

IN THE CONNECTICUT APPELLATE COURT

A.C. 43726 : APPELLATE COURT
STATE OF CONNECTICUT :
 :
v. :
 :
DANIEL GREER : APRIL 7, 2021

**EMERGENCY MOTION FOR STAY OF EXECUTION OF TRIAL COURT ORDER
TERMINATING THE DEFENDANT’S TEMPORARY RELEASE FROM CUSTODY**

Pursuant to Practice Book §§ 61-13 and 61-14, the defendant in the above entitled action respectfully requests that this Court immediately stay the execution of a trial court order, issued on April 7, 2021, by Jon M. Alander, *J.*, terminating the defendant’s temporary release from custody pending appeal, and ordering the defendant to appear at the New Haven Judicial District Courthouse at 10 a.m. on April 8, 2021, for the purpose of being returned to custody. A copy of the trial court’s order is attached hereto as Exhibit A.

In connection with this Emergency Motion for Stay, defense counsel has spoken with Senior Assistant State’s Attorney Robert Scheinblum, Esq., appellate counsel for the State of Connecticut. Attorney Scheinblum has authorized us to represent that the State takes “no position” on the relief requested in this motion, and will not be filing a written response. Attorney Scheinblum has indicated, however, that the State does intend to file a written response opposing any subsequent motion or petition for review.

As explained below, the defendant, who is 80 years of age and suffers from underlying medical conditions, intends to seek appellate review - in this Court, under P.B. § 66-6 - of the trial court’s order terminating the defendant’s temporary release from custody based on the COVID-19 pandemic. The request for an immediate stay of execution *from this Court* is due to the fact that the trial court has already effectively denied a request for a

stay of execution pending appellate review of its order. See Exhibit A (Order of April 7, 2021, and subsequent email exchange with trial court re: request for stay, and denial thereof). Accordingly, a stay of execution is being requested in order to maintain the status quo while the defendant seeks prompt appellate review under P.B. § 66-6 of the trial court's order. Such a stay would prevent the possibility of irreparable harm to the defendant if he is taken into custody on April 8, 2021, i.e., depriving him of liberty, potentially depriving him of necessary medical care, and exposing him again to COVID-19 in custody before this Court has ruled on the propriety of the trial court's order declining to extend his release from custody.

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 nearly 20 years ago 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 and 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. 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 granted a motion for judgment of acquittal on the 4 Sexual Assault in the 2d Degree charges, on the basis that

they were 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. 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.

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; some were concurrent and some consecutive. 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 requested that he be permitted to remain on bond pending appeal, under the same bond and conditions then in place. The trial court denied that request. Defendant was taken into custody on December 2, 2019.

7. On December 12, 2019, defendant filed a petition for review with this Court, arguing that the trial court had erred in refusing defendant's request to remain at liberty pending appeal, and in denying defendant's request for continued bond pending appeal. On December 23, 2019, the Court denied the relief requested in that petition.

8. On December 20, 2019, defendant filed his Appeal with this Court. Supporting papers required by P.B. § 63-4 were filed on December 27, 2019.

9. On February 13, 2020, defendant filed a renewed request for bond pending appeal in the trial court, based on changed circumstances and new information that in defendant's view undercut the court's finding of flight risk. On March 2, 2020, the trial court issued an order denying that motion, finding that denial of bond was necessary to ensure defendant's appearance.

10. On March 12, 2020, defendant filed another Petition for Review with this Court, seeking review of the trial court's decision, and requesting that this Court set bond under reasonable conditions, including modified house arrest.

11. The State filed its opposing papers on March 19, 2020. Thereafter, on March 20, 2020, defendant filed a reply in further support of the Petition for Review. The Reply called the Court's attention to new facts relating to the COVID-19 virus outbreak, which had been referenced in defendant's initial papers. The Court declined to accept this filing, on the basis that the Practice Book does not permit such reply filings in support of a Petition for Review.

12. On March 25, 2020, the Court issued an order granting review, but denying the relief requested in defendant's petition.

13. On April 1, 2020, defendant filed a Motion for Reconsideration, relying principally on updated facts relating to the COVID-19 pandemic. On April 15, 2020, this Court granted reconsideration, denied the relief requested, but did so without prejudice to defendant filing a new bail motion in the Superior Court, which this Court indicated should be heard as soon as practicable.

14. On April 16, 2020, defendant filed¹ a renewed motion for release pending appeal, citing the rapid spread of COVID-19 in the prison system and the country, and his age and medical condition, including chronic asthma, as the primary factors favoring release.

15. On April 24, 2020, Judge Alander issued an order of temporary release, for 45 days. The trial court, upon defense motion, later extended its release order an additional 45 days, to July 23, and later to July 30th. See Exhibit B attached (prior trial court release orders).

¹ The motion was not physically filed with the court until April 17th, as the courthouse was closed on the 16th, but papers were served on the court and all parties on April 16th.

16. On July 28, 2020, the trial court denied a defense motion for a further 90-day extension based on the continued spread of COVID-19, and also denied a defense request that in the alternative a shorter extension be granted to permit review by this Court. On July 29, 2020, this Court denied an emergency defense motion for stay of the return-to-custody order pending appellate review.

17. On July 30, 2020, defendant appeared, as directed, at the New Haven Superior Court at 10:00 a.m., and was returned to custody.

18. On December 10, 2020, the trial court again granted defendant's motion for temporary release, on account of the surge of COVID-19 cases throughout the State, and within the correctional system. The Court imposed the same strict conditions of house arrest and electronic monitoring. That order was subsequently extended on January 25th and March 8th, so that defendant could be vaccinated for COVID-19.

19. On March 30, 2021, defendant moved to extend the order of release for the balance of defendant's appeal period, pursuant to Gen. Stat. § 54-63f. On April 7, 2021, the trial court denied that motion, and directed defendant to appear in the Superior Court at 10:00 a.m. on April 7, 2021 in order to return to custody. See Exhibit A. Defendant subsequently requested, via email, a stay of that order to permit appellate review; the trial court denied the request for stay. See Exhibit A.

20. On March 25, 2021, defendant moved to transfer his appeal to the Supreme Court. The State of Connecticut has no opposition to the motion to transfer.

II. SPECIFIC FACTS RELIED UPON

Defendant seeks emergency relief, and a stay, from this Court because if the trial court's return-to-custody order is not stayed while he seeks appellate review in this Court, defendant faces a risk of irreparable harm, i.e., loss of liberty, and possible deprivation of necessary medical care, while litigation about the propriety of his return to the correctional system is still being litigated in this Court.

Defendant's background was discussed at some length in prior filings in this Court, as well as in proceedings in the trial court. Daniel Greer is currently 80 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. The couple has 5 children and 20+ grandchildren, all of whom reside in the greater tri-state area. Defendant 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 December 2019 incarceration, had primary responsibility for overseeing the needs of the tenants of these properties. See generally 12/2/19 Tr. 12-20.

Defendant's remains bail-eligible, as his conviction is on appeal to this Court. Since his December 2, 2019 sentencing, he has spent approximately 8 months in custody, and 7 months on temporary release/house arrest. The trial court initially denied release pending appeal based on its finding that the length of sentence imposed, coupled with defendant's age and life expectancy, created a risk of flight, and that incarceration pending appeal was necessary to ensure his appearance. See generally 12/2/19 Tr.

When the trial court granted temporary release, it directed that defendant be placed on electronic/GPS monitoring, and live under house arrest, with travel permitted only for medical care, religious services, and to meet with counsel. See Exhibit B (release orders of April 24 and December 10, 2020). Defendant was at liberty from April 24 to July 30, 2020, and faithfully complied with all conditions of release. On July 30, 2020, as directed by the Court, defendant appeared at the Superior Court courthouse in New Haven, and was taken again into custody. Defendant was later granted release by the court on December 10,

2020, and has again been under house arrest/electronic monitoring since that date. His record of compliance remains perfect. See Exhibit D (compliance reports from Office of Adult Probation).

Defendant argued to the trial court, and intends to argue further on a petition for review, that release is required under Conn. Gen. Stat. § 54-63f – which disqualifies a defendant from post-conviction release only if custody is found to be “necessary to provide reasonable assurance of [the defendant’s] appearance in court. Id. It is our position that defendant’s extensive track record while on release – including voluntarily entering custody as ordered in July 2020, despite being 80 years of age and facing a 12-year sentence - conclusively demonstrates that incarceration is not necessary to ensure his appearance in court. Incarceration pending appeal is not intended to be punitive, yet that is the practical effect of the trial court’s order.

The trial court’s order also threatens to deprive defendant of necessary medical care. Defendant’s urologist, Dr. Joseph Camilleri, submitted a letter to the trial court outlining the results of recent examinations and procedures. Defendant was found to have a highly elevated PSA level, and as a result underwent a prostate biopsy in early March. One of the samples was a pre-malignant lesion, which the doctor indicated should be closely followed, with possible repeat biopsy. See Exhibit C (letter of Dr. Joseph Camilleri).

The record below also included a letter from Dr. Johnny Wright, Regional Medical Director for the Department of Correction. See Exhibit C. Dr. Wright stated that he had reviewed defendant’s medical records from his periods of incarceration, and also other records from the community. Dr. Wright indicated that defendant “suffers from many significant health issues”, all of which “require regular monitoring by primary care providers and most importantly specialists, in order to preserve his health”. According to Dr. Wright, meeting the medical needs of elderly inmates “is always a challenge to, and burden on, the correctional system. The COVID-19 pandemic has significantly increased that challenge, as travel restrictions make it harder to arrand the type of periodic monitoring that Mr.

Greer’s conditions require.” Dr. Wright concluded: “From a purely medical perspective . . . the DOC preference would be that [defendant] continue to be treated at his own expense, while on release pending his appeal period”. Id.

Finally, even though defendant has been vaccinated, some risk from COVID-19 would remain if he were to return to custody. COVID-19 infection figures have declined substantially since the trial granted release in December, but the virus continues; DOC reports approximately 100 active cases among inmates and staff; roughly 4,300 inmates have been vaccinated, and approximately 2,700 staff. See DOC COVID-19 information page (last accessed April 7, 2021). <https://portal.ct.gov/DOC/Common-Elements/Common-Elements/Health-Information-and-Advisories> Some inmates, and a higher percentage of staff, have resisted vaccination. See “Three Weeks Into COVID-19 Vaccinations, DOC has vaccinated 10% of inmates, 40% of staff”, CT Mirror February 23, 2021. <https://ctmirror.org/2021/02/23/three-weeks-into-covid-19-vaccinations-doc-has-vaccinated-10-of-inmates-40-of-staff/>. According to DOC Commissioner Quiros, less than half of the Department’s 5,400 inmates indicated in January they were willing to be vaccinated; the current DOC figures (2,700 staff vaccinated) bear out that forecast.

The other COVID-19 risk arises from the emergence, and spread, of virus variants, about which much remains unknown – including the extent to which the vaccines currently approved for use will protect against the new variations of the virus. COVID-19 infection figures have declined a great deal since December-January, but are now rising in many parts of the country, including Connecticut, causing experts to fear a potential new surge. Prior surges have affected correctional facilities to a disproportionately high level, and there is no reason to believe that another surge would not have the same impact – especially if inmates, and especially staff (who can bring the virus in from the community) are avoiding vaccination.

As noted above, we believe there are substantial and potentially meritorious bases on which to seek review of the trial court's order, which in defendant's view weigh heavily in favor of a comparatively short stay to preserve the status quo. The trial court's most recent decision ordering defendant back into custody rested on its finding of "a substantial and serious risk of flight", which in its view necessitated incarceration. Ex. A. The record simply does not support that finding – and the preference of a DOC Medical Director is for defendant to remain on release pending appeal.

In sum, an order of this Court temporarily staying the return-to-custody order would simply preserve the status quo, eliminate the risk of irreparable damage while in prison during appellate review, and allow for necessary medical treatment at private, not state, expense. Our motion for review under P.B. § 66-6 would be filed within 10 days of the trial court's April 7th order, and the matter could be subject to full review within a matter of weeks. We respectfully submit that defendant should not be re-incarcerated until the Court has had an opportunity to conduct that review.

III. LEGAL GROUNDS RELIED UPON

The defendant relies principally upon Practice Book §§ 61-13 and 61-14. The latter section provides, inter alia, that "[t]he sole remedy of any party desiring the court to review an order concerning a stay of execution shall be by motion for review under Section 66-6." See *Lawrence v. Cords*, 165 Conn. App. 473, 479-80 (quoting same), cert. denied, 322 Conn. 907 (2016). In addition, P.B. § 61-14 provides that "[e]xecution of an order of the court terminating a stay of execution shall be stayed for ten days from the issuance of notice of the order, and if a motion for review is filed within that period, the order shall be stayed pending decision of the motion, unless the court having appellate jurisdiction rules otherwise." In this case, the trial court arguably "terminated" a stay of execution—which would have triggered an automatic ten-day stay. Alternatively, the ruling may be considered in effect a "denial" of a motion for stay, i.e., by denying the defendant's request "that the [then-]existing order [of temporary release] be extended at least as long as

necessary for defendant to seek appellate review. . . .” Defendant’s Memorandum in Support of Motion for Extension of Temporary Release Order, p. 7 (July 17, 2020). For that reason, the defendant is requesting that this Court issue a stay of execution “pending the filing of and ruling upon a motion for review.” P.B. § 61-14. In seeking this relief, the defendant also invokes P.B. § 60-2, which provides in pertinent part that this Court “may . . . on its own motion or upon motion of any party: . . . (4) order a stay of any proceedings ancillary to a case on appeal”, and P.B. Section 60-1, which provides that the Rules of Practice shall be interpreted liberally in order to, among other things, “advance justice”.

CONCLUSION

For the foregoing reasons, the defendant requests that this court immediately issue a stay of execution, so that defendant may remain on house arrest under the conditions currently in place pending the completion of appellate review of Judge Alander’s April 7, 2021 order.

CERTIFICATION

This is to certify that copies of the foregoing Emergency Motion For Stay Of Execution Of Trial Court Order Terminating The Defendant's Temporary Release From Custody was sent via U.S. First Class Mail, postage prepaid, or other electronic means on the above-captioned date, to:

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

Robert J. Scheinblum, Esq.
Senior Assistant State's Attorney
Office of the Chief State's Attorney
300 Corporate Pl.
Rocky Hill, CT 06067

The undersigned further certifies that 1) this document does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order, or case law, and 2) this document complies with all applicable rules of appellate procedure.

/s/

David T. Grudberg

EXHIBIT A

NO. NNH CR23-177934
STATE OF CONNECTICUT

V.

DANIEL GREER

STATE OF CONNECTICUT
SUPERIOR COURT
JUDICIAL DISTRICT OF NEW HAVEN

APRIL 7, 2021

ORDER

On December 10, 2020, I ordered the temporary release of the defendant from incarceration due to a surge in the number of COVID-19 infections among prisoners in Connecticut's correctional facilities and particularly within the Cheshire Correctional Institution where the defendant was incarcerated. I twice extended the defendant's temporary release, on January 25, 2021 and March 8, 2021, to allow the defendant to receive the COVID-19 vaccine and to allow for immunization to take full effect. The defendant's temporary release is scheduled to expire on April 8, 2021. The defendant has moved to extend the order of release until the appeal of his criminal conviction is determined. The state objects to the defendant's request.

I previously denied the defendant's request for an appeal bond finding that there exists a serious and substantial risk that the defendant will flee to avoid serving the substantial term of imprisonment imposed upon him. The defendant argues that his record of compliance during his temporary release, the issuance of a federal court order restricting payment of funds to the defendant by various housing entities which he controls, his existing medical issues, and the ongoing presence of COVID-19 in our prisons warrant continued release from incarceration pending his appeal of his criminal conviction. I am not persuaded.

Traveling during the defendant's temporary release was greatly restricted, both domestically and internationally, due to the pandemic. As the pandemic abates, the defendant's ability to travel and the corresponding risk of flight increases. The existence of the temporary court order issued by the federal court restricting payments to the defendant from various

housing entities does not prevent the defendant from using other financial resources to fund an escape or preclude the defendant from violating the court order and tapping into the restricted funds in order to flee. It is not unexpected that an 80 year old individual will have health issues and medical needs where it would be preferable to receive treatment through continued care by his personal physicians. That does not mean that those health issues cannot be appropriately addressed by the medical staff of the Department of Correction. Significantly, none of the defendant's health issues are immediately life threatening. Finally, while COVID-19 has not been completely eradicated within the state's correctional facilities, the surge which prompted the defendant's most recent temporary release has abated and the defendant is now fully vaccinated and immunized.

The court remains convinced that a substantial and serious risk of flight continues to exist and the defendant's custody during his appeal is necessary to provide reasonable assurance of his appearance in court. Accordingly, the defendant's request to extend his temporary release from incarceration is hereby denied. The defendant is ordered to return to prison on April 8, 2021 upon the expiration of the court's prior order. The defendant is ordered to appear at the Superior Court at 235 Church Street in New Haven at 10 a.m. on April 8, 2021 so that he can be transported back to the custody of the Department of Correction.

BY THE COURT

Jon M. Alander (#408383)

Jon M. Alander

Judge of the Superior Court

David T. Grudberg

From: Alander, Jon <Jon.Alander@jud.ct.gov>
Sent: Wednesday, April 7, 2021 10:12 AM
To: David T. Grudberg
Cc: RICHARD EMANUEL; Wilensky, Maxine; Scheinblum, Robert
Subject: [EXTERNAL] RE: State v Greer

Attorney Grudberg

To the extent you are requesting a stay via your email, that request is denied.

JA

From: David T. Grudberg <DGrudberg@carmodylaw.com>
Sent: Wednesday, April 7, 2021 10:05 AM
To: Alander, Jon <Jon.Alander@jud.ct.gov>
Cc: RICHARD EMANUEL <newtrials@comcast.net>; Wilensky, Maxine <Maxine.Wilensky@ct.gov>; Scheinblum, Robert <Robert.Scheinblum@ct.gov>
Subject: RE: State v Greer

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Judge Alander –

Thank you for sending the Court's ruling.

Defendant respectfully requests a stay of the return-to-custody order, and a short extension of the current release order, so that we may file a Petition for Review with the Appellate Court. The Petition would be filed no later than a week from today, likely sooner.

Respectfully,
David Grudberg

From: Alander, Jon <Jon.Alander@jud.ct.gov>
Sent: Wednesday, April 7, 2021 9:56 AM
To: David T. Grudberg <DGrudberg@carmodylaw.com>
Cc: RICHARD EMANUEL <newtrials@comcast.net>; Wilensky, Maxine <Maxine.Wilensky@ct.gov>; Scheinblum, Robert <Robert.Scheinblum@ct.gov>
Subject: [EXTERNAL] RE: State v Greer

Counsel

A copy of my decision denying the defendant's motion for an extension of his temporary release is attached. The defendant is ordered to appear at the Superior Court at 235 Church Street in New Haven at 10 a.m. on April 8, 2021 so that he can be transported back to the custody of the Department of Correction.

JA

From: David T. Grudberg <DGrudberg@carmodylaw.com>
Sent: Tuesday, April 6, 2021 1:24 PM
To: Alander, Jon <Jon.Alander@jud.ct.gov>
Cc: RICHARD EMANUEL <newtrials@comcast.net>; Wilensky, Maxine <Maxine.Wilensky@ct.gov>; Scheinblum, Robert

<Robert.Scheinblum@ct.gov>

Subject: State v Greer

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Judge Alander –

Attached is a short reply memo in further support of the pending motion. It will be filed with the clerk's office shortly, along with the letter I forwarded yesterday afternoon.

Respectfully,
David Grudberg

David T. Grudberg | [Bio](#)
Carmody Torrance Sandak & Hennessey LLP
195 Church Street | New Haven, CT 06509-1950
Direct: [203-784-3115](tel:203-784-3115) | Fax: [203-784-3199](tel:203-784-3199)
DGrudberg@carmodylaw.com | www.carmodylaw.com

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EXHIBIT B

NNH-CR17-0177934-T
STATE OF CONNECTICUT

V.

DANIEL GREER

SUPERIOR COURT

JUDICIAL DISTRICT OF NEW HAVEN
Judicial District of New Haven
SUPERIOR COURT
FILED

AT NEW HAVEN

APRIL 24, 2020

APR 24 2020

ORDER

CHIEF CLERK'S OFFICE

The defendant has filed a motion entitled "renewed emergency motion for release on bond based on pandemic health threat" dated April 16, 2020 in which he asks to be released from custody due to the presence of COVID-19 in the Connecticut prison system. The defendant specifically asks that he be released on bond pending his appeal of his criminal conviction or, in the alternative, that he be temporarily released under house arrest conditions for a period of at least thirty days, subject to periodic review as the emergency situation evolves. The State has filed a response objecting to the defendant's request.

The defendant is 79 years old and has chronic asthma. His age and his medical condition result in a higher risk for developing more serious complications from COVID-19 illness. See <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html> (last accessed April 23, 2020). The virus is present in the Connecticut prison system at a rate substantially higher than in the state's general population. See <https://portal.ct.gov/-/media/DOC/Pdf/Coronavirus-3-20/COVID-19-Memo-from-Commissioner-PPEs-04142020.pdf?la=en> (last accessed April 23, 2020). Moreover, the congregate nature of the housing makes consistent social distancing, which is a recognized method of curtailing the spread of the virus, impractical. At present, the Department of Correction also apparently lacks an adequate supply of personal protective equipment (PPE) for its staff, including masks, a shortfall which further impedes its ability to limit the infection rate of the virus. See

<https://portal.ct.gov/-/media/DOC/Pdf/Coronavirus-3-20/COVID-19-Memo-from-Commissioner-PPEs-04142020.pdf?la=en> (last accessed April 23, 2020).

I previously denied the defendant's request for a bond pending appeal because I was convinced that there existed a serious and substantial risk that the defendant would flee during the appeal process. That risk remains, though it has been lessened to some degree by the stay-at-home orders issued in Connecticut and in the tri-state area and by current domestic and international flight restrictions.

We live in extraordinary times. Extraordinary times require extraordinary measures. Given the present high incident of COVID-19 within Connecticut's prisons and the current lack of sufficient PPE for its staff, the defendant's advanced age and underlying medical condition warrant his temporary release from prison until the crisis abates. Accordingly, I hereby order the temporary release of the defendant from incarceration on a conditional promise to appear with the following conditions:

- Intensive pretrial supervision.
- Electronic monitoring through GPS and/or RF monitoring by the Office of Adult Probation.
- House arrest except that the defendant may, with prior approval by the probation officer or bail commissioner, travel to his attorney's office, medical appointments, and religious services. The synagogue must be disclosed to the bail commissioner who will verify that a synagogue is located at that address. The synagogue must be located in the greater New Haven area. Any other exceptions must be pre-approved by the probation officer or bail commissioner and are limited to essential and unforeseen needs not previously outlined.

- Do not travel outside the greater New Haven area.
- Surrender passport to Office of Adult Probation or the Bail Commissioner.
- No contact with male children under the age of 16 years old.
- Do not violate the criminal law.

The temporary release of the defendant will continue for 45 days until June 8, 2020, unless extended or terminated by the court.

BY THE COURT

408383

JON M. ALANDER
JUDGE OF THE SUPERIOR COURT

NNH-CR17-0177934-T

SUPERIOR COURT

STATE OF CONNECTICUT

JUDICIAL DISTRICT OF NEW HAVEN

V.

AT NEW HAVEN

DANIEL GREER

JUNE 4, 2020

ORDER

On April 24, 2020, I ordered the temporary release of the defendant from incarceration due to the high incident of COVID-19 within Connecticut's prisons, the current lack of sufficient PPE for its staff, and the defendant's advanced age and underlying medical condition. The court's temporary order is scheduled to expire on June 8, 2020. The defendant has asked that the temporary order be extended. The State objects to the defendant's request.

The incidence of COVID-19 amongst the staff and inmate population within Connecticut's prisons has not sufficiently abated for the return of the defendant to prison. See <https://portal.ct.gov/DOC/Common-Elements/Common-Elements/Health-Information-and-Advisories> (last accessed June 4, 2020). Accordingly, I hereby extend my April 24, 2020 order granting the defendant temporary release from incarceration for an additional 45 days until July 23, 2020. The conditions of release set forth in the April 24, 2020 order remain in effect. The temporary release of the defendant will continue until July 23, 2020, unless extended or terminated by the court.

Judicial District of New Haven
SUPERIOR COURT
FILED

JUN 05 2020

CHIEF CLERK'S OFFICE

BY THE COURT

408383

JON M. ALANDER
JUDGE OF THE SUPERIOR COURT

*Emitted by Judge on 6/4/2020 - Court closed.
Copies mailed to parties 6/5/2020.*

NNH-CR17-0177934-T

SUPERIOR COURT

STATE OF CONNECTICUT

JUDICIAL DISTRICT OF NEW HAVEN

V.

AT NEW HAVEN

DANIEL GREER

JULY 14, 2020

ORDER

The temporary release of the defendant is scheduled to expire on July 23, 2020. The defendant has indicated that he intends to request an extension of his release. In order to provide sufficient time for the defendant to file his request and the state to file its response, the defendant's temporary release is hereby extended to July 30, 2020, unless further extended or terminated by the court. The defendant is ordered to file his motion and supporting brief by July 20, 2020 and the state is ordered to file its objection by July 24, 2020.

BY THE COURT

408383

JON M. ALANDER
JUDGE OF THE SUPERIOR COURT

Judicial District of New Haven
SUPERIOR COURT
FILED

JUL 14 2020

CHIEF CLERK'S OFFICE

NNH-CR17-0177934-T
STATE OF CONNECTICUT

V.

DANIEL GREER

SUPERIOR COURT
JUDICIAL DISTRICT OF NEW HAVEN
AT NEW HAVEN

JULY 28, 2020

ORDER

On April 24, 2020, I ordered the temporary release of the defendant from incarceration due to the high incident of COVID-19 within Connecticut and its prisons. The court's temporary order is scheduled to expire on July 30, 2020. The defendant has asked that the temporary order be extended. The State objects to the defendant's request.

I granted the defendant a temporary release from prison because the high incident of COVID-19 within Connecticut's prisons combined with the then existing lack of sufficient PPE for correction staff resulted in an unacceptably high risk of the defendant developing serious complications from COVID-19 illness due to his advanced age and asthma. Those conditions no longer exist to the degree necessary to warrant an extension of the defendant's temporary release from incarceration.

The incidence of individuals testing positive for COVID-19 within Connecticut and, most importantly, within its prisons has fallen dramatically. In April, when the court granted the defendant a temporary release from prison, Connecticut was experiencing in excess of 1,000 new cases of COVID-19 each day. That figure has now decreased to less than 100 each day. See <https://data.ct.gov/stories/s/COVID-19-data/wa3g-tfvc/>. (Last accessed July 26, 2020). The number of incarcerated individuals known to be ill with the virus has also decreased substantially with only 2 inmates currently known to have the coronavirus. See <https://portal.ct.gov/DOC/Common-Elements/Common-Elements/Health-Information-and->

Advisories. (last accessed July 27, 2020). In addition, the Connecticut Department of Correction (DOC) has taken steps to guard against the spread of the virus within its facilities. DOC has entered into a settlement agreement resolving litigation concerning the presence of Covid-19 in its prisons. The agreement establishes a five-person panel to monitor the provision of sanitation, hygiene supplies, personal protective equipment, testing, quarantining, medical monitoring and treatment of COVID-19 for people in DOC custody. *McPherson v Lamont*, Civil No. 3:20cv534 (JBA) (D. Conn.) (July 20, 2020). DOC will test each person in each facility for the virus, unless a person has tested positive for it in the past fourteen days or does not consent to be tested, and will quarantine every incarcerated person who comes into a prison for fourteen days. DOC will also provide increased medical monitoring of people who test positive for the virus. While the defendant's increased risk regarding COVID-19 due to his advanced age and medical condition has not changed, DOC's ability to provide reasonable protections against that risk has been substantially strengthened

For the foregoing reasons, the defendant's request for an extension of the court's order granting the defendant a temporary release from incarceration is hereby denied. The defendant is ordered to return to prison on July 30, 2020 upon the expiration of the court's prior order. The defendant is ordered to appear at Superior Court at 235 Church Street in New Haven at 10 a.m. on July 30, 2020 so that he can be transported back to the custody of the Department of Correction.

The defendant's request that the release order be extended to allow the defendant to seek appellate review and to receive medical treatment is hereby denied.

BY THE COURT

408383

JON M. ALANDER
JUDGE OF THE SUPERIOR COURT

NO. NNH CR23-177934 : STATE OF CONNECTICUT

STATE OF CONNECTICUT : SUPERIOR COURT

v. : JUDICIAL DISTRICT OF NEW HAVEN

DANIEL GREER : DECEMBER 10, 2020

ORDER OF TEMPORARY RELEASE

The defendant has filed a motion entitled "motion for renewed release order" in which he asks to again be released from custody pending his appeal of his criminal convictions due to the increased rate of COVID-19 infections in Connecticut. The State has filed a response objecting to the defendant's request.

Connecticut is currently experiencing a dramatic and unprecedented surge in the number of COVID-19 infections among its residents and, most importantly, within its correctional facilities, particularly, the Cheshire Correctional Institution, where the defendant is presently incarcerated. On July 28, 2020, when I issued my decision ordering the defendant's return to prison, Connecticut was experiencing less than 100 new COVID-19 cases each day and only two incarcerated individuals were known to be ill with the virus. On December 9, 2020, the daily infection rate for Connecticut residents was 2,290.

See <https://data.ct.gov/stories/s/COVID-19-data/wa3g-tfvc/> (last accessed December 9, 2020). Over a two week period from November 21, 2020 through December 4, 2020, 268 inmates at the Cheshire Correctional Institution tested positive for the coronavirus. See Second Supplemental Declaration of Carey Freson, MD, CCHP appended to the state's opposition to the defendant's temporary release. In light of the defendant's advanced age and comorbidities, his temporary release from incarceration until the current surge abates or a vaccine is available is warranted.

Accordingly, I hereby order the temporary release of the defendant from incarceration on a conditional promise to appear with the following conditions:

- Intensive pretrial supervision.
- Electronic monitoring through GPS and/or RF monitoring by the Office of Adult Probation.
- House arrest except that the defendant may, with prior approval by the probation officer or bail commissioner, travel to his attorney's office, medical appointments, and religious services. The synagogue must be disclosed to the bail commissioner who will verify that a synagogue is located at that address. The synagogue must be located in the greater New Haven area. Any other exceptions must be pre-approved by the probation officer or bail commissioner and are limited to essential and unforeseen needs not previously outlined.

- Do not travel outside the greater New Haven area.
- Surrender passport to Office of Adult Probation or the Bail Commissioner.
- No contact with male children under the age of 16 years old.
- Do not violate the criminal law.

The temporary release of the defendant will continue until February 1, 2021, unless extended or terminated by the court.

BY THE COURT

Jon M. Alander

Judge of the Superior Court

NNH-CR17-0177934-T
STATE OF CONNECTICUT

V.

DANIEL GREER

SUPERIOR COURT
JUDICIAL DISTRICT OF NEW HAVEN
AT NEW HAVEN

JANUARY 25, 2021

ORDER

The defendant's motion for an extension of his temporary release is hereby granted. The defendant's temporary release from incarceration is extended to March 16, 2021 in order to allow the defendant to receive a Covid-19 vaccine and to allow for immunization to take effect.

BY THE COURT

408383

JON M. ALANDER
JUDGE OF THE SUPERIOR COURT

NNH-CR17-0177934-T

STATE OF CONNECTICUT

V.

DANIEL GREER

SUPERIOR COURT

JUDICIAL DISTRICT OF NEW HAVEN

AT NEW HAVEN

MARCH 8, 2021

ORDER

The defendant's motion for an extension of his temporary release is hereby granted. The defendant's temporary release from incarceration is extended to April 8, 2021 in order to allow the defendant to receive his second dose of the Covid-19 vaccine and to allow for immunization to take effect.

BY THE COURT

408383

JON M. ALANDER
JUDGE OF THE SUPERIOR COURT

EXHIBIT C



STATE OF CONNECTICUT
DEPARTMENT OF CORRECTION
24 Wolcott Hill Road
Wethersfield, CT 06109



Date: 4/5/2021

Ref: Daniel Greer

To Whom it may concern:

This letter is written to summarize patient Daniel Greer current medical state. After careful review of Mr. Daniel Greer's #00433222 Dept. of Correction (DOC) and community health records: He is currently being treated by his urologist, for possible prostate cancer and bladder obstruction issues. He is also being seen by cardiologist, for symptoms of congestive heart failure (CHF); the CHF was diagnosed after his December release, though the symptoms (mainly lower extremity swelling and shortness of breath) predates his release. Mr Greer sees a pulmonologist (lung specialist), for breathing issues secondary to fluid congestion of his lungs. The records high light history of periodic choking episodes at night.

Finally, he is also being treated by an ophthalmologist (eye doctor) for periodic injections due to macular degeneration, in an attempt to preserve vision in his one "good eye".

It is clear the Mr. Greer, at 80 years of age, suffers from many significant health issues. None are immediately life-threatening, but all require regular monitoring by primary care providers and most in importantly specialists, in order to preserve his health.

Dealing with the medical needs of elderly inmates is always a challenge to, and burden on, the correctional system. The COVID-19 pandemic has significantly increased that challenge, as travel restrictions make it harder to arrange the type of periodic monitoring that Mr. Greer's conditions require.

I do not know all the factors the court must take into account in deciding whether to allow a defendant to be released pending appeal. From a purely medical perspective, though, the DOC preference would be that he continue to be treated at his own expense, while on release during his appeal period.

Professionally,
Johnny C. Wright, MD, DPM, CCHP
Regional Medical Director
Connecticut Dept. of Corrections

Johnny C. Wright, MD, DPM CCHP
CT Department of Correction
Health Services Unit
(860) 692-6282

March 30, 2021

Re: Daniel Greer

To Whom it May Concern:

This letter is to summarize Daniel Greer's recent urologic care and to outline the plan for his future care. Due to blood in the urine he underwent cystoscopy (endoscopy of the urinary bladder) to exclude bladder cancer. He was found to have a urethral stricture but there was no evidence of bladder malignancy. He also had a PSA test done which was 29.9, with 0-6.5 being normal for his age. Because of this, he underwent a prostate biopsy on 3/5/2021 to evaluate for prostate cancer. Twelve biopsies of the prostate were taken. Eleven of the biopsies showed benign prostate tissue and one of the 12 showed atypical small acinar proliferation, suspicious for adenocarcinoma. This is felt to be a premalignant lesion for which the standard of care is close follow up and possible repeat prostate bx.

The plan going forward is to have Rabbi Greer return to the office in about 2 months and have his PSA checked again. If it is any higher then he would most likely be advised to have an MRI of the prostate and another prostate biopsy.

In addition to Rabbi Greer having an elevated PSA, he has a family history of prostate cancer in his brother which further raises his risk for the disease.

If any further information is needed do not hesitate to contact me

Sincerely,

Joseph Camilleri MD

EXHIBIT D

**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 03/04/2021	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 NNH-CR17-0177934-T	Total effective sentence 20 years, e/s/a 12 years, with 10 years Probation
Charges 4 counts of Risk of Injury	
Docket number	Total effective sentence
Charges	
Docket number	Total effective sentence
Charges	

Adjustment To Supervision/Compliance With Conditions

Satisfactory Unsatisfactory

Specifically:

Greer was released from the Department of Correction on 12/10/2020.

Since 12/10/2020 Greer has had sixteen (16) approved leaves -
 On 12/22/2020 Attorney appointment,
 On 12/29/2020 Dr. appointment - Pulmonologist and Internist,
 On 12/30/2020 Dr. appointment - Dentist,
 On 1/4/2021 Dr. appointment - Cardiologist,
 On 1/5/2021 Dr. appointment - Dentist,
 On 1/12/2021 Dr. appointment - Urologist and to get blood drawn,
 On 1/14/2021 Dr. appointment - Ophthalmologist,
 On 1/15/2021 Dr. appointment - Urologist
 On 1/19/2021 Dr. appointment - Urologist and Dentist,
 On 2/4/2021 Dr. appointment - Ophthalmologist,
 On 2/9/2021 Mediation for civil suit with Atty Grudberg,
 On 2/10/2021 Mediation for civil suit with Atty Grudberg,
 On 2/23/2021 Dr. appointment - Urologist,
 On 2/25/2021 Yale West campus for his COVID 19 vaccine,
 On 3/2/2021 Dr. appointment - Dermatologist,
 On 3/4/2021 Mediation for civil suit with Atty Grudberg,

No violation activity has been observed.

Please don't hesitate to reach out if you have any further questions.

Response/Recommendation

Violation of Probation Warrant

Name of Probation Officer	Signature of Probation Officer	Date signed
Address		Telephone number

Date 03/04/2021	Name of person on probation Daniel Greer	Date of birth 06/15/1940
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Pending case docket number(s)

NNH-CR17-0177934-T

Motion for a Violation of Probation (see attached)

Other:

Recommendation:

**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 07/16/2020	Name of person on probation Daniel Greer	Date of birth 06/15/1940
Pending case docket number(s) N/A		

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

Docket number NNH-CR17-0177934-T	Total effective sentence 20 years, e/s/a 12 years with 10 years probation
Charges 4 counts of Illegal Sexual Contact-victim<age 16; 53-21(a)(2)	
Docket number	Total effective sentence
Charges	
Docket number	Total effective sentence
Charges	

Adjustment To Supervision/Compliance With Conditions

Satisfactory Unsatisfactory

Specifically:

Since his last progress report Greer has had seven (7) approved leaves -
 On 6/3/2020 Dr. appointment - Pulmonologist,
 On 6/11/2020 Dr. appointment - Internist,
 On 6/19/2020 Dr. appointment,
 On 6/24/2020 Dr. appointment - Cardiologist,
 On 7/1/2020 Dr. appointment - Cardiologist,
 On 7/15/2020 Dr. appointment - Urologist
 On 7/16/2020 Sex Offender Registry

No violation activity has been observed.

Please don't hesitate to reach out if you have any further questions.

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 07/16/2020
Address 867 State Street New Haven, CT		Telephone number 860-817-2878

Date 07/16/2020	Name of person on probation Daniel Greer	Date of birth 06/15/1940
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Pending case docket number(s)

N/A

Recommendation (*Continued*)

**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 06/01/2020	Name of person on probation Daniel Greer	Date of birth 06/15/1940
Pending case docket number(s) N/A		

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

Docket number NNH-CR17-0177934-T	Total effective sentence 20 years, e/s/a 12 years with 10 years probation
Charges 4 counts of Illegal Sexual Contact-victim<age 16; 53-21(a)(2)	
Docket number	Total effective sentence
Charges	
Docket number	Total effective sentence
Charges	

Adjustment To Supervision/Compliance With Conditions

Satisfactory Unsatisfactory

Specifically:

On 4/24/2020, Greer was released from the Department of Correction and placed on a GPS monitor. To date he has had five (5) approved leaves -

- On 4/29/2020 he went to the Sex offender registry,
- On 5/8/2020 he went to the eye dr for his injections,
- On 5/9/2020 he went to the Yeshiva,
- On 5/20/2020 he went to see Dr. Calamari, his urologist,
- On 5/22/2020 he went to Quest laboratory for blood work.

No violation activity has been observed.

Please don't hesitate to reach out if you have any further questions.

Response/Recommendation

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

Recommendation:

Name of Probation Officer	Signature of Probation Officer	Date signed
Address		Telephone number

Date 06/01/2020	Name of person on probation Daniel Greer	Date of birth 06/15/1940
Pending case docket number(s) N/A		
Recommendation (<i>Continued</i>)		

**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 05/29/2020	Name of person on probation Daniel Greer	Date of birth 06/15/1940
Pending case docket number(s) N/A		

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

Docket number NNH-CR17-0177934-T	Total effective sentence 20 years, e/s/a 12 years with 10 years probation
Charges 4 counts of Illegal Sexual Contact-victim<age 16; 53-21(a)(2)	
Docket number	Total effective sentence
Charges	
Docket number	Total effective sentence
Charges	

Adjustment To Supervision/Compliance With Conditions

Satisfactory Unsatisfactory

Specifically:

On 4/24/2020, Greer was released from the Department of Correction and placed on a GPS monitor. To date he has had five (5) approved leaves - 4/29/2020, 5/8/2020, 5/9/2020, 5/20/2020, and 5/22/2020. No violation activity has been observed.

Please don't hesitate to reach out if you have any further questions.

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 05/29/2020
Address 867 State Street New Haven, CT		Telephone number 8608172878