



2024-2025 High School Mock Trial Case*

State of Connecticut

v.

Emerson Harkness

CBA Civics Education Committee/Mock Trial Subcommittee

**Hon. Joyce Krutick Craig
Attorney Jeanine Dumont**

**Hon. Hope C. Seeley
Attorney Jonathan Weiner
Attorney Mark K. Youssef**

Updated Case Document: November 19, 2024

*This case originated from the State Bar of Georgia, and was adapted by the Young Lawyers Division of the Pennsylvania Bar Association and used as the 2024 Pennsylvania Statewide High School Mock Trial Competition Case. The CBA's Mock Trial Subcommittee is grateful to the Pennsylvania Bar Association for giving us permission to use their version of the case. The CBA Mock Trial Subcommittee adapted the case to Connecticut, and made numerous changes to the content of the case problem used in the prior competition in Pennsylvania.

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Message from the CBA's Mock Trial Subcommittee



On May 22, 2024, Connecticut Congresswoman Rosa DeLauro entered a statement into the Congressional record declaring New Haven the pizza capital of the United States. It has been reported that Representative DeLauro's declaration stated in part: "For more than a century, New Haven has been home to some of the most famous pizzerias in the country, known for everything from a plain sauce to white clam to mashed potato. . . .Earlier this year, Governor Ned Lamont declared New Haven to be the pizza capital of Connecticut—I rise today to claim New Haven as the pizza capital of the United States."

New Haven's reputation for pizza is comparable to Philadelphia's for the cheesesteak, Miami's for the Cubano sandwich and Buffalo's for Buffalo wings. It all started in 1925 with the opening of Frank Pepe Pizzeria Napoletana-Style, followed by Modern Apizza in 1934 and Sally's Apizza in 1938. Of course, those of us who are true pizza connoisseurs know there are other worthy pizza establishments in the area beyond this trifecta, including Zuppardi's Apizza in West Haven, Roseland Apizza in Derby, Ernie's Pizzeria in the Westville section of New Haven, and Abate Pizza located near Pepe's and Sally's on Wooster Street in New Haven.

This year's case, *State v. Harkness*, brings us to the heart of downtown Rocky Neck, located in New Haven County, to learn about the local pizza and restaurant scene around the historic Hammonasset Square. That community is vibrant and eclectic, and we are sorry to tarnish it by having a homicide there. Rocky Neck, although a fictitious place, is real to us. The events of this case are fictitious, and we assure you, they are not tied to any real life events. Likewise, all characters in this case also are fictitious and any similarity to any actual person is strictly coincidental.

The Connecticut High School Mock Trial Competition is, first and foremost, an educational program designed to encourage a deeper understanding and appreciation of the American legal system by providing students with an opportunity to participate actively in the legal process. Mock trials help students gain an appreciation for the rule of law, legal issues and courtroom procedure. Moreover, while obtaining this knowledge, students develop oral advocacy skills, including proficiency in asking questions, listening, reasoning and thinking on their feet. Additional objectives include providing an opportunity to compete in an academic setting while promoting effective communication and cooperation between team members.

Equally important, is that participation in mock trial will teach the students professionalism. Students learn ethics, civility and how to be ardent, but courteous advocates for their clients. Good sportsmanship and respect for all participants are central to the competition. We thank the teachers, coaches, advisors and judges, not only for the skills that they teach, but for the example of professionalism and good sportsmanship that they model for the students throughout the tournament. The reality of the adversary system is that one party wins and the other loses, and therefore, participants need to be prepared to accept defeat and success with dignity and restraint.

We also thank the hundreds of volunteers from Connecticut's bar and bench who annually give their valuable time as coaches and judges throughout the mock trial season. Without their assistance, this competition would not be the tremendous success that it is each year. Finally, we give our special thanks to the students who devote their time and energy preparing for the tournament. Every year, we are amazed at the level of skill and talent the students bring to the courtroom.

We hope you find these materials interesting and wish you all the best of luck in this year's competition.

CBA Civics Education Committee/Mock Trial Subcommittee

Hon. Joyce Krutick Craig
Attorney Jeanine Dumont
Hon. Hope C. Seeley
Attorney Jonathan Weiner
Attorney Mark K. Youssef

Case Summary

Modern capitalism. The American Dream. Competition. These are time-tested mantras of small businesses throughout this country. These businesses, passed from generation to generation, establish their own little niche in their communities. But what happens when that “friendly competition” threatens those businesses, and it becomes a cutthroat game? Is greed, in fact, always good? What happens when one of those businesses fails, and the owners are left with nothing but a heart full of sadness and a gut full of revenge? Could that friendly competition turn deadly?

It’s a gruesome scene, the type of story out of a mob movie. Dillon Hopyard slumped over his desk in a pool of blood, shot in the head, execution-style.

Hopyard was a well-known business owner in the bustling and eclectic Hammonasset Square in Rocky Neck, Connecticut. He operated Devil's Hopyard Sicilian-Style Pizzeria, a local watering hole competing for customers’ hard earned cash with other Square businesses. In the span of little more than a month, Hopyard went from being one of the lucky winners of a substantial scratch-off lottery ticket prize to murder victim. While Hopyard should have been enjoying his lottery windfall, instead he was using it to escalate his “friendly competition” with another establishment, Ancient Apizza, a pizza joint on the same square. Hopyard was ready to win at all cost; he had launched a full-on nuclear war—buying the building and evicting his competition entirely.

Standing accused of this brutal crime is Emerson Harkness, the owner of Ancient Apizza—who makes no attempt to hide their hatred for Dillon Hopyard. The State alleges that Harkness conspired with local n’er do-well, Willie Waramaug, to take Hopyard out. Large cash withdrawals and suspect conversations during clandestine meetings are at the heart of the State’s case. But what about Sam Talcott, owner of Sam’s Black Rock Pizza Pie & Tavern, with their own secrets, struggling with worsening alcoholism and perhaps a failing business? Could Sam Talcott have been desperate enough to resort to murder to weed out the competition or had Emerson Harkness just had enough?

Dillon Hopyard is found dead in a brutal murder scene. The once eclectic and vibrant Hammonasset Square community is now forever tarnished by the grisly crime committed there. Rocky Neck’s peace—yet again—disturbed. But who killed Dillon Hopyard? That is the question of the year.

Witnesses

Prosecution Witnesses:

Detective Sawyer Sherlock

Jackie Pepin, food blogger/restaurant reviewer

Sam Talcott, owner of Sam's Black Rock Pizza Pie & Tavern

Defense Witnesses:

Emerson Harkness, Defendant and owner of Ancient Apizza

Aspen Wadsworth, employee of Sam Talcott at Black Rock Pizza Pie & Tavern

Casey Mattatuck, employee of Sleeping Giant Brewery

*** Each witness may be portrayed by any student. In the materials, we have used the pronouns "they," "their" and "them" for ease of reference; students may use their preferred pronouns during the mock trial performances.*

Exhibits

Exhibit 1: Police Report

Exhibit 2: Supplement to Police Report

Exhibit 3: Map of Hammonasset Square

Exhibit 4: Diagram of Dillon Hopyard's Office

Exhibit 5: Evidence (Gun)

Exhibit 6: Event Flyer

Exhibit 7: Business Card with Code

Exhibit 8: Google Review

Exhibit 9: Fingerprint Report

Exhibit 10: Bank Records

Exhibit 11: Text Messages Report

Exhibit 12: Photographs of Different Pizza Styles

SUPERIOR COURT OF THE STATE OF CONNECTICUT

DOCKET NO.: NNH-CR-23-6008284S	
STATE OF CONNECTICUT	JUDICIAL DISTRICT OF NEW HAVEN
v.	
EMERSON HARKNESS	OCTOBER 15, 2023

LONG FORM INFORMATION

COUNT ONE

Assistant State's Attorney Edith Webster for the Judicial District of New Haven accuses **EMERSON HARKNESS** of **MURDER (AS AN ACCESSORY)** and charges that in the County of New Haven, at the Town of Rocky Neck, on or about the 23rd day of May, 2023, at or near the area of Hammonasset Square within said Town, EMERSON HARKNESS, with intent to cause the death of DILLON HOPYARD, did solicit, request, command and importune another person, to wit, Willie Waramaug, to cause the death of DILLON HOPYARD, in violation of Connecticut General Statutes §§ 53a-54a (a) and 53a-8 (a).

COUNT TWO

Assistant State's Attorney Edith Webster for the Judicial District of New Haven further accuses **EMERSON HARKNESS** of **CONSPIRACY TO COMMIT MURDER** and charges that in the County of New Haven, at the Town of Rocky Neck, on or about the 23rd of May, 2023, at or near the area of Hammonasset Square within said Town, EMERSON HARKNESS, with intent that conduct constituting the crime of MURDER, pursuant to Connecticut General Statutes § 53a-54a, be performed, agreed with one Willie Waramaug to engage in or cause the performance of such conduct, and that there was committed one or more overt acts in the performance of such conspiracy, in violation of Connecticut General Statutes § 53a-48.

STATE OF CONNECTICUT

BY: Edith Webster
Edith Webster
Assistant State's Attorney
100 Elm Street
New Haven, CT 06510

APPLICABLE STATUTES AND JURY INSTRUCTIONS

Relevant portions of the Connecticut General Statutes

Connecticut General Statutes § 53a-54a (a): A person is guilty of murder when, with intent to cause the death of another person, s/he causes the death of such person.

Connecticut General Statutes § 53a-8, Accessorial Liability: A person is criminally liable for a criminal act if s/he directly commits it **or** if s/he is an accessory in the criminal act of another. The statute defining accessorial liability reads in pertinent part as follows: a person, acting with the mental state required for commission of an offense, who solicits, requests, commands, importunes or intentionally aids another person to engage in conduct which constitutes an offense shall be criminally liable for such conduct and may be prosecuted and punished as if h/she were the principal offender.

Connecticut General Statutes § 53a-48, Conspiracy: A person is guilty of conspiracy when, with the intent that conduct constituting a crime be performed, s/he agrees with one or more persons to engage in or cause the performance of such conduct, and any one of them commits an overt act in pursuance of such conspiracy.

Relevant Mock Trial Jury Instructions

After the presentation of evidence, the judge will instruct the jury how to apply the law to the evidence. Hypothetically, if the judge in your mock trial case were to provide instructions to the jury, they would look something like these.

Although these instructions may not be used as an exhibit during the mock trial competition, students may use these legal concepts in fashioning their case and making arguments to the jury.

Members of the jury, you are about to perform one of the most serious duties of citizenship. You are going to decide whether a fellow citizen, Emerson Harkness, is guilty or not guilty of the crimes charged by the State of Connecticut. You have heard the evidence presented in this case. It is now my duty to instruct you as to the law that you are to apply in this case.

- **Presumption of Innocence and Burden of Proof**

We will begin with a discussion of two related concepts: the defendant's presumption of innocence and the state's burden of proof. In this case, as in all criminal cases, the defendant is presumed to be innocent of the crimes with which they have been charged. This means: first, that at the time they were presented before you for trial, they stood free of any bias, prejudice or burden arising from their position as the accused; and second, that just as they were presumed innocent at the start of this trial, they are s presumed innocent now and will remain so forever unless, in the course of your

deliberations, you unanimously conclude that the state has overcome that presumption by proving each essential element of that offense beyond a reasonable doubt.

If the state succeeds in proving each essential element of the charged offense beyond a reasonable doubt, it will have overcome the defendant's presumption of innocence with respect to that offense. In that event, they must be found "Guilty" as charged. If, however, the state fails to meet its burden of proof as to one or more essential elements of that offense, the presumption of innocence alone will require that they be found "Not Guilty" of that offense. If there is even one element of the offense which the state has not proved beyond a reasonable doubt, you must return a verdict of not guilty.

- **The Standard of Proof: Beyond a Reasonable Doubt**

To obtain a conviction of a charged offense, the state must prove each essential element of that offense beyond a reasonable doubt. The meaning of reasonable doubt can be arrived at by emphasizing the word reasonable. It is a doubt which is founded upon reason and supported by the evidence, or the lack of evidence, in the case. As the words imply, a reasonable doubt is a doubt held by a reasonable person after he or she has carefully analyzed, compared, and weighed all of the credible evidence in the case. By the same token, a reasonable doubt is not a mere guess or surmise or conjecture that finds no logical support in the evidence or lack of evidence in the case.

It is such a doubt as, in the serious affairs that concern you, you would heed; that is, such a doubt as would cause reasonable men and women to hesitate to act upon it in matters of importance. It is not hesitation springing from any feelings of pity or sympathy for the accused or any other person who may be affected by your decision.

Proof beyond a reasonable doubt does not mean proof beyond all doubt; the law does not require absolute certainty on the part of the jury before it returns a verdict of guilty. Before you may return a verdict of guilty on crime charged, you must be firmly convinced of the defendant's guilt on that charge. Proof beyond a reasonable doubt is proof that is so firmly convincing that it precludes every reasonable hypothesis except guilt and is inconsistent with any other rational conclusion. Under this standard, any conclusion, reasonably to be drawn from all of the evidence presented at trial, which is consistent with the innocence of the defendant, must therefore prevail. If, then, at the end of your deliberations, you are left with a reasonable doubt as to any essential element of the charged offense, you must give the defendant the benefit of that doubt by finding him "Not Guilty" of that offense.

Finally, to reiterate, you must remember that the defendant has no burden whatsoever to raise reasonable doubt in your minds, or to convince you that any doubt you may have is a reasonable one. Rather, the state bears the sole and exclusive burden of persuading you beyond a reasonable doubt, based solely upon the evidence presented in this trial, that the defendant committed each essential element of the charged offense.

- **Credibility of Witnesses**

In deciding the factual issues of this case, you must decide which testimony to believe and which testimony not to believe. You may believe and credit all, part or none of any witness's testimony. In making that decision, you may take many factors into account, including: (1) Was the witness able to see, or hear, or know the things about which they testified? (2) How well was the witness able to recall and describe those things? (3) What was the witness's manner while testifying? (4) Does the witness have any interest in the outcome of this case, or any bias or prejudice concerning any party or any matter involved in the case? The greater the witness's personal interest in the outcome of the case, the more closely and carefully you should scrutinize their testimony before deciding to credit it for any purpose. (5) How reasonable was the witness's testimony, considered in light of all the other evidence in the case? and (6) Was the witness's testimony contradicted by what they said or did at another time, or by the testimony of other witnesses, or by other evidence?

These are some of the factors you may consider in deciding whether or not to believe the testimony of any witness who has come before you in this case. Based upon your consideration of those factors and others you routinely rely upon to assess the credibility of people you interact with in your daily lives, you may choose, in your sole discretion, to believe all, some or none of what any witness had to say in this case.

- **Testimony of Police Officers**

One police officer testified in this case. The testimony of a police officer is entitled to no special or exclusive weight merely because it comes from a police officer. Instead, you should give it the same consideration, and apply to it the same factors, as you would apply to the testimony of any other witness, including: the officer's demeanor on the witness stand; his or her manner of testifying; any bias shown or interest he or she may have in the outcome of the case; and the consistency and completeness of his or her testimony. The decision whether or not to credit the testimony of a police officer, and if so what weight to give it in the circumstances of the case, is entirely up to you, just as it is for every other witness in the case. In short, you should not believe or disbelieve a police officer's testimony, in whole or in part, merely because it came from a police officer.

- **Defendant's Testimony**

In this case, the defendant testified. An accused person, having testified, stands before you just like any other witness. They are entitled to the same considerations and must have their testimony tested and measured by you by the same factors and standards as you would judge the testimony of any other witness. You have no right to disregard the defendant's testimony or to disbelieve the defendant's testimony merely because they are accused of a crime.

- **Direct and Circumstantial Evidence**

There are, generally speaking, two kinds of evidence, direct and circumstantial. Direct evidence is testimony by a witness about what that witness personally saw or heard or did. Circumstantial evidence is indirect evidence, that is, evidence from which the factfinder could find that another fact exists, even though it has not been proved directly. There is no legal distinction between direct and circumstantial evidence as far as probative value; the law permits the factfinder to give equal weight to both, but it is for the factfinder to decide how much weight to give to any particular evidence.

Circumstantial evidence of an event is the testimony of witnesses as to the existence of certain facts or evidence or the happening of other events from which the factfinder may logically conclude that the event in question did happen.

The only practical difference between direct and circumstantial evidence is that when there is direct evidence of some fact, the main thing the factfinder has to do is determine the believability of the direct testimony given, the credibility of the witness. With circumstantial evidence, the factfinder must first determine the credibility of the witness or witnesses and decide whether the facts testified to did exist. Then the factfinder must decide whether the happenings of those events or the existence of those facts leads logically to the conclusion that other events occurred or other facts exist.

There is no reason to be prejudiced against evidence simply because it is circumstantial evidence. One makes decisions on the basis of circumstantial evidence in the everyday affairs of life. There is no reason why decisions based on circumstantial evidence should not be made in the courtroom. In fact, proof by circumstantial evidence may be as conclusive as would be the testimony of witnesses speaking on the basis of their own observation. Circumstantial evidence, therefore, is offered to prove a certain fact from which the factfinder is asked to infer the existence of another fact or set of facts. Before the factfinder decides that a fact has been proved by circumstantial evidence, the factfinder must consider all of the evidence in light of reason, experience and common sense.

- **Consciousness of Guilt**

In any criminal trial it is permissible for the state to show that conduct by a defendant after the time of the alleged offense may have been influenced by the criminal act; that is, the conduct show a consciousness of guilt. For example, flight, when unexplained, may indicate consciousness of guilt if the facts and the circumstances support it. Such conduct does not, however, raise a presumption of guilt. If you find the evidence proved and also find that the conduct was influenced by the criminal act and not by any other reason, you may, but are not required to, infer from this evidence that the defendant was acting from a guilty conscience. The state claims that the defendant fled Rocky Neck after Dillon Hopyard was killed and that conduct is evidence of consciousness of guilt. It is up to you as judges of the facts to decide whether the defendant's alleged flight, if proved, reflect a consciousness of guilt and to consider such in your deliberations in conformity with these instructions.

- **The Offenses Charged**

I will now instruct you on the principles of substantive law which must govern your deliberations in this case. The state has charged the defendant with two separate crimes:

- Count One: Murder (Charged As An Accessory)
- Count Two: Conspiracy to Commit Murder

The Information that I read to you at the beginning of this case will be provided to you in the jury deliberation room. I must emphasize that the Information is not evidence; the fact that the state accuses the defendant of committing these crimes does not mean to any extent that the defendant is guilty or that the defendant has done anything wrong. The information is simply the formal means of bringing the defendant to court for trial.

- **Multiple Charges**

The defendant is charged with two counts. The defendant is entitled to and must be given by you a separate and independent determination of whether they are guilty or not guilty as to each of the counts. Each of the counts charged is a separate crime. The state is required to prove each element in each count beyond a reasonable doubt. Each count must be deliberated upon separately. The total number of counts charged does not add to the strength of the state's case. You may find that some evidence applies to more than one count.. The evidence, however, must be considered separately as to each element in each count. Each count alleges a separate crime.

You must consider each count separately and return a separate, independent and unanimous verdict for each count. This means that you may reach opposite verdicts on different counts. A decision on one count does not bind your decision on another count.

- 1. Count One: Murder in Alleged Violation of General Statutes § 53a-54a (a)**

In Count One of the Information, the defendant is charged with murder, as an accessory, in alleged violation of General Statutes §§ 53a-54a (a) and 53a-8 (a). Here, the state has alleged the following in Count One of the Information:

[The state] "accuses **EMERSON HARKNESS** of **MURDER (AS AN ACCESSORY)** and charges that in the County of New Haven, at the Town of Rocky Neck, on or about the 23rd day of May, 2023, at or near the area of Hammonasset Square within said Town, EMERSON HARKNESS, with intent to cause the death of DILLON HOPYARD, did solicit, request, command and importune another person, to wit, Willie Waramaug, to cause the death of DILLON HOPYARD, in violation of Connecticut General Statutes §§ 53a-54a (a) and 53a-8 (a)."

A person may be held criminally liable for the acts of another person as an

accessory. Accessorial liability pursuant to § 53a-8 (a) is equivalent to liability as a principal and requires proof that the defendant had the specific mental state required for the commission of the substantive offense and acted in furtherance of that crime. The statute defining accessorial liability reads in pertinent part as follows: "a person, acting with the mental state required for commission of an offense, who solicits, requests, commands, importunes or intentionally aids another person to engage in conduct which constitutes an offense shall be criminally liable for such conduct and may be prosecuted and punished as if they were the principal offender."

This statute does not connect those five acts specified with the word "and" but separates them by the word "or." A person is an accessory if they solicit or request or command or importune or intentionally aids another person to engage in conduct that constitutes an offense. "Solicit" means to tempt or to entice someone to do wrong; "importune" means to demand or urge; "aid" means to assist, help or support. A person acts "intentionally" with respect to a result when (his/her) conscious objective is to cause such result. "Intentionally aid," therefore, means to act in any manner, the conscious objective of which is to assist, help or support. If the defendant did any of these things as specified in the statute, they are guilty of the crime of murder as though they had directly committed it or participated in its commission.

To establish the guilt of a defendant as an accessory for assisting in the criminal act of another, the state must prove criminality of intent and community of unlawful purpose. That is, for the defendant to be guilty of murder as an accessory, it must be established that they acted with the mental state necessary to commit the crime of murder, and that in furtherance of that crime, they solicited, requested, commanded, importuned or intentionally aided the principal to commit the crime of murder. In other words, a conviction under § 53a-8 (a) requires proof of a dual intent: the intent to aid the principal and the intent to commit the offense of murder.

Evidence of mere presence as an inactive companion, or passive acquiescence, or the doing of innocent acts which, in fact, aid in the commission of a crime, is insufficient to find the defendant guilty as an accessory under the statute. Nevertheless, it is not necessary to prove that the defendant was actually present or actively participated in the actual commission of the crime of murder.

The rule is that a person who solicits, requests, commands, importunes or intentionally aids in the commission of a crime is guilty of that very crime. Thus, for you to find the defendant guilty of the crime of murder as an accessory, you must unanimously find that the state has proved beyond a reasonable doubt that the defendant solicited, requested, commanded, importuned or intentionally aided another to commit the crime of murder. You must also unanimously find beyond a reasonable doubt that the defendant had the intent to commit the crime charged and had the intent to solicit, request, command, importune or intentionally aid another in the commission of the crime of murder.

2. Count Two: Conspiracy To Commit Murder In Alleged Violation Of General Statutes §§ 53a-54a (a) and 53a-48

In Count Two of the Information, the defendant is charged with conspiracy to commit murder, in alleged violation of General Statutes §§ 53a-54a (a) and 53a-48. Here, the state has alleged the following in Count Two of the Information:

[The state] "accuses **EMERSON HARKNESS** of **CONSPIRACY TO COMMIT MURDER** and charges that in the County of New Haven, at the Town of Rocky Neck, on or about the 23rd of May, 2023, at or near the area of Hammonasset Square within said Town, EMERSON HARKNESS, with intent that conduct constituting the crime of MURDER, pursuant to Connecticut General Statutes § 53a-54a, be performed, agreed with one Willie Waramaug to engage in or cause the performance of such conduct, and that there was committed one or more overt acts in the performance of such conspiracy, in violation of Connecticut General Statutes § 53a-48."

The defendant is charged in count two with conspiracy to commit murder. A person is guilty of murder when, with intent to cause the death of another person, they cause the death of such person. The statute defining conspiracy reads in pertinent part as follows: a person is guilty of conspiracy when, with the intent that conduct constituting a crime be performed, they agree with one or more persons to engage in or cause the performance of such conduct, and any one of them commits an overt act in pursuance of such conspiracy.

To constitute the crime of conspiracy, the state must prove the following elements beyond a reasonable doubt:

- 1) there was an agreement between the defendant and one or more persons to engage in conduct constituting the crime of murder, which conspiracy the defendant specifically intended to join;
- 2) there was an overt act in furtherance of the subject of the agreement by any one of those persons; and,
- 3) the defendant specifically intended to commit the crime of murder.

The size of the defendant's role does not determine whether they may be convicted of conspiracy.

Element 1—Agreement

The first element is that there was an agreement between two or more persons. It is not necessary for the state to prove that there was a formal or express agreement between them. It is sufficient to show that the parties intentionally engaged in a mutual plan to do a criminal act. Circumstantial evidence is sufficient to prove that there was an agreement because conspiracies, by their very nature, are formed in secret and only rarely can be proved by other than circumstantial evidence. It is not necessary to establish that the defendant and the defendant's alleged coconspirators signed papers, shook hands, or uttered the words "we have an agreement" but rather a conspiracy can be inferred from the conduct of the accused.

The mere knowledge, acquiescence or approval of the object of the agreement without cooperation or agreement to cooperate, however, is not sufficient to make one a party to a conspiracy to commit the criminal act. It is sufficient if they have come to an understanding with at least one other person, and have come to such understanding with that person to further a criminal purpose. Additionally, it is not essential that they know the complete plan of the conspiracy in all of its details. It is enough if they know that a conspiracy exists or that they are creating one and that they are joining with at least one person in an agreement to commit a crime.

Therefore, in order to convict the defendant on the charge of conspiracy to commit murder, the first element that the state must prove beyond a reasonable doubt is that the defendant specifically intended to enter into an agreement, with at least one other person to engage in conduct constituting the crime of murder.

Element 2—Overt Act

The second element is that at least one of the alleged co-conspirators did an overt act to further the purpose of the conspiracy. It does not matter which one of the alleged coconspirators did the overt act. It need not be the defendant, and it need not be a criminal act. An overt act is any step, action, or conduct that is taken to achieve or further the objective of the conspiracy. An overt act, therefore, is one that is committed or caused to be committed by any member of the conspiracy in an effort to accomplish some objective or purpose of the conspiracy. Remember, a single overt act is sufficient to prove this element of the conspiracy. The overt act cannot, however, be held against the other alleged coconspirators if it was not intended to further the general purposes of the conspiracy, but was secretly intended to further the actor's own personal purpose. The overt act must be a subsequent independent act that follows the formation of the conspiracy.

Element 3—Criminal Intent

The third element is that the defendant had the intent to commit the crime of murder. This means that the defendant must specifically intend that every element of the planned offense be accomplished. As to this count, those elements are that the defendant specifically intended to cause the death of Dillon Hopyard and specifically intended to have another cause the death of Dillon Hopyard. The defendant may not be found guilty unless the state has proved beyond a reasonable doubt that they specifically intended to commit the crime of murder when they entered into the agreement.

Conclusion

In summary, the state must prove beyond a reasonable doubt that 1) the defendant had an agreement with one or more other persons to commit , 2) at least one of the coconspirators did an overt act in furtherance of the conspiracy, and 3) the defendant specifically intended to enter into the agreement and intended the conduct constituting the crime of murder. If you unanimously find that the state has proved beyond a reasonable doubt each of the elements of the crime of conspiracy to commit ,

then you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

- **Concluding Remarks**

In conclusion, I impress upon you that you are duty bound as jurors to determine the facts on the basis of the evidence as it has been presented, to apply the law as I have outlined it, and then to render a verdict of guilty or not guilty as to each count. When you reach a verdict, it must be unanimous, that is, all of you must agree on the verdict.

It is the duty of each juror to discuss and consider the opinions of the other jurors. Each of you takes into the jury room your individual experience and wisdom. Your task is to pool that experience and wisdom. You do that by giving your views and listening to the views of others. There must necessarily be discussion and give and take within the scope of your oath. That is the way in which a unanimous verdict is reached.

Despite that, in the last analysis, it is your individual duty to make up your own mind and to decide this case upon the basis of your own individual judgment and conscience. With that, you may now retire to the jury room.

SUPERIOR COURT OF THE STATE OF CONNECTICUT

DOCKET NO.: NNH-CR-23-6008284S	
STATE OF CONNECTICUT	JUDICIAL DISTRICT OF NEW HAVEN
v.	
EMERSON HARKNESS	NOVEMBER 1, 2024

MEMORANDUM OF DECISION

The State filed a motion *in limine* to compel third-party witness Willie Waramaug to testify in the above-captioned matter or, in the alternative, to declare that Waramaug is unavailable as a witness in this matter. The court heard oral argument from the parties on October 21, 2024. The motion to compel third-party witness Willie Waramaug to testify in *State v. Emerson Harkness* is denied, but the alternative motion to declare that Waramaug is unavailable as a witness is granted.

This case is unusual in that Waramaug is not an ordinary possible witness. Rather, he is the accused co-conspirator and/or solicited agent of the defendant, Emerson Harkness. As the parties are undoubtedly aware, this matter is further complicated by the procedural posture in Waramaug's case. This court – by way of separate order in Waramaug's matter – has suppressed all evidence of Waramaug's alleged confession, because Waramaug had invoked his right to counsel before the alleged confession was obtained. The State has appealed that ruling, and the appeal is pending before the Connecticut Supreme Court. The parties have submitted their appellate briefs and the case is expected to be argued in early 2025. A decision is not expected for several months once the case has been argued before the Supreme Court. Meanwhile, the defendant in the instant matter, Emerson Harkness, demands a speedy trial, which in this case will mean one that occurs before that appeal can be heard.

Understandably, Waramaug asserts his right to be free from self-incrimination, a right sacred under the constitutions of both the United States and this State. Waramaug has a reasonable fear of prosecution. Indeed, it is hard to imagine a more

reasonable one than being charged at the time of testimony for the same crime about which testimony would be taken. *See generally State v. Luther*, 152 Conn. App. 682, 698-701, 99 A.3d 1242, cert. denied, 314 Conn. 940, 108 A.3d 1123 (2014).

The State nonetheless asserts that Waramaug should be compelled to take the stand, because the Fifth Amendment must be invoked on a question-by-question basis, citing—among other cases—*Hoffman v. United States*, 341 U.S. 479, 486–87 (1951), and *United States v. Antelope*, 395 F.3d 1128, 1134 (9th Cir. 2005). However, that rule is more often followed in the context of civil matters; in criminal cases, the prejudice that would come from calling a witness just to have them invoke the Fifth Amendment in front of the jury is substantial, particularly if the prosecutor knew all along that the witness would invoke the constitutional right not to incriminate himself. Our Supreme Court has held that a witness may not be called to the stand in the presence of the jury merely for the purpose of invoking his privilege against self-incrimination. *State v. Dennison*, 220 Conn. 652, 660, 600 A.2d 1343 (1991). The mere invocation of the Fifth Amendment, in front of the jury, may cause substantial prejudice. *See id.* (recognizing there is a "danger that a witness's invoking the Fifth Amendment in the presence of the jury will have a disproportionate impact on their deliberations"). The prejudice here would be particularly acute, as jurors could conclude that Waramaug's invocation of the privilege means that Waramaug is guilty of murder, a critical element of proof for the State in this matter.

Accordingly, the court will quash the subpoena for Waramaug's testimony at the trial of the above-captioned action. Waramaug's counsel has advised the court that Waramaug will assert his Fifth Amendment right to remain silent as to all questions, and that suffices for present purposes.

The State, however, is correct that a witness who is called for trial but invokes a privilege as to the relevant testimony is "unavailable" for purposes of Rule 804(a)(1) ("A declarant is... unavailable as a witness if the declarant... is exempted from testifying about the subject matter of the declarant's statement because the court rules that a privilege applies..."). The right against self-incrimination is a paradigmatic example of a privilege that exempts a witness from testifying. *See United States v. Salerno*, 505 U.S. 317, 321 (1992); *United States v. Boyce*, 849 F.2d 833, 836 (3d Cir. 1988). Accordingly, based on the ruling above, which extends the Fifth Amendment privilege to Waramaug, Waramaug is "unavailable" to both the State and the defendant.

To avoid prejudice, the court acknowledges and enters as a part of this decision the stipulation of the parties that neither party may comment on Willie Waramaug's failure to testify or may attempt to have the jury draw any inference from Waramaug's choice not to testify in this action.

So Ordered.

BY THE COURT:

Simon Cowell

SIMON COWELL, J.

SUPERIOR COURT OF THE STATE OF CONNECTICUT

DOCKET NO.: NNH-CR-23-6008284S	
STATE OF CONNECTICUT	JUDICIAL DISTRICT OF NEW HAVEN
v.	
EMERSON HARKNESS	OCTOBER 15, 2024

STIPULATIONS

The undersigned counsel hereby stipulate to the following:

1. All documents, signatures and exhibits, including pre-markings, included in the case materials are authentic and accurate in all respects; no objections to the authenticity of any of the foregoing will be entertained. The parties reserve the right to dispute any legal or factual conclusions based on these items and to make objections other than to authenticity.
2. Jurisdiction, venue and chain of custody of the evidence are proper and may not be challenged.
3. All signatures on Witness Affidavits and other documents are authentic. No challenges based on the authenticity of a witness' signed document will be considered. Each witness was given an opportunity to update or amend his/her statement shortly before trial, and no changes were made. If asked, a witness must acknowledge signing the document(s) and must attest to the content of the documents(s) and the date(s) indicated thereon. The Witness Affidavits are deemed to be given under oath or affirmation.
4. All statements were taken after the alleged incidents but before trial. All statements were notarized on the day on which they were signed. The dates of witness statements are not relevant.

5. All evidence was obtained constitutionally, and no challenges will be entertained.
6. Except as noted elsewhere, objections may be made to any exhibit or testimony pursuant to the Rules of Evidence. However, no objection may be made as to the constitutionality of the admission of any evidence. For example, the defendant may object that some testimony or exhibit is hearsay, but s/he may not object that admission of the testimony or exhibit violates his/her Sixth Amendment right to confrontation under *Crawford v. Washington*, 541 U.S. 36 (2004), or other constitutional precedent.
7. Consistent with Rule 3.6 of the State Rules of Competition (Trial of All Issues), whether Willie Waramaug committed the murder of Dillon Hopyard is a contested fact. Accordingly, neither the defense nor the prosecution may render evidence relating to that question irrelevant or otherwise inadmissible by removing it from dispute by stipulation or otherwise.
8. In accordance with the Court's decision on the question, Willie Waramaug has properly invoked his right to be free from self-incrimination with respect to any testimony in this case. He is unavailable as a witness, and neither party may make any comment on his choice not to testify or to attempt to use that failure to testify in any manner, but particularly in any manner that suggests that Waramaug is more likely to have killed Dillon Hopyard because he did not testify in this action or that Emerson Harkness is more likely to have participated in the killing of Dillon Hopyard because Willie Waramaug did not testify in this action.
9. Emerson Harkness has elected to testify in their own defense and has made a knowing, voluntary waiver of their Fifth Amendment rights. Either party may comment on Harkness's decision to testify in its opening statement.
10. Dillon Hopyard was a living human being on and before May 23, 2023. He was found dead on May 23, 2023, and the cause of his death was a single bullet to the back of the head.
11. The bullet that killed Dillon Hopyard was a .38 caliber round fired from the pistol recovered from the home of Willie Waramaug, a photo of which is identified as Ex. 5.

12. The court's jury instructions are accurate statements of the law and may be used to present each party's theory of the case and in argument.
13. Exhibit 3 accurately depicts the locations of the businesses identified thereon. It is not to scale, but neither side may object to its admission for that reason.
14. Exhibit 4 was prepared by the Crime Scene Unit of the Rocky Neck Police Department.
15. Exhibit 5 is a picture of the firearm recovered from the home of Willie Waramaug. That firearm was functional at the time of its recovery, and the defendant waives any right to have the actual firearm present in the courtroom.
16. Exhibit 7 is a picture of the business card recovered from the home of Willie Waramaug. The defendant waives any right to have the actual card present in the courtroom.
17. Exhibit 8 is a copy of a Google review for Devil's Hopyard Sicilian-Style Pizzeria recovered by Det. Sawyer Sherlock. The defendant waives any right to have the digital source document present in the courtroom.
18. Exhibit 9 is a report of the Connecticut State Police Bureau of Forensic Services. A copy of the report was shared with Det. Sawyer Sherlock. The report may be introduced by either party without further foundation, and both parties waive the right to object to it on hearsay or Confrontation grounds.
19. Exhibit 10 was obtained from the Rocky Neck Credit Union by the State during its investigation of the crime. It is a copy of the normal account statement kept by the Credit Union for all its customers, in the course of the bank's regular business activities, as required by law. It is not a statement generated for purposes of the investigation. Defendant has waived any right to confront the custodian of record.
20. Exhibit 11 was obtained from Cilantro Wireless by the State during its investigation of the crime. It is a copy of the transmission records kept by Cilantro for all its customers for a limited period, in the course of Cilantro's regular business providing text messaging and telephone services to its

customers. It is not a statement generated for purposes of the investigation.
Defendant has waived any right to confront the custodian of record.

Edith Webster

Edith Webster
Assistant State's Attorney
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New Haven, CT 06510

Mark Twain

Mark Twain
Attorney for the defendant
145 Wooster Street
New Haven, CT 06512

STATEMENT OF SAWYER SHERLOCK

1 My name is Sawyer Sherlock, and I am a Detective in the Rocky Neck Police Department.
2 I am 35 years old and born in raised in Hamden, Connecticut. I graduated from Hamden
3 High School in 2005 and graduated from UCONN in 2009 with a Bachelor of Science
4 degree in Computer Science and a minor in Social Justice. Upon graduation, I worked for
5 the New Haven Police Department as a uniformed patrol officer for 10 years. While with
6 the New Haven PD, I completed the full police academy and special weapons training
7 module, a 20-week training program.

8
9 While a uniformed patrol officer, I responded to calls dispatched to me involving
10 automobile accidents, robberies, shots fired, and other felony and misdemeanor offenses.
11 At the scene of the offense, I would do whatever was needed: secure the area, administer
12 first aid, conduct preliminary investigations, gather evidence, take witness statements,
13 make arrests, and prepare reports. And, of course, I would testify in court. I learned a lot
14 from my tenure in the Elm City, but it wasn't all good times: I was reprimanded twice for
15 not properly securing a crime scene and moving key evidence before forensics could sweep
16 the location. The last incident was in 2012, and I have not had an issue since. In fact, in
17 2018 I was honored by the Mayor of New Haven for saving a family—two adults, a ten-
18 year-old child and a baby—from their first floor apartment during a fire. They were all
19 unconscious due to smoke inhalation when I arrived. As the first responder, I went in and
20 was able to pull all them out of the apartment and hand them over to the paramedics.

21
22 In 2019, I learned about a detective opening in the Rocky Neck Police Department. Rocky
23 Neck is located about twenty miles from New Haven and is a much smaller community,
24 both in population size and geographic size. I was hired right away—barely an interview—
25 but that made sense: I was that good at that point. Rocky Neck sent me to the Advanced
26 Connecticut Police Academy in Meriden, CT, where I learned more about criminal
27 investigations; drug enforcement and drug recognition; constitutional rights; physical and
28 digital forensics; traffic safety; physical fitness; and counterterrorism. I undergo at least
29 25 hours of additional training every year and re-certify annually on firearms and crime
30 scene management.

31
32 Being a detective in Rocky Neck isn't exactly *Law and Order: SVU*. Serious crime here is
33 rare, and the Department has only a couple dozen officers, total. Most of the work is
34 community policing, *avoiding* crimes by talking people through things. But don't get me
35 wrong; small towns have plenty of problems, too. A perfect example was the rivalry among
36 the pizza establishments on Hammonasset Square, and in particular between the owners
37 of Devil's Hopyard Sicilian-Style Pizzeria and Ancient Apizza. I guess maybe you'd say
38 Sam's, too, that is, Sam's Black Rock Pizza Pie & Tavern. Downtown Rocky Neck is
39 eclectic, a real mix of University students, older professionals, laborers, and aspiring artsy

types. But while we're not poor, none of those folks are rich, either. So there isn't always enough pocket change to go around, especially when you account for Papa Gino's and Domino's up by the mall. So that competition was always gonna create issues. But these owners took competition to a whole different level. The worst offenders were Dillon Hopyard, who owned Devil's Hopyard Sicilian-Style Pizzeria, and Emerson Harkness, who owned Ancient Apizza. Everyone, and I mean everyone, in town knew they hated each other. I am not sure why—their pizzas were totally different. Thin-crust v. thick-crust. Fancy toppings like clams v. traditional toppings like sausage and pepperoni. Personally, I grew up eating Greek-style pizza cut into pie wedges, so I really wasn't a fan of either one. Sicilian pizzas are cut into square slices—after all, they are called pizza *pies* for a reason! I mean, who cuts pizza into squares? And the pizza at Ancient Apizza is paper thin—just not my cup of tea, if you know what I mean. And besides, they put clams on pizza. Whoever heard of clams on pizza? I prefer my clams in chowder.

Worse, they constantly dragged the police into it. Harkness called us in claiming that Hopyard's sign violated the local ordinance; Hopyard called us a week later to file a report that Harkness's outside deck violated the zoning code. They both complained that the other was responsible for poor reviews on Yelp and Google. Harkness even demanded that we bring in State Police computer forensics!

They competed in more normal ways, too. Harkness started a trivia hour, offering a deeply discounted Happy Hour—beer and pizza—hoping to draw some customers from Devil's Hopyard Pizzeria. We were over there at least once a week breaking up fights. Never thought I would charge a felony based on whether a battle was called “Manassas” or “Bull Run,” but there's a first time for everything, I guess. Harkness even had one of the Ancient Apizza servers passing out fliers in front of Devil's Hopyard Pizzeria. That led to another call, from Dillon Hopyard, claiming “aggravated trespass” or some other internet nonsense, because the server had—allegedly—stepped off the sidewalk and onto the threshold of Devil's Hopyard.

Still, things got even nastier. In February 2023, someone tried to burn down Ancient Apizza by setting fire to a stack of Ancient Apizza fliers under a wooden bench from the deck. The fire was put out before it could reach the main building, but arson is arson, and a fireman broke an arm when part of the deck collapsed. Harkness wanted us to charge Hopyard, but there was no evidence. The bar had to close for several days, costing Harkness business, and the deck was never rebuilt, costing more. Whether because of that or not, a couple weeks later, Harkness's landlord put the place up for sale, and—wouldn't you know?—Hopyard bought it. Ultimately, Hopyard cancelled Harkness's lease, and we served an eviction notice filed by Hopyard on Ancient Apizza on May 15, 2023, with a move-out day of the end of the month.

81 All of which led to the mess at the Savor. The Savor the Square is a big festival the
82 weekend before Memorial Day. It brings in artists from around the State, live musical
83 acts, and in addition to two stages at opposite ends of Hammonasset Square, the
84 restaurants and bars in town are allowed to have a booth free of charge. It is also the one
85 weekend a year where citizens were allowed to carry adult beverages outside in open
86 containers, and it is a *massive* money-maker. Rocky Neck isn't much of a tourist
87 destination, apart from the antique stores, so having tens of thousands of people passing
88 through is a real. big. deal. The Department turns out in force, all hands on deck, even
89 though there have been only a handful of arrests in the history of the event. Smart police
90 know when to put the handcuffs away, and the Mayor makes sure we know to be smart
91 police that weekend.

92
93 In 2023, Savor the Square ran from May 19-22. I was monitoring the Square on May 19,
94 and around 5 pm, right after the Mayor gave her opening remarks and introduced the
95 Whiskey River Rats, a bit of pandemonium broke out. When Hopyard, a festival sponsor,
96 showed up at the festival stage like Apollo Creed walking into the ring, Harkness lost it.
97 Harkness ran up on stage, grabbed the mic from the lead singer of the Whiskey River Rats
98 and screamed, "I am going to kill you! I am going to kill you! You ruined me! You couldn't
99 let me have this weekend after all I have done for this community! You ruined me! I am
100 going to kill you!" Harkness then ran off the stage in tears.

101
102 Then, four days later, I got my first murder case as a detective. On Tuesday, May 23, 2023,
103 I was tucking into bed when a call came in, and I was dispatched at 10:23 pm to Devil's
104 Hopyard Sicilian-Style Pizzeria (435 Hoyt Street). Devil's Hopyard is closed on Tuesdays.
105 When I arrived, the responding officer, Patrol Officer Olivia Benson, led me to Dillon
106 Hopyard's body in the bar's office. Officer Benson told me that she had spoken with Casey
107 Mattatuck from the Sleeping Giant Brewery, who discovered the body. Mattatuck
108 reported that they did not touch the body and immediately calling 911.

109
110 I observed Mr. Hopyard's body slumped over his desk; he had been shot execution-style
111 through the back of the head. The Medical Examiner, Dr. Carver, pronounced Hopyard
112 dead on the scene and transported the body to the morgue.

113
114 I then led the Crime Scene Unit processing the premises. CSU investigators are forensic
115 science technicians who collect and gather evidence at the crime scene. Together, we
116 walked the scene, and I directed the search for potential trace evidence such as
117 fingerprints, hairs, and fibers for later analysis at the State Crime Lab. The office did not
118 appear to be in disarray, and there were no defensive wounds on Mr. Hopyard, leading me
119 to conclude that there was not a struggle. Robbery did not appear to be a motive; the office
120 had not been ransacked. Hopyard's widow, Vivian, confirmed later that nothing appeared
121 to have been taken. There were receipts spread on the desk, a large-button calculator, and

a pad with a series of numbers or calculations on it. Devil's Hopyard Sicilian-Style Pizzeria had a single security camera by the front door and one over the cash register at the bar. Only the register camera was working. It showed no movement at all on Tuesday, May 23.

All windows were intact, so I concluded that either someone had come in through a door or Hopyard let that person in. But Hopyard was at the desk, apparently in the middle of typing something and doing accounts for the week, so the door seemed more likely. The main door was locked and barred, but the back door was only locked, and there is a keypad in the alley allowing keyless entry, making that the killer's most likely entry point.

That was it for me that evening. The next day, I started interviews. Both Mrs. Hopyard and Casey Mattatuck said that the feud between Hopyard and Emerson Harkness had gotten bad. I thought it would be best to talk to Harkness, and perhaps to clear them as a suspect, but Harkness was nowhere to be found: not at their residence, not at the restaurant. In fact, no one had seen them since they ran off stage at the Whiskey River Rats concert. Emerson had skipped town. That made Emerson the primary suspect. We all know that flight shows a consciousness of guilty.

Still, every good detective always digs deeper. Over the next few days, I interviewed the current employees of Devil's Hopyard Pizzeria and other witnesses. Jackie Pepin had been there when Hopyard revealed that he had bought the building in early May. Pepin had observed Hopyard coming into Ancient Apizza waving a piece of paper and saying to Harkness, "Now I've got you. Either you stop all these dirty tricks, or I am going to double your rent." Harkness responded, "What's the matter, can't take a little competition?" Then Hopyard said, "You either toe the line or I'll evict you!" Harkness said, "I knew you were a dirtbag but I never thought you'd resort to extortion. What goes around comes around. Karma's a nasty mistress."

Pepin also said that a couple of weeks later, while Pepin was eating lunch at Carley's Coffee Shop, a man came in and met with Harkness. Pepin heard Harkness say something to the effect of, "Yeah, I told you I'd take care of you and your family if it comes to that." The rest of what Pepin told me is generally consistent with the statement Pepin gave in this matter.

I also talked to Aspen Wadsworth, who was working at Sam Talcott's pizza joint at the time, Black Rock Pizza Pie & Tavern, which serves Detroit-style pizza. Again, not my thing. Really thick crust cut into squares. Aspen said that the fight between Harkness and Hopyard had been taken to the internet, specifically targeting each other's Yelp pages. That afternoon, I visited the two restaurants' reviews online and printed them off to

162 preserve them. I would have liked to have captured them properly, in what the forensic
163 folks call “native format,” but we don’t have that kind of budget.

164
165 The investigation was making progress, but I guess not quick enough for some people. The
166 press was having a field day, and they were trying to get copies of my report and the
167 autopsy. So I took everything I had to the judge to get a search warrant for Emerson
168 Harkness’s place. I was convinced it had to be Harkness. The judge turned me down flat.
169 The Chief was not pleased. Turns out I shouldn’t have bothered. Harkness got word of it
170 somehow and *offered* us to search the place. We rolled it good , and we found nothing.

171
172 But then we caught a real break. A couple weeks after the warrant debacle, I heard about
173 an altercation at Sam’s pizza place involving Harkness, and I went over to find out about
174 it. Not only did Sam Talcott tell me what happened, he told me about a conversation he
175 had with Willie Waramaug the night before my visit. Talcott said that he met Waramaug
176 when Waramaug was installing ovens at Sam’s Black Rock Pizza Pie & Tavern. I checked
177 to see if Waramaug had a record, and he had one in spades: when he was sixteen, he
178 stabbed another boy in a fight over a girl. He was tried as an adult and received ten years.
179 In the four or five years since he was released, he had been arrested for public intoxication,
180 possession of a controlled substance, and resisting arrest, but had not served any
181 additional time. No steady employment. When I saw the picture, I knew the guy from
182 around town. He does odd jobs for cash and drives an old Pontiac Firebird. We’ve spotted
183 him sleeping in the back from time to time. It’s a sad thing, but not a crime. We even try
184 to knock on his window when the parking stops being free so he doesn’t get ticketed.

185
186 Standard police practice in cases like this one is not to tell the public all the details of the
187 crime, because that helps sort out the crank calls and conspiracy theorists from people
188 who have real information. Talcott was able to provide two details that Waramaug told
189 him which we had not released to the media: the perp shot Hopyard with a .38 caliber
190 revolver and how Hopyard was in the middle of paying bills. Nobody who had not talked
191 to the killer or one of the crime scene techs or seen the police report would know those
192 details. As the icing on the cake, Waramaug told Talcott that Harkness was the person
193 who hired him to kill Hopyard. Later, Talcott identified Waramaug in a lineup.

194
195 That gave us probable cause to get a warrant to search Waramaug’s apartment. Inside
196 the apartment, I located a .38 caliber revolver and a box of ammunition; Exhibit 4 is a
197 photo of the gun that was found. Ballistic tests confirmed that this .38 was the gun used
198 to kill Hopyard, and the ammunition found inside the apartment was consistent with the
199 projectile the Medical Examiner, Dr. Carver, recovered from the body of Hopyard. In
200 addition to the gun and ammunition, I found an Ancient Apizza business card with a five-
201 digit number written on the back: 27878. Or 27818. It was hard to tell. I had the crime lab
202 try to match the handwriting, but they said they couldn’t do much with five characters,

especially numbers. From my own observation of the samples, though, and based on the two or three hours of forensic handwriting courses I have taken over the years, I will say that Harkness's "1s" and "7s" look pretty similar, and they look pretty similar to the ones on the business card. Sam Talcott's also looked similar to each other, but different from those on the card.

During the search, I also found a cell phone bill from Cilantro Mobile in Waramaug's name, giving me his cell phone number as well as a chain of text messages. I then secured a warrant for Waramaug's cell phone records to see if there had been any communication between Waramaug and Harkness. Waramaug called Harkness at 10:45 p.m. on the night of May 23, for approximately 3 minutes, among other calls. There were also a few odd text messages between the two of them. I subpoenaed Harkness's financial records, both personal and for the business. There were cash withdrawals on May 17th for \$7,000 from the business account and \$5,000 from their personal account.

In early July, I located Waramaug and brought him in for questioning. On the way into the police station, I had Officer Benson and Pepin sit in an undercover police car with tinted windows. I walked the handcuffed Waramaug past the vehicle to see if Pepin could identify Waramaug. But after I Mirandized Waramaug, he never said a word. In the hallway, I checked in with Pepin, who told me straightaway that Waramaug was almost certainly the same person they saw speaking to Harkness at the café.

By this time, we had initial fingerprint results that showed Waramaug's partial print on the code-box at the Devil's Hopyard. That means Waramaug was at the murder scene on May 23. I went back into the interview room and confronted Waramaug with the physical evidence retrieved from his apartment and Talcott's testimony; he did not budge. In fact, the only thing he said at first was that he wanted a lawyer. I didn't question him after that, but I told him that we had an eyewitness who overheard him talking to Harkness. No response. I told him that Harkness was using him and that once he's sitting in a jail cell, Harkness will act like they never even heard of him. I even tried to suggest that Harkness was framing him and didn't he want to come clean and not take the rap for Harkness. All to no avail. Waramaug just sat there, steely-eyed and stoic.

Then I made him a cooperation offer to testify against Harkness, and he started to open up a little, admitting to owning the firearm—which is a crime for a convicted felon—and to having been in Devil's Hopyard that night, but only to drink. That's when I knew I had him, because Devil's Hopyard wasn't open on Tuesdays. As soon as I confronted him about that, he clammed up again.

Still, I had the confession we needed. Only, get this! The judge in Waramaug's case is saying the confession is tainted, because Waramaug asked for a lawyer first. The

prosecutor doesn't think so, because I didn't ask any *questions*, I just made statements. But that's on appeal, and in the meantime, the Judge called my Chief and the prosecutor and "suggested" that I take refresher training on the Sixth Amendment. While I stand by my interrogation, I definitely would do things differently now.

I secured warrants for the arrest of Harkness and Waramaug for the murder of Dillon Hopyard. I thought it was going to be hard to locate Harkness, and I was ready to make a fugitive report, but it turns out that Harkness was back at home, elbow-deep in basil or something in their home garden. I asked why Harkness skipped town, and Harkness replied, “my father has been ill and after being embarrassed by Hopyard at the festival, I went home to clear my head and spend time with my family.” I asked Harkness if they knew of Hopyard’s death—and the reply was chilling, “Good news travels fast.” I asked Harkness if they knew Waramaug, and Harkness replied with a bit of a surprise, “You mean the deck guy?!?”

Still, I could not shake the feeling that Sam Talcott knew too many details and perhaps was involved as well. Talcott was having their own financial troubles, and with Harkness in custody and Hopyard dead, Talcott could control the bar scene. Word around town is that Talcott lost a lot of money on the Patriots last year. It's also been reported that Talcott has an alcohol problem, and I can tell you that Talcott was convicted of DUI in 2021, because I was the arresting officer. So I subpoenaed Talcott's financial records, too. There was nothing directly tying Sam to Hopyard's death, so we closed the investigation. I still wonder, though.

Whatever. I completed my reports timely and fully, and my initial instinct was right, whatever that judge said about the evidence we had at the time. Harkness is definitely guilty, and as soon as the jury reaches that obvious conclusion, I'll have my first murder conviction. Not bad, Detective. Not bad.

Dated: December 1, 2024

/s/ Sawyer Sherlock

STATE OF CONNECTICUT

)

)

SS.

COUNTY OF NEW HAVEN

)

On this first day of December, 2024, before me personally appeared Sawyer Sherlock, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that s/he/they executed the same as her/his/their free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Ida Nown
Notary Public – Notary Seal
STATE OF CONNECTICUT
New Haven County
My Commission Expires: Oct. 8, 2025
Commission # 16513542

STATEMENT OF JACKIE PEPIN

1 My name is Jackie Pepin, and I write *Connecticut's Culinary Scene*, a restaurant
2 review/food blog that appears in most Connecticut newspapers, including the *Rocky*
3 *Neck Gazette*. I also am an Adjunct Instructor in the Culinary Arts program at Rocky
4 Neck Vocational Tech, teaching restaurant management, without Gordan Ramsay's
5 over-the-top vocabulary. A lot of people think restaurant management is easy, just
6 because they've eaten in them. But it's an immensely challenging form of small
7 business, and many restaurant investments fail, even when the managers have been
8 in the business for years.

9
10 In fact, being a customer of a restaurant can actually lead directly to bad decisions:
11 too many would-be restaurateurs make the mistake of running a place the way they'd
12 like to see it as a customer—the highest quality ingredients, extra staff to keep things
13 running smoothly, tons of menu options. That's a nice idea, but hardly ever fiscally
14 sound; you spend far too much to turn a profit (unless you're so high-end that you can
15 charge whatever you like). The idea is to make the customers think you're running
16 the place expansively, while keeping a gimlet eye on the bottom line.

17
18 Don't get me wrong: I love food! And I love the restaurant business. In fact, that's
19 what I studied in school, at the world-renowned Nolan School of Hotel Administration
20 at Cornell University. Not many Ivy League schools teach something as practical as
21 hospitality, but Cornell does! Of course, I also really learned it in the school of hard
22 knocks when my own best effort at a restaurant went belly-up in 2020, during
23 COVID. Still, every student I can help learn that in a classroom is one more who
24 doesn't learn it the hard way, as I did.

25
26 I guess I should say that it wasn't all academic learning for me. In 1992, when I was
27 graduating Cornell, I'd had an epiphany—if not me, then who?—and I went to see my
28 Navy recruiter. I first joined the Navy Reserves, which helped to pay down my loans,
29 but when we went to war in the Middle East and Uncle Sam recognized that I had a
30 degree that included hours of work in supply chain logistics, I was pulled onto active
31 duty, coordinating hospitality services (food, housing, and recreation) in Afghanistan
32 and Southeast Asia. I mustered out in 2016 as a Commander, USN (Ret.), having
33 served my "twenty," entitling me to a full pension. Then I spent a couple years in
34 school food service before opening my place in my hometown of New London, The
35 Long Island Supper Club. We barely kept in the black through the first couple years,
36 but I think we were turning a corner when COVID hit. That was the end of that, and

nearly of me. I paid off the creditors I could in bankruptcy. My restaurant was not eligible for a Paycheck Protection Program funds or a Restaurant Revitalization Fund grant because I did the honorable thing and declared bankruptcy in late March, rather than renewing a lease it did not look like we could pay. We closed our doors forever.

After licking my wounds during the quarantine times, I realized I didn't want to be tied down again. I figured with my background, I could offer a unique eye to the food scene in small, upcoming towns, so I headed closer to New Haven, which has a vibrant restaurant scene. We looked around and settled on Rocky Neck as a base of operations. I was attracted by what was going on in Rocky Neck, especially around the historic Square. I was originally looking for a place to work as a sous-chef or where I might invest a little, but I stumbled across food blogging, which led to a newspaper column. I hadn't considered writing before, but pretty quickly, I found my talents transferred to the media. Turns out Cornell taught me more than just how to staff a registration desk!

So now I write about food, but I also try to give my readers something more—a look at how well the restaurant *runs*, not just what's on the plate. And while I'm not making or breaking places like the *New York Times* Restaurant Reviews do, I have been able to highlight some cool, neat spots and give some needed warnings about others. I like to be a writer of the people, so I don't mind being seen and recognized. I want to experience the spot as any diner would, not have a fuss made when I walk in. I've gotten to know a lot of restaurant owners and been able to highlight the neat things they're doing, both in the kitchen and in the community. Most of the restaurant folks in Connecticut are good people. Most. That said, the community is very small, so a place could get written up more than once, and I often write of special events and festivals. Weddings, for example, always get clicks, and to me catering is as much a craft as owning a restaurant.

I also learned to size-up people like Harkness—blustering bad eggs—and not to be intimidated by them. That part came naturally to me; once you've stared down a 3-star in the E-Ring of the Pentagon, a local pizza jockey isn't gonna have you quakin' in your boots. Still, I can understand the issue. I was unsparing in what I wrote about both the feud between Ancient Apizza and Devil's Hopyard Sicilian-Style Pizzeria--which was going to kill both places, I thought—and the choices Harkness was making in the Ancient Apizza business. Harkness's business model was lousy, and I'd always had a sixth sense that Harkness was trouble. Plus, Harkness rubbed me the wrong way and refused to give any kind of samples. Unlike Harkness, Hopyard was always

willing to provide a bit of free food and drink and—once—a little financial assistance on the side for me. I knew it was an effort to get me to write a favorable article about Devil's Hopyard, but I am not going to pretend that I didn't appreciate the help, since I got paid for clicks, not a salary or whatever.

Even so, I didn't pull punches in blaming them *both* for the feud that could have killed both places. Harkness seemed to feel like they were in constant competition with Hopyard over the same customer base, even though Ancient Apizza's menu and Hopyard's Devil's Hopyard Sicilian-Style Pizzeria were different style of pizza—New Haven-style pizza vs. Sicilian-style pizza—and we all know folks can be quite particular about their pizza. Honestly, I felt Devil's Hopyard Pizzeria had a better model for a college town and was in a better position to succeed. But the bigger issue was that they were fighting at all. The town actually *is* big enough for the both of them, but their relentless focus on each other detracted from the real fight they should have been having, which is against the chain restaurants around the rest of the area.

And boy did they fight. There had been a lot of public sniping between the two owners—a lot of trash talking on-line, including in the comment sections of my column. Things were kept to cyberspace until there was some kind of incident involving Harkness's cut-rate beer fliers and a fire on Ancient Apizza's deck that occurred in February 2023. After that, I started spending a lot more time covering the ins and outs of the fight, half as a food reporter, half covering the crime beat for the *Rocky Neck Gazette*! Every article did better than the last, as I sort of became Rocky Neck's reporter-on-scene for the fight.

Of course, I wasn't just hanging at Ancient Apizza and Devil's Hopyard. I was all over the Square, including at Sam Talcott's place, Sam's Black Rock Pizza Pie & Tavern. I've always considered Sam's to be more direct competition for Devil's Hopyard more so than Ancient Apizza. Both Sam's and Devil's Hopyard are more bar-like and both serve thick-crust pizza cut into squares, albeit for a pizza connoisseur like me there is a difference between Sicilian-style and Detroit-style pizza. Authentic Sicilian-style pizza is called "sfincione," pronounced "sfeen-CHO-neh," which loosely translated means "thick sponge." It has a fluffy, spongy bread base topped with a meatless sauce made from onions, chopped anchovies, tomatoes, herbs, spices and breadcrumbs, with grated hard cheese and is baked in rectangular oil-lined pans, resulting in a crispy crust with a soft and spongy middle. Of course, the authentic version has been adapted in the U.S., and the pillowy dough is still used, but regular tomato sauce and mozzarella cheese—preferably fresh mozzarella—are used. I know that Devil's

Hopyard offers both an authentic version, anchovies and all, as well as the American version. I would say that Detroit-style pizza is a descendant of Sicilian pizza. It originated, obviously, in Detroit, by a tavern owner who used a steel automotive pan to bake his pie. While not as deep as a Chicago deep dish pizza, it is deeper than the pan used for Sicilian-style pizza. Lots of brick cheese, typically Wisconsin, is loaded all the way to the edges, leading to caramelization. Along with tomato sauce, pepperoni is the most popular topping.

Personally, my favorite pizza in the Square is from Ancient Pizza. I grew up going to New Haven's Wooster Street area and standing in line at three iconic pizzerias: Frank Pepe Pizzeria, Sally's Apizza and Modern Apizza, which have been in business since the 1920s and 1930s. These three shops are often called New Haven's pizza Holy Trinity, and even inspired a documentary movie, *Pizza A Love Story*. My parents would rotate among these three legendary pizzerias, where I learned pizza is called "apizza," which is pronounced "ah-beetz." New Haven-styled pizza has its roots in the Neapolitan tradition of thin-crust pizza, typically cooked at high temperatures—close to 1,000 degrees—in a coal-fired brick oven and served in an irregular or oblong shape. The pizza crust is known to be a little bit crispier with a bit of char. I had two favorites growing up. The first was a tomato pie, which had tangy tomato sauce and just a scattering of Parmesan or pecorino romano. Of course, you could add mozzarella, or "mootz" as we called it, but that was considered a topping, just like pepperoni or sausage. My second favorite was a white clam pizza, which features clams, fresh garlic, parsley, olive oil and Romano cheese. Ancient Apizza uses a coal-fired oven and serves traditional New Haven-style apizza—which brings me back to my childhood.

It was obvious to me that the real competition for customers was between Sam's and Devil's Hopyard, not Devil's Hopyard and Ancient Apizza. But Dillon Hopyard didn't see it that way, and neither did Emerson Harkness. I don't know how Sam saw it, but I think Sam was just happy for those two to fight. And if one or both of them went out of business, all the better for Sam's.

Then the really crazy thing happened. You know those scratch-off games with the stupid groundhog ads? The ones everyone always loses, especially people who can't afford to? Well, in early April, Dillon Hopyard played one and hit! I know because the local convenience store put out one of those "Winner Sold Here" things. It's not like the PowerBall or whatever, but that's still hundreds of thousands of dollars, more money than Devil's Hopyard was ever gonna make. I can't imagine Devil's Hopyard cleared more than a thousand or two a week in profit.

154
155 So we all figured Hopyard would let bygones be bygones and get out of the bar
156 business. That was the smart move. Instead, Hopyard took it as a sign from heaven
157 to really go after Harkness or something. On the first day of May, Hopyard bought
158 the Clavin-Peterson Building, which is where both Devil's Hopyard and Ancient
159 Apizza were located and leased the space. I heard from Casey Mattatuck, who
160 happened to be in Ancient Apizza when Hopyard dropped the news, that Hopyard
161 held the lease over Harkness's head like the wire of a cheese slicer over a wedge of
162 Gouda. I think Hopyard did the initial presentation of his cash purchase, and the fact
163 that he was now the landlord for Harkness, during the lunch hour so they'd have
164 witnesses. Harkness was furious and made some windy, vague threats—"Payback
165 sucks, y'know," and that sort of thing—and cursed Hopyard out.

166
167 Throughout the month of May, things got really tense. Everyone in the industry
168 throughout town was trading gossip and speculating on what would happen. People
169 would drop by both Devil's Hopyard Pizzeria and Ancient Apizza to "catch up" with
170 Harkness and Hopyard and see if they could find a nugget of news. By this point, I
171 was blogging it almost daily, and you can bet I was one of those people, although we'd
172 publish whether there was news or not.

173
174 I worked all the pizzerias and other establishments at the Square, including Sam's.
175 Sam could always be counted on to talk, because Sam was usually drinking as much
176 as the customers. Sam called it "sampling," but sadly, it looked like plain old
177 alcoholism to me. Sam seemed giddy at the prospect of either—or both—of the
178 restaurants closing. I also relied on Casey Mattatuck, who was always in and out of
179 restaurants pitching Sleeping Giant Brewery products and merchandise. Casey was
180 helpful in keeping me up with the gossip and latest goings-on, especially on the
181 financial side of things. So I always knew who was paying up and who was cash-poor.

182
183 It all came to a head on May 15th, when out of nowhere Hopyard showed up with the
184 RNPd at Ancient Apizza to serve eviction papers to Harkness. Harkness was shocked
185 to say the least—I think it was the first time they were ever silent. Well, I wasn't
186 there, but that is what I was told. It was that sort of moment when you realize that
187 all hope is lost. You see, after Memorial Day, the town clears out, and the college kids
188 are gone, so all Harkness had was the Savor the Square event that weekend for any
189 chance of income. I knew from Casey that Harkness was way overleveraged, so they
190 would have to have a great weekend at the festival to get rid of all of the food stock
191 and beer.

Then, on the 17th, I was sitting in a booth at Carley's Coffee Shop—unfortunately for Carley's, it is situated right in the middle of the war, between the two bars—eating lunch with a colleague, the music columnist for the *Gazette*. We tend to get together and discuss our respective blogs, though his zealous affinity for Billie Eilish and Harry Styles is lost on me. I prefer Taylor Swift.

I was sitting on the side facing the street, working on the day's article-length blog entry about the drama with *Sleeping Giant*, when Harkness steps into the coffee shop and stops, looking around. This was unusual; Harkness wasn't the kind to eat lunch in a coffee shop. Carley's is a quaint throwback, sort of like a 1950s diner, even down to Mr. George wearing a white apron and soda jerk hat at the grill. So, Harkness stands in the door, looking around, right through me, before focusing on someone at the end of the bar. But I couldn't really see who it was since his back was to me, almost at the end of my seat, although it kinda looked like Willie Waramaug, an infamous local degenerate. It definitely sounded like Willie. Anyway, I am just going to refer to this person as "the stranger." Adds a bit more mystery, right?

Anyway, Harkness stomps down the soda bar—not even a "Hey," "how are ya'?" or "how ya' doin'?" to Miss Sandy along the way. I hear Harkness say, "You ready?" with such impatience and venom that I paid attention. I didn't dare look at them, but they were close enough where I could pretty easily catch the conversation. Now, I lost a bit of my hearing during my time on ship, but it was acute enough for me to discern their conversation despite the cacophony of dishes, conversation and "ready orders" from the restaurant. It's strange how complacent they were about privacy.

The stranger didn't say anything for a few moments, which made Harkness sit down on the stool next to the guy and ask again, "Hey, you ready?," albeit in a slightly rougher tone.

"I dunno," the guy said.

"C'mon," Harkness replied, "It's not like you haven't done it before."

There was a long silence. Then the stranger growled, "It's just that, I don't take personal checks..."

"Don't worry about my credit," retorted Harkness. "That dirtbag Hopyard's going to get what's coming..!"

232 Harkness unrolled a napkin from around some silverware and put it in their lap for
233 a moment, before putting it back on the counter and sliding it towards the stranger
234 with something inside. The stranger lifted the napkin, showing a stack of cash, the
235 green contrasting against the white of the napkin. There were a lot of bills. “Fix this,”
236 Harkness said, “quickly.”
237
238 The stranger interrupted Harkness, asking, “What about afterwards? What’s my
239 insurance policy that I won’t get in a jam for all of this? It’s not like I have a license
240 to do this.”
241
242 “I’ll take care of anything if it comes to it. You’re helping me in with a problem, I’ll
243 help you,” replied Harkness.
244
245 “Fair enough, I guess,” said the Stranger, smoothly. “Band-aids are band-aids, but
246 some problems require full-on surgery. When you are sure, call me. Don’t send a text.”
247 Then he wiped at his belly area with the napkin with the cash in it, but when the
248 napkin went onto the bar, it was limp, empty. He must have stashed the cash, smooth
249 as a pillowcase, in a pocket or his waistband or something.
250
251 My reporter’s intuition told me I didn’t want to be seen listening to the conversation,
252 so I left money on the table and retreated across the Square to Sam’s, to get some
253 space.
254
255 As I was settling-in across the Square, I saw the stranger headed the same way. Now
256 I could really get a look at him—and I am, like, 85% certain it was Waramaug. He
257 was probably in his mid-40s and looked like he worked out a good bit, but had a
258 tremendous beer gut. He had shorter blond hair and wore round-framed sunglasses.
259 I don’t think he had a moustache or beard, but there was at least a day or two of
260 growth on his face, and I didn’t want to get caught staring at him. I tensed, figuring
261 that he’d suppose I’d heard too much. I didn’t want to get mixed up in whatever it
262 was Harkness and Waramaug were talking about, so, before I even ordered, I hustled
263 back to my office.
264
265 On May 19th, everyone was at the Square—and I mean everyone. It was the biggest
266 event of the year. But more than that it really felt like a New Orleans style party in
267 the middle of Connecticut. I was there, too, of course: everyone loves my person-on-
268 the-street interviews with increasingly intoxicated folks from around the area. But
269 on the prior evening, May 18th, Hopyard made the final move, giving Casey and
270 Sleeping Giant an offer they couldn’t refuse: Hopyard would be the only one selling

Sleeping Giant (at Devil's Hopyard) during Savor, or Devil's Hopyard would cut the contract after Savor, leaving Sleeping Giant with no place on the Square once Ancient Apizza closed. Of course, they still had Sam's, but Sam's isn't exactly a craft beer kind of place. I was there for what Hopyard called an "exclusive," but which I think was just Hopyard's way of rubbing Harkness's nose in it. Casey really didn't have a choice, and Hopyard only gave Casey a few minutes to decide. Real hardball stuff. Casey caved, and Sleeping Giant pulled its product from Ancient Apizza, leaving Harkness with no good beer to pair with the food Ancient Apizza had bought specifically for those brews and only generic brands to sell, which Sam priced better. It was savage, but effective: there was no way Harkness could get into the black. Harkness was not only losing his beloved pizzeria, but they would be in debt.

When everyone's favorite band, the Whiskey River Rats, took the stage to kick off the festivities, suddenly Harkness ran up on stage, grabbed the mic and while what they said was a bit muddled, everyone caught the gist. It was directed at Hopyard, and everyone heard Harkness say over and over, "I'm going to kill you! I'm going to kill you!" Harkness broke into tears, ran off the stage, and disappeared. No one saw Harkness again all weekend. The party went on, though. People are like that.

Then, that next week, things really blew up when word leaked out that Hopyard had been killed. I heard about it from Casey and went live on the blog immediately. The incident sent the town over the edge. Everyone was talking and speculating. Sides were drawn pretty quickly about Harkness's potential involvement; with most everyone thinking there was no way Emerson could do something like that. I didn't know what to think, but Harkness doing it made sense. I wanted to be the point person for the story, but the news desk took it over and just used me for a background story on the long-running feud. Instead, I started working on a book about it.

I didn't hear anything more until Sawyer Sherlock contacted me to ask what I knew, sometime late the week that Dillon was killed. I was glad to offer my part, of course.

In late June or early July, Sherlock asked me to sit in a police car and try to identify someone walking with the officers. It was *definitely* the guy I saw with Harkness. Of course, by then I was even more sure that was an older Willie Waramaug. I'd been reading archived stories in the *Gazette* from Waramaug's first trial, and I grew more convinced that was the guy I saw with Harkness with each one I read.

I'm really curious to see what will fill the empty Ancient Apizza space and what comes of Devil's Hopyard Pizzeria. Hopyard's widow has kept it going as best she can, and

310 it seems to be doing okay. I don't know how long the life insurance will last, but
311 between that and owning the Old Clavin Building, she should do alright. I hope
312 something nice and upscale will move in. We could use something new on the Square.

313

314 Dated: December 1, 2024 /s/ Jackie Pepin _____

315

STATE OF CONNECTICUT)
) SS.
COUNTY OF NEW HAVEN)

On this first day of December, 2024, before me personally appeared Jackie Pepin, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that s/he/they executed the same as her/his/their free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Ida Nown
Notary Public – Notary Seal
STATE OF CONNECTICUT
New Haven County
My Commission Expires: Oct. 8, 2025
Commission # 16513542

STATEMENT OF SAM TALCOTT

Hi, I'm Sam. It's a pleasure to meet you. I am 53 years old, and I own, operate, and tend bar at Sam's Black Rock Pizza Pie & Tavern here in Rocky Neck. Slinging drinks is a third career for me, after minding the net professionally and selling sporting goods for a decade or two with Joe's Sporting Goods, before it got run out of business by Dick's, Cabela's and Walmarts everywhere. When I was working my way through in college, there were something like 25 Joe's locations in New England and most of them were loaded up with folks like me, former high school stars. That job taught me a lot about marketing and sales and that I am a people person. "Smilin' Sam," they called me.

Because I was in purchasing and marketing, I was on the road for long stretches of time every year. I found lots of pubs and local hang outs over the years of traveling and like the feeling of belonging that you get in a well-run bar. Like the bar in the TV show, Cheers, from the 80s and early 90s.

So after a couple decades of buying and selling sporting equipment, I had to find another job. I decided that the best fit for me was to open a bar—'cause sometimes you want to go where everybody knows your name. I love talking to people, and I found out I have a real talent for making new and flavorful food and drink combinations. It won't be long until my creations are standard fare in bars all over! Maybe you've heard of my full-sized Hawaiian-style roasted pig served with Vodka Martini, Spaghetti with Tofu strips served with a Sake Beer Bomb, or my Long Island High Tea dish, which is an assortment of "high tea sandwiches" like cucumber or watercress sandwiches with the crusts cut off, served with Long Island Iced Tea. Our Sayonara Sushi and Pina Colada even got written up by Jackie Pepin in the *Gazette's* Connecticut Culinary Scene Section! I have that article framed and posted on the wall of Sam's. I have some beers on tap but don't focus on those. Oh, of course, I also serve Detroit-style pizza. I wanted something different than what the other pizza joints around the Square were already serving. I liked the idea of serving something that originated in Detroit, the automobile capital of the world. Casey Mattatuck is always trying to get me to put some Sleeping Giant stuff on draft, but that's not what my customers want. My customers either have a refined palette for mixed drinks or they want Coors or Bud Light.

I think that Sam's is in the perfect location, too. The city council has spent a lot of time and money classing up the downtown area of Rocky Neck. They call it a "revitalization." Sam's is next-door to one of the parking lots just off-Square. There are only a few authentic buildings from the turn of the 20th century that survived over the years, but Sam's is one of them. It was the gym for Rocky Neck High for almost a hundred years. Then, in 1982, the high school moved to the outskirts of town, and all that was left on the Square was the Town Hall. The economy took a nosedive, and a lot of the spaces were vacant.

I rent out the corner space that has stairs leading from the bar—Sam's Black Rock Pizza Pie & Tavern—to the comedy club upstairs—R. Howe's. We get a lot of bar and restaurant business from folks before and after shows. But during the week, a regular crowd shuffles in most nights.

Sure, I knew Dillon Hopyard, owner of Devil's Hopyard Sicilian-Style Pizzeria. We've had our share of run-ins over parking issues. Hopyard sets up a "valet" parking station in front of his pizzeria, and the valet takes the cars and then drives them over to my side of Hammonasset Square. Now, my customers have nowhere to park! It really hurts my business. Hopyard basically took over the parking in the whole Square. I have complained to the police and at the Town Hall several times over the years, but no one will do anything to help me. I have spent entire days talking to lawyers trying to get someone to take my case.

But man, my issue with Hopyard is nothing compared to how he and Emerson Harkness got into it. Harkness—who I called "Lochness," because they hated it so much—owned Ancient Apizza, a few doors down from Hopyard. Harkness has been on the town square for a long time, probably one of the oldest places around. As soon as Hopyard opened up Devil's Hopyard, he and Harkness went to battle. It didn't take long for the gloves to come off. They went back and forth at each other, trying to get the town involved (which didn't work for them either) to messing with each other on the internet, on Yelp or Google, which a lot of the potential restaurant patrons check. I've looked at the Tavern's Yelp page every now and then, but I've never really worried about it. Sam's had a reputation of its own and didn't need to have others sell the food and drinks. But, man, those two twits didn't like each other.

Sometime over the winter, Harkness tried to undercut Hopyard on beer specials and put up fliers all over town. They wanted to put something up in Sam's, but I wouldn't let them. To be honest with you, I was happy to sit back and let them knock each other around, maybe even take one of them out. Sam's runs on a tight margin, and a little extra business would have gone a long way for me.

Not long after, someone set Harkness's deck on fire with a bunch of the fliers. No real structural damage was done, and I thought it was pretty funny, but the space was left unusable and looked half destroyed, charred and unstable. It was *not* a good look for a restaurant trying to attract customers, especially ones who might have thought it was caused by a kitchen fire or something.

Still, the sniping and bickering between the two of them went on and on until Hopyard won that groundhog thing and bought out Harkness' lease. Word got out real fast that Hopyard was putting on a full-court press and was going to evict Harkness. I own my

83 building, which I bought by cashing out my stock from my days working at Joe's Sporting
84 Goods. Goalies don't make much, and neither do regional sales managers, but then, the
85 property wasn't worth much until the last five or ten years. I don't have to worry about
86 keeping landlords happy like Harkness did.

87
88 Hopyard must have really gotten inside Harkness's head, because just a day or two after
89 the sale, Harkness came over to my bar to talk alliance against Hopyard. Harkness was
90 ready to go nuclear on Hopyard, but I talked them down. After all, anything rash that
91 Harkness did, Hopyard would just close down Ancient Apizza. And that place was
92 Harkness's life. I *like* Sam's, but if I have to go on the road again, I will. Harkness's whole
93 identity was slinging pies. I told Harkness to let me think about it and that I'd check back
94 if I thought of something. Harkness seemed happy enough with that and left. To be honest,
95 I didn't do any thinking about it after that. Again, why not let them eat each other and
96 leave me standing?

97
98 And I was 100% right! After Hopyard decided to evict Harkness, Harkness came back to
99 see if I had any ideas. Harkness was talking about how unlucky it was, and that got me
100 thinking of Lou Gehrig's famous "Luckiest Man on the Face of the Earth" speech. I told
101 Harkness the only way out was to take it directly to the people, see if they would pressure
102 Hopyard into changing his mind. After all, Hopyard owned the note on the building, so
103 that was that.

104
105 Somehow, that simple suggestion to make a heartfelt plea escalated into the "scream
106 heard round the Square." It was May 19, and I was putting the finishing touches on my
107 booth at Savor on the Square. The Whiskey River Rats had just taken the stage, when a
108 maniacal Harkness runs up on stage, grabs the mic and goes off on Hopyard like Allen
109 Iverson talking about practice. It was you ruined this and you ruined that and if I ever
110 see you again, I'm going to kill you! I tried to go to the stage and get Harkness to calm
111 down, but Harkness rushed off, brushing past me in a fit of tears. I kinda felt bad. Kinda.
112 Less than a week later, Hopyard is dead. I mean, how dumb can you be, saying a thing
113 like that and then *doing* it?

114
115 So I was real shocked when Harkness had the guts to show up at my place not even a
116 month after Hopyard died, maybe in the second or third week of June. I know Sam's is for
117 everyone, but maybe less for killers, you know?! My customers felt the same, I guess,
118 because no one would even talk to Harkness. Remember. Or they were just scared.
119 Remember, back then we all thought maybe Lochness pulled the trigger, you know? The
120 weapon hadn't been found or nothin'. Anyway, one of the regulars gets in Harkness's face.
121 Harkness starts back at him, and then Lenny—that's the regular—says "We don't want
122 you here!" Harkness fires back with, "What, 'cause I'm Italian?" which is dumb, because
123 there are half a dozen Italians in the room, but that was always what Harkness thought
124 of first. And Lenny says, "No, 'cause of what you did to Hopyard." And Harkness fires back

125 with, “So what if I did?” and the whole room goes quiet. But Harkness is still going, non-
126 stop, like it was one thought and says “You’re just a drunk idiot. I didn’t do nothing, but
127 if I had, everyone in this room knows Hopyard had it coming. Buying up the parking,
128 working the Mayor, tryin’ to burn up my deck. That’s just karma.”

129
130 Lemme tell you, the place got real quiet, real fast. I figured I’d be hearing about it in the
131 *Gazette* or the police would be by, but no one came.

132
133 Or at least no one came then. Detective Sherlock came by a few days later. But the real
134 joke of it is that Sherlock must have a real nose for things, because it was the night *before*
135 Sherlock came by when I broke the whole case wide open. So pull up a chair and let Sam
136 tell you the story.

137
138 It was a regular evening and not too busy in the bar at that time, what with the college
139 kids gone and folks starting to vacation. Then who comes in but Willie Waramaug! Now,
140 I’ve known Willie for a spell, mostly from some odd jobs Willie had done for me in the past.
141 Willie was well-known around Rocky Neck, for the you know, stabbing thing. But I believe
142 in second chances. He’s paid his debt, that’s what I say. Anyway, since then, all Willie did
143 was drink and handyman-type stuff. Sort of the feel-sorry-for-yourself kinda guy. All of us
144 around the square used Willie to do some work from time to time—that included me,
145 Harkness, and even Hopyard. You could call it charity, but the truth is, when sober, he
146 was pretty good. Word was he had worked in the carpentry shop when he was doing his
147 time, but I don’t know so far as whether that’s true. If times were real tough, Willie would
148 even work for food, but for some reason always refused a meal from my place. You can’t
149 teach a refined palette.

150
151 Anyway, that night in June, Willie looks more shaken up than usual. I asked him what
152 was wrong and he sort of shrugged me off. I offered him a stiff drink, but he shook his
153 head and looked down at his hands, which were folded on the top of the bar. I put a glass
154 of water in front of him. As I walked to check on a few customers at tables, I noticed that
155 his hand was shaking a bit when he lifted the glass of water to his lips. I decided to give
156 him some space. Some folks need that, and I’m a bartender, not a judge. So, I left him
157 alone for a bit. I told Aspen Wadsworth, who was working the tables with me that night,
158 to keep an eye on him and let me know if he needed anything.

159
160 A bit later, Willie orders the combination of Hot Borscht and dumplings served with a
161 limoncello explosion. This is from my European collection of combinations, and I swear it
162 was the first time Willie ever ordered food at my place. We talked off and on while Willie
163 ate his food. Actually, he just sort of picked at the soup – again you can’t teach taste. But
164 he downed several limoncello explosions. He even bought me a round or two and asked
165 that I join him. That was a first as well! Willie had cash from somewhere, hundred dollar

166 bills. Part of me thought it was funny money, but then I said to myself, “Sam, you can’t go
167 judging a man on his past like that.”

168
169 I guess that with hardly anything but some beet soup in his stomach, those limoncello
170 explosions must have hit him hard. Willie asked me where he could find a “high stakes
171 game” going on that night. I told him that we don’t have action like that anymore on the
172 square. He kept asking about it since he was “no longer financially challenged.” Willie
173 said that he had made 10-large by outfitting Hopyard with a pair of cement shoes. Okay,
174 to be honest, he didn’t use that phrase exactly. I don’t remember exactly what he said.
175 The limoncellos were hitting me, too! But I got the gist.

176
177 Willie sat at my bar for about three hours and drank 6 or 7 limoncello explosions. I’m
178 telling you, I barely touched the two or three that he bought for me. I was concerned about
179 what Willie may have done. This is a quiet town, and we don’t need any bad PR driving
180 away the families and regulars. Willie told me that during the week before the Savor
181 event, Harkness contacted him and paid him to “take out” Hopyard. Willie described
182 Harkness’s fragile emotional state pretty good and said that Harkness pointed out the
183 flaw at Hopyard’s place—where the alley was behind the buildings. Willie was afraid all
184 of Harkness’s hand gesturing in the coffee shop where they met was going to cause
185 attention, but no one seemed to notice them talking.

186
187 It seems to me that Willie said that he waited until Hopyard went to his office located at
188 the back of the bar, as it was a Tuesday, and Hopyard always closed Devil’s Hopyard on
189 Tuesdays. Willie said that Harkness gave him the alley door’s code. I don’t know how
190 Harkness got it. He opened the door with Harkness’s code and was surprised it worked.
191 Willie was going on about wearing sneakers, for sneaking, and I told him that he went to
192 too much trouble. Hopyard worked in bars and loud restaurants for 30+ years. His ears
193 barely worked, especially if he wasn’t looking at you.

194
195 Willie then “tapped” Hopyard while he sat at his desk with his inventory system open on
196 his iPad. Willie was pretty messed up about what he did, blubbering and crying.

197
198 I know one of my former employees, Aspen Wadsworth, has been interviewed by the police
199 about all of this. Aspen was nice and all but a bit scattered. Aspen bounced from bar-to-
200 bar-to-restaurant, working different jobs in all of the places. Aspen’s band, XenoKeys,
201 wasn’t bad, and I’ve had them back a few times, even if they couldn’t hold a candle to the
202 Whiskey River Rats. Aspen quit working at Sam’s a few weeks after Hopyard’s murder,
203 supposedly to avoid all the drama.

204
205 I know what people say about me around town. I get it. I haven’t had the typical life on
206 the straight and narrow. Everyone knows about my DUI several years ago. But that
207 changed me. I don’t drink near as much as I did back then, and I’ve been going to AA

meetings once in a while. I know people think I'm still a lush because they see me looking like I'm drinking all the time at the bar. It's an act. Customers like to share a drink with the bartender, to feel more at home. It's a friendly gesture, which works to keep them around longer and eating and drinking more. I've got mostly soda water or a soft drink in my glass. Throw a little food coloring in and it looks like a bourbon or a jack-and-coke.

Sure, I waited for a few weeks before I said anything to the police. That's 'cause nobody asked me! It's not like folks didn't know where I'd be! Once I came forward with this information, I did so freely, even picking Willie out of a lineup at the police station. I'm not to blame for what happened to Hopyard or that the police took so long to ask me any questions.

I was definitely right about one thing, though. Business is definitely up with Harkness gone and Hopyard's wife only half-running Devil's Hopyard. Another few months of this, and I might get my first vacation since the pandemic.

Dated: December 1, 2024

/s/ Sam Talcott

STATE OF CONNECTICUT

)
) SS.

COUNTY OF NEW HAVEN

)

On this first day of December, 2024, before me personally appeared Sam Talcott, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that s/he/they executed the same as her/his/their free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Ida Nown
Notary Public – Notary Seal
STATE OF CONNECTICUT
New Haven County
My Commission Expires: Oct. 8, 2025
Commission # 16513542

STATEMENT OF EMERSON HARKNESS

1 My name is Emerson Harkness. I owned Ancient Apizza in Rocky Neck, until Dillon
2 Hopyard shut me down. Do I sound bitter? Yeah, I am bitter.

3
4 I'm originally from New Haven. I grew up in the Wooster Square neighborhood in a
5 beautiful old home. My mamma was from Naples directly, coming over in 1945 and she
6 met my father when they were both in high school. They married as soon as they both
7 turned eighteen. After they married, they decided to stay in New Haven.

8
9 Anyway, my folks worked for a friend in his restaurant on Wooster Street, where La Mela
10 is now. They eventually bought the place in 1977, when I was 12, and I started working,
11 bussing tables and washing dishes. The restaurant served the best Italian food in New
12 Haven. My mamma's meatballs were famous. We didn't serve pizza, but obviously,
13 growing up on Wooster Street in New Haven I had plenty of opportunity to learn how to
14 make New Haven-style pizza. As a teenager, when I wasn't working at my parent's
15 restaurant, I hung out at the many pizzerias in the area and learned from the best. After
16 high school, I moved to New York City and worked in a variety of restaurants in Little
17 Italy. I started as a dishwasher and worked my way up to being a sous chef. One weekend,
18 I was visiting my parents in New Haven. They had just sold their restaurant. We
19 celebrated at Sally's Apizza just down the street, and there, I met and fell in love with our
20 waitress that night. We dated for about a year and then decided to get married. So, after
21 about 10 years of living in New York City, I moved back to Connecticut. Pat is from Rocky
22 Neck so we decided to settle there. We are now divorced, and even though we're no longer
23 together, I stayed. I may not be from here, but I'm from here.

24
25 When Pat and I moved to Rocky Neck, we opened Ancient Apizza on the historic
26 Hammonasset Square, serving the famous New Haven Apizza. I had to borrow money
27 from my parents to install the special 14-foot deep coal-fired oven that is essential to
28 making an authentic New Haven-style pizza pie. That was the late 90s, and the Square
29 was downright downtrodden, but I loved the old historic bones of the Square and knew it
30 could be something special with the right amount of people. My only and biggest mistake
31 was not buying the building when I had the chance—and I had numerous chances. I just
32 always saw myself as a restaurateur and not a landlord. There was another pizza place
33 on the Square at that time called Nick and Nat's, but it was more carry out, Greek style.
34 We had the authentic New Haven-style pizza, so we were able to stand out. Ancient Apizza
35 grew into a go-to place for dates and whatnot in town. A few sandwich shops have come
36 and gone; there was a great Jewish deli around the corner for a long time that closed up
37 a few years ago. Lately, a tapas bar came and went. I wasn't surprised. Who wants to
38 spend eighteen bucks on a tiny plate of food when you're still hungry afterwards? Spend
39 \$18 at Ancient Apizza and you'll go home happy and full.

40
41 Next to us is Carley's, where George and Sandy serve breakfast and lunch. And then
42 there's Devil's Hopyard, which is what a lot of us call old man Hopyard's place. Its real
43 name is Devil's Hopyard Sicilian-Style Pizzeria, a real hole in the wall. Hopyard opened
44 up the place in 2013 on the other side of the coffee shop and started stirring things up
45 right away. For a restaurant to succeed, you gotta have an identity people can follow. We
46 have the famous tomato pies—no mozzarella—and white clam pizzas, which makes us
47 stand apart. Carley's has the coffee shop/diner vibe going. Sam Talcott has the
48 neighborhood bar kind of thing, selling Detroit-style pizza and pushing fancy drinks. In
49 my mind, Sam's tryin' too hard to stand out and it ain't workin'. The place is half empty
50 every night and I heard Sam drinks away what little the place makes off the other half.
51
52 If you couldn't tell, I don't care that Hopyard's dead. I hated that guy. I know I'm probably
53 not supposed to say that kind of thing, but I did and frankly still do even though he's six
54 feet under. He was a rotten human being. Everything he did in this town was for himself
55 and he didn't care about anyone else around him. As soon as he opened that dump, the
56 mood on the Square changed. Right away, he went after me and Sam's place, trying to
57 undercut everything we did. He offered \$3 slices, or \$2.50 mixed drink nights just to crush
58 us. There were many times where a fight would start inside and wind up out on the street
59 or in the back alley. I had to go out there to break it up a few times, just so it didn't spill
60 over into my place. Yeah, we got loud sometimes when we had a band playing at night,
61 but nothin' like what came out of Devil's Hopyard.
62
63 When we started, we were the "true" pizza place, using only fresh ingredients. Again, Nick
64 and Nat's had the mass-produced stuff that the kids in the dorms liked or you'd get for
65 the baseball team after a game. We were more authentic and the only place in town like
66 that. Over the years, this "authentic," "farm to table" trend came along and people started
67 copyin' us. Il Forno Ristorante opened up a few blocks away, trying to be another true-to-
68 Italian place. But their red sauce is too acidic. Mamma wouldn't like it.
69
70 Even so, much as I hated to have to be trendy, we added some stuff to the menu, mainly
71 "craft pies." Basically, it's adding toppings you wouldn't normally find on an authentic
72 pizza. Don't get me wrong, we still had the originals. We just added some new things to
73 it, fruits, buffalo chicken, barbecue chicken, Canadian bacon, regular bacon, Polish
74 sausage, roasted potato ... you get the idea. It brought in a new, younger crowd while it
75 also kept the old-timers happy.
76
77 When you think of pizza, you think of wine and beer, and we have a great selection of that.
78 But, again, the new thing in restaurants are the small breweries. Sure, we have the
79 standard mass-produced American stuff that's more water than beer, but only because
80 the college kids like it. However, I also got an account with Sleeping Giant Brewery.

81 They're local from Rocky Neck and do a lot of IPA stuff. Now, personally, I'll take a glass
82 of Merlot. But I ain't servin' too many Italian taste buds here in Rocky Neck. So, I was
83 fine adding Sleeping Giant to the menu. In fact, it became sort of a calling card for us.
84 People get really brand loyal to beer, so a partnership is really a partnership.

85
86 Unfortunately, Casey Mattatuck split the Sleeping Giant line between me and Hopyard.
87 I don't know how much that split customers between the two of us, but people seemed to
88 like what they got here well enough, and Casey did a good job of keeping me in stock with
89 everything and was game for doing promotions. After the first time, though, I told Casey
90 to knock off the bunny suit and just promote the beer. Casey also serves up Devil's
91 Hopyard. I'd see Casey over there doing promotions as well, more in the bunny suit than
92 not. I guess the low-rent bar crowd liked a grown-up in a rabbit costume, but that's what
93 you'd expect from that dump.

94
95 Casey also has a mouth, so I'd get tidbits of what was going on down there. Apparently,
96 Hopyard was trying to get info on my place from Casey, always trying to convince Casey
97 to pull the Sleeping Giant beers from here and put them all in Devil's Hopyard. Casey
98 played it off but let me know. Casey also let me know that Hopyard was badmouthing us
99 on the internet.

100
101 You know, back when, we competed on paper and in the papers. You had the yellow pages,
102 newspaper ads, and coupon books to get your word out. Sometimes, you'd be able to post
103 fliers around town, though they didn't like that much, and folks would take 'em down. But
104 nowadays, folks go to Yelp to get "unbiased" reviews. A lot of business in Rocky Neck is
105 tourists, so that stuff really hits your bottom line! We did alright. I didn't know how to
106 work the game, but folks were honest for the most part. Then, late in 2022, we started
107 getting a bunch of negative reviews on our Yelp page and our Google locations page.
108 Coming out of the pandemic, times were tough. I had my fair share of relief money like
109 everyone else, but that was a band-aid, and I needed surgery. I tried to get the website to
110 take them down but they don't do that sort of thing apparently. These reviews trashed
111 everything from our health rating, which never dropped below a 91, to our service, to the
112 quality of my food. Of course, none of this was true. I had a feeling Hopyard was behind
113 it, which was confirmed when Aspen Wadsworth said something about it one day.

114
115 Aspen used to work for me, keeping inventory and running the front of the house for a
116 while. Nice kid, but not very sharp. I let Aspen's band play here a few times, and they
117 were alright. Anyways, Aspen said *our* Yelp page was up on Sam Talcott's computer in
118 the office one day. Aspen asked Sam what was up, and Sam said a bunch of nasty
119 comments about Ancient Apizza had been posted to the page. Sam laughed and said it
120 was kinda funny, and that, "That place should get slammed. Hopefully it'll knock
121 Harkness down a few pegs." Sam kept scrolling through and reading them, saying,

“brilliant” and “Hopyard’s gotta love this.” Frankly, it wouldn’t surprise me if Sam was posting some of the bad reviews.

This started to take its toll. The crowds that had barely come back thinned out and I started to get behind on some bills. Casey was great in working with me on the beer tabs, but I had to cut back on some of the fancy stuff for some of the craft pies and refocus back on the traditional pies. We lost some of the new customers who liked the fancy stuff, so I had to cut costs even more to stay afloat, including taking our white clam pizza off the menu when the price of clams shot up. I told all my customers it was only temporary, but I know we lost business then, too. Any worse and I would have lost the business.

After what Hopyard was doing, I realized I had to fight back to survive. I didn’t get where I am by sitting back and letting life happen to me. Hopyard liked the college crowd, so I did what I could to draw them in. On Thursday nights, I dropped the price on Pabst Blue Ribbon and Miller Lite. I printed up a bunch of fliers and posted them throughout downtown. I even got one of my waiters to put a few up in the back hall of Devil’s Hopyard. It started a new buzz about Ancient Apizza and got under Hopyard’s skin, a win-win. Hopyard was livid and came stomping in one night, goin’ off about it all.

A few nights later, sometime in February, I think Hopyard snapped and set a bunch of them on fire on my deck. The fire department was able to put it out before the building went up and said they couldn’t “officially” say that Hopyard set the fire, but who else would it have been? My landlord didn’t like having to replace the deck, and their insurance company didn’t like the “risk” we were posing all of a sudden. The landlord gave me a part of the insurance money to hire someone, but he kept the rest, because I was behind on my rent. But I needed the deck for the summer—it was a massive money maker for me—and now it smelled like campfire out there and the beams were all charred. The pressure on me was insane. My parents also were not doing well and required a lot of my attention as well. The stress and pressure were overwhelming—I felt like the walls were closing in on me.

Well, apparently, Hopyard wasn’t done. Somehow, Hopyard wins the lottery at the end of April. Everyone couldn’t stop talking about his lucky win. Now, a normal person, they buy a yacht, a Rolls Royce or a McMansion overlooking Long Island Sound. What does Hopyard do? Hopyard goes to my landlord and buys my building for cash.

On May 2nd, he comes strolling into the restaurant at the height of lunch time and makes a grand show of telling me who my new landlord was. I was livid. Who the heck does he think he is? No one comes into my place and shows me up like that. He even got that restaurant columnist, Jackie Pepin, to come along to report on it all. I wanted to rip Hopyard’s head off and shove the lease papers down his throat, but I kept my cool. Mostly.

I told Hopyard that he didn't want to start this with me and that "there's always payback" for stuff like this. Hopyard just sneered and said, "Catch up on your rent or you're out at the end of the month." Everyone in the place was gawking and I did my best to smile and brush it off. Honestly, though, I was screwed. I knew Hopyard wouldn't give me any slack on anything.

The next morning, I went across the Square to Sam's place. Sam had heard already, go figure. I don't know what I was expecting trying to get Sam on my side, but I wanted to see if there was any way we could team up to fight Hopyard off. Finally, Sam said he knew a guy, "Willie," who may be able to help. I asked Sam, "with what?" and Sam said, "He's a 'utility player', jack of all trades. Let me give him a call and you meet with him. He can help you, and me, out a bit." I played along, but it turns out "Willie" is Willie Waramaug, the kid who killed that other kid over that girl when we were new here. I didn't know what Sam had in mind, but it turns out Waramaug also does handyman stuff, studied carpentry in the clink. So maybe the deck could be running after all, maybe before Savor the Square, which is a huge money maker for me. I tricked myself into thinking I could thread the needle here and make it out with my hide still intact.

That Friday, May 5th, I went down to Devil's Hopyard and marched into Hopyard's office to pay the rent for the month. He was sittin' at his desk and looked shocked that I had made my way into his office. I threw the rent check on the desk and told him that he better stay out of my business and just let me run my place. I said, "If you shut me down, You won't get paid. Think about that, you ..." He didn't say anything, just sat there looking at me. But I could tell from the look in his eyes that he was looking for an excuse to shut down my true home, Ancient Apizza, and to hurt me.

I guess I was right about that Scrooge, because sure enough, right in the middle of the dinner rush on Monday the 15th, Hopyard cancelled my lease after all! He showed up and took great pleasure in throwing me out, saying loudly enough for everyone to hear that he was going to be "gracious" and give me until the end of the month to clear out. I about had a stroke. I was in disbelief because I had just made a rent payment ten days before—but Hopyard used some legalese on me about a new owner being able to cancel the lease for no reason at all. That sounded crazy to me, but I'm no lawyer.

On May 17th, I arranged to meet Willie over at Carley's coffee shop. Sam essentially set up the meeting. I knew I had to act quickly to get the deck rebuilt, so I pulled the remaining free cash I had from my accounts, and brought twelve grand with me to just pay for the deck up front. I figured if a lush like Willie saw all that cash in hand, he would be more inclined to act quickly and get the job done. I was still planning to fight the eviction. I mean, what kind of commercial lease can be cancelled on two weeks' notice? But I was afraid a burnt, structurally unsound deck would be just the excuse that Hopyard

needed. I sure knew I couldn't afford a proper contractor and this was really my last chance to save that source of income for the summer. And I figured if the contractor isn't licensed, well, that's really the landlord's problem, isn't it?

So, I go. I walked into Carley's. I see Jackie Pepin sitting at a booth talking to another journalist, and there's a guy at the bar picking at some eggs and bacon, looking like a guy who would be friends with a drunk like Sam. Of course, it was Willie. I felt odd just sitting there, so I order a cup of coffee and unrolled the napkin to use the spoon for my sugar. I told him, "Sam said you'd have some ideas on fighting Hopyard." Willie said, "Sam said you were close to filing bankruptcy?" I don't know how Sam knew that, but I guess it was out there. I didn't know what to say. I felt defeated. I said, "I'm not there yet. I'm trying not to but..." I asked, "I guess you heard about the fire with the fliers, huh?" He nodded and I asked, "So you got any ideas?" He nodded, and I was like, "So can you fix things for me?" And he said yes or nodded or something. I was up against it, so I figured I would pay him. Before I left I asked Willie when the job would be done, and he said, when the opportunity was right. That makes sense: rain can mess up the concrete, and then you can't set deck struts properly.

At this point, all I could think about was making a little bit of cash at the Savor the Square to carry me through the summer and let me hire a lawyer to fight the eviction. I tried calling Willie a bunch of times to get my money back. Why fix a deck I couldn't use? But he never returned my calls. I even sent text messages. The guy was nowhere to be found. Loser. But I also had to focus on having one last hurrah with the people that I served for decades. The weekend of the 19th was my swan song.

Then, just as I was setting up my booth that Friday morning, the 19th, Casey comes over and says they can't give me the beer I had ordered, because Hopyard now had an exclusive contract for Sleeping Giant for all of Rocky Neck. I was ruined, and I just *know* that Hopyard timed it to kick me while I was down. When I saw that rat-faced scumbag standing on the stage with the Mayor, I lost it. I ran up on the stage, and screamed, "You killed me—you really killed me! My life, my dreams, they are all over because of you!" But that might not be what I said. I couldn't stand to be there—I couldn't stand to be in Rocky Neck. I needed to be with my family. It is funny, but no matter how old you are, your parents always seem to be the safest place in times of distress.

While I was away, I read about Hopyard's death, but it really didn't even register, because I was dead too. When I was back in Rocky Neck a couple weeks later to collect what little things I had and to meet with a lawyer about declaring personal bankruptcy, a little birdie told me that a relatively new local cop called Sherlock was asking around about me. What can I say? A lot of cops and court staff love our pizza, and some of them are willing to make sure their favorite pie-slinger is in the loop! So I called this Sherlock. They said that

Hopyard had been killed in his office and wanted to know if I knew anything about it. I was shocked. I hated the guy, but I'm not sinkin' so low as to kill him! I told Sherlock I didn't know anything, and I would be happy to help in any way I could. Then Sherlock asked to search my home! I figured, what the heck and let the cops knock themselves out. I had nothing to hide except an extraordinary collection of gangster movies.

Then things went quiet for a month or so, then out of nowhere, Sherlock's back with three uniforms, and they're arresting me... for murder?! The cops tell me they found a bunch of money and notes from Willie in my place, but I have no idea what they're talking about. Now I *know* it's a frame-job. So I did the smart thing: I asked for my lawyer and kept my mouth shut.

Look, I hated Hopyard with everything I had. He was no good and probably got what he deserved. But I'm not the one to give it to him. Only God can judge. This was business. It ain't worth goin' to jail or the chair over business. Even pizza.

I would have loved to have him shut down Devil's Hopyard and go away but that wasn't happening. Maybe he ticked off someone else in town, and that came back to bite him. Maybe this Willie guy took things too far and tried to rob him on accounts day. I don't know. All I know is I didn't want him dead enough to kill him, and I sure didn't hire Willie to do anything. The prosecutor tried to cut me a deal to testify about Willie, but this ain't being hung around my neck.

Dated: December 1, 2024

/s/ Emerson Harkness

STATE OF CONNECTICUT

)
) SS.

COUNTY OF NEW HAVEN

)

On this first day of December, 2024, before me personally appeared Emerson Harkness, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that s/he/they executed the same as her/his/their free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Ida Nown
Notary Public – Notary Seal
STATE OF CONNECTICUT
New Haven County
My Commission Expires: Oct. 8, 2025
Commission # 16513542

STATEMENT OF ASPEN WADSWORTH

1 My name is Aspen Wadsworth. I'm 32 years old, and until recently, I worked for Sam
2 Talcott at Sam's Black Rock Pizza Pie & Tavern. The truth is I was working there just to
3 make ends meet until my music business really takes off again. And Sam lets me take the
4 stage and sing my original songs with what some people call quirky lyrics. I'm also a
5 promoter, and on that side, I am really getting a foothold. My biggest-name band that I
6 landed so far has been Rocky Neck's own Whiskey River Rats, who are touring nationally.
7 You may or may not have heard of my other bands—The Fightin Phils, Immortal
8 Henrietta, and XenoKeys.

9
10 The music business is tough, and it was doubly-tough during the pandemic. I had to do
11 some stuff during those years that I am not really proud of. No, I didn't commit any major
12 crime or anything like that. No one considers shoplifting a major crime. But, since this is
13 under oath, I do have to say that I may have overstated the number of employees I had on
14 the books when applying for my Paycheck Protection Program loan. I don't think the
15 government really cared, but my little promotion business did not have a staff of 10 in
16 2019. You should probably take away a zero if you want to be accurate about it. Ok, glad
17 I got that off my chest.

18
19 I am also tired of people assuming I am ditzy because of my interests in environmental
20 issues. Creativity and love of the Earth do not equal ditziness. Just ask the Whiskey River
21 Rats. I had some challenges growing up—I never had a father, and my mother left me
22 alone to fend for myself at 14. I knew that to achieve my dreams I had to stay on the
23 straight and narrow, work hard, and get educated. I finished high school, making mostly
24 A's and a few B's. I even joined the chorus, because I wanted a broader musical experience.
25 Anyway, after that I went to UCONN on merit and needs based grants and scholarships,
26 got a degree in Communications with a Certificate from the Music and Entertainment
27 Business Program of the College of Business.

28
29 When I finished school, I looked around for a place to move to start my career as a music
30 promoter. Rocky Neck looked like the perfect place since it was close to New Haven. There
31 was a great night life, with three primary bars/restaurants on a bustling square. In the
32 downtown area you could see college students with blue and orange hair and plenty of
33 tattoos having pizza and a beer with their professors, while at the next table you would
34 see a well-dressed couple with their children out for burgers for the evening. I knew that
35 once I established myself, I could build my business with such a diverse group of customers
36 and so many venues. The music columnist for the *Rocky Neck Gazette*, was really good at
37 showing up to a lot of my shows and giving reviews. He even did a few spots on the
38 Whiskey River Rats, which helped us book some additional gigs in the early days. As long
39 as the three restaurants maintained a friendly rivalry, the music business flourished.

40
41 Over the years, I worked side gigs for all three restaurants on the Square. I kept the books
42 at Devil's Hopyard Pizzeria, handled inventory at Ancient Apizza, and handled all of the
43 office functions at Sam's Black Rock Pizza Pie & Tavern—not difficult, since it had the
44 least business of the three. I also waited tables, tended bar, and did whatever else was
45 needed at all three places. And let me tell you, you can't trust any of the three—uh, now
46 two—of those owners. That's why I kept changing side gigs: every time one of them would
47 short me on pay or screw me on an agreement, I left. I told everyone it was because I
48 needed to get to know the clientele of the three places, but truth is, I cannot stand
49 dishonesty. In hindsight though, even though he was a dirt bag, I think Dillon Hopyard
50 was the best of the lot—and I'm not just saying that out of respect for the dead. He was
51 the only one with any sort of business sense, and he would tell you to your face he was
52 breaking a deal, rather than pretending. Even that's just the best among a bad bunch,
53 though: all three of them got way too emotional for their own good and for the good of their
54 businesses.

55
56 Dillon gave me the code for the rear door lock because I needed it to go in and out with the
57 band, etc. I don't think I gave it to anyone, but it was on a business card in my wallet, and
58 it is now missing.

59
60 When Hopyard was killed, I was mostly working for Sam Talcott, although I'd take a shift
61 from time to time here or there. The fact that Dillon Hopyard was doing better than either
62 of the other two is no secret. He would march around the Square like he was the king of
63 it. And Dillon had a close relationship with the Town Council and even with some of the
64 police, if you know what I mean. I never saw anything directly, but his books had a whole
65 line item for "grease," in the hundreds of dollars each month, more around the holidays.
66 There's nobody who buys that much Crisco! While Emerson Harkness let their irritation
67 at this fact show and took in-your-face action to try to fight it, Sam just stewed.

68
69 One time, I was in the alleyway behind Devil's Hopyard and Ancient Apizza when I heard
70 this awful banging noise and shouting. I stuck my head around the corner, and there was
71 Willie Waramaug, who was something of a legend around town, or a ghost story maybe,
72 after he killed Pete Losh because Juli Lee stood him up to go to prom with Pete instead.
73 Pete was a star basketball player, so it really made the news. Anyway, back to my story.
74 So I look around the corner, and there's Willie, pounding on the back door to Devil's
75 Hopyard with something metal and wood, maybe even a gun! He had a gash on his
76 forehead that was bleeding and he was screaming that he's gonna kill Dillon Hopyard for
77 having a wet floor in the bathroom where he slipped and hit his head on the toilet. That
78 door is *heavy*, so I figured that door would hold just fine. But Willie was a real angry
79 drunk, and he was drunk often enough, so I got out of there just as quick as I'd come and
80 went back to waiting tables, letting the Fightin' Phils on stage drown out the racket he
81 was causing.

82
83 One of the things that made Sam the angriest and, therefore, most dangerous one of them
84 all, is that their food is, or could be, the best of the any of the three restaurants. The
85 problem, though, is that Sam drinks too much—I mean, Sam drinks all day. Sam can hold
86 their liquor, but that whole “you gotta drink with your customers” routine really hurts the
87 business. Nobody else seemed to notice that Sam was actually really angry, just stewing
88 in loathing and self-medicating. But I’m a musician, so I know from that! And I was the
89 person around Sam the most, especially when Sam was doing the books or, really,
90 watching me do the books. Sam even started forgetting things like he would order the
91 same ingredients twice and then wonder why the food went bad before it could get sold.
92 Then they’d forget to pay a supplier and almost miss a shipment. I’d then hear the tirades
93 about too much food one week and not enough the next. I could have really helped, and I
94 did what I could, but restaurant management is not what I want to do. I keep my eye on
95 MY goal..

96
97 Then there was the parking issue. Sam seethed and brooded about that and complained,
98 but they couldn’t come up with a creative solution. Everything was somebody else’s fault.
99 After a while I got the impression Sam felt the other two, either together or separately,
100 were even conspiring to mess up Sam's inventory supply chain. It was getting crazy.

101
102 Sam started doing some strange things. Sam never got a PPP loan during COVID like the
103 other two, and I knew he was hurting financially. Paying me in small bills was a good sign
104 of someone stringing things together: money was coming to me straight from that day’s
105 register. One day in early April 2023, when I was working in the office trying to sort things
106 out, Sam had left the computer open and was logged into Yelp as “dchambers”. That’s the
107 password for our Sysco account, where we order food and supplies each week. On the
108 computer, the pages for both Ancient Apizza and Devil's Hopyard Pizzeria were open.
109 They both had a lot of negative reviews on them, and they each had reviews from
110 “dchambers”. This dchambers person posted really unflattering stuff at about the same
111 time on both pages a couple of times. Hopyard replied to one, trying to do some damage
112 control, but it didn’t work. At this point, both places had fewer than three stars. The only
113 people who are on the computer are me and Sam.

114
115 A few minutes after I saw it, I put the computer back just before Sam came in and started
116 nonchalantly asking me about when I worked for Dillon Hopyard. Sam asked if I signed
117 the checks for the business. I figured Sam was just thinking about having me sign checks
118 for his business, so I explained it. Hopyard trusted me and that First National of Rocky
119 Neck didn’t really check signatures, so I would just sign Hopyard’s checks. Then it got
120 weird. Sam asked me if I could write a couple of sentences in Hopyard’s handwriting.
121 When I asked, “What for?,” Sam got real nervous and said, “Never mind. I shouldn’t get
122 you involved.” I didn’t think anything more about it; I just chalked it up to Sam’s general
123 strangeness.

124
125 That's not all. I had also found a box of Emerson's fliers in the office, under a box of those
126 free menu magazines that Sam likes to advertise in. There were a couple dozen Ancient
127 Apizza business cards down there as well, some of which had staple or pin holes in them
128 from where they'd been hung up on corkboards or whatever. I figured Sam was taking
129 them down to hurt Emerson's attempts to drum up business. Honestly, that wouldn't have
130 been out of character for Sam. After that fire on Emerson's deck, I got suspicious, and
131 when I checked, the box of Ancient Apizza fliers was gone. I also noticed the business
132 cards I had previously seen there.

133
134 Sam also started doing some things to raise money—not with the restaurant. They were
135 quietly selling some things, mostly stuff I had never seen before, like paraphernalia from
136 Sam's time in goal and other personal items. Again, I didn't think anything about it,
137 because, let's face it, the income was getting slower and slower and the place needed some
138 cash. One particular day, about May 16 or so, a guy I had seen a few times over at Devil's
139 Hopyard Pizzeria, Willie, came in and the two of them had a long conversation, most of
140 which I didn't hear. Willie said he needed to build up his contracting business and he
141 wanted to pick Sam's brain for advice. HAH! What a joke! I did hear him say he was
142 desperate for money and would even hire himself out as a hitman if that's what it took,
143 after which both of them laughed. At the end of the conversation, Sam got serious and
144 started thinking. I heard Sam say something about Emerson Harkness. At this point Sam
145 had plenty of alcohol in the belly and I made sure I could hear every word. Sam said,
146 "Trust me. This is really going to work like a charm. Emerson is getting desperate in this
147 beef with Hopyard. I'll set up a meeting with you and Emerson so we can 'help' Emerson
148 with the Hopyard problem. See if Emerson takes the bait. Give Emerson 10 or 12 as an
149 asking price and see what Emerson does. I'll make sure it's public enough to cause
150 Emerson some stress. This will be great! Maybe it'll be enough to run Emerson out of
151 town. I can deal with Hopyard later." I guess they were trying to get Emerson to buy
152 something or put them in a compromising position. The evil laugh I heard from Sam after
153 Willie left was pretty bad – like out of a Disney movie from the '40s.

154
155 After that, Sam seemed to be doing much better: more energized and much happier. I was
156 glad Sam was feeling better, even though the cloak and dagger routine to sell off the
157 property seemed extreme.

158
159 I saw Willie two more times. One was the day he came directly over to Sam's from the
160 coffee shop. This was maybe the 16th or the 17th? Probably the 17th. I happened to be
161 looking out the window and watched him cross the square in a hurry. He walked over to
162 Sam's, came in and walked straight up to the bar. About that time, before either Sam or
163 Willie could see them, Jackie Pepin, who had also just come in, got up and left, looking
164 very nervous. It seems like everyone in town had started acting weird over these pizza
165 wars. I heard Willie tell Sam he had the money from Emerson, or at least that's what it

sounded like he said. I was a good distance away and the TV was on loud. Sam counted it and added some to it and handed it back to him, saying something about, “making sure he got the next part of the plan done quick.” Then Sam shook Willie’s hand, and there was something in Sam’s hand when they did it. It looked like a business card, maybe one of Sam’s, but it could be from Ancient Apizza, since they look pretty similar.

Speaking of acting weird—man, everyone is still talking about what Emerson did at the Savor the Square Festival. I guess if it was me, I would be pretty close to breaking down too! I mean this was right after Hopyard served Emerson eviction papers and the same day Emerson lost his Sleeping Giant account. But I could see it coming, because a little earlier in May, while I was picking up a shift at Ancient Apizza, Emerson called me into the back office. Emerson wanted me to write a review of Devil’s Hopyard Pizzeria on Google and made me take dictation, while Emerson paced back and forth. It started out kind of normal—at least for a fake review—but then it got really weird and threatening—yet it was *super* obviously from Emerson and I was like, “Are you sure you want to write that?” and Emerson got this really serious look and was, like, “Just send it.”

So I knew Emerson was feeling the pressure build up. And once Emerson was ruined, I guess Emerson had one last gasp of energy. Going up on stage and interrupting the Whiskey River Rats was practically sacrilegious. Right in the middle of the opening set of the biggest festival in the entire region while the only national band to come out of Rocky Neck was on stage. You gotta be kidding me. I was mad angry about that: this was my band! Security had to hold me back from rushing up there and giving Emerson the what-for. But what Emerson said? WOW – it was bananas. From what I could understand, it was something like. “You ruined me, you killed me, and now I am going to kill you!”

Look they say everyone has a breaking point, and some people say anyone would kill if pushed far enough, but there is no way Emerson would do that. Emerson was always more bark than bite. You can tell a person’s true personality when they are drunk, and I’ve seen Emerson drunk many times. Emerson was a crier. When Emerson got really emotional, they were a morose, cry-in-the-wine type. That alone should be enough proof.

Willie didn’t come back to the bar for a while after that, which was a bit of a surprise. He was around once or twice a week, most weeks. Of course, I wasn’t there every night, so I might have just missed him. But the next time I remember seeing him was a few weeks later, in June. It was definitely later in the evening, after the dinner rush. This time, Willie went up to the bar and after throwing back a shot of liquor demanded to speak to Sam in an almost crazed tone. Sam came out from his office and sat with him at the bar. I was up at the counter, rolling silverware, so I could hear them talking. I heard Sam ask Willie if he had “taken care of everything.” Willie just nodded and slammed back a drink, maybe one of those lemon ones, real hard. Those are sipping drinks! And they’re not even that good, if we’re being honest.

208
209 I didn't get to hear much after that because we had an eight-top come in, and I got
210 distracted. I did look over a few times though and Willie just looked really sweaty, red
211 faced, and agitated. It looked like to me that the two were having a pretty heated
212 discussion. I didn't know what it was about at the time, but it just stuck with me because
213 it seemed pretty out of the ordinary. Anyway, I quit not long after that just because I was
214 tired of waiting on tables.
215
216 I am really bummed that Dillon Hopyard is dead. I am. For all of Hopyard's flaws, it was
217 the best venue in town, and I really do believe Hopyard had the right idea on how to
218 continue to grow the music scene even if he was a bit rough around the edges.

Dated: December 1, 2024

/s/ Aspen Wadsworth

STATE OF CONNECTICUT

)
) SS.

COUNTY OF NEW HAVEN

)

On this first day of December, 2024, before me personally appeared Aspen Wadsworth, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that s/he/they executed the same as her/his/their free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Ida Nown
Notary Public – Notary Seal
STATE OF CONNECTICUT
New Haven County
My Commission Expires: Oct. 8, 2025
Commission # 16513542

STATEMENT OF CASEY MATTATUCK

1 My name is Casey Mattatuck, and I'm head of the promotions department for
2 Sleeping Giant Brewery in Rocky Neck. Well, I'm also the entire promotions
3 department, for now. But if I can help grow the business, my hope is to have staff
4 someday. For now, this has to be the best job ever. Most days it's a cross between
5 being Santa Claus and the Easter Bunny. Really! I double-majored at Southern
6 Connecticut State University—marketing in the business school, and public relations
7 in the journalism school—and I never thought I would wind up with job that is just
8 plain fun. But I did! My parents wanted me to go straight to Wall Street, but my
9 freshman microeconomics teacher taught me the first rule of business is to get into
10 an industry you love—and I love craft beer. Not drinking it, although I do drink it.
11 It's more the thought and process that goes into making a unique taste, brand, and
12 marketing campaign. These beers have an identity—a fan base—a life of their own. I
13 am simply their steward.

14
15 It all started with the internship/senior project for my Marketing class three years
16 ago. The professor formed alliances with various regional businesses willing to give
17 students an opportunity to create mock advertising, promotions, and marketing
18 campaigns for their products as class projects. I hit the jackpot when I got teamed up
19 with the founders of Sleeping Giant Brewery. Back then it was a brand-new brewery
20 just starting out in the old mill located at the hairpin turn on Rocky Neck Pike. The
21 founders, Tito and Tatiana, had been working, respectively, for brewpubs in Stamford
22 and Hartford. At the first ever State of Connecticut Craft Beer Competition, Tito took
23 top honors in the category for American IPA (India Pale Ale), while Tatiana won the
24 category for American DIPA (double IPA). After the awards ceremony, they bonded
25 over a mutual interest in producing beer using the varieties of hops that grow well in
26 our climate. It also just so happened that both were alumni of Quinnipiac University,
27 and had long dreamed of returning to New Haven County. It didn't take long for Tito
28 and Tatiana to decide they should join forces to create a craft brewery in Rocky Neck.
29 The old mill at the hairpin turn was vacant, and they bought it. The name comes from
30 Sleeping Giant State Park, which is located near Quinnipiac and a place that both
31 love to hike for its incredible views. I came on the scene just as they were getting
32 ready to introduce a variety six-pack of highly-hopped brews that they also planned
33 to have available as draft beers in bars.

34
35 By now you are getting the picture that it's all about the hops, which are that little
36 something that gives a good craft beer balance, depth, and often bitterness. If you just

brew up beer's three essential ingredients—malted barley, yeast, and water—all you have is a sweet, boring glass of carbonated alcohol. Hops flowers come from climbing vines—vines without tendrils—and add a bitterness to beer when used early in the brewing process. They also add aroma, when added at the end of the process. The best thing about hops is they act as a natural preservative, extending the shelf life of our craft brews. Thanks to hybridization and crossbreeding, hops come in a wide variety of characters—some are bitter; others are piney, grassy, even floral. Others are citrusy. Much like vineyard grapes, where hops are grown affects their characteristics.

Anyway, back to my original story: Tito and Tatiana loved my pun-based names for the brews, and we really hit it off more generally. They launched in 2018, just as I was finishing up at SCSU, and they offered me the promotions director job, to start as soon as I graduated.

In keeping with traditional beer promotion practices, I get to play Santa, handing out swag like presents—pint glasses and coasters with Sleeping Giant logo for the bartenders to use when serving customers, along with logo patio umbrellas, and neon signs for the windows. Setting up promotions for customers—such as awarding Sleeping Giant beach towels as trivia night prizes, or giving away t-shirts and stickers when customers decide to spring for a pitcher of one of Sleeping Giant's brews for their table—also makes me feel like Santa.

And the Easter Bunny aspect? Well, I tend to do all this in a rabbit suit—wearing a big head, with stand-up bunny ears and buck teeth, and a furry body suit with a bow tie. We decided to name the mascot Jimmie Hopps. The funny thing about wearing a rabbit costume is that as weirdly obvious as you feel in the suit, in some ways it's like wearing a cloak of invisibility. You become just a prop, and people forget there's a human individual behind the disguise. So they will say almost anything in front of you, like they think you can't even hear what they are saying. And they will do almost anything in front of you, like they think you can't see through the bunny head eyes. And when the customer doesn't want the bunny, I'll show up in a company polo and khakis/shorts and do everything. Honestly, that suit is hot. I don't mind not having to wear it.

Actually, there was this one regular at Devil's Hopyard Pizzeria that made me just feel unsafe and uncomfortable, this guy called Willie. He was at Devil's Hopyard often and each time I was there in the bunny suit, and he would push it further and further. Grabbing my ears and pulling my tail—that sort of stuff. One rather loud night just

76 before the pandemic in February 2020, after the Aspen Wadsworth's band XenoKeys
77 had just gotten off stage, Willie literally pushed me over into a tempered glass table
78 when I refused to give him another 4 oz sample of Hops to It. Hopyard came running
79 over and issued him a lifetime ban. Willie was shaking mad and said, "I am going to
80 get you – and when I do you will not be expecting it—it might not be tomorrow or
81 next week or even next month, but when it happens, you will know." I didn't think
82 much of it at the time, chalking it up to the mad ramblings of someone who had had
83 too much to drink. Oh, and I don't want you to think that Hopyard was banning Willie
84 just because he was a good guy – there was always an alternative motive. No sooner
85 had I dusted off the bunny suit, Hopyard says, "Now that I saved your life, how about
86 a discount." Really? C'mon man, don't give me that—if you didn't promote people
87 grabbing me, none of this would've happened in the first place!

88
89 Doing these promotions and servicing the accounts is how I came to see and hear the
90 building rivalry between Dillon Hopyard, the owner of Devil's Hopyard Pizzeria, and
91 Emerson Harkness, the owner of Ancient Apizza. These were Sleeping Giant's biggest
92 clients in Rocky Neck, so we did a lot of promotions at both locations. We'd set up a
93 tent and do radio broadcasts or have cornhole tournaments in front of the
94 restaurants. Due to the rivalry between them, we divided the drafts that were sold
95 and promoted at each. It was Hops Sing Mad, Hops to It, and High Hops at Devil's
96 Hopyard Pizzeria, and Bunny Hops, Hip Hops Hooray, and Let's Go to the Hops at
97 Ancient Apizza. It helped diversify our drafts and give each place a bit of exclusive
98 access.

99
100 I also tried to develop Sam's Black Rock Pizza Pie & Tavern as a client, but Sam
101 Talcott always seemed more interested in promoting mixed drink specials using hard
102 liquor or cheap beer, rather than craft beers, to pair with his pizza and other food
103 specials. I'd call and drop in to touch base from time to time, but given that Sam was
104 intent on serving Bud Light and Coors alongside his Detroit-style pizza, I didn't hold
105 out too much hope.

106
107 Meanwhile, I always kept a close eye on Twitter. I know it is now called X, but it will
108 always be Twitter to me—and Google and Yelp. Because Hopyard and Harkness were
109 trashing each other's establishments on both of those platforms, I was concerned that
110 if their posts got out of hand, any downturn in business at Devil's Hopyard Pizzeria
111 and/or Ancient Apizza could lead to reduced sales of Sleeping Giant products. Also,
112 because only part of our line was sold at either of these establishments, I didn't want
113 the trash talk about one to bleed over to the specialty beers we were selling there.

Don't they know that a rising tide lifts all ships? Instead, this was a constant barrage of shots across the bow.

I had some sympathy for Harkness. Selling craft pies has some similarities with selling craft beers; for every aficionado willing to pay extra for quality, there are always the families of six who need the coupon price for Papa John's or Domino's. I wanted Ancient Apizza's clientele to grow so that we could sell more Sleeping Giant beer. The trash talk coming from Devil's Hopyard Pizzeria may have driven off some Ancient Apizza customers. But there was more to the nastiness from Hopyard than that, kind of like the abuse of Jimmie Hopps. Hopyard also made zoning complaints about Harkness's signs and parking facilities.

While fighting Hopyard on so many fronts, I know Harkness was falling behind on the rent. Emerson mentioned it nonstop—it was more than an excuse, it was now their way of life. And while I never made an issue of it, Ancient Apizza also ran behind on the Sleeping Giant tab, and started seeking more and more promotional discounts to offset costs and pull in customers. I didn't mind working with Harkness; they've been a part of Rocky Neck for a long time and had been one of our founding customers. Harkness runs Ancient Apizza the way we try to run Sleeping Giant and has been a really good person to work with. They're just in a tough business. There's sort of a downward spiral that can take over in the restaurant business when an undercapitalized owner's cash reserves get low. When there's not enough money to bring in the supplies to keep a full menu going, more and more regular items become unavailable. That causes the customer base to start going elsewhere when they can't get their favorite pizza toppings, and then there's even less money coming in. Which, of course, leads to further reductions in the menu.

It seemed like Ancient Apizza was starting to head into that kind of death spiral. I noticed their famous white clam pizza pie seemed to be always unavailable. I guess clams became just too expensive for Harkness. Harkness tried handing out flyers to promote the business, even going as far as putting some around Devil's Hopyard Pizzeria to draw customers. And Harkness tried to regain some customer base by offering cheap beer nights. With the price point of our beer, they couldn't do it with Sleeping Giant, so Harkness had to settle on running it with cheaper stuff, more like what Sam's Tavern was pouring. I don't know if it helped anything or not, but it seemed to inject a little life back into Ancient Apizza.

Even though Sam Talcott wasn't a customer, as I said, I popped in every now and then to see how things were going and if I could catch Sam on a good day—one where

Sam had not been drinking too much—to talk about Sleeping Giant getting behind the counter. One day, in early 2023, right before the fire over at Harkness’s, I saw a stack of Harkness’s fliers on the bar at Sam’s. Sam saw me notice them and chuckled, saying that this fight was “good for business,” even though I didn’t see any more customers in there than usual. I asked them where all the fliers came from and they said they were ones they took down on their side of the Square. When I popped in the week of the fire, Sam was grinning from ear to ear and said, “Those fliers came in handy after all!” Sam’s just sleazy.

A few weeks after the deck fire at Ancient Apizza, the word got out that the building was for sale. Harkness sure didn’t have the dough to buy the place, and before anyone else even had time to work up a business plan, in early April, Hopyard went under contract to buy the building. Turns out that Hopyard hit one of those scratch ticket things. Buying that building was a dumb use of the money, but whatever. The deal went through on the first of May. Harkness was devastated that their landlord was now their nemesis, but they were determined to make it work. Harkness told me how much they needed me more than ever because all of their money would have to go to getting caught up on rent. But I guess it was not good enough, because Hopyard figured out a way to evict Harkness anyway a couple weeks later. That left Harkness only a couple weeks—and one event—to get out of the red before Ancient Apizza shut down forever.

The Savor the Square Event emerged as the pandemic was waning. It was a stroke of genius by our local government—it brought in folks from the entire tri-state area. And because we were the local beer of choice and only one being produced in the area, we cleaned up nicely. In addition to having our own booth where we would limit our sales to just seasonal fare—Hops into Spring and Summer Hopper—both Hopyard and Harkness did quite well as well. In fact, that one festival accounted for 7% of our annual income in 2021 and 9% in 2022. But by 2023, word was out we were losing Ancient Apizza. The whole community was losing it, I mean.

On the evening of May 18, just the night before the festival started, Hopyard called me in for an “emergency meeting.” I had to run halfway across New Haven County! Hopyard told me that he was going to be the only game in town soon and that Sleeping Giant would have to play ball with him. He finally had the upper hand, he said, which was really bizarre, since he always did fine by us. And then he reminded me that he’d “saved my life.” What a jerk.

191 Then the other shoe dropped. Hopyard made me—and us—an offer (really, a demand)
192 we could not refuse. He offered us a significant premium to become the *exclusive*
193 Sleeping Giant tap seller in the entire Rocky Neck metropolitan area. That was the
194 carrot. The stick was that if we didn't agree, on the spot, he was going to terminate
195 Devil's Hopyard's contract with Sleeping Giant. He literally told me the offer expired
196 in fifteen minutes, and the new deal had to go into effect at midnight. That's when I
197 knew exactly what Hopyard was doing: Hopyard wanted us to pull Harkness's entire
198 selection of craft beers right before Savor, so late in the game that Harkness had no
199 hope of adjusting. Buying the building and closing Ancient Apizza wasn't enough; he
200 wanted to ruin Harkness's last chance to make any money. It was awful, and I felt
201 awful. So did Tito and Tatiana when I reached them with a few minutes to spare. But
202 Hopyard had played his nasty cards right, and we had no choice. We shook hands on
203 the deal, and I agreed not to deliver the beer we'd promised Harkness.

204
205 Telling Emerson that we would not be delivering the beer Ancient Apizza had ordered
206 was one of the worst things I'd ever done. And, worse, Tino and Tat made me say it
207 was for non-payment, to keep our new exclusive customer, Dillon Hopyard, happy.
208 Emerson took it just how I thought they would. They went dead silent. I kept talking,
209 but Emerson was staring off into the distance. I slunk away to tend to our booth, but
210 I really felt bad. Hopyard had left us no choice. I knew that, as a businessperson. But
211 as a human I felt like we had really stabbed Harkness in the back. Harkness had
212 been a lousy customer, objectively, but Ancient Apizza was one of the places we got
213 our start. And I knew that Hopyard waited to jam us up, which is not a good thing to
214 allow your customers to do for the long-term health of the business. At the time,
215 though, it looked like there was going to be only one place left standing.

216
217 So I guess I was not surprised when Harkness snapped. Harkness rushed the stage
218 at the first sight of Hopyard and went off into the microphone for the entire town of
219 Rocky Neck to hear. It was hard to watch Harkness' meltdown. Harkness said, "I am
220 dead! You killed me! You took away what mattered most to me. Now I have nothing.
221 I will not rest until I take what you care most about!!" Harkness left the stage in a fit
222 of tears. Fortunately, nothing can keep a good party down and the rest of the weekend
223 was a huge success as the perfect weather made for easy drinking and terrific vibes.
224 We sold as much as we had the year before and with only one booth running!

225
226 That's why I thought Tuesday, May 23, was gonna be the best day, rather than the
227 worst: Sleeping Giant gets paid for the previous week's sales at Devil's Hopyard on
228 Tuesday evenings, when Devil's Hopyard is closed and Hopyard settles the week's
229 books. That day, he texted me to come late, because there was a lot of accounting to

230 do after the Savor weekend. Whatever I thought of Hopyard as a human, he was
231 meticulous when it came to his business records. Never missed a payment! Honestly,
232 it felt like Hopyard liked doing the money part—the boring, management stuff—
233 better than he liked actually serving food. But there was a downside to that focus:
234 Hopyard would get so lost in thought that he would not hear me knocking and didn't
235 answer his cell. One day, after I'd been left in the pouring rain for the better part of
236 a half hour, Hopyard felt so bad he gave me the code to the alley entrance, so I could
237 just let myself in. Hopyard wrote the code for me on a scrap of paper and I kept it in
238 his account portfolio. Good thing I have a strong memory, because I left the portfolio
239 somewhere during the pandemic, and our transition to digital receipts made it
240 irrelevant anyway. Could be somewhere at the office, or my house, or one of my
241 regular stops like Ancient Apizza or Sam's place. Heck, it could be anywhere in seven
242 counties. I get around!

243
244 On that fateful night, I let myself in using the code per usual, sometime around 9:30
245 or 10. But instead of finding Hopyard nose-deep in the books, I found his body
246 slumped over the desk. I had been a Scout, so I checked for a pulse, but the amount
247 of blood and the mess of his head made it kind of obvious there was no hope. I called
248 911 and waited for the cops to arrive. And boy did they arrive! Seemed like half the
249 Department was there, along with State Police and who knows who else. The lead
250 person was that new detective that begins with "S." Anyway, they took my statement
251 about the scene and let me go, but I couldn't leave the area. I was too much in shock.
252 I kind of collapsed in the alley, just half-zombie.

253
254 While I was out there, Detective S came back out and asked me whether I knew the
255 code, and I repeated it to them. Again. It was in my statement already. Duh. The cop
256 punched the code in, and the door unlocked again.

257
258 It is terrible that Hopyard is dead and Harkness is off the Square. Sure, we got new
259 accounts in town and those spaces will eventually be filled with new bars and
260 restaurants, but Hammonasset Square will never be the same again. None of us will.

261

/s/ Casey Mattatuck

) SS.
)

)
SS.
)

In testimony whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Ida Nown
Notary Public – Notary Seal
STATE OF CONNECTICUT
New Haven County
My Commission Expires: Oct. 8, 2025
Commission # 16513542

Exhibit List

- Exhibit 1: Police Report**
- Exhibit 2: Supplement to Police Report**
- Exhibit 3: Map of Hammonasset Square**
- Exhibit 4: Diagram of Dillon Hopyard's Office**
- Exhibit 5: Evidence (Gun)**
- Exhibit 6: Event Flyer**
- Exhibit 7: Business Card with Code**
- Exhibit 8: Google Review**
- Exhibit 9: Fingerprint Report**
- Exhibit 10: Bank Records**
- Exhibit 11: Text Messages Report**
- Exhibit 12: Photographs of Different Pizza Styles**



Exhibit 1

ROCKY NECK POLICE DEPARTMENT

INCIDENT REPORT

CASE NUMBER: 104-01262013-A	DATE OF REPORT: 5/24/23 TIME: 14:05	<input checked="" type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> SUPPLEMENTAL REPORT
DATE OF OCCURRENCE: 5/23/2023	TIME OF OCCURRENCE: Approx 21:35	DOW: <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input checked="" type="checkbox"/> Tues <input type="checkbox"/> Wed <input type="checkbox"/> Thur <input type="checkbox"/> Fri <input type="checkbox"/> Sat <input type="checkbox"/> Unk
INCIDENT LOCATION: 435 Hoyt Street, Rocky Neck, CT 06513		
COMMON/BUSINESS NAME: Devil's Hopyard Sicilian-Style Pizzeria	BEAT:	MAPR:
DISTRICT:	ALCOHOL: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK	DRUG: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK
CASE STATUS: <input type="checkbox"/> cleared by arrest <input type="checkbox"/> exceptionally cleared <input type="checkbox"/> unfounded <input type="checkbox"/> inactive <input type="checkbox"/> pending arrest <input checked="" type="checkbox"/> pending inv. results <input type="checkbox"/> informational only <input type="checkbox"/> administratively cleared		DATE:
ATTEMPTED/COMMITTED: <input checked="" type="checkbox"/> Committed <input type="checkbox"/> Accessory After <input type="checkbox"/> Accessory Before <input type="checkbox"/> Aid/Abet <input type="checkbox"/> Assault To <input type="checkbox"/> Attempt to <input type="checkbox"/> Conspiracy To <input type="checkbox"/> Facilitation Of <input type="checkbox"/> Solicitation To <input type="checkbox"/> Threat To <input type="checkbox"/> Unfounded		
ATTACK REASON: <input type="checkbox"/> Assault <input type="checkbox"/> Theft <input type="checkbox"/> Menace <input type="checkbox"/> Concerned Citizen <input type="checkbox"/> Mental		WEAPON TYPE: <input checked="" type="checkbox"/> Firearm <input type="checkbox"/> Knife/Cutting Instrument <input type="checkbox"/> Hands/Fists/Feet, etc. <input type="checkbox"/> Other Weapon
# ENTERED:	STRUCTURE OCCUPANCY: 1	EVIDENCE OBTAINED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK LOCATION TYPE: Restaurant office
JUVENILE DISPOSITION: <input type="checkbox"/> Handled w/in Dept. <input type="checkbox"/> Referred to Juvenile Court <input type="checkbox"/> Referred to Welfare Agency <input type="checkbox"/> Referred to Other Police <input type="checkbox"/> Referred to Adult Court		
UCR DISPOSITION: <input type="checkbox"/> Cleared by Arrest – Adult <input type="checkbox"/> Cleared by Arrest - JUV <input type="checkbox"/> Exceptionally Cleared – Adult <input type="checkbox"/> Exception Cleared – JUV <input type="checkbox"/> Unfounded <input checked="" type="checkbox"/> Active		
EX CLEARED TYPE: <input type="checkbox"/> Extradition Declined <input type="checkbox"/> Arrest on Primary Offense <input type="checkbox"/> Death of Offender <input type="checkbox"/> Vict/Witm Refused Cooperate <input type="checkbox"/> Prosecution Declined <input type="checkbox"/> Juvenile/No Custody		
THEFT BY COMPUTER? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	FORCED ENTRY? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	DATE CLEARED: # ARRESTED: 0
DRUG ACTIVITY: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Buy <input type="checkbox"/> Deliver <input type="checkbox"/> Use <input type="checkbox"/> Distribute <input type="checkbox"/> Manufacture <input type="checkbox"/> Produce <input type="checkbox"/> Cultivate <input type="checkbox"/> Possess <input type="checkbox"/> Smuggle <input type="checkbox"/> Sell <input type="checkbox"/> Traffic <input type="checkbox"/> Other		
DRUG TYPE: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Amphetamine <input type="checkbox"/> Barbiturate <input type="checkbox"/> Cocaine <input type="checkbox"/> Heroin <input type="checkbox"/> Hallucinogen <input type="checkbox"/> Marijuana <input type="checkbox"/> Opium/Derivative <input type="checkbox"/> Paraphernalia <input type="checkbox"/> Synthetic		
QUANTITY:	UNITS: <input type="checkbox"/> Gram <input type="checkbox"/> Milligram <input type="checkbox"/> Kilogram <input type="checkbox"/> Ounce <input type="checkbox"/> Pound <input type="checkbox"/> Ton <input type="checkbox"/> Liter <input type="checkbox"/> Milliliter <input type="checkbox"/> Dose	VALUE \$ _____
VICTIM/OFFENDER RELATIONSHIP: Unknown		
ASSAULT/HOMICIDE CIRCUMSTANCES: Refer to narrative		
CHILDREN WERE... <input type="checkbox"/> Involved <input type="checkbox"/> Present <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Both		OFFICER ACTION: <input type="checkbox"/> Arrest Family Violence <input type="checkbox"/> Arrest Other Offense <input type="checkbox"/> Summons <input type="checkbox"/> Separation <input type="checkbox"/> Unfounded <input type="checkbox"/> Referred to Social
PRIOR COURT ORDERS: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	ALCOHOL USED BY: <input type="checkbox"/> Aggressor <input type="checkbox"/> Victim <input type="checkbox"/> Both Used <input type="checkbox"/> Neither Used	DRUGS USED BY: <input type="checkbox"/> Aggressor <input type="checkbox"/> Victim <input type="checkbox"/> Both Used <input type="checkbox"/> Neither Used
PREVIOUS COMPLAINTS: <input type="checkbox"/> None <input type="checkbox"/> One-Five <input type="checkbox"/> Six-Ten <input checked="" type="checkbox"/> More than 10 <input type="checkbox"/> Unknown	SERVICES: <input type="checkbox"/> Advised <input type="checkbox"/> Not Advised	AGGRESSOR IDENTIFIED BY: <input type="checkbox"/> Physical Evidence <input type="checkbox"/> Testimonial <input type="checkbox"/> Both

CASE NUMBER: 104-01262013-A	DATE OF REPORT: 5/24/23 TIME: 14:05	<input checked="" type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> SUPPLEMENTAL REPORT
BRIEF DESCRIPTION:		
<p>On May 23, 2023 I was dispatched to Devil's Hopyard Sicilian-Style Pizzeria at 435 Hoyt Street in the City of Rocky Neck in reference to a person shot call. After meeting the responding officer, Olivia Benson, I was led to the bar's office, located at the back of the restaurant. The office was accessible by a door from the interior of the restaurant, leading from the hallway, and by a door leading directly to the alley behind the building. The office has two windows, one facing the alley and the other facing Cairo Avenue.</p> <p>I observed a body at the desk, later identified as Dillon Hopyard. Mr. Hopyard had been shot in the back of his head.</p> <p>Officer Mooney advised that she spoke with Casey Mattatuck. Mattatuck had gone to the bar looking for Mr. Hopyard as they often did on Tuesdays to discuss business matters. Mattatuck is the lead distributor for Sleeping Giant Brewery. Devil's Hopyard Sicilian-Style Pizzeria is closed on Tuesdays. Mattatuck used a code to gain entry to the building. She walked through the dining room down the hallway to enter the office from the interior door. Upon entering the office, Mattatuck discovered Hopyard's body. Mattatuck assured me that the scene's integrity had not been compromised and she called 911 immediately from her cell phone. Officer Benson was the first responding officer. Off. Benson secured the scene and informed dispatch of the scene, where I was dispatched to investigate. When I arrived, Off. Benson was interviewing Mattatuck on the sidewalk in front of the address. After taking Mattatuck's contact information, Off. Benson released Mattatuck and then assisted me in setting up crime scene tape. Additional units were dispatched to secure the alley behind the building.</p> <p>After my initial inspection of the office, I called for Dr. Lipscomb, the county medical examiner. The ME arrived, declared Hopyard dead at the scene, and removed the body. I then authorized the Crime Scene Unit to process the scene. The door to the office from the alley and door from the hallway to the alley were both locked, preventing any entry from the outside without use of the code. I confirmed that the keypad was operational, using a code provided by Mattatuck.</p> <p>I made contact with Vivian Hopyard, Mr. Hopyard's wife and asked her to come to the scene to see if anything had been taken. Mrs. Hopyard arrived by 23:50 and confirmed that nothing appeared to have been taken. I secured Mr. Hopyard's iPad which had been lying under his body; the screen contained Yelp! reviews for Ancient Apizza. Devil's Hopyard Sicilian-Style Pizzeria did not have any functional security cameras outside the location.</p> <p>Based on discussions with Mattatuck and Mrs. Hopyard, and based on previous complaints filed by Mr. Hopyard, Emerson Harkness is a person of interest. I was unable to locate Harkness for immediate interview.</p>		
ATTACHMENTS: <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Offenses <input type="checkbox"/> Narrative	GCIC ENTRY <input type="checkbox"/> Warrant <input type="checkbox"/> Vehicle <input type="checkbox"/> Article <input type="checkbox"/> Boat <input checked="" type="checkbox"/> Gun	
REPORTING OFFICER: Det. Sawyer Sherlock	BADGE: 4322	DATE: 5/24/2023
SUPERVISOR:	BADGE:	DATE:
DATA ENTRY:	BADGE:	DATE:
GCIC OPERATOR:	BADGE:	DATE:



Exhibit 2

ROCKY NECK POLICE DEPARTMENT INCIDENT REPORT

CASE NUMBER: 104-01262013-A	DATE OF REPORT: 9/1/23 TIME: 17:54	<input type="checkbox"/> ORIGINAL REPORT <input checked="" type="checkbox"/> SUPPLEMENTAL REPORT
DATE OF OCCURRENCE: 5/23/2023	TIME OF OCCURRENCE: Approx 21:35	DOW: <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input checked="" type="checkbox"/> Tues <input type="checkbox"/> Wed <input type="checkbox"/> Thur <input type="checkbox"/> Fri <input type="checkbox"/> Sat <input type="checkbox"/> Unk
INCIDENT LOCATION: 435 Hoyt Street, Rocky Neck, CT 06513		
COMMON/BUSINESS NAME: Devil's Hopyard Sicilian-Style Pizzeria	BEAT:	MAPR:
DISTRICT:	ALCOHOL: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK	DRUG: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK
CASE STATUS: <input checked="" type="checkbox"/> cleared by arrest <input type="checkbox"/> exceptionally cleared <input type="checkbox"/> unfounded <input type="checkbox"/> inactive <input type="checkbox"/> pending arrest <input type="checkbox"/> pending inv. results <input type="checkbox"/> informational only <input type="checkbox"/> administratively cleared		DATE: 8/30/2023
ATTEMPTED/COMMITTED: <input checked="" type="checkbox"/> Committed <input type="checkbox"/> Accessory After <input type="checkbox"/> Accessory Before <input type="checkbox"/> Aid/Abet <input type="checkbox"/> Assault To <input type="checkbox"/> Attempt to <input type="checkbox"/> Conspiracy To <input type="checkbox"/> Facilitation Of <input type="checkbox"/> Solicitation To <input type="checkbox"/> Threat To <input type="checkbox"/> Unfounded		
ATTACK REASON: <input type="checkbox"/> Assault <input type="checkbox"/> Theft <input checked="" type="checkbox"/> Menace <input type="checkbox"/> Concerned Citizen <input type="checkbox"/> Mental		WEAPON TYPE: <input checked="" type="checkbox"/> Firearm <input type="checkbox"/> Knife/Cutting Instrument <input type="checkbox"/> Hands/Fists/Feet, etc. <input type="checkbox"/> Other Weapon
# ENTERED:	STRUCTURE OCCUPANCY: 1	EVIDENCE OBTAINED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK
LOCATION TYPE: Restaurant office		
JUVENILE DISPOSITION: <input type="checkbox"/> Handled w/in Dept. <input type="checkbox"/> Referred to Juvenile Court <input type="checkbox"/> Referred to Welfare Agency <input type="checkbox"/> Referred to Other Police <input type="checkbox"/> Referred to Adult Court		
UCR DISPOSITION: <input type="checkbox"/> Cleared by Arrest – Adult <input type="checkbox"/> Cleared by Arrest - JUV <input type="checkbox"/> Exceptionally Cleared – Adult <input type="checkbox"/> Exception Cleared – JUV <input type="checkbox"/> Unfounded <input checked="" type="checkbox"/> Active		
EX CLEARED TYPE: <input type="checkbox"/> Extradition Declined <input type="checkbox"/> Arrest on Primary Offense <input type="checkbox"/> Death of Offender <input type="checkbox"/> Vict/Witm Refused Cooperate <input type="checkbox"/> Prosecution Declined <input type="checkbox"/> Juvenile/No Custody		
THEFT BY COMPUTER? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	FORCED ENTRY? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	DATE CLEARED:
# ARRESTED: 0		
DRUG ACTIVITY: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Buy <input type="checkbox"/> Deliver <input type="checkbox"/> Use <input type="checkbox"/> Distribute <input type="checkbox"/> Manufacture <input type="checkbox"/> Produce <input type="checkbox"/> Cultivate <input type="checkbox"/> Possess <input type="checkbox"/> Smuggle <input type="checkbox"/> Sell <input type="checkbox"/> Traffic <input type="checkbox"/> Other		
DRUG TYPE: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Amphetamine <input type="checkbox"/> Barbiturate <input type="checkbox"/> Cocaine <input type="checkbox"/> Heroin <input type="checkbox"/> Hallucinogen <input type="checkbox"/> Marijuana <input type="checkbox"/> Opium/Derivative <input type="checkbox"/> Paraphernalia <input type="checkbox"/> Synthetic		
QUANTITY:	UNITS: <input type="checkbox"/> Gram <input type="checkbox"/> Milligram <input type="checkbox"/> Kilogram <input type="checkbox"/> Ounce <input type="checkbox"/> Pound <input type="checkbox"/> Ton <input type="checkbox"/> Liter <input type="checkbox"/> Milliliter <input type="checkbox"/> Dose	VALUE \$ _____
VICTIM/OFFENDER RELATIONSHIP: Unknown		
ASSAULT/HOMICIDE CIRCUMSTANCES: Refer to narrative		
CHILDREN WERE... <input type="checkbox"/> Involved <input type="checkbox"/> Present <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Both		OFFICER ACTION: <input type="checkbox"/> Arrest Family Violence <input type="checkbox"/> Arrest Other Offense <input type="checkbox"/> Summons <input type="checkbox"/> Separation <input type="checkbox"/> Unfounded <input type="checkbox"/> Referred to Social
PRIOR COURT ORDERS: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	ALCOHOL USED BY: <input type="checkbox"/> Aggressor <input type="checkbox"/> Victim <input type="checkbox"/> Both Used <input type="checkbox"/> Neither Used	DRUGS USED BY: <input type="checkbox"/> Aggressor <input type="checkbox"/> Victim <input type="checkbox"/> Both Used <input type="checkbox"/> Neither Used
PREVIOUS COMPLAINTS: <input type="checkbox"/> None <input type="checkbox"/> One-Five <input type="checkbox"/> Six-Ten <input checked="" type="checkbox"/> More than 10 <input type="checkbox"/> Unknown	SERVICES: <input type="checkbox"/> Advised <input type="checkbox"/> Not Advised	AGGRESSOR IDENTIFIED BY: <input type="checkbox"/> Physical Evidence <input type="checkbox"/> Testimonial <input checked="" type="checkbox"/> Both

CASE NUMBER: 104-01262013-A	DATE OF REPORT: 9/1/23 TIME: 17:54	<input type="checkbox"/> ORIGINAL REPORT <input checked="" type="checkbox"/> SUPPLEMENTAL REPORT	
BRIEF DESCRIPTION:			
Based on additional information gathered from witnesses Jackie Pepin and Sam Talcott, Willie Waramaug emerged as an additional suspect. Talcott even related a confession made by Waramaug, which implicated Harkness as a co-conspirator. With this evidence, I secured a search warrant for Waramaug's apartment. That search yielded a .38 caliber revolver and a box of ammunition. Ballistic tests confirmed that the .38 was the gun used to kill Hopyard. Arrest warrants were issued for Waramaug and Harkness.			
ATTACHMENTS:		GCIC ENTRY	
<input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Offenses <input type="checkbox"/> Narrative		<input type="checkbox"/> Warrant <input type="checkbox"/> Vehicle <input type="checkbox"/> Article <input type="checkbox"/> Boat <input checked="" type="checkbox"/> Gun	
REPORTING OFFICER: Det. Sawyer Sherlock		BADGE: 4322	DATE: 9/1/2023
SUPERVISOR:		BADGE:	DATE:
DATA ENTRY:		BADGE:	DATE:
GCIC OPERATOR:		BADGE:	DATE:

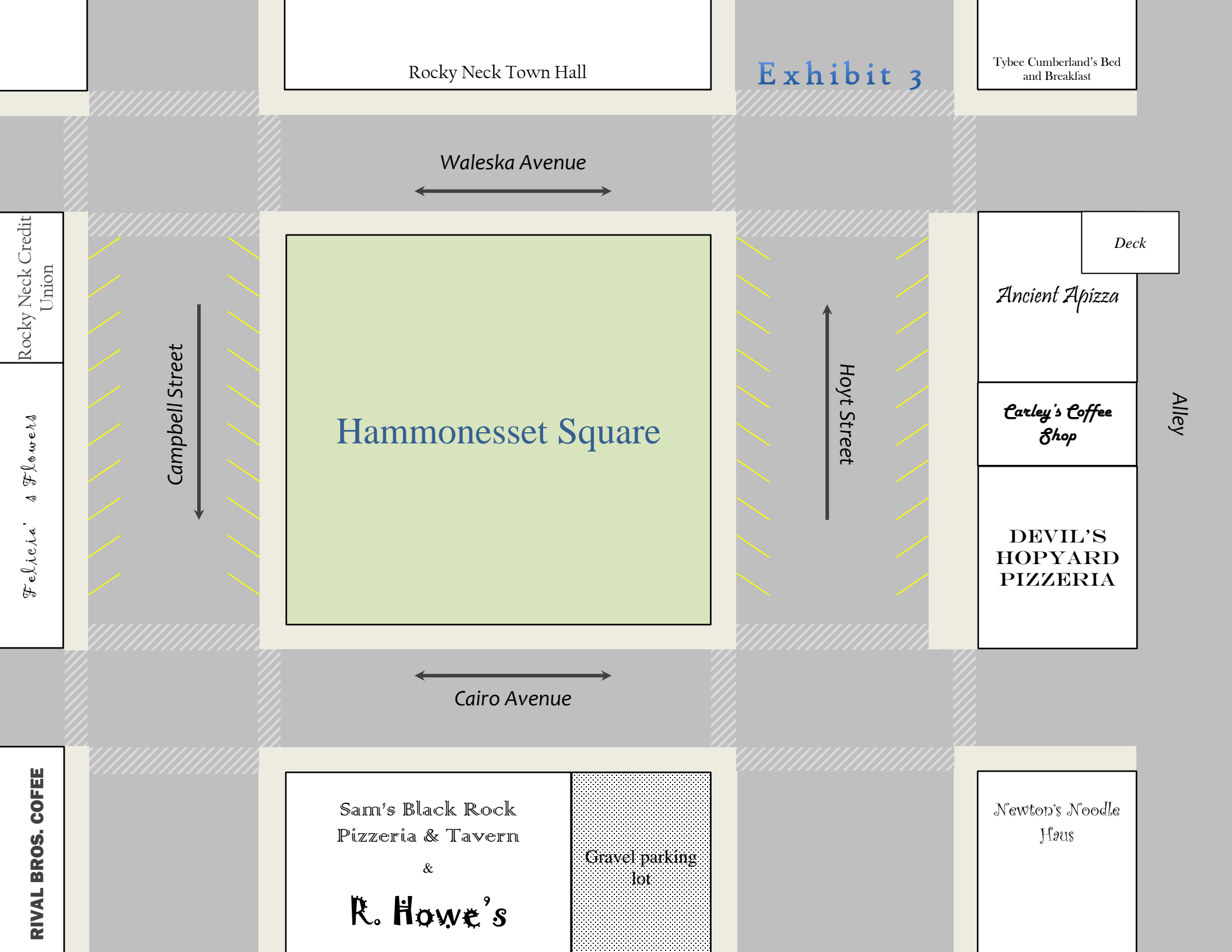
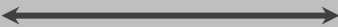


Exhibit 3

Rocky Neck Town Hall

Tybee Cumberland's Bed and Breakfast

Waleska Avenue



Campbell Street



Hammoneset Square

Hoyt Street



Deck

Ancient Apizza

Carley's Coffee Shop

DEVIL'S HOPYARD PIZZERIA

Alley

Cairo Avenue



Sam's Black Rock Pizzeria & Tavern
&
R. Howe's

Gravel parking lot

Newton's Noodle Haus

Rocky Neck Credit Union

Felicia's Flowers

RIVAL BROS. COFFEE

Exhibit 4

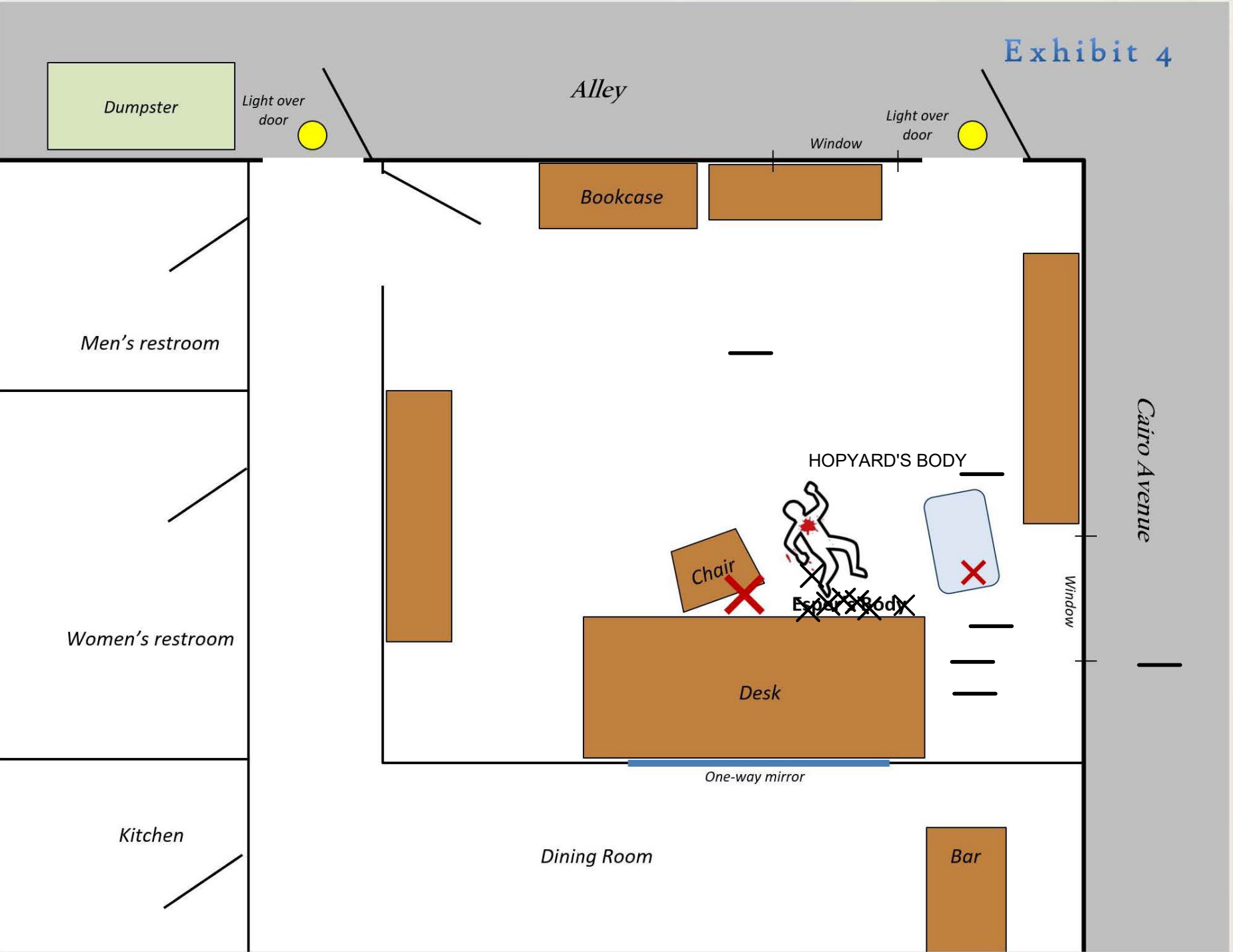


Exhibit 5



EVIDENCE IDENTIFICATION

Case No. 104-01262013-A

Item No. 1

Description of Evidence .038 Rossi Handgun

Type of offense Breaking and Entering, Homicide

Date June 13, 2023

Time 10:46

Location Found 800 Lighthouse Road Rocky Neck

Recovering Officer Det. S. Sherlock

Agency RNPd

Signed *Sherlock*



Climb out of that Hole and come down to

TRIVIA NIGHT

- Free to play!
- \$35 credit for 1st place!
- \$25 credit for 2nd place!
- 7pm every Thursday
- Teams welcome



5¢ drafts of PBR
from 6 - 7
all week long!

Proudly serving **Sleeping Giant** drafts, bottles, and cans.
Brewing Company

Exhibit 7

ANCIENT APP1334

ROCKY NECK'S ONLAPOLLETANA P1334

SLEEPING
GIANT
BREWING
COMPANY

431 74047 STREET
ROCKY NECK CT
06513 203-APP-
1334

ANCIENTAPP1334.COM

27878

EXHIBIT 8

WRITE A REVIEW

DEVIL'S HOPYARD PIZZERIA ROCKY NECK, CT

3.5 **** 417 Google Reviews

\$\$ American Restaurant



Real Italian

Local Guide [12 Reviews](#) [2 photos](#)

*3 weeks ago

- This place is absolute garbage. The food is bad, and when I mean bad, you would only eat it if you are trying to lose weight because it is not edible. The clientele-let's just call them subhuman. But moreover the owner is the worst type of person who is willing to cheat, lie, claw and steal his way to the top. Buy a building out from under your competition-LOWBLOW. If you want a fight-fight fair. But me, I am ready to fight and I am going to take it to the next level. Expect to feel pain worse than my pain. I am not hiding anymore. If you don't know who I am it doesn't matter – what you do need to know is that this will be over soon-once and for all-Ciao amico mio!



Like



Brandon Ne-Local Guide 334 reviews 4,568 photos

*** 3 weeks ago

Note that this was hyped a bit before I went so it was a matter of meeting the “high expectations.” However the meat was a bit dry and even my friend who loved it felt it was not as good as last time.

Exhibit 9

CONNECTICUT STATE POLICE BUREAU OF FORENSIC SERVICES REPORT

Sample No.: 3
Examiner: Nathan Hardwerker, CCFS

Case No.: 2023-76485
Evidence Type: Fingerprint

Analysis Date: May 27, 2023
Updated Analysis: June 29, 2023

Sample	Location	Identity	Confidence
3a	Sample 1 ("2" Key)	Sherlock, Det. S.	Conclusive (Full Print, R Index, 21 pts)
3b	Sample 1 ("2" Key)	Hopyard, D.	Low (Full Print, L Index, 11 pts)
3c	Sample 1 ("2" Key)	Mattatuck, C.	Conclusive (Full Print, R Index, 16 pts)
3d	Sample 1 ("2" Key)	None <i>(Waramaug, W.)</i>	(Partial, > 1000 matches) <i>(Partial, R Index, 6 pts)</i>
3e	Sample 1 ("8" Key)	Sherlock, Det. S.	Conclusive (Full Print, R Index, 23 pts)
3f	Sample 1 ("8" Key)	Hopyard, D.	Low (Full Print, L Index, 10 pts)
3g	Sample 1 ("8" Key)	Mattatuck, C.	Conclusive (Full Print, R Index, 18 pts)
3h	Sample 1 ("8" Key)	None <i>Waramaug, W.</i>	(Partial, > 1000 matches) <i>(Partial, R Index, 8 pts)</i>
3i	Sample 1 ("7" Key)	Sherlock, Det. S.	Conclusive (Full Print, R Index, 27 pts)
3j	Sample 1 ("7" Key)	Hopyard, D.	High (Full Print, L Index, 14 pts)
3k	Sample 1 ("7" Key)	Mattatuck, C.	High (Full Print, R Index, 15 pts)
3l	Sample 1 ("7" Key)	None <i>Waramaug, W.</i>	(Partial, > 1000 matches) <i>(Partial, R Index, 7 pts)</i>
3m	Sample 1 ("1" Key)	None	(Partial, > 1000 matches)
3n	Sample 1 ("1" Key)	<i>Waramaug, W.</i>	Low (Partial, R Index, 10 pts.)

Narrative Report - May 28, 2023

Fingerprints in Sample 1 are taken from keypad in alley outside restaurant in Rocky Neck, CT. Weather dry on date of collection but varies. Plastic surface is considered Moderate to Good for collection, environment Poor to Moderate. Moderate to High traffic area, Moderate to High use. Overall likelihood of capture: Poor to Moderate.

Initial print match identifies three individuals: D. Hopyard, C. Mattatuck, and Det. S. Sherlock. Each positive match is > 12 pts., therefore High confidence. Several exceed 16 pts, therefore Conclusive. Hopyard identified as restaurant owner. Mattatuck identified in interviews as present. Sherlock no known prior contact. Most reasonable conclusion is that Det. Sherlock interacted with crime scene prior to evidence capture while not wearing gloves. Recommend notice letter to Department and additional training for Det. Sherlock.

Multiple partial prints on pad, largely obscured by prints from Mattatuck and Sherlock. Exception is pad "1," which has partial print of right index finger for "W. Waramaug." Ten-point match falls below forensic standard for High confidence. Other keys have no prints or prints so partial or poorly preserved as to make analysis impossible/unhelpful.

/s/ Nathan Hardwerker

Nathan Hardwerker

Certified Civilian Forensic Scientist

STANDARD PASP BFS DISCLOSURE ON FINGERPRINT MATCHING:

THERE IS NO UNIFORM OR UNIVERSAL STANDARD FOR HOW MANY "POINTS" OF MATCH ARE REQUIRED FOR IDENTIFICATION. MOST COURTS REQUIRE TWELVE POINTS, AND FEW - IF ANY - REJECT FINGERPRINTS MEETING THAT STANDARD. SOME COURTS MAY PERMIT EVIDENCE BASED ON FEWER THAN TWELVE POINTS, PARTICULARLY IF SUPPORTED BY OTHER DIRECT OR CIRCUMSTANTIAL EVIDENCE. SIXTEEN POINTS IS CONSIDERED CONCLUSIVE. RECEIVING DEPARTMENT SHOULD NOTIFY ATTORNEY GENERAL IF ANY COURT REJECTS EVIDENCE AT OR ABOVE A FOURTEEN-POINT STANDARD, SO AN APPEAL MAY BE CONSIDERED. INDIVIDUAL OFFICERS OR DEPARTMENTS MAY CONSIDER EVIDENCE FALLING BELOW THE TWELVE-POINT STANDARD AS MEANINGFUL FOR INVESTIGATIVE PURPOSES.

Supplemental Narrative Report - June 30, 2023:

At the request of Rocky Neck PD (Det. S. Sherlock, requesting), the "2," "7," and "8" keys of Sample 3 have been re-examined for any evidence of prints from W. Waramaug. Although no High or Conclusive prints are identified, there are partial prints on these keys that could match those of R. Waramaug. Collectively, these prints with print 3n suggest that Waramaug was present and used the pad, but no single print meets the standard to identify Waramaug. No additional conclusions can be drawn; these partial prints might have been fuller but for the prints overlaid on them, partially destroying them for purposes of analysis. These overlaying prints including those of C. Mattatuck and S. Sherlock. The 6.29.2023 analysis is identified in the revised report in italics.

/s/ Nathan Hardwerker, CCFS

Personal Checking Plus

Exhibit 10

Account Number: **0001225859** ♦ May 1, 2023 to May 31, 2023 ♦ Page 1 of 1

Emerson Harkness
257 Long Island Sound Road
Rocky Neck, CT 06513



Questions?

Available by phone 24 hours a day:

1-800-334-6865

rncu.org

Rocky Neck Credit Union
431 Boston Post Road.
Rocky Neck, CT 06513

ADDRESS SERVICE REQUESTED

Account Summary

Opening Balance	\$5,485.50
Withdrawals	\$6,295.00
Deposits	\$2,050.00
Closing Balance on May 31, 2023	\$1,240.50

Transaction History

Date	Description	Withdrawals	Deposits	Balance
May 2	ATM	\$40.00		\$5,445.50
May 5	DEBIT: Lennie & Joe's	\$17.75		\$5,427.75
May 6	DEBIT: ACME 4457	\$59.98		\$5,367.77
May 6	Deposit		\$750.00	\$6,117.77
May 7	Online Bill Pay: Rocky Neck Water	\$35.65		\$6,082.12
May 7	Online Bill Pay: Eversource	\$110.04		\$5,972.08
May 7	Online Bill Pay: CT Gas	\$36.74		\$5,935.34
May 7	AUTO DEP: Netflix	\$8.99		\$5,926.35
May 10	DEBIT:	\$115.50		\$5,810.85
May 12	Deposit		\$750.00	\$6,560.85
May 16	Deposit		\$550.00	\$7,110.85
May 17	Cash Withdrawal	\$5,000.00		\$2,110.85
May 19	DEBIT: ACME 4457	\$35.24		\$2,075.61
May 22	Air Canada: PHL- YYZ	\$429.88		\$1,645.73
May 22	Air Canada: Baggage	\$50.00		\$1,595.73
May 27	DEBIT: CFA MLT International Air	\$9.65		\$1,586.08
May 27	DEBIT: Lyber	\$210.00		\$1,376.08
May 31	DEBIT: Lockkeepers	\$135.58		\$1,240.50
Closing Balance				\$1,240.50

Business Prime Checking

Account Number: **155201125** ♦ May 1, 2023 to May 31, 2023 ♦ Page 1 of 1

Ancient Apizza
231 Hoyt Street
Rocky Neck, CT 06513



Questions?

Available by phone 24 hours a day:

1-800-334-6865

rncu.org

Rocky Neck Credit Union
431 Boston Post Road
Rocky Neck, CT 06513

ADDRESS SERVICE REQUESTED

Account Summary

Opening Balance	\$7,843.34
Withdrawals	\$12,705.76
Deposits	\$4,862.45
Closing Balance on May 31, 2023	\$0.03

Transaction History

Date	Description	Withdrawals	Deposits	Balance
May 3	Sysco Foodservices	\$575.50		\$7,267.84
May 5	Deposit		\$2,125.75	\$9,393.59
May 5	Payroll	\$1,537.50		\$7,856.09
May 7	Online Bill Pay: Rocky Neck Water	\$128.95		\$7,727.14
May 7	Online Bill Pay: Eversource	\$462.33		\$7,264.81
May 7	Online Bill Pay: CT Gas	\$224.48		\$7,040.33
May 10	Deposit		\$1,120.02	\$8,160.35
May 12	Payroll	\$1,102.10		\$7,058.25
May 16	Deposit		\$958.07	\$8,016.32
May 16	Sleeping Giant Brewery	\$524.45		\$7,491.87
May 17	Cash Withdrawal	\$7,000.00		\$491.87
May 19	Payroll	\$1,150.45		-\$658.58
May 19	Deposit		\$658.58	\$0.00
May 31	Interest		\$0.03	\$0.03
May 31	ACCOUNT CLOSED			\$0.00
Closing Balance				\$0.00

Exhibit II



RELEVANT TEXT & TELEPHONE EXCHANGE REPORT

Requestor: Rocky Neck Police Department
Date of Request: 06.03.2023
Date Fulfilled: 06.04.2023
Date Range of Request: 05.02.2023 – 05.31.2023
Numbers Requested: 484.555.7755
484.555.0233
Number Association: 484.555.7755 | Emerson Harkness
484.555.0233 | Willie Waramaug

Texts:

Date and Time	Sender	Message
05.04.23 10:16	E. Harkness	Willie, I've missed you. Wanna meet up for a coffee. I could use a favor.
05.04.23 11:47	W. Waramaug	New phone, who dis?
05.04.23 11:48	E. Harkness	It's Emerson – remember I had you paint my pizza place a few months ago.
05.04.23 11:55	W. Waramaug	No bells ringing.
05.04.23 11:57	W. Waramaug	Oh – wait – the place with the crappy new age pizza. Yeah, I remember yah. What's up?
05.04.23 11:58	E. Harkness	I need a problem taken care of - can you meet me at my place later today.
05.04.23 12:05	W. Waramaug	You got \$\$\$? I need cash up front.
05.04.23 12:06	E. Harkness	You don't even know what I need?
05.04.23 12:48	W. Waramaug	Do you have money or not?
05.04.23 12:55	E. Harkness	Yes
05.04.23 13:17	W. Waramaug	See you in 10. I'm at Sam's. Be there soon.
05.16.23 10:48	E. Harkness	You good for the job we discussed?
05.16.23 10:55	E. Harkness	You there?
05.16.23 11:24	W. Waramaug	Yeah. I got you. Meet me at Carly's tomorrow round 3. Cash only. \$10000. No negotiating. Sam warned me about you. Says u r broke.
05.16.23 11:26	E. Harkness	I got the \$\$\$. Tell Sam they suck as much as their stupid pickle sushi rolls.
05.16.23 11:27	W. Waramaug	Yeah, those things are gross. C U Emerson.
05.20.23 15:24	E. Harkness	Hey... not sure if you saw/heard, but things have changed. I don't need you to fix that problem anymore.
05.20.23 15:51	W. Waramaug	Sam was right – you are a cheap-o. BTW great speech at

05.20.23 16:32	E. Harkness	the party LOL Whatever. Look, I've left town for good probably. Everyone thinks I'm a fool. There's no way I can rebuild it all now. I'm old and tired. I lost.
05.20.23 16:33	W. Waramaug	Like I said. Pay upfront. No refunds. Do you want the job done or not?
05.20.23 17:55	E. Harkness	It's just not worth it.
05.20.23 17:57	W. Waramaug	Let me be clear. YOU R NOT GETTING YOU'RE MONEY BACK!
05.20.23 18:24	E. Harkness	Fine, just do it then.
05.23.23 22:34	W. Waramaug	It's done. I made quite a mess. But, it's all sorted now.
05.23.23 22:44	E. Harkness	Ok. I'll be back in town soon to check it out. Thx.

Telephone calls

Date	Time Started	Time Ended	Incoming Call To:	Call Originated From:
05/18/23	10:23	10:24	484.555.0233 (Waramaug)	484.555.7755 (Harkness)
05/19/23	14:12	14:13	484.555.0233 (Waramaug)	484.555.7755 (Harkness)
05.21.23	18:08	18:10	484.555.0233 (Waramaug)	484.555.7755 (Harkness)
05.23.23	20:45	20:48	484.555.7755 (Waramaug)	484.555.0233 (Harkness)

Exhibit 12



Sicilian-Style Pizza from Devil Hopyard's Pizzeria



Detroit-Style Pizza from Sam's Black Rock Pizza Pie & Tavern



Mozzarella and Tomato Sauce Pie from Ancient Apizza



White Clam Pie with bacon from Ancient Apizza