactory

Specifically:

Since last meeting with the Honorable Judge Alander, Greer has remained in compliance with GPS monitoring. He continues to communicate with Probation regarding his whereabouts and activities as directed.

Response/Recommendation

- Violation of Probation Warrant
- Motion for a Violation of Probation (see attached)
- Other:

Recommendation:

Name of Probation Officer Tricia Belin	Signature of Probation Officer	Date signed 11/20/2019
Address 867 State St New Haven, CT		Telephone number 2037897876

Cheshire Correctional Institution

Nurse Patient Encounter

January 23, 2020

Page 1

DANIEL GREER INMATE ID #: 00433222 79 Years Old
DOB: 06/15/1940 Race: White Gender: Male
LOC: 125 J 415 Med Score: 3 Sub Score: XL... MH Score: 3 Sub Score:

12/28/2019 - Nurse Patient Encounter: Nurse Patient Encounter
Provider: Angela L. Ruffin RN
Location of Care: Cheshire Correctional Institution

Encounter Context

Facility at time of evaluation: Cheshire Correctional Institution
Age at Time: 79 Years Old

(S) Chief Complaint

Encounter Initiated by: Inmate Request

Active Problems:

Macular degeneration (ICD-362.50) (ICD10-H35.30)
No diagnosis on Axis 1 (ICD-V71.09) (ICD10-Z03.89)
Eczema (ICD-692.9) (ICD10-L30.9)
Hypertension (ICD-401.9) (ICD10-I10)
Hypercholesterolemia (ICD-272.0) (ICD10-E78.00)
Benign localized hyperplasia of prostate (ICD-600.20) (ICD10-N40.0)
Constipation, chronic (ICD-564.09) (ICD10-K59.09)
Asthma, chronic (ICD-493.90) (ICD10-J45.998)

Inmate Request Complaint #1: Medication Issues

Inmate Request Complaint #2: Blood in Urine

New/Additional Complaint: None Reported

New/Additional Complaint: None Reported

Current Vital Signs

Previous Weight: 151 (12/06/2019 1:46:39 PM)

BMI:

Sitting BP: 149 / 80mm Hg

Temperature: 97degrees

Temperature site: Oral

Pulse rate: 79

Pulse rhythm: Regular

Respirations: 16

Respiration Type: Unlabored

Pulse Ox% 96

Room Air: Yes

Allergies:

* BANANAS (Critical)

Pain Assessment

Are you currently experiencing any pain? No

DANIEL GREER INMATE ID #: 00433222 79 Years Old
DOB: 06/15/1940 Race: White Gender: Male
LOC: 125 J 415 Med Score: 3 Sub Score: XL... MH Score: 3 Sub Score:

Integumentary

Itching

Eyes

N/A

ENT

N/A

Respiratory

N/A

Respiratory Procedures

Cardiopulmonary

N/A

Gastrointestinal/Abdominal

N/A

Male Genitourinary

Bladder: Incontinent, Hematuria Comments: hematuria per I/M

Briefs Worn: No

Ostomy: No

Catheter: No

Urine Dip: No

Peritoneal Dialysis Catheter: No

Fistula No

Musculoskeletal

N/A

Neurological

N/A

Psychosocial

Maintains Eye Contact: Yes

Cooperative: Yes

Endocrine

N/A

Narrative Notes: Raised red areas that itch from below the breast to the abdomen. Areas have been present since 12/25/19. I/M states the OTC hydrocortisone does not work. I/M declined to be weighed I/M states that he is suppose to be on bactrim every other day. Call placed to I/M Pharmacy - Whalley Pharmacy and spoke with Yong Awon who stated that patient was ordered Bactrim BID x 45 days on Aug 1st. I/M states that he decided to take the medication every other day. I/M arrived with a cup with blood on tissue and a little bit of urine, stating thst he has urine in his blood. I/M states that this happens when he does not take the bactrim. Issue has been present x 10 years

Cheshire Correctional Institution

Nurse Patient Encounter

January 23, 2020

Page 3

DANIEL GREER INMATE ID #: 00433222 79 Years Old
DOB: 06/15/1940 Race: White Gender: Male
LOC: 125 J 415 Med Score: 3 Sub Score: XL... MH Score: 3 Sub Score:

NANDA Nursing Diagnosis

Nursing Diagnosis #1

Domain Domain 12: Comfort

Class: Class 1. Physical comfort

Nurse Diagnosis: Impaired comfort

Protocol Intervention: referred to MD

Complaint: Medication Issues

Complaint: Blood in Urine

Education

Education: Reviewed Medication/Treatment Plan(s) with Patient, Verbalizes understanding. Advised to return to clinic with any questions/concerns

Electronically signed by Angela L. Ruffin RN on 12/29/2019 at 2:50 PM

Cheshire Correctional Institution

General Note

January 23, 2020

Page 1

DANIEL GREER INMATE ID #: 00433222 79 Years Old
DOB: 06/15/1940 Race: White Gender: Male
LOC: 125 J 415 Med Score: 3 Sub Score: XL... MH Score: 3 Sub Score:

12/30/2019 - General Note: Medical Prescriber : multiple issues

Provider: Jean Caplan APRN

Location of Care: Cheshire Correctional Institution

SOAP Note Form

Subjective: patient reporting gross hematuria over the weekend that resolved itself yesterday and none today.

has known Prostatitis and sees Urologist on outside. -n/v, no fever or malaise, awaiting GU to send records

reports that he was taking Bactrim qod and has not taken any for 45 days no dysuria or drainage, one incidence of incontinence while in library last week

concerned about defecation, can go as often as 15 times in one day.

usual regimen is 3 bms in am and 1 in pm.

was on outside regimen of charcoal (dietary supplement) and had a very strict diet and timing of when he ate specific food dependent on his needs for that day.

in the past Hyocyanine has not worked.

will need to acquire ROI from Dr. Haas in Milford, GI for details.

requesting suppositories 1-3 daily to help with evacuation of fecal matter. requesting KOP.

explanation that custody usually only allows 7 to 30 day supply of medication in cell.

continues to find it hard to eat in 20 minute time slot allowed for meals.

Objective: alert, anxious sitting up in NAD

96.9, 73, 159/83, 98% on RA, 18

Heent: -jaundice, -goiter, bearded

abd: declined exam

Plan: Hematuria-to start Bactrim DS 1 tab po BID for 7 days. will entertain Rx of qod after results of ROI from GU.

ordered UA and C&S

will continue asa at this time.

Constipation: will order supp 1-3 daily,

briefs to be bedside and needed PRN

ROI Dr. Haas Milford CT to be obtained.

POC reviewed and agreed upon **Encounter Context**

Facility at time of evaluation: Cheshire Correctional Institution

Age at Time: 79 Years Old

General Note

General Note Type: Medical Prescriber

Subject: multiple issues

[Nursing Clinical Record (SOAP)]

Electronically signed by Jean Caplan APRN on 12/30/2019 at 3:58 PM

Cheshire Correctional Institution

General Note

January 23, 2020

Page 2

DANIEL GREER INMATE ID #: 00433222 79 Years Old

DOB: 06/15/1940 Race: White Gender: Male

LOC: 125 J 415 Med Score: 3 Sub Score: XL... MH Score: 3 Sub Score:

Cheshire Correctional Institution

Nurse Patient Encounter

January 23, 2020

Page 1

DANIEL GREER INMATE ID #: 00433222 79 Years Old
DOB: 06/15/1940 Race: White Gender: Male
LOC: 125 J 415 Med Score: 3 Sub Score: XL... MH Score: 3 Sub Score:

01/08/2020 - Nurse Patient Encounter: Nurse Patient Encounter
Provider: Debra A. Cruz RN
Location of Care: Cheshire Correctional Institution

Encounter Context

Facility at time of evaluation: Cheshire Correctional Institution
Age at Time: 79 Years Old

(S) Chief Complaint

Encountered In: Housing Unit

Encounter Initiated by: Custody

Active Problems:

Hematuria (ICD-599.70) (ICD10-R31.9)
Macular degeneration (ICD-362.50) (ICD10-H35.30)
No diagnosis on Axis 1 (ICD-V71.09) (ICD10-Z03.89)
Eczema (ICD-692.9) (ICD10-L30.9)
Hypertension (ICD-401.9) (ICD10-I10)
Hypercholesterolemia (ICD-272.0) (ICD10-E78.00)
Benign localized hyperplasia of prostate (ICD-600.20) (ICD10-N40.0)
Constipation, chronic (ICD-564.09) (ICD10-K59.09)
Asthma, chronic (ICD-493.90) (ICD10-J45.998)

Inmate Request Complaint #1: hematuria

New/Additional Complaint: None Reported

New/Additional Complaint: None Reported

Comments: Bright blood noted on toilet seat and in water, no pain on urination, no pain in kidney region on palpation, vital signs stable, recent urine culture done today showed no occult blood. Previous history of urination issue but due to blockage.

Current Vital Signs

Previous Weight: 148 (12/30/2019 10:14:43 AM)

Current Weight (lbs): 150

BMI:

Sitting BP: 155 / 81mm Hg

Temperature: 96.6degrees

Pulse rate: 76

Pulse rhythm: Regular

Respirations: 18

Respiration Type: Regular

Pulse Ox% 96

Room Air: Yes

Allergies:

* BANANAS (Critical)

Pain Assessment

Cheshire Correctional Institution

Nurse Patient Encounter

January 23, 2020

Page 2

DANIEL GREER INMATE ID #: 00433222 79 Years Old
DOB: 06/15/1940 Race: White Gender: Male
LOC: 125 J 415 Med Score: 3 Sub Score: XL... MH Score: 3 Sub Score:

Are you currently experiencing any pain? No

Integumentary

Cool

Eyes

N/A

ENT

N/A

Lung Sounds: LUL: Normal

LLL: Normal

RUL: Normal

RLL: Normal

RML: Normal

Respiratory Procedures

Cardiopulmonary

Heart Sounds: Normal

Gastrointestinal/Abdominal

Appetite: Good

Male Genitourinary

Bladder: Hematuria **Comments:** witnessed blood on toilet seat and in water.

States started 8pm was pink but progressed to much more causing bright red with some clots smaller than dime as reported by inmate

Urine Color: unable to tell other than bloody

Musculoskeletal

N/A

Orientation:

Alert: Yes

Oriented to Person: Yes

Oriented to Place: Yes

Oriented to Time: Yes

Syncope: No

Headache: No

Psychosocial

Maintains Eye Contact: Yes

Cooperative: Yes

Endocrine

N/A



Griffin
FACULTY PHYSICIANS

Joseph Camilleri, MD
Urology

February 6, 2020

Re: Daniel Greer

To Whom it May Concern:

Daniel Greer has been a patient in my urology practice since 2008. In January 2008 he underwent laser vaporization of the prostate due to urinary retention from prostatic obstruction. He did very well after this until 2018 at which time he developed recurrent prostatic hypertrophy and underwent repeat laser vaporization of the prostate in June 2018. He had difficulty with recurrent urinary infections after this procedure but eventually this issue was resolved.

I last saw Daniel Greer in my office on 10/31/2018. At that time he was doing well. I understand, after reviewing some prison records, that he is now having intermittent episodes of gross hematuria with blood clots. The standard of care for these symptoms is to undergo an outpatient work up which includes lab work, CAT scan imaging of the urinary tract and direct visualization of the bladder via





Griffin
FACULTY PHYSICIANS

Joseph Camilleri, MD
Urology

cystoscopy. The reason for these tests is that gross hematuria can be a sign of more serious conditions than he has had in the past, such as bladder cancer.

Sincerely,

Joseph Camilleri MD





nera New England
Retina Associates

Specializing in diseases and surgery of the retina and vitreous

*David Tom, MD, FACS
Gregory Haffner, MD
John Huang, MD, MBA, CPE
Patrick Coady, MD, MBA*

2200 Whitney Avenue, Suite 300 Hamden, CT 06518
Phone: (203) 288-2020 • Fax: (203) 288-2470

February 4, 2020

David T. Grudberg
Carmody Torrance Sandak & Hennessey LLP
195 Church Street
New Haven, CT 06509-1950

Atty. Grudberg,

This letter is a brief summary of patient #131950's history.

The patient has been under long-standing care at our practice for wet macular degeneration in the left eye and retinal vein occlusion in the right eye. He had been receiving sporadic therapeutic intraocular injections to control blood vessel leakage and preserve vision. His last visit was in March 7, 2019 where he received treatment in the left eye. The right eye has been stable with mild retinal edema and stable vision.

His current vision at that visit was 20/50 in the right eye and 20/200 in the left eye.

The plan at that point was to observe the right eye and to treat the left eye on a possible 6-8 week regimen.

In the left eye, wet macular degeneration is a chronic condition with the potential for central vision loss if not adequately treated. In the right eye, retinal vein occlusion has a more benign prognosis, and the eye has been stable without requiring regular treatment

Please let me know if you have any further questions.

Kind Regards,

Gregory Haffner, MD