

**Subject:** FW: Written submissions and proposed changes to practice book rule §36-6/Looking into my matter/Actions I would be grateful for Justice Palmer to take - (URGENT/Private and Confidential)

**Attachments:** Ruling of Appellate Court.pdf; Formal complaint to Criminal Justice Commission (2018).pdf

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**From:** Begemann, Jill <[Jill.Begemann@connapp.jud.ct.gov](mailto:Jill.Begemann@connapp.jud.ct.gov)>  
**Sent:** Thursday, July 9, 2020 2:41 PM  
**To:** McDonald, Andrew <[Andrew.McDonald@connapp.jud.ct.gov](mailto:Andrew.McDonald@connapp.jud.ct.gov)>  
**Cc:** Palmer, Richard <[Richard.Palmer@connapp.jud.ct.gov](mailto:Richard.Palmer@connapp.jud.ct.gov)>; DiPentima, Alexandra <[Alexandra.Dipentima@connapp.jud.ct.gov](mailto:Alexandra.Dipentima@connapp.jud.ct.gov)>; Hartan, Paul <[Paul.Hartan@connapp.jud.ct.gov](mailto:Paul.Hartan@connapp.jud.ct.gov)>  
**Subject:** FW: Written submissions and proposed changes to practice book rule §36-6/Looking into my matter/Actions I would be grateful for Justice Palmer to take - (URGENT/Private and Confidential)

Good afternoon Justice McDonald,

I am writing to you at the request of Justice Palmer and Judge DiPentima regarding materials forwarded to the Advisory Committee on Appellate Rules by Mr. Faiz Siddiqui.

By way of background, at the public hearing on the appellate rules on June 29, Mr. Siddiqui provided public comment. At the conclusion of Mr. Siddiqui's comments, Justice Palmer granted permission for Mr. Siddiqui to submit written comments at a later date. I have now received the following email and attachments from Mr. Siddiqui. As you will see, Mr. Siddiqui is proposing a change to Practice Book 36-6, a Superior Court criminal rule involving cancellation of warrants. This rule was the subject of a recent Appellate Court opinion involving Mr. Siddiqui. See *In re Faiz Siddiqui*, 195 Conn. App. 594 (2020). Mr. Siddiqui has also asked that Justice Palmer follow up with you regarding a complaint that Mr. Siddiqui filed with the Criminal Justice Commission in 2018 regarding the activities of the Hartford Prosecutor's Office and a West Hartford police lieutenant.

I am forwarding the email and attachments to you in your capacity as chair of the Superior Court Rules Committee and the Criminal Justice Commission. At this point, I am just going to acknowledge receipt of Mr. Siddiqui's email.

If there is anything else that you need from me, please let me know. Thank you.

Jill Begemann  
Director of Appellate Operations  
(860) 713-2194

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**From:** Faiz Siddiqui [[faizsiddiqui64@gmail.com](mailto:faizsiddiqui64@gmail.com)]  
**Sent:** Wednesday, July 08, 2020 4:29 PM  
**To:** Begemann, Jill  
**Subject:** Re: Written submissions and proposed changes to practice book rule §36-6/Looking into my matter/Actions I would be grateful for Justice Palmer to take - (URGENT/Private and Confidential)

Dear Jill,

As per my online conference call with Justice Palmer last week, I am writing back to you on 3 urgent matters, each of which I will deal with in turn. I would be grateful if this email could please be forwarded onto Justice Palmer and Chief Judge DiPentima as appropriate.

By way of background, I am a Brasenose College, Oxford (the same Oxford college attended by UK prime minister David Cameron) educated lawyer from England and also a qualified Tax lawyer who trained and qualified at Clifford Chance in London (the number one ranked law firm in the UK).

What has been done to me in terms of issuing an arrest warrant based on a single phone call to voicemail and then refusing to cancel it for the past 5 years when the correct facts were brought to the Hartford prosecutor's office's attention is horrendous and I will elaborate upon this further below.

### **1. Proposed changes to practice book rule §36-6**

Practice book rule §36-6 states as follows:

#### **"Sec. 36-6. — Cancellation of Warrant**

*At the request of the prosecuting authority, any unserved arrest warrant shall be returned to a judicial authority for cancellation. A judicial authority also may direct that any unserved arrest warrant be returned for cancellation."*

I have just had an appeal (see attached ruling) in which it was held by the Connecticut Appellate Court (including Chief Judge DiPentima who gave the lead judgment) that the above practice book section §36-6 did **not** give a putative Defendant the right to file a Motion to cancel an arrest warrant on the basis that the "plain language" of the practice book section does not say that a Defendant may do so through a Motion filed by him/her, and that the "jurisdiction" of a criminal Court is not engaged until such time as a Defendant is arrested and the Information is formally presented to the Court. In doing so, the Appellate Court also followed a lower court ruling in an unreported case called *Rodriguez* which they were not obliged to follow.

I do not propose to make detailed legal arguments here (the Justices may check the Appellate briefs filed in Appeal AC 41023 for a detailed rendition of those), but, suffice to say, this position **cannot** be legally correct for numerous reasons.

*Firstly*, it would be in clear violation of the Fourth Amendment to the US constitution, as well as a Judge's judicial oath of office to knowingly allow a false, frivolous and unlawful arrest warrant issued without probable cause, whether served or unserved, to remain in place because of the very serious harm and unlawful curtailment of liberty it causes to the subject of the warrant. In this case, I have suffered the enormous travesty of justice of not being able to re-enter the US for over 5 years to complete my graduate school education at Kellogg Business School. As such, any Judge, once apprised of the correct facts and knowing that a defective arrest warrant has issued without probable cause, he/she is under a **positive judicial duty** to cancel it, whether acting *sua sponte* or at the request of a Motion filed by the Defendant.

Secondly, practice book §36-6 does or at least **should** create jurisdiction for a Defendant to be able to cancel a defective arrest warrant prior to arrest or this would entail a knowing violation of his/her Fourth Amendment right to be free of false arrest if the prosecutor fails to agree to remove the warrant for any reason, as has been the case in the present matter.

Thirdly, the second sentence about a "judicial authority" being able to cancel an arrest warrant would plainly become redundant, otiose and denuded of all meaning unless a Defendant was able to bring the defective arrest warrant to the judicial authority's attention through a properly filed Motion in Court.

In order to clarify matters, my proposed change to the above section is therefore in the words below in bold:

**"Sec. 36-6. — Cancellation of Warrant**

*At the request of the prosecuting authority, any unserved arrest warrant shall be returned to a judicial authority for cancellation. A judicial authority also may direct that any unserved arrest warrant be returned for cancellation, **either by acting sua sponte or through a Motion filed by the Defendant.**"*

I would strongly urge the Committee to make the above rule change in order to clarify matters and make the above section compliant with the Fourth Amendment of the US constitution, giving a Defendant the right to remove a defective arrest warrant issued without probable cause.

**2. My present matter which Justice Palmer agreed to "look into" for me/Actions which I would be grateful if Justice Palmer could take**

The second part of my email deals with the part of my online conversation with Justice Palmer last week in which I expressed my sincere and heartfelt concerns about the unlawfully issued arrest warrant and he agreed to "look into the matter" for me.

As discussed in the conference last week, I formally raised my concerns in writing with Justice McDonald of the Supreme Court in writing in 2018 and I attach a PDF copy of that formal complaint here. Justice McDonald was sufficiently concerned about my complaint in relation to the frivolous arrest warrant based on a single phone call to voicemail to initiate an investigation into the matter by fellow Commissioner Mary Galvin. However, that investigation was unfortunately later suspended by Justice McDonald out of "deference" to the formal Appellate process which I was partaking in at the time.

Now that the formal Appellate process is to all intents and purposes over (getting certification for Supreme Court review is always a herculean task and I presently have insufficient funds to instruct an Attorney to file such a petition in any event), I would be grateful if the formal investigation originally initiated and then closed down by Justice McDonald could be **urgently re-commenced** to avoid the ongoing serious and substantial prejudice to me through the ongoing existence of the false and frivolous arrest warrant. I did write to Justice McDonald attaching a copy of the below Appellate ruling and my 2018 formal complaint to the Criminal Justice Commission on Saturday June 27th, but I have unfortunately had no acknowledgement or response from him whatsoever.

**3. Actions which I would be grateful if Justice Palmer could now take**

*Firstly*, I would be grateful if Justice Palmer could kindly contact Justice McDonald to ensure that he has received my above mentioned email with 2 attachments and proposes to respond to it in his capacity as the Chairman of the Criminal Justice Commission, as he of course should.

*Secondly*, I thought I should share some of the corrupt, dishonest and ethical misbehaviour of the Hartford prosecutors with Justice Palmer since this could and should also inform his actions in this matter.

My lawyers have been making written and oral representations to Hartford State's Attorneys Hardy, Ajello and Diaz for the **past 4 1/2 years** since early 2016, making it clear to her that the arrest warrant is frivolous, based on a single phone call to voicemail (as verified by the phone records in the attached formal complaint document which confirm that I only made a single phone call to the complainant and the rest of the phone calls which were "assumed" to come from me actually came from well known telemarketers).

In fact, as a direct result of Gail Hardy's **abject failure** to deal with my formal complaint despite telling former Chief State's Attorney Leonard Boyle that she was "*taking it seriously*", I had to then escalate the matter directly to Justice McDonald in June 2018 in his capacity as Chairman of the Criminal Justice Commission.

However, it would be wrong of me to suggest that this matter only first came to Gail Hardy's attention through my formal complaint in 2018. In fact, my previous Attorneys Jim Bergenn and Patrick Tomasiewicz first brought this ridiculous matter to Gail Hardy's attention in **early 2016** and Jim Bergenn submitted a detailed memorandum to her, which is contained at pages 59 to 65 of the attached paginated bundle. Jim also met with Gail Hardy in around April 2016, shortly after sending her this detailed email to explain the absurdity of this matter. For any conscientious, honest and ethical State prosecutor, this would have been **sufficient** to recall the arrest warrant from the police, realise it was frivolous and/or based on lies, and check the **underlying phone records** to categorically establish that it was indeed based on single phone call to voicemail to a regular visitor and friend of my Aunt in Connecticut for over 35 years.

However, Gail sat on the matter for months, did **not** bother recalling the arrest warrant from the police to look at it, and this necessitated Attorney Tomasiewicz asking her to do so with a view to cancelling it. Eventually, when Patrick Tomasiewicz and Gail Hardy did meet in October 2016, Mr. Tomasiewicz explained that (1) the warrant was frivolous and based on a single phone call to voicemail without any voicemail left and (2) the police officer who issued the warrant had been in trouble before for inappropriate conduct, including storing drugs in his room for which he was suspended. The police officer in question has had around 3 formal complaints made about him in as many years between 2015 and 2018 which is **highly unusual** to say the least when one considers that police officers do not even usually get one complaint throughout the course of their careers. Gail responded to Mr. Tomasiewicz by quoting back the police officer's lies on his affidavit and saying that there had been "*calls at all times of day and night between February and March 2015*". It is unfortunate that Mr. Tomasiewicz did not immediately challenge her at this point and ask her to check the phone records which would have clearly shown only a single phone call to voicemail.

However, Mr. Tomasiewicz did subsequently follow up with an email to Gail Hardy in January 2017 (see pages 109 to 111 of the paginated bundle) to confirm that there had indeed only been a single

phone call to voicemail and that he wanted to sit down and speak with Gail with the pertinent arrest warrant and subpoenaed phone records to show that there was indeed only a single phone call to voicemail. Gail responded disingenuously on two occasions by "pretending" not to read Patrick Tomasiewicz's email, presumably because she would then be under an ethical obligation to cancel it because of the lack of probable cause (see pages 111 - 112 of the paginated bundle). As a direct result of Gail's dishonest and unethical behaviour (she could have easily been fair and cancelled the arrest warrant once the correct facts were brought to her attention), a false and frivolous arrest warrant has been in place for **over 5 years** and unfairly prohibited my return to the US for over 5 years to complete my graduate school education.

Gail subsequently "passed" the matter onto Carl Ajello in 2018 and now refuses to take any responsibility for it. Subsequent attempts have also been made by both Patrick Tomasiewicz and Jeremiah Donovan to approach Hartford prosecutors Carl Ajello and Robert Diaz, but they are implacably opposed to cancelling the warrant on any basis, even though the complainant's released incoming phone records for the relevant February to March 2015 time period clearly show all the calls "assumed" to be from me to be from well known telemarketers (see pages 88 to 108 of the attached paginated bundle).

You may or may know that Gail Hardy recently received unprecedented discipline in terms of being suspended for 4 days by the Criminal Justice Commission: <https://www.wnpr.org/post/prosecutor-gail-hardy-receives-unprecedented-discipline-criminal-justice-commission> for what Justice McDonald described as her "serious dereliction" in duty in failing to return reports to the families of victims of police homicides for over 5 years. During a hearing on whether she should be re-appointed Hartford State's Attorney, she subsequently withdrew her bid after vehement complaints from many stakeholders (e.g. the NAACP) and opposition from members of the Commission itself.

Justice Palmer should also know that the police officer who issued the arrest warrant has a long history of well publicized gross misconduct the size of Niagara falls which is **in addition** to the very serious and unprecedented gross misconduct he has committed in this case itself which was detailed in the Amended Complaint. More specifically, after being suspended for being found in his office with several pounds of marijuana in 2016: <http://www.courant.com/community/west-hartford/hc-west-hartford-police-promotion-marijuana-investigation-20161018-story.html>, he committed sexual harassment against a fellow female police officer in 2017 and got transferred to another division: <http://www.courant.com/community/west-hartford/hc-west-hartford-eric-rocheleau-sexual-harrassment-complaint-no-evidence-20170901-story.html>. Further, the Appellate Court found he committed an illegal search in 2001: <https://caselaw.findlaw.com/ct-court-of-appeals/1104206.html>. It is therefore a short and easy to step for the Court to understand why the police officer in question would issue an arrest warrant without probable cause based off a single phone call to voicemail without any voicemail left.

The relevance of the above background is hopefully obvious to Justice Palmer. In short, there has been a great deal of corruption, skullduggery

and unethical behaviour in my case and my second request is therefore that Justice Palmer should get involved (along with Justice McDonald) to ensure that the Hartford prosecutor's office now finally do the right thing and cancel the false and frivolous arrest warrant based on a single phone call to voicemail without any voicemail left to a well known family friend and visitor of my Aunt's house in Connecticut for over 35 years.

Please acknowledge receipt.

Kind regards,

Faiz

On Mon, Jun 29, 2020 at 3:33 PM Begemann, Jill <[Jill.Begemann@connapp.jud.ct.gov](mailto:Jill.Begemann@connapp.jud.ct.gov)> wrote:

Good morning,

This is the correct email address for submission of written comments on the rules. Thank you.

Jill Begemann

Director of Appellate Operations

Phone: (860) 713-2194

**From:** Faiz Siddiqui <[faizsiddiqui64@gmail.com](mailto:faizsiddiqui64@gmail.com)>  
**Sent:** Monday, June 29, 2020 10:22 AM  
**To:** Begemann, Jill <[Jill.Begemann@connapp.jud.ct.gov](mailto:Jill.Begemann@connapp.jud.ct.gov)>  
**Subject:** Written comments - (Urgent/Private and Confidential)

Dear Jill,

I enjoyed speaking to Justice Palmer today. Can you please kindly let me know if this is the correct email address to submit my written submissions to or if I should send it to another email address?

Kind regards,

Faiz

IN RE FAIZ SIDDIQUI  
(AC 41023)

DiPentima, C. J., and Lavine and Bishop, Js.

*Syllabus*

The petitioner filed a motion seeking the cancellation of an unserved arrest warrant pursuant to the rule of practice (§ 36-6) that governs the cancellation of arrest warrants. The trial court denied the petitioner's motion for cancellation on the ground that it lacked subject matter jurisdiction to consider the motion. Thereafter, the trial court denied two motions to reargue filed by the petitioner, and the petitioner appealed to this court. *Held:*

1. Contrary to the state's claim, this court had jurisdiction over the petitioner's appeal; the trial court's denial of the petitioner's motion for cancellation of the arrest warrant terminated a separate and distinct proceeding, and, therefore, it satisfied the first prong of the test set forth in *State v. Curcio* (191 Conn. 27) that governs when an interlocutory ruling is appealable.
2. The trial court properly determined that it lacked jurisdiction to consider the petitioner's motion for cancellation of the arrest warrant: because there was no pending criminal case before the trial court and the plain language of Practice Book § 36-6 provides that only the prosecuting authority and the judicial authority may act to cancel an arrest warrant and does not set forth an avenue for the petitioner to seek cancellation of the unserved arrest warrant, the trial court lacked jurisdiction to consider the merits of the petitioner's motion for cancellation; moreover, because the trial court lacked jurisdiction, it should have dismissed the motion rather than denied it, and, therefore this court concluded that the form of the judgment was improper, reversed the judgment and remanded the case with direction to dismiss the motion.

Argued October 10, 2019—officially released February 11, 2020

*Procedural History*

Motion for cancellation of an arrest warrant, brought to the Superior Court in the judicial district of Hartford, geographical area number fourteen, where the court, *Dewey, J.*, denied the motion; thereafter, the court denied the petitioner's motion to reargue, and the petitioner appealed to this court; subsequently, the court, *Dewey, J.*, denied the petitioner's motion to reargue, and the petitioner filed an amended appeal. *Improper form of judgment; judgment directed.*

*John R. Williams*, for the appellant (petitioner).

*Kathryn W. Bare*, assistant state's attorney, with whom, on the brief, were *Gail P. Hardy*, state's attorney, and *Robert Diaz*, senior assistant state's attorney, for the appellee (state).



*Opinion*

DiPENTIMA, C. J. The petitioner, Faiz Siddiqui, appeals from the judgment of the trial court denying his motion for cancellation of an unserved arrest warrant and denying his two motions to reargue. The petitioner claims that (1) his appeal is taken from a final judgment and, therefore, this court has jurisdiction to consider his appeal, (2) the trial court had jurisdiction to grant his motion for cancellation of the unserved arrest warrant, (3) the arrest warrant was not supported by probable cause, and (4) the fugitive felon disentitlement doctrine was inapplicable under the facts of this case. We conclude that this court has jurisdiction over the appeal and that the trial court properly determined that it lacked subject matter jurisdiction to rule on the motion for cancellation of the unserved warrant and the motions to reargue.<sup>1</sup> We further conclude that the form of the judgment is improper, and, accordingly, we reverse the judgment and remand the case with direction to dismiss the petitioner's motions.

The record reveals the following facts and procedural history. In 2015, the West Hartford Police Department investigated a harassment complaint against the petitioner. After a three month investigation, a police officer filed an application for an arrest warrant. The court, *Mullarkey, J.*, signed the arrest warrant on May 29, 2015, on the charge of one count of harassment in the second degree in violation of General Statutes § 53a-183. The court indicated a \$2500 cash only bail and imposed a no contact condition as to the complainant. The warrant was neither served on the petitioner, who resided in London, England, at that time, nor filed in court.

Approximately two years later, on March 31, 2017, the petitioner filed a motion for cancellation of the arrest warrant, citing, *inter alia*, Practice Book § 36-6.<sup>2</sup> At that time, neither the petitioner nor his counsel had obtained a copy of the arrest warrant. The court, *Dewey, J.*, held a hearing on April 20, 2017. At the outset, the petitioner's counsel acknowledged the atypical nature of the proceeding and requested that the court "extend [its] jurisdiction to do one of two things. Either compel the state to cancel an arrest warrant that we haven't seen or—one could argue [that] might be a bit of a reach—or, in the alternative, to compel the state to produce a copy of the warrant and to hold an evidentiary hearing at some later date . . . ." The prosecutor countered that the court lacked jurisdiction to award either form of relief requested by the petitioner. The prosecutor further argued that the unserved warrant was not a public document.

On July 28, 2017, the court issued a memorandum of decision denying the petitioner's motion for cancellation of the arrest warrant. After summarizing the peti-

tioner's factual and legal arguments as to why the warrant should be cancelled,<sup>8</sup> the court turned to the question of jurisdiction. Specifically, it observed that "[a] Superior Court's authority in a criminal case begins with the presentment of an information." It then turned to Practice Book § 36-6, noting that, although that provision provided authority for the court to direct the return of an unserved warrant, it did "not provide any authority to secure a copy of that warrant for review by interested parties." Finally, the court stated that General Statutes § 54-2a (e) restricted the release of a warrant to the time of the arrest and that the warrant was not public information until the time of the arrest.

On August 30, 2017, the petitioner, representing himself, filed a motion to reargue pursuant to Practice Book § 11-11. A hearing was scheduled for October 17, 2017. The day before the scheduled hearing, the petitioner, represented by counsel, filed a memorandum in support of the motion to reargue. After the petitioner's counsel presented his argument, the prosecutor repeated the state's position that the court lacked jurisdiction. At the conclusion of the hearing, the court determined that it lacked jurisdiction to consider the motion for cancellation and denied the petitioner's motion to reargue.

On November 6, 2017, the petitioner filed the present appeal, as well as a motion to reargue and for modification to which he attached a copy of the arrest warrant. On November 30, 2017, the trial court denied the relief requested by the petitioner. It noted that the petitioner had appealed the October 17, 2017 decision denying his motion to reargue. As a result of the pending appeal, the court concluded that it lacked jurisdiction to entertain the November 6, 2017 motion. The petitioner responded by filing a motion for order with this court requesting that it (1) vacate the November 30, 2017 decision, (2) direct the trial court to conduct an evidentiary hearing, and (3) issue a notice indicating that the trial court had jurisdiction to consider his motion for cancellation of the arrest warrant.

On January 24, 2018, in response to the petitioner's motion for order, this court concluded that the filing of the appeal did not divest the trial court of jurisdiction to consider the petitioner's motion to reargue and for modification. This court ordered the trial court "to reconsider its order, dated November 29, 2017, on the [petitioner's] motion to reargue and for modification."

The petitioner subsequently filed a memorandum in support of the motion to reargue, dated March 14, 2018. On March 28, 2018, the trial court issued another memorandum of decision in which it noted that the petitioner has been a citizen and resident of England throughout these proceedings and that the May, 2015 arrest warrant had not been served. The court again rejected the peti-

“In effect, the petitioner is attempting to argue a motion to dismiss before the initiation of criminal proceedings.” The court also invoked the fugitive felon disentitlement doctrine,<sup>4</sup> noting that the petitioner had sought to invoke the jurisdiction of the court but had refused to submit to that same jurisdiction. The court stated: “As a fugitive, the petitioner should not be in a position to invoke the powers of the judiciary in an effort to avoid prosecution.” Accordingly, the court denied the petitioner’s motion to reargue and for modification. This appeal followed.<sup>5</sup> Additional facts will be set forth as necessary.

## I

As an initial matter, we address the state’s claim that this appeal was not taken from a final judgment, and, therefore, we should dismiss the appeal. Specifically, it contends that there is no final judgment in a criminal case until the imposition of sentence; see *State v. Rhoads*, 122 Conn. App. 238, 243, 999 A.2d 1, cert. denied, 298 Conn. 913, 4 A.3d 836 (2010); and that the present appeal fails to satisfy either prong of the test set forth in *State v. Curcio*, 191 Conn. 27, 31, 463 A.2d 566 (1983). We disagree that this court lacks jurisdiction to consider the merits of the petitioner’s appeal.

“Before examining the [appellant’s] claims on appeal, we must first determine whether we have jurisdiction. It is axiomatic that the jurisdiction of this court is restricted to appeals from judgments that are final. General Statutes §§ 51-197a and 52-263; Practice Book § 61-1 . . . . Thus, as a general matter, an interlocutory ruling may not be appealed pending the final disposition of a case.” (Internal quotation marks omitted.) *Martowska v. White*, 183 Conn. App. 770, 774, 193 A.3d 1269 (2018). An otherwise interlocutory order is immediately appealable if “it [meets] at least one prong of the two prong test articulated by our Supreme Court in *State v. Curcio*, [supra, 191 Conn. 31]. Under *Curcio*, [a]n otherwise interlocutory order is appealable in two circumstances: (1) where the order or action terminates a separate and distinct proceeding, or (2) where the order or action so concludes the rights of the parties that further proceedings cannot affect them.” (Internal quotation marks omitted.) *Martowska v. White*, supra, 775.

The motion filed by the petitioner, and the proceedings that followed, concerned only the petitioner’s efforts to have the 2015 arrest warrant cancelled. Indeed, once the court denied the petitioner’s request to act pursuant to Practice Book § 36-6, this unusual matter, separate and distinct from any future proceedings in the criminal court, terminated. Accordingly, we conclude that the first prong of *Curcio* has been met, and this court has jurisdiction over the petitioner’s appeal.

## II

Next, we turn to the issue of whether the trial court had jurisdiction to rule on the petitioner's motion for cancellation of the arrest warrant. We conclude that the court properly determined that it lacked jurisdiction to consider the petitioner's motion, filed prior to the commencement of a criminal case. A remand is necessary, however, to change the form of the judgment from a denial to a dismissal of the petitioner's motion for cancellation of the unserved 2015 arrest warrant.

We begin with the observation that the Superior Court is a constitutional court of general jurisdiction. See *State v. McCoy*, 331 Conn. 561, 576–77, 206 A.3d 725 (2019). “In the absence of statutory or constitutional provisions, the limits of [the Superior Court's] jurisdiction are delineated by the common law.” (Internal quotation marks omitted.) *Id.*, 577; see also *State v. Ward*, 193 Conn. App. 794, 801, 220 A.3d 68, cert. granted on other grounds, 334 Conn. 911, A.3d (2019). Additionally, we note that “[j]urisdiction of the subject-matter is the power [of the court] to hear and determine cases of the general class to which the proceedings in question belong. . . . A court has subject matter jurisdiction if it has the authority to adjudicate a particular type of legal controversy.” (Internal quotation marks omitted.) *In re Shonna K.*, 77 Conn. App. 246, 250, 822 A.2d 1009 (2003); see also *State v. Carey*, 222 Conn. 299, 304–305, 610 A.2d 1147 (1992). A challenge to the subject matter jurisdiction of the trial court presents a legal question subject to plenary review by this court. See, e.g., *State v. Daly*, 111 Conn. App. 397, 401, 960 A.2d 1040 (2008), cert. denied, 292 Conn. 909, 973 A.2d 108 (2009).

Next, we consider the jurisdiction of the Superior Court in the context of a criminal case. Our Supreme Court has stated that “[t]he Superior Court's authority in a criminal case becomes established by the proper presentment of the information . . . which is essential to initiate a criminal proceeding.” (Internal quotation marks omitted.) *State v. Carey*, supra, 222 Conn. 306; see *State v. Daly*, supra, 111 Conn. App. 401–402; see also *Reed v. Reincke*, 155 Conn. 591, 598, 236 A.2d 909 (1967) (proper presentment of information, rather than arrest, is essential to initiate criminal proceeding).

The Superior Court addressed a similar situation in *State v. Rodriguez*, Superior Court, judicial district of Windham, Docket No. CR-17-010112799-T (November 15, 2017) (65 Conn. L. Rptr. 499). In that case, the defendant filed a motion to dismiss and to vacate an unserved violation of probation arrest warrant pursuant to Practice Book § 41-8 (2) and (3). *Id.* The court first considered whether it had jurisdiction to consider the defendant's motion. *Id.* It noted that “[a] criminal proceeding is not initiated until the defendant has been formally

presented before the court, notified of the charges, and the formal charging document, called the information here in Connecticut, has been filed with the court, which constitutes the initiation of adversary judicial criminal proceedings . . . .” (Internal quotation marks omitted.) *Id.*, 500. The defendant had not been served or otherwise presented before the Superior Court, and, therefore, the court concluded that “there is no criminal proceeding currently pending over which this court has jurisdiction.” *Id.*

The defendant argued that Practice Book § 36-6 provides a means to invoke the court’s jurisdiction. *Id.* In rejecting this position, the court first noted the absence of any legal or statutory authority to support the defendant’s position. *Id.* It also concluded that the plain language of Practice Book § 36-6 did not support the defendant’s interpretation. *Id.* The court stated: “The text of this section references the ‘prosecuting authority’ in the first sentence and the ‘judicial authority’ in the second, but makes no direct reference or other inference to defendants or defense counsel.” *Id.* The court also noted that although our rules of practice may explain and codify the jurisdiction of the Superior Court, they do not create or enlarge it. *Id.* For these reasons, the court dismissed the defendant’s motion. *Id.*, 501.

We are persuaded by the analysis set forth in *Rodriguez* and, applying it to the facts of the present case, conclude that the trial court properly determined that it lacked jurisdiction to consider the defendant’s motion for cancellation of the unserved 2015 arrest warrant. As noted by the trial court, “at the present time and in the instant case, *there is no pending criminal proceeding.*” (Emphasis added.) Additionally, the plain language of Practice Book § 36-6 provides that the “prosecuting authority” and the “judicial authority” are the two entities that may act to cancel an unserved arrest warrant. It does not set forth an avenue for the petitioner to seek cancellation of the unserved warrant. We agree that there was no pending criminal case and that, therefore, the court lacked jurisdiction to consider the merits of the petitioner’s motions regarding the unserved arrest warrant.<sup>6</sup>

The form of the judgment is improper, the judgment denying the petitioner’s motions is reversed and the case is remanded with direction to render judgment dismissing the motions.

In this opinion the other judges concurred.

<sup>1</sup> As a result of this conclusion, we need not address the petitioner’s third and fourth claims.

<sup>2</sup> Practice Book § 36-6 provides: “At the request of the prosecuting authority, any unserved arrest warrant shall be returned to a judicial authority for cancellation. A judicial authority also may direct that any unserved arrest warrant be returned for cancellation.”

<sup>3</sup> Specifically, the court stated: “It is the petitioner’s belief that the June, 2015 arrest warrant was based on the complainant’s allegations that the petitioner had made several harassing phone calls from Chicago, Illinois.

there is no evidence of the source of the alleged harassing phone calls. Further, the petitioner states that there was a decade long sparse history of nonharassing phone calls. He additionally suggests that the complainant has a motive for fabrication. The petitioner asserts that the investigating officers provided information in their affidavit that was contradicted by available information or if investigated, would have been easily refuted. The petitioner finally states that the investigating officers ignored exculpatory information, threatened the petitioner with legal and immigration reprisals, and refused to meet with the petitioner's counsel."

<sup>4</sup> See, e.g., *State v. Brabham*, 301 Conn. 376, 379–83, 21 A.3d 800 (2011); *State v. Dayton*, 176 Conn. App. 858, 863–67, 171 A.3d 482 (2017).

<sup>5</sup> On June 20, 2018, we granted the petitioner's motion to file a late amended appeal to include the trial court's March 28, 2018 ruling. This court further ordered, *sua sponte*, the parties to address in their appellate briefs the matter of the trial court's jurisdiction.

<sup>6</sup> In *State v. Damato-Kushel*, 327 Conn. 173, 175–77, 173 A.3d 357 (2017), a case relied on by the petitioner at oral argument before this court, the attorney for an alleged victim filed an appearance in a pending criminal matter and sought to attend any pretrial disposition conferences held in chambers. The criminal court sustained the defendant's objection. *Id.*, 177. The alleged victim filed a writ of error, arguing that the in-chambers, pretrial dispositional conferences constituted court proceedings that the defendant had the right to attend, and, therefore, pursuant to article first, § 8, of the Connecticut constitution, as amended by articles seventeen and twenty-nine of the amendments (Conn. Const., amend. XXIX [b] [5]), he also had the right to attend due to his status as the victim. *Id.*, 175–76. The defendants in error, the criminal defendant and Superior Court, judicial district of Fairfield, argued, *inter alia*, that the alleged victim was not aggrieved and lacked standing to bring the writ of error. *Id.*, 179–80. Specifically, the defendants in error argued that the criminal court had not made any determination that the alleged victim was, in fact, a victim for purposes of amendment XXIX (b) (5) of the Connecticut constitution. *Id.*, 180. Our Supreme Court rejected this argument, stating: "It is undisputed . . . that . . . the arrest warrant application clearly alleged that [the defendant's] criminal misconduct was perpetrated against [the alleged victim] specifically. In such circumstances, we agree with the [alleged victim] that the arrest warrant constitutes a sufficient determination of his status as a victim to trigger the rights afforded by amendment XXIX (b) of the Connecticut constitution." *Id.*, 181.

The present case is distinguishable from *Damato-Kushel*. In that case, the criminal case against the defendant had been initiated by the proper presentment of an information in court. Further, our Supreme Court decided only that the arrest warrant amounted to a sufficient determination of the alleged victim's status, invoking the rights pursuant to amendment XXIX (b) of our state constitution for purposes of an aggrievement and standing for purposes of a determination regarding appellate jurisdiction to prosecute the writ of error. We conclude, therefore, the petitioner's reliance on *Damato-Kushel* is misplaced.

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14/06/2018  
Chairman Justice Andrew McDonald  
Criminal Justice Commission  
c/o Kevin Kane of Division of Criminal Justice  
Office of the Chief State's Attorney  
300 Corporate Place  
Rocky Hill, CT 06067

By email to: [Andrew.mcdonald@connapp.jud.ct.gov](mailto:Andrew.mcdonald@connapp.jud.ct.gov), [Kevin.kane@ct.gov](mailto:Kevin.kane@ct.gov),  
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Dear Chairman Justice McDonald,

**Formal complaint to Criminal Justice Commission about Hartford  
Prosecutor's office (i.e. Gail Hardy, Carl Ajello and Robert Diaz) and  
Lieutenant Eric Rocheleau of the West Hartford police department**

I write to you in your capacity as Chairman of the Criminal Justice Commission to make a formal complaint about the Hartford State's Attorney's office (Gail Hardy, Carl Ajello and Robert Diaz) and Lieutenant Eric Rocheleau of the West Hartford police department. I would be grateful if this formal complaint could, if at all possible, be swiftly resolved **within the next 1-2 weeks and by the end of this month of June at the latest** since there has been a false and frivolous arrest warrant in place against me for **over 3 years** by which I am being severely prejudiced both in terms of (1) not being able to return to the US to continue my education at Kellogg Business School and (2) having my civil defamation suit against the complainant dismissed by virtue of my not being able to come to Hartford, Connecticut for deposition in view of the ongoing existence and non-cancellation of the false and frivolous arrest warrant.

Your reputation as a very fine, able, fair and just Justice of the Supreme Court precedes you. Needless to say, I am sure that you (as well as the other members of the Criminal Justice Commission) will be as concerned as I am to ensure that justice, the rule of law and basic principles of fairness are always upheld and that injustice is promptly addressed and removed wherever and whenever it may occur.

## Recommended reading:

All enclosures, but in particular:

1. Jim Bergenn's 2 attached memoranda outlining how he believes this is one of the most ridiculous cases he has ever seen in his long and distinguished 40 year career (see pages 51 - 65 of the paginated bundle).
2. Norm Pattis's Motion of March 2017 which expresses the same view (see pages 114 - 184 of the paginated bundle).
3. Jeremiah Donovan's 2 Motions of October 2017 and March 2018, both of which also extensively comment on the **clear lack of probable cause** for the arrest warrant (see pages 188 - 225 of the paginated bundle).
4. Arrest warrant issued in May 2015 (see pages 19 - 27 of the paginated bundle).
5. Search warrant issued April 2015 (see pages 28 - 41 of the paginated bundle).
6. Jeremiah Donovan's letter to Judge Mullarkey of April 2018 (see pages 243 - 248 of the paginated bundle).

## Introduction and Background

My name is Faiz Siddiqui and I am an Oxford University educated lawyer (I attended the same Oxford college (Brasenose) as the previous UK prime minister (David Cameron) and trained and qualified as a lawyer at top magic circle law firm Clifford Chance (ranked number 1 in the UK and the equivalent of one of your New York white shoe law firms) based in London, England. As Jim Bergenn of Shipman and Goodwin says in his attached detailed chronology, I am a professional person with a life long history of honorable and decent conduct with zero negative history towards anyone.

I also presently have a place at leading business school (Kellogg in Evanston, Illinois) but have regrettably **not** been able to return to the US to continue my graduate school education for the **past 3 years** because of a **false and frivolous arrest warrant** that issued against me in 2015 **without probable cause** by an unscrupulous, corrupt and dishonest police officer who has a well publicized history of serious and unprecedented gross misconduct, including extensive gross misconduct in my own case. Indeed, after being suspended for being found in his office with **several pounds of marijuana** in 2016

(<http://www.courant.com/community/west-hartford/hc-west-hartford-police-promotion-marijuana-investigation-20161018-story.html>), he recently gets accused of **sexual harassment** by a fellow female police officer and gets transferred to another division as of just last



September: <http://www.courant.com/community/west-hartford/hc-west-hartford-eric-rocheleau-sexual-harrassment-complaint-no-evidence-20170901-story.html>. See pages 226 - 235 of the paginated bundle for hard copies of these complaints. I should make 100% clear that this gross misconduct is **in addition** to the very serious and unprecedented gross misconduct that Lieutenant Eric Rocheleau has committed in my case and which is properly listed out and documented in my attached and original formal complaint to the Chief State's Attorney's office and which I will not therefore repeat here. Needless to say, he has a very long list of serious and unprecedented gross misconduct.

In this matter, I have been **absurdly** criminally charged for making a **single phone call to voicemail with no voicemail left** to a family friend and regular visitor of my Aunt's house in South Windsor, Connecticut for over 30 years (Erum Majid Randhawa). Indeed, the complainant and her family attended my Aunt's elder son's wedding in Chicago, Illinois in 2001 and my Aunt's younger son's wedding at his home in South Windsor, Connecticut in 2012 and are regular visitors of my Aunt's house in South Windsor, Connecticut for over 30 years. What makes my case particularly striking is that I have **not** had any communication whatsoever with the complainant **for well over a decade** and have resided in different country and continent from her (i.e. England in Europe, where she is in Connecticut, USA) for the past 12 years and so the charge of criminal harassment is particularly incredible and ridiculous.

A month and half ago, on 18<sup>th</sup> April of this year, I submitted the attached formal complaint to the Chief State's Attorney's office about an arrest warrant which had issued **without probable cause** through the gross misconduct of a police officer (Lieutenant Eric Rocheleau of West Hartford police) against me in May 2015. I also made clear in that formal complaint as to the **highly dishonest, inappropriate and unfair way** that the matter was subsequently dealt with by the Hartford prosecutor's office (i.e. Gail Hardy and Carl Ajello) even when the correct facts and exculpatory information were consistently brought to their attention by my lawyers over the past 3 years such that they had a **positive and good faith duty** to cancel the arrest warrant for **clear and abject lack of probable cause**.

The complaint to the Chief State's Attorney's office is attached to this formal complaint to the Criminal Justice Commission and I will not therefore repeat the contents of that letter here, but will merely incorporate that letter and its enclosures as part of my present formal complaint to the Criminal Justice Commission. The Commission should note that there are **further and new enclosures** attached to this formal complaint in terms of (1) Connecticut judicial branch news article in March 2016 on prosecutorial and judicial

misconduct by Gail Hardy, (2) Change.org article on prosecutorial misconduct and abuse of due process by Carl Ajello and (3) Jeremiah Donovan's letter to Judge Mullarkey of 18<sup>th</sup> April 2018 at pages 243 - 248 of the paginated bundle, which has still unfortunately **not** been responded to by Judge Mullarkey some 2 months later, such that the false and frivolous arrest warrant issued **without probable cause** unfortunately remains in place. Judge Mullarkey's lack of response is no doubt driven by a misplaced sense of "pride" in having to own up to his clear and blatant mistake in issuing the warrant without probable cause and it is very disappointing that he does not now promptly cancel the warrant now that the correct facts and exposition of law has been provided to him by Mr. Donovan in his attached letter of 18<sup>th</sup> April 2018.

### Update from Attorney Patrick Tomasiewicz on May 31, 2018

I was told by Leonard Boyle (Assistant Chief State's Attorney) in a phone conversation with him on Friday 4<sup>th</sup> May that my formal complaint had been passed onto Gail Hardy who was "taking it seriously". However, some 2 months later, I have also unfortunately still had no response to this formal complaint from the Hartford prosecutor's office and was recently told by my lawyer (Patrick Tomasiewicz) on 31<sup>st</sup> May 2018 after a discussion that he had had on the same day with Gail Hardy that both Gail Hardy and Carl Ajello are still unfortunately **declining** to cancel the arrest warrant, notwithstanding the exculpatory information provided which objectively and 100% confirms that **no crime** has been committed in this case (see the complainant's incoming phone records for the so called "harassing period" of February to March 2015 which **objectively confirm** that only a single phone call to voicemail was made from my phone, and the rest of the so called "harassing phone calls" are from **telemarketers**) and there is therefore objectively no probable cause for the arrest warrant. Further, both Carl Ajello and Gail Hardy are continuing to act **dishonestly and corruptly** and are refusing to even meet with my lawyers to review the now released arrest warrant and cancel it for lack of probable cause. Patrick Tomasiewicz also passed this onto me in my discussion with him on 31<sup>st</sup> May 2018, the same day he spoke with Gail Hardy.

I was further informed by Attorney Tomasiewicz that Gail Hardy was **refusing** to take any personal responsibility whatsoever to cancel the arrest warrant, even though the formal complaint had come to her through Leonard Boyle of the Chief State's Attorney's office and that she had unprofessionally delegated the entire matter to Carl Ajello who is apparently in charge of the Part B Court. However, Carl Ajello is **highly unreasonably and implacably opposed** to cancelling the false and frivolous arrest warrant **on any basis, irrespective** of whether it has issued **without probable cause** or not and takes the highly unfair and unjust view that the illegal and infirm arrest warrant should continue to

wrongly sit on his books and prevent my return to the US as it has for the past 3 years.

I am grossly insulted and offended at the apparent double standards in Gail Hardy's behavior. There is a **striking contrast** between how Gail Hardy refuses to sign an arrest warrant for police officers caught on videotape beating the living daylights out of an innocent man close to death (<http://www.courant.com/news/connecticut/hc-enfield-police-brutality-warrant-20140722-story.html>), but strangely does **not** feel able to cancel an arrest warrant based on a single phone call to voicemail in which no voicemail was left to a family friend for over 30 years after a **decade of no communication between myself and the complaint** and during which time we have resided in different continents (England in Europe, and USA respectively).

Further, I am **extremely concerned** that both Hartford State's Attorneys Gail Hardy and Carl Ajello are no strangers to misconduct and bad behavior and have previously sought to prosecute frivolous actions and avoid dealing with correct facts and addressing situations fairly before. For example, in relation to a man named Jonathan Reich whose due process rights were rampantly violated by Carl Ajello and he deliberately avoided taking any calls to address the situation, asking his staff to put all calls in relation to the matter to "voicemail" and/or disconnect his phone line:

<https://www.change.org/p/connecticut-general-assembly-u-s-senate-u-s-house-of-representatives-aclu-dannel-malloy-freejonathanreich-sandy-hook-free-jonathan-reich-from-corruption-within-the-connecticut-judicial-system/u/17355377>. It would also appear that Gail Hardy deliberately ignored a formal complaint sent to her office for over 6 months:

<http://www.hartfordcommunitycourt.com/judicial-misconduct-uncovered-hartford-states-attorneys-office-gail-p-hardy/> which echoes how badly and unfairly she has handled my matter in refusing to cancel an arrest warrant issued **without probable cause** for the past 3 years.

I can 100% assure you that this matter would **never** have got this far in a civilized country like mine where police and prosecutors are **properly held accountable** for their behavior and **not** allowed to get away with dishonest and corrupt actions as would appear to be the case in your country. The warrant would never have been signed in the first place and even in the crazy scenario it had been, any English prosecutor would have removed it **immediately** once the exculpatory phone records were provided. Indeed, they would have been positively **obliged** to do so and would have risked losing their jobs if they did not since prosecution is a serious matter and **not** a game in which one can do what one likes.

Hence, and as per Leonard Boyle's advice, I am now urgently escalating my formal complaint to the Criminal Justice Commission for your urgent review and hopefully swift resolution. My formal complaint is directed both at Gail Hardy for **refusing** to take any responsibility to deal with this matter and also Carl Ajello for his **ongoing unreasonable refusal** to cancel an arrest warrant that has clearly issued **without probable cause** for the past 3 years for what appear to be personal and vindictive reasons. Indeed, Attorney Tomasiewicz recently informed me that Gail Hardy had apparently told him that Carl Ajello was "livid" at my previous formal complaint to the Chief State's Attorney's office, even though I had every right to make such a formal complaint in view of the fact that a false and frivolous arrest warrant has wrongly issued against me and unfairly prevented my return to the US for the past 3 years.

In summary, an arrest warrant has issued against me **without probable cause** through a Judge Edward Mullarkey, a New Britain judge (at the time of the issuance of the warrant in 2015, a Hartford judge) who is known for being exceptionally prosecution and police friendly and **very hostile** to Defendants.

However, this does not give him or indeed any other superior court Judge the right to issue an arrest warrant **without probable cause** which is a constitutional violation of the 4<sup>th</sup> amendment, and not withdraw such a false and frivolous warrant once the correct facts and objective exculpatory information is provided to him.

I wish to state that the exceptionally able Attorneys involved in this case who are all widely regarded as the best in the State (Jim Bergenn, Jeremiah Donovan, Norm Pattis and others) have all reacted **incredibly strongly** to the issuance of this arrest warrant and there is a clear consensus amongst all of them that it **has issued in error without probable cause**.

#### **Meetings and communications with Hartford State's Attorney's office**

As you will see from the attached formal complaint letter, Gail Hardy was originally approached by Jim Bergenn in April 2016 with a detailed memorandum (see attached Jim Bergenn submissions document) and had a long meeting with Jim in which it was clearly explained that this was a false and frivolous warrant and was asked by him to cancel the arrest warrant for lack of probable cause. Gail then did nothing for 6 months and sat on the matter. At a subsequent meeting with Attorney Patrick Tomasiewicz in October 2016, it became apparent that Gail Hardy had **not** even bothered to request the arrest warrant from the West Hartford police department and Patrick Tomasiewicz had to ask her to do so again.

On this occasion, Gail Hardy finally recalled the warrant from the West Hartford police department and told Attorney Tomasiewicz that it was based on “*phone calls at all times of day and night*” between February and March 2015. Patrick Tomasiewicz wrote an email to Ms. Hardy in January 2017 to make clear that I had not in fact made “phone calls at all times of day and night” to the complainant between February and March 2015 and that I had only made a **single phone call** to her which went to voicemail with no voicemail left, and requested that she recall the phone records from the West Hartford police to confirm this and cancel the warrant. Gail then responded disingenuously by pretending not to have read Attorney Tomasiewicz’s email and declined a further meeting (see pages 109 -113 of the paginated bundle for the correspondence in this matter). It was obvious that Ms. Hardy did this on purpose to cover up for the rotten, dishonest and corrupt police officer.

A further meeting took place between Jeremiah Donovan, Patrick Tomasiewicz and Carl Ajello shortly before a Motion hearing and the release of the arrest warrant in October 2017. At this meeting, Carl Ajello **categorically lied** and said that the “arrest warrant was based on more than one phone call to voicemail”. Carl Ajello further and highly unreasonably stated that he would not cancel the arrest warrant **on any basis**, irrespective of whether any information provided by my Attorneys vitiated probable cause or not. Please see Jeremiah Donovan’s note of the meeting at pages 185 – 187 of the paginated bundle.

Of course, we now know for **100% certain** with the release of the arrest warrant in a related civil action that it is indeed absurdly based on one phone call to voicemail with no voicemail left and does **not** set forth probable cause in any way, shape or form whatsoever. Carl Ajello’s position was wrongly reinforced in open Court at the Motion hearing by Robert Diaz who suggested that the arrest warrant was based on more than one phone call to voicemail. As you know, it is a **Federal criminal offence** to make false statements in support of a false arrest warrant for which a prosecutor should rightly be fired and prosecuted.

As you can see from Jim Bergenn’s 2 attached memoranda, he regards this case as one of the **worst** of his career and akin to 3 other bizarre and frivolous prosecutions he has come across in his long and distinguished career, all of which ultimately turned out to be baseless and frivolous.

As you can see, all of my Attorneys share the strong view that the arrest warrant issued **without probable cause**, and Jim Bergenn summarises the situation very well when he states in his memorandum that **this warrant has issued with less factual support than any other which has ever issued**

**in Connecticut legal history or indeed US legal history.** I realize that this is an incredibly strong and bold statement, but when it comes from the best lawyer in the State, one has to take it very seriously indeed (<https://www.bestlawyers.com/lawyers/james-w-bergenn/82947>). Indeed, the seriousness of the contention that the warrant is utterly ridiculous is clearly illustrated when one considers the following:

- I have **not** had any contact whatsoever with the complainant for **over a decade** since 2006 by phone email or otherwise (save for one email written in July 2012 on Attorney's advice from her horrid and unrelenting defamation). I made this fact clear to Sgt. Rocheleau and he accepted this fact by email **before** he obtained an arrest warrant against me (see pages 133 – 136 of the paginated bundle).
- I have not even resided in the same country or continent as the complainant since I met her 12 years ago in 2006. I have resided in England, Europe and she has resided in Connecticut, USA.
- The Defendant's own incoming AT&T phone records for the so called "harassing period" of February to March 2015 verifiably show **only one phone call, a phone call which went to voicemail with no voicemail left.** The rest of the phone calls have been identified to be from **telemarketers** in Mr. Donovan's attached memoranda and so the other calls could **not** possibly have come from me on any basis. These are attached to my complaint and should have **prompted** the Hartford State's Attorney's office to cancel the arrest warrant promptly if they were acting ethically or fairly, which they plainly have not been.
- As Jim Bergenn correctly points out in both his attached memoranda, the complainant did not even have my phone number prior to the complaint being made which confirms that there was no history of harassing phone calls from my phone number.
- As Jeremiah Donovan correctly points out in both his memoranda, a single phone call to voicemail in which there was not even any communication or voicemail left **cannot** possibly evidence an intention to harass, annoy or alarm for purposes of criminal harassment otherwise the entire population would be subject to arrest. This is particularly true when the complainant was not even aware that it was my number calling her at the time of the call in February 2015.

- Gail Hardy and Carl Ajello have been approached on **numerous occasions** by my Attorneys over the past 3 years and apprised of the correct facts in this matter, but they have absolutely **no interest** in cancelling the faulty and unfair arrest warrant, hence now necessitating a formal complaint to the Criminal Justice Commission about the police officer's actions and the Hartford State's Attorney's office failure to rectify the situation. There is a **striking contrast** between how Gail Hardy refuses to sign an arrest warrant for police officers caught on videotape beating the living daylights out of an innocent man (<http://www.courant.com/news/connecticut/hc-enfield-police-brutality-warrant-20140722-story.html>), but strangely does **not** feel able to cancel an arrest warrant based on a single phone call to voicemail in which no voicemail was left to a family friend for over 30 years.

I find it very difficult to believe that all of these distinguished Attorneys are wrong, especially when there is clear case law which supports the fact that the facts in this case **cannot** possibly support probable cause on any basis. As you know, no legal system is 100% perfect and such human mistakes and errors do sometimes do happen. However, once the mistake is brought to the attention of those in appropriate authority (i.e. the Judge who issued the faulty arrest warrant and the prosecutors), they clearly have a **positive and good faith obligation** to address the situation and promptly cancel the arrest warrant such that no further prejudice accrues to the innocent party affected by the false and frivolous criminal charges.

My understanding from both Jim Bergenn, Jeremiah Donovan and others is that arrest warrants are occasionally withdrawn once the correct facts present themselves after the arrest warrant issues and they have seen and had actual experience with this. Hence I am not asking for a remedy which is entirely exotic or which has never been done before. In an appropriate case such as this one, an inappropriate arrest warrant issued **without probable cause** should clearly be withdrawn by either the prosecutor's office or the Judge.

I give the example of someone who is wrongly accused of a crime because he happens to share the same name as the person accused. It would clearly be an inexcusable and enormous injustice and grossly unfair to ask that wrongly accused person to surrender on an arrest warrant and thereby seriously prejudice oneself with a **permanent arrest record**, simply because a wrongful arrest warrant had issued for him. Indeed, in my case this would be particularly prejudicial since it would prevent me from ever travelling without a visa to the US again (one has to declare one's arrest and then specifically apply for a visa from the US embassy). Similarly in a case such as mine where I have been

wrongly accused of making “phone calls at all times of day and night” and the complainant’s own incoming phone records for the period February to March 2015 **100% confirm** that the so called “harassing phone calls” are from well known telemarketing numbers, I do not see why I should have to suffer the considerable shame, indignity and serious deprivation of liberty (in violation of my 4<sup>th</sup> amendment constitutional right to be free of false arrest) of immediate arrest and imprisonment should I ever travel to the United States again.

In a nutshell, the allegations made against me are threefold and are all **verifiably baseless**. Firstly, that I allegedly made (1) phone calls at all times of day and night to the complainant (a Ms. Erum Majid Randhawa) between February and March 2015 (there is no phone record or indeed any other evidence to support this baseless allegation and I have **not** been charged for this), (2) secondly, that I made 3 phone calls to the complainant’s employer stating derogatory things about her to various people at her employer (there is no phone record or indeed any other evidence to support this baseless allegation and I have **not** been charged for this. The calls in any event come within the protection of the 1<sup>st</sup> amendment and cannot be criminalized as per Jeremiah Donovan’s attached memoranda) and (3) thirdly, that I made a **single phone call** on February 25<sup>th</sup> 2015 to the complainant’s phone, a phone call which went to voicemail with no voicemail left. It is worth noting that I have **only** been criminally charged in relation to (3) (i.e. the single call to the complainant’s voicemail with no voicemail left), but I will also address (1) and (2) below for the sake of completeness.

In relation to (1), I have already gone to considerable trouble and inconvenience to provide the complainant’s incoming phone records in my previous complaint for the so called “harassing period” of February to March 2015 which **clearly confirm** that the “allegedly harassing phone calls” during this period all came from **telemarketers** (please also see Jeremiah Donovan’s 2 helpful memoranda in this regard) and so could **not** possibly have come from me on any basis. In relation to the calls to the employer, there is no phone record or indeed any other evidence that they came from me. In any event, the phone calls do not contain and are not even alleged to contain any constitutionally unprotected “true threats” which could even possibly bring them outside the protection of the 1<sup>st</sup> amendment and thus properly contribute to probable cause for arrest. Judge Mullarkey was obviously **not** aware of the clear decisional case law (as very ably laid out in Jeremiah Donovan’s 2 attached memoranda) or the correct limits of the 1<sup>st</sup> amendment freedom of speech at the time when he wrongly issued the arrest warrant in May 2015.

I know that you will be personally and fully aware of the correct limits and importance of upholding the 1<sup>st</sup> amendment because of your excellent leading



judgment in the seminal case of *State v. Baccala*, 326 Conn. 232, 163 A.3d 1 (2017) (a case which is also referred to in Mr. Donovan's 2nd memorandum and which confirms that even vile and direct insults could not form the basis for threatening and breach of peace charges, unless they were likely to provoke an immediate violent response). You will note that **none** of the alleged "harassing" phone calls in my matter even allegedly contained any abuse or profanities, let alone "true threats" which could have even possibly brought them outside the protection of the 1<sup>st</sup> amendment.

The prosecutor and Judge who wrongly signed off on the arrest warrant in this case (Robert Diaz and Judge Mullarkey respectively) have therefore inappropriately utilized these calls to the complainant's employer to contribute to and establish "probable cause" for the alleged criminal offence of harassment against me. This is no doubt because both the prosecutor and the learned Judge were **wholly unaware** at the time in May 2015 that such phone calls are 100% protected by the 1<sup>st</sup> amendment and therefore **cannot** possibly contribute to probable cause on any basis, as has been very cogently and ably argued by Jeremiah Donovan in both his attached memoranda (Jeremiah Donovan is a former Federal prosecutor and extremely eminent and able Attorney). At most, the acts alleged would only arguably constitute defamation. As you probably already know, Connecticut, like most states in the US, does **not** criminalize defamation and there is only a civil remedy available for this act.

So the absurd basis of the criminal charge is a single phone call to voicemail from myself to the Defendant on 25<sup>th</sup> February 2015 in which no voicemail message was left. I should make it 100% clear that this was a single phone call to voicemail with no voicemail left and was in response to an online notification message sent by the complainant to myself in January 2015. This online notification is included at pages 131 - 132 of the paginated bundle.

It should be plain and self-evident (as it is to all the eminent Attorneys instructed in this case) that a single phone call to voicemail without any voicemail left **cannot** possibly constitute the basis of a criminal harassment charge **on any basis whatsoever** and that the arrest warrant has therefore issued **in error without probable cause**.

The correct means of disposing of such a **false and frivolous arrest warrant** issued erroneously **without probable cause** would be to properly apprise the (1) Hartford state's attorney's office of the error and (2) also the Judge who issued the warrant who would then hopefully act with fairness and integrity and cancel the arrest warrant. However, the primary means of redress **must** be through the Hartford State's Attorney's office who should be acting with fairness and integrity and cancel an arrest warrant once provided with the

correct facts such that any probable cause is vitiated.

However, in this case and notwithstanding the provision of exculpatory information to confirm that there is **objectively speaking no probable cause on any view** for the arrest warrant on several occasions by my Attorneys, both the Hartford State's Attorneys (Gail Hardy and Carl Ajello) have highly unreasonably elected to **not** cancel the arrest warrant for the past 3 years and even more recently, even **after** being provided with the exculpatory information in my attached formal complaint which 100% confirms that no crime has taken place in this matter. It would appear that State's Attorney Carl Ajello has now made the matter **personal** and is refusing to withdraw the arrest warrant on any basis, including but not limited to the fact that it has inappropriately issued without probable cause, in **direct violation** of my 4<sup>th</sup> amendment constitutional rights to be free from arrest without probable cause.

Further and despite my presently instructed lawyer (Jeremiah Donovan) writing a lengthy letter to Judge Mullarkey (see pages 243 - 248 of the paginated bundle) some 2 months ago, the Judge has **not** come back to us 2 months later and my position continues to be **severely prejudiced** such that I am unable to return to the US to continue my education at Kellogg business school. Further, I have a civil defamation case against the complainant which is in **imminent danger of being dismissed** by virtue of my not being able to come back to Hartford, Connecticut for deposition in light of the ongoing existence of the false and frivolous arrest warrant.

The position is **particularly prejudicial** to me since I am not just out of state, but outside of the country based in England. As Jeremiah Donovan's attached memoranda explain, if I were to fly back to the US, I would be arrested at Kennedy airport in New York and held in transit jails for **several weeks or months** until such time as I was transported to Hartford, Connecticut and required to appear in the Hartford GA. I am sure you can see why this is **entirely unacceptable** to me given that I am an educated and professional person who has **verifiably committed no crime whatsoever** and simply wants to return to the US to continue his graduate school education without the fear of being arrested and prosecuted on a false and frivolous warrant.

## Conclusion/Requested steps and remedies

I am sure that the Commission will agree that it is **entirely disgraceful** that Gail Hardy and Carl Ajello have **dishonestly and continually refused** to cancel the false and frivolous arrest warrant for the past 3 years despite knowing that it has issued **clearly without probable cause** based on a single phone call to voicemail to a family friend with no voicemail left after a decade of no contact with her and during which time we have resided in different continents (England, Europe and USA respectively). This is **not** a borderline case and the lack of probable cause is **clear and transparent** to everyone who has been involved in this case.

Further, it is extremely frustrating and unfair that Judge Mullarkey has **not** responded to Jeremiah Donovan's attached letter for the past 2 months and has not simply cancelled the arrest warrant now that he clearly knows it has issued **in error without probable cause**. There appears to be some misplaced pride on the part of both the Hartford State's Attorney's office and Judge Mullarkey, and neither one of them is taking into account the **enormous and ongoing serious prejudice** being caused to me by the **ongoing existence** of the false and frivolous arrest warrant. I am sure they would have reacted differently if the injustice had been perpetrated directly onto them.

There is now a **dire urgency** and need for an expeditious resolution here. I have a civil case which is about to be **imminently dismissed** unless this false and frivolous arrest warrant is cancelled and I am able to come to Hartford, Connecticut for deposition. As such, I would be grateful if you could see to it that the arrest warrant is promptly cancelled in the next 1-2 weeks before the end of the month and I am promptly notified of this.

I have already **wasted tens of thousands of dollars on legal fees** in seeking to get this false and frivolous arrest warrant withdrawn and also have an appeal pending in the Appellate court (AC 41023) on this matter. I believe it would be **grossly unjust and unfair** to require me to waste further tens of thousands of dollars on an appeal when those in authority could simply cancel the clearly false and frivolous arrest warrant.

Further, my father and I have both suffered from tremendous stress and anxiety over the past 3 years as a result of this false and frivolous arrest warrant. My father has also been suffering in hospital with heart disease and cancer because of this false and frivolous arrest warrant.

In view of the above unjust issuing of the false and frivolous arrest warrant **without probable cause** and its ongoing and wrongful existence for the past 3

years which has severely prejudiced me and prevented my return to the US, I now call upon the support of the Criminal Justice Commission to swiftly and fairly resolve this matter to prevent any further prejudice and injustice accruing to my position. In particular, I would request the following:

- I believe that Gail Hardy and Carl Ajello (Hartford State's Attorneys) should now both be promptly and urgently spoken to by yourself (i.e. Chairman Justice McDonald) and Kevin Kane and **formally requested and required to immediately withdraw the false and frivolous arrest warrant** on the basis that the objective evidence in this matter 100% proves **no criminal offence whatsoever** and the ongoing existence of the falsely issued arrest warrant has **unfairly and severely prejudiced** my position for the **past 3 years** and continues to do so. This severe prejudice is both in terms of (1) my inability to re-enter the US and continue my graduate school education for fear of arrest and prosecution on a frivolous and false arrest warrant and (2) the **imminent dismissal** of my civil defamation case against the complainant by virtue of my not being able to come to Hartford, Connecticut for deposition as I am required to do in order to continue my case. It should be made 100% clear to both Gail Hardy and Carl Ajello that there will be **severe disciplinary consequences** for both of them if they are now not prepared to promptly cancel the arrest warrant which has issued without probable cause and has been wrongly kept on their books for over 3 years through their stubborn and unreasonable refusal to cancel it, even once provided with the correct facts which objectively demonstrate no probable cause whatsoever.
- I believe that you (i.e. Chairman Justice McDonald) should now also speak directly with the Judge who issued the false arrest warrant (i.e. Judge Mullarkey in New Britain) as one Judge to another, and it should be clearly explained to him that (1) the arrest warrant has clearly issued erroneously **without probable cause** based on a single phone call to voicemail to a family friend for over 30 years, with no voicemail left, has been and is continuing to cause severe prejudice (see above) to my position for the past 3 years, (2) we are all still patiently awaiting a response on Jeremiah Donovan's attached letter of 18<sup>th</sup> April requesting that Judge Mullarkey order the arrest warrant cancelled for lack of probable cause some 2 months later and (3) that Judge Mullarkey now needs to do what is fair, just, in accordance with the law and **promptly cancel** the arrest warrant to prevent an innocent person being falsely charged and seriously prejudiced by the false and frivolous arrest warrant. I am content for you or Kevin Kane to send a copy of this formal complaint to Judge Mullarkey if either you or Kevin Kane believe it will

expedite the process of getting this false and frivolous arrest warrant promptly withdrawn.

- I believe that the Criminal Justice Commission should now take appropriate disciplinary action against Hartford State's Attorney's Gail Hardy, Carl Ajello and Robert Diaz for **falsely** issuing an arrest warrant **without probable cause** and then consistently and dishonestly **misrepresenting** for the past 3 years (both in open Court in private discussions with my Attorneys) that the warrant was based on "more than one phone call to voicemail" and wrongly refusing to cancel it at grave and severe prejudice to myself for the past 3 years. Indeed, and as you know, it is a **Federal criminal offence** for Prosecutors to make false statements in support of an arrest warrant issued **without probable cause** for which they can and should be criminally charged and prosecuted.

To ensure full transparency and fairness, I will also be sending a copy of this formal complaint to the Justice Department and the Senator of your state. Given my geographical distance in England and the time taken for hard copy post to arrive here, I would greatly prefer all correspondence on this matter to also be sent by email to [Faizsiddiqui64@gmail.com](mailto:Faizsiddiqui64@gmail.com).

I am putting my trust and confidence in you to ensure that this absurd and frivolous arrest warrant is now finally and promptly cancelled such that justice, fairness and the rule of law can prevail.

Yours sincerely,

*Faiz Siddiqui*

Faiz Siddiqui

Enclosures:

1. Formal complaint Index
2. Formal complaint letter to Chief State's Attorney's office
3. Arrest warrant issued in May 2015
4. Search warrant issued in April 2015
5. Complainant's signed complaint of March 2015
6. Jim Bergenn Memo 1
7. Jim Bergenn Memo 2
8. Jim Bergenn correspondence with police officer of April 2016
9. Defamation pleadings of December 2016
10. Complainant's incoming AT&T phone records

11. Patrick Tomasiewicz email correspondence with Gail Hardy of January 2016
12. Norm Pattis Motion of March 2017
13. Note of meeting between Jeremiah Donovan, Patrick Tomasiewicz with State's Attorney's Robert Diaz and Carl Ajello
14. Jeremiah Donovan Motion of October 2017
15. Jeremiah Donovan Motion of March 2018
16. Hartford courant article in October 2016 on formal complaint against and suspension of Sgt. Eric Rocheleau for possession of drugs
17. Hartford courant article in September 2017 on formal complaint against and transfer of Lieutenant Eric Rocheleau to another department for sexual harassment of fellow female police officer
18. Connecticut judicial branch news article in March 2016 on prosecutorial and judicial misconduct by Gail Hardy
19. Change.org article in July 2016 on prosecutorial misconduct and abuse of due process by Carl Ajello
20. Jeremiah Donovan letter of April 2018 to Judge Mullarkey

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Mr. Faiz Siddiqui  
Dale Langley solicitors  
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London  
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22/04/18  
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Division of Criminal Justice  
Office of the Chief State's Attorney  
300 Corporate Place  
Rocky Hill, CT 06067

By email to: [ConnDCJ@ct.gov](mailto:ConnDCJ@ct.gov), [Kevin.kane@ct.gov](mailto:Kevin.kane@ct.gov), [Leonard.boyle@ct.gov](mailto:Leonard.boyle@ct.gov)

Dear Chief State's Attorney's Office,

**Formal complaint about Hartford State's Attorney's office and Lieutenant Eric Rocheleau of the West Hartford police department**

I wish to urgently make a formal complaint about an **entirely unacceptable and unjust** situation which has unfortunately been in existence for the past 3 years and which requires your prompt attention and urgent resolution. I would be grateful if the complaint could be urgently dealt with and resolved in the **next week**, if at all possible, since I have a civil suit in defamation pending against the complainant (Ms. Erum Majid Randhawa) which will shortly (i.e. in the next week and **by May 2nd**) be **dismissed** unless the arrest warrant is now promptly cancelled and I am able to return to the US for deposition on my civil case. The Judge in the civil case has made a legal order to this effect. I will, however, of course understand if a longer period of time is needed to investigate and deal with this matter professionally and properly.

**Recommended reading:**

All enclosures, but in particular:

1. Jim Bergenn's 2 attached memoranda outlining how he believes this is one of the most ridiculous cases he has ever seen in his long and distinguished 40 year career (see pages 51 - 65 of the paginated bundle).
2. Norm Pattis's Motion of March 2017 which expresses the same view (see pages 114 - 184 of the paginated bundle).
3. Jeremiah Donovan's 2 Motions of October 2017 and March 2018, both of which also extensively comment on the **clear lack of probable cause** for

- the arrest warrant (see pages 188 - 225 of the paginated bundle).
4. Arrest warrant issued in May 2015 (see pages 19 - 27 of the paginated bundle).
  5. Search warrant issued in April 2015 (see pages 28 - 41 of the paginated bundle)

The main headlines are as follows:

- I am myself an Oxford University educated lawyer based in London, England with a lifelong history of honorable and decent conduct. I trained and qualified at top magic circle law firm Clifford Chance (ranked number 1 in the UK and the equivalent of one of your New York white shoe law firms). I had and still have a place at Kellogg Business school, a leading business school based in Evanston, Illinois but have not been able to return to the US to continue my education because of a frivolous and false arrest warrant which has unjustly issued against me **without probable cause** based on one phone call to voicemail to a long term family friend of my Aunt in February 2015 and which wrongly continues to be in place some 3 years later, despite the Hartford State's Attorney being fully apprised of the correct facts of this matter and the fact that the arrest warrant has issued **falsely** without probable cause.
- The complainant (Ms. Erum Majid Randhawa) who is a family friend and regular visitor of my Aunt's house in Connecticut for over 30 years made a false and malicious harassment complaint about me in March 2015 based on a single phone call to voicemail, after **nearly a decade of no contact with her** since I first met her in June and July 2006 and during which time we have resided in different continents (USA and Europe respectively). The complete and utter absurdity of her complaint is highlighted by the fact that I have not had any communication with Ms. Randhawa (save for a single email written in 2012 on Attorney's advice to clear my name from her defamation) **for over a decade and have lived in a different continent to her during this time.**
- The matter was investigated by a Sgt. Eric Rocheleau (now Lieutenant Eric Rocheleau) of West Hartford police, who has a history of widely publicized and very serious gross misconduct (see below), and an arrest warrant issued for myself in May 2015 which was absurdly based on a single phone call to voicemail in which no conversation took place and no voicemail was left, to a family friend **after a decade of no contact or communication** with her during which time myself and the complainant have resided in different continents (i.e. USA and Europe respectively). Lieutenant Rocheleau has also committed very serious and unprecedented gross misconduct in this case itself which is detailed below.

- My previous Attorney (Jon Schoenhorn) unreasonably declined several of my requests to provide the correct facts to the police officer prior to the arrest warrant issuing. This resulted in the police working from the lies submitted by the complainant. Many of the key correct facts were nonetheless provided by myself and my father **prior** to the warrant issuing and the police officer was aware from my email correspondence with him and a call with my father that I had had no contact with Ms. Randhawa for several years and only called her once in response to an online notification sent by her (see pages 131 - 132 of the paginated bundle). This was a phone call which went to voicemail with no voicemail left in response to an online notification message sent by the complainant and cannot possibly be said to constitute criminal harassment on any definition, let alone a reasonable one.
- The police officer then sought and obtained an arrest warrant (as per Jim Bergenn's detailed chronology) against "*someone who is about a thousand miles away which has less factual support than any that have previously been granted and that omits informing the judge and the state's Attorney that*": (1) it is based on the officer having falsely **threatened** law-abiding middle aged adults of **felonies** if they don't provide a phone number, (2) they didn't even have the number before such threats, implying there was **no history of harassing phone calls**, (3) it is based on **falsely accusing** this law abiding target (i.e. myself) of the warrant application of violating the immigration laws and (4) the target (i.e. myself) made clear, directly and through others, that he **had no interest in any contact and had not seen, talked to or emailed the complainant in many years. Further the police officer obtains the warrant knowing that there has been no contact of any kind either by person, email or phone and that myself and the complainant have resided in different continents since we met over a decade ago.** See pages 53 - 57 of the paginated bundle.
- Several leading Attorneys (Jim Bergenn, Norm Pattis Patrick Tomasiewicz) have expressed **sheer incredulity and disbelief** at the issuing of this arrest warrant **without probable cause** based off a **single phone call to voicemail without any voicemail left** to the complainant in March 2015 (please see Jim's, Norm's and Jeremiah's detailed memoranda in this regard. They have met and communicated with the State's Attorney's office and **formally requested** that the arrest warrant be cancelled for lack of probable cause under practice book section 36-6 on several occasions. The State's Attorney have consistently and unreasonably refused to do so, falsely and misleadingly stating (both in open Court and in private discussions with my Attorneys) that the warrant was based on "*more than one phone call to voicemail*", even though the now released arrest warrant confirms that it is

indeed based off a single phone call to voicemail with no voicemail left, a call which was in itself a **response** to an online notification message from the complainant (see pages 131 - 132 of the paginated bundle).

In a meeting with Attorneys Jeremiah Donovan and Patrick Tomasiewicz in October 2017 (shortly before the arrest warrant was released in a civil action), Mr. Ajello unjustly and unreasonably stated that he would **not** cancel the arrest warrant on any basis, **irrespective** of whether my Attorneys could provide any evidence or clarification which vitiated probable cause or not (see page 1 of Jeremiah Donovan's note of the October 12, 2017 meeting at page 185 of the paginated bundle). Mr. Ajello also then **falsely stated** that the arrest warrant was based on more than just one phone call to voicemail, something which has been proven to be **verifiably false** with the release of the arrest warrant in a civil defamation matter in October 2017. Please see Mr. Donovan's note of this meeting at pages 185 - 187 of the paginated bundle, which is one of the enclosures to this complaint as well as the attached arrest warrant.

- The release of the arrest warrant in October 2017 and the Defendant's incoming phone records for the so called "harassing" time period between February and March 2015 in a related civil action (HHD-CV-17 6073898-S) against the complainant for defamation **unequivocally prove** that the arrest warrant improperly and incorrectly issued based off **one phone call to voicemail with no voicemail left and without probable cause** (see pages 80 - 87 of the paginated bundle). Notwithstanding the fact that has been brought to the Hartford State's Attorney's office's attention on several occasions, they continue to dishonestly, illegally and improperly keep an illegal and invalidly issued arrest warrant on their books which has issued **in error without probable cause**, unfairly preventing my return to the country to continue my business school education and now causing the dismissal of my civil case since I am unable to return to Hartford, Connecticut for deposition without being arrested and put in prison.
- There is currently an appeal pending in the Appellate court (AC 41023) about whether or not a Superior court judge has authority to cancel an un-served arrest warrant which has issued without probable cause. It would be a complete waste of time and public funds for the Chief State's Attorney to proceed with this appeal in view of the fact this arrest warrant has now verifiably issued without probable cause based on only one phone call to voicemail.
- Since the Hartford State's Attorneys' Gail Hardy and Carl Ajello have both consistently and unreasonably refused to cancel the arrest warrant for the

past 3 years, despite being aware it issued **without probable cause** based on a single phone call to voicemail with no voicemail left, by a lying complainant and dishonest and corrupt police officer, it has now been necessary to make a formal complaint to the Chief State's Attorney's office in order to promptly cancel the arrest warrant and resolve this matter.

- My civil defamation case is shortly scheduled to be **dismissed** in a **matter of days** on **May 2, 2017** by legal order of the Judge if I am not able to travel to Hartford, Connecticut for deposition. This would be **disastrous** for me and would result in the complainant getting away unjustly with her defamation *per se*. I am presently unable to do so in view of the ongoing existence of the faulty and outstanding arrest warrant which prevents my return to the US.

### **Background and facts**

The background and facts are already explained in some detail in Jim Bergenn's and Norm Pattis's attached memoranda and in the pleading for my defamation suit, but I will run through everything again here for the sake of completeness.

A woman by the name of Erum Majid Randhawa, who is herself a family friend and regular visitor of my Aunt's house in South Windsor, Connecticut for over 30 years, made a false and malicious police complaint about me in March 2015 stating that I had been "harassing her" (see attached complaint) when I have lived in a different continent to her for the past decade (I live in London, England and he resides in South Windsor, Connecticut) and not even had any communication with her whatsoever apart from one email sent in 2015 to clear my name of her unrelenting and horrid defamation about me over several years (see both of Jim Bergenn's memoranda in this regard).

I had first met the complainant (Ms. Randhawa) when visiting my Aunt in South Windsor, Connecticut in June and July 2006. The complainant is a family friend and regular visitor to my Aunt's house in Connecticut for over 30 years, something which makes this "criminal harassment" complaint even more ridiculous. She aggressively pursued a romantic relationship with me at the time, going out late to Martini bars with me and coming around frequently to see me at my Aunt's house. By stark contrast, I did **not** even visit the complainant's house once. I then returned to England in July 2006 where I had limited with the contact with the complainant until spring 2007 at which point we cut off contact and have not seen or spoken to each other since. The complainant then proceeded to badmouth and defame me to my Aunt's family in South Windsor Connecticut and local friends, causing a rift in my father's family and my Aunt's family (they are brother and sister) such that my own and my Aunt's family did not speak for 6 years I was **not** even able to attend my Aunt's son's wedding in 2012, even though the complainant and her family turned up uninvited themselves.

Instead of the complaint being simply filed but not actioned as would always be the case for such a frivolous complaint or it being clearly explained to Ms. Randhawa that the matters she complained of (even if proven) most certainly did **not** constitute a criminal offence of criminal harassment (see Jim Bergenn's and Jeremiah Donovan's attached memos in this regard), an unethical and corrupt police officer by the name of Sgt. Eric Rocheleau decided to investigate the matter with a view to obtaining an arrest warrant against me on racially discriminatory grounds. This police officer has been involved in very serious gross misconduct before and it is a miracle that he is still permitted to function as a police officer.

The police officer who issued the arrest warrant has a long history of well publicized gross misconduct **in addition** to the serious and unprecedented gross misconduct committed in this case itself (see below). After being suspended for being found in possession of marijuana last year in 2016 (<http://www.courant.com/community/west-hartford/hc-west-hartford-police-promotion-marijuana-investigation-20161018-story.html>), the rogue police officer was transferred to another division after having had a sexual harassment complaint made about him by a fellow female police officer just last year in September (<http://www.courant.com/community/west-hartford/hc-west-hartford-eric-rocheleau-sexual-harrassment-complaint-no-evidence-20170901-story.html>). See pages 226 - 235 of the paginated bundle for hard copies of these complaints.

This gross misconduct is **in addition** to the serious and unprecedented gross misconduct he has committed in this case itself which includes but is not limited to:

- Sgt. Rocheleau turned up unannounced at my Aunt and Uncle's house in South Windsor, Connecticut) in March 2015 and threatened them that "*it would be illegal and they would be treated as felons and arrested*" if they did not provide my phone number. My Attorneys have all indicated that it is unheard of for such a serious threat to be made to law abiding and middle aged citizens in the context of a minor misdemeanor investigation. There is **substantial evidence** to support this misconduct and this evidence is also attached to the complaint.
- Calling up my business school (Kellogg Business School) where he falsely stated that I was living and working in breach of my F1 student status. This is a comment that is both false and would have serious implications for my visa immigration status in the US. Please see the email from the Dean of Kellogg Business School in this regard which is one of the enclosures to Norm Pattis's March 2017 Motion at pages 139 - 141 of the paginated bundle.

- Sgt. Rocheleau sought to monitor my movements into and out of the US in a bullying and oppressive fashion as though this was a federal crime or felony of great significance and provided false information to my previous lawyer (Greg Powell) that I was leaving Boston airport on 22<sup>nd</sup> April 2015 at 9.40am, false information was then corrected by my lawyer. See pages 170 - 173 of the paginated bundle.
- Sgt. Rocheleau proceeded to obtain a search warrant on my phone number in April 2015 **without probable cause** and based on nothing more than the assertion of the complainant that I was the one responsible for the anonymous “harassing phone calls”. Please see the attached search warrant in this regard.
- Sgt. Rocheleau spoke to my father in May 2015 and menacingly threatened him that I would have to go to the US to surrender and face the charges or that I would be arrested and extradited to face the charges next time I attempted to fly out of the US, either by the UK authorities or the country of destination, knowing full well that it was unheard of for anyone to be extradited for a minor misdemeanor. He further maliciously and menacingly told my father that the fact I had called the complainant once was “circumstantial evidence” that I must have been the one responsible for the other allegedly “harassing phone calls” to her and that he could simply “assume” it was me without any evidence whatsoever to justify his presumption. Please see my father’s affidavit in Norm Pattis’s attached Motion of March 2017 at pages 142 - 147 of the paginated bundle in this regard.
- Having received my T-mobile phone records from his search warrant and having realized that this was about one phone call to voicemail, Sgt. Rocheleau nonetheless acted in **bad faith** and proceeded to apply for an arrest warrant without anything approaching sufficient or reliable evidence to support probable cause for a criminal offence.
- At paragraph 18 of his attached arrest warrant affidavit, Sgt. Rocheleau says he “believes” that the “numerous phone calls” to the complainant from “blocked and disguised numbers” and to her employer have come from me, but offers no evidential basis whatsoever (phone records or otherwise) to support this absurd and unjustified assertion.
- Sgt. Rocheleau wrongly and maliciously issued an arrest warrant issued against me in March 2015 **without probable cause** based on a **single phone call to voicemail** to a family friend in response to an online message sent to me (see enclosed arrest warrant). During this call, there was **absolutely no**

**communication**, the phone call went to voicemail, absolutely no conversation took place and no voicemail was left. In fact, Ms. Randhawa did not even know it was myself calling and this is proven by her own complaint in this matter. It would be absolutely **absurd** for anyone to fairly or accurately describe this as “criminal harassment”. I have had several leading Attorneys examine the arrest warrant (i.e. Jeremiah Donovan, Jim Bergenn and John Williams) and they are all unanimously of the firm view that the arrest warrant has issued **wrongly without probable cause**. In fact, Jim Bergenn (see attached Memo) described this as **one of the most ridiculous cases he had ever seen in his 40 year career** and compared it to 3 other absurd situations he had encountered in his career which ultimately turned out to be baseless and untrue. Mr. Bergenn’s explanation of personality disorder is instructive and helps to explain how this ridiculous situation arose in the first place.

- The inappropriate threat of international extradition was repeated by Sgt. Rocheleau to Commander Johnson of the Northwestern police department in December 2015.
- I found out through Jim Bergenn of Shipman and Goodwin had been informed by the private detective that she both (1) had no connection with myself and (2) had made no phone calls to the complainant’s office in any event. Notwithstanding this, Sgt. Rocheleau decided to wrongly and maliciously “assume” it was me who had contacted the complainant’s workplace to make disparaging remarks about her and the one who had made a very large number of calls to the complainant between February and March 2015, “at all times of day and night” and the fact that I had called the complainant once in response to an online notification from her was “circumstantial evidence” for this. Sgt. Rocheleau had no evidence or basis whatsoever for this ridiculous presumption and he confirmed as much in a discussion with my father in May 2015 (see Affidavit from my father attached to Norm Pattis’s Motion to cancel the arrest warrant at pages 142 - 147 of the paginated bundle).
- When challenged on his gross misconduct by my previous Attorney, Jim Bergenn, Sgt. Rocheleau tried to dishonestly deny all of his gross misconduct, insinuated that Attorney Bergenn was himself lying and refused to meet with him and Attorney Patrick Tomasiewicz for a follow up meeting (see attached correspondence between Jim Bergenn and Sgt. Rocheleau at pages 66 - 79 of the paginated bundle), even though neither Attorney had **ever** witnessed a police officer refusing to meet to accept exculpatory evidence in their combined professional careers of over 80 years.



- The police officer's ridiculous argument was that the single call to voicemail was "circumstantial evidence" that I must have been responsible for the multitude of "harassing calls" to the complainant between February and March 2015 (see my father's affidavit attached to Norm Pattis's Motion). This has now been proven to be **verifiably incorrect and untruthful**. We have now received and seen the complainant's incoming phone records for the February to March 2015 time period and the "other calls" have been **verifiably proven** to be from **telemarketers** and so **cannot** on any possible basis have been from myself (see Jeremiah Donovan's attached memos in this regard).

### **The complainant's verifiable lies and defamation**

Defamation proceedings (see attached) were instituted against the complainant in December 2016 for her **verifiable lies and mistruths**. I would refer you to paragraph 25 of the attached defamation complaint (see pages 83 - 84 of the paginated bundle) which detail some of these lies. However, the complainant's signed March 2015 statement has now been released in discovery in the civil case (see attached) and there are several other lies and mistruths there. I will go through several of the verifiable lies in turn here for ease of reference:

- The complainant told me not to have any "*calls, emails, visits or any correspondence from myself or through a third person with her and that I had been aware of this*". This statement is **plainly false** because I had had no communications with the complainant other than the 2012 email since 2007. Further, I had never even visited the complainant's house once and I had only once emailed her in my entire life based on Attorney's advice to protect my reputation from her malicious and defamatory remarks. By stark contrast, the complaint had repeatedly come over to visit me at my Aunt's house in 2006 on numerous occasions.
- The complainant also stated to the Police that I had made "*several promises*" to her not to contact her. This is once again false because I was not even in contact with the complainant for several years and so there was not even any possibility of such a communication being needed or relayed to me.
- The complainant falsely stated to the police that I had made a large number of phone calls "*at all times of day and night*" to her between February and March 2015.

This statement is false because I made only one phone call, a call which went to voicemail and in which no voicemail was left. The Defendant's own attached AT&T phone records verify this. There is only one phone call from

my phone and the rest of the "harassing calls" have been verifiably confirmed by my Counsel, Jeremiah Donovan, to be from telemarketers.

- The complainant falsely stated that I made malicious phone calls to the complainant's workplace. Once again, I did not do so and there is no evidence (phone records or otherwise) that suggests I did.
- The complainant falsely stated in her complaint to the police (see attached) that *"He was visiting his Aunt, Uncle, and Usman in South Windsor, CT from London. We hung out a handful of times with other childhood friends, usually at Usman 's parents residence in South Windsor, CT."* This statement is 100% false and seeks to give the misleading impression that I only had a tangential acquaintance with the complainant. On the contrary, the complainant aggressively pursued a romantic relationship with myself in 2006 and most of our socializing was actually done in terms of late nights out to Martini bars and not "hanging out at my cousin's house" as the complainant falsely alleges. Further, the complainant regularly came over to my Aunt's house to see me in 2006 whereas I did not go to her house even once.
- The complainant falsely stated in her complaint to the police (see attached) that, *"At some point during the summer, Faiz obtained my cellphone number from my Aunts cellphone, and called me a few times while I was at work. This made me very uncomfortable."* This statement is false. The complainant made it very clear through her regular excursions with me that she was very interested and that she welcomed phone contact with me. All of the conversations I had with her were friendly and she did a great deal of flirting on them. I never sensed any lack of comfort on her part as she now falsely alleges.
- The complainant falsely stated in her complaint to the police (see attached) that, *"Sometime towards the end of the summer, Faiz returned to London. He called me multiple times with the impression that we would be friends and that we would remain in contact while he was back in London. I never gave him any indication of this."* I am frankly amazed by the total lack of honesty in this statement. From late night excursions to Martini bars to late night romantic visits to my Aunt's house to see me, the complainant consistently gave me the impression that she was very romantically interested in me. Further, I distinctly recall a conversation at the end of my stay in 2006 in which I suggested keeping in touch, and she responded by saying, "YEEEEAAAHHHHHH" in a very long and drawn out way which indicated a great deal of interest on her part.

- The complainant falsely states that, "*Faiz began to call more frequently, leaving voicemails that put me down and made me very uncomfortable.*" This statement is 100% false and I never left any such voicemails for the complainant, nor will she will be able to provide any evidence of such voicemails since they simply don't exist.
- The complainant falsely states in her complaint that, "*In August 2012, Faiz was in South Windsor, CT the week of my wedding He wrote an 8 page email to several members of our local community and to my in-laws a few days before my wedding. I was mortified. He wrote so many terrible things about me and created so many untrue stories. This email is available if needed.*" I wrote this email on Attorney's advice in August 2012 to protect myself from the complainant's horrid and unrelenting defamation, and everything I stated was 100% correct, factual and true. In any event, the complainant knew full well that this email was not in fact sent to "members of the local community" since my cousin Usman Haque had not sent the email to correct email addresses (see page 47 of the paginated bundle). This statement is therefore **verifiable perjury** on the part of the complainant for which she should be **charged**.
- It is also a concerning feature of this case that the complainant appears to consistently blame me for things which are (1) evidently nothing to do with me and (2) could not even be vaguely described as a criminal offence. For example, attributing a call from Nadol Streaman (a well known client of BlumShapiro where the complainant works) to myself or complaining that I checked her "linked in profile", an act which is clearly not criminal by any yardstick. See Mr. Donovan's first Motion to Re-argue at pages 192 - 193 of the paginated bundle.

### **Malice from attached discovery in civil case**

Some email evidence from 2015 between the complainant and police officer which **confirms** actual malice on the part of the complainant in this prosecution:

- On page 35 of the attached discovery (see attached at page 48 of the paginated bundle), the Defendant expresses the malicious wish that, "*I hope the State Attorney and Judge scare him enough so that he leaves me alone forever, regardless of where he resides. I'm crossingfingers.*"
- The complainant made a financial "donation" to the West Hartford police department to **bribe** them to help her and bring a criminal case against me **without** probable cause. This is detailed in the attached complainant's discovery at pages 49 - 50 of the paginated bundle. Apparently thebribe

was **accepted** and a criminal case was brought against me without anything approaching probable cause

### Meetings with State's Attorneys

My Attorneys (Jim Bergenn, Patrick Tomasiewicz and Jeremiah Donovan) have met with the State's Attorneys for Hartford, Connecticut, Gail Hardy, Carl Ajello and Robert Diaz on several occasions to put the fair and reasonable point to them that (1) one phone call to voicemail without any voicemail left in response to a communication by the complainant, cannot possibly constitute criminal harassment on any rational and sane view and (2) that the arrest warrant **issued in error without probable cause** and that the complainant's own incoming phone records confirm this (see attached AT&T phone records which show that the remainder of the so called "harassing phone calls" have been **verifiably shown** to be from telemarketers. See also October 2017 and March 2018 Memos from Jeremiah Donovan in this regard).

Prior to October 2017 (when the arrest warrant was released in a related civil action) the consistent and dishonest line taken by the Hartford prosecutors has been that the "*warrant was based on more than one phone call and we did not now know what was in the warrant*" and the warrant therefore supported probable cause. Indeed, Patrick Tomasiewicz met with Gail Hardy in October 2016 and she falsely informed him that the arrest warrant was based on "*phone calls at all times of day and night between February and March 2015*". When Attorney Tomasiewicz later emailed her to confirm that there was only one phone call from my cellphone, Ms. Hardy responded falsely and disingenuously by saying that she had not bothered to read his email and did not wish to spend any further time on the matter, instead of looking into the matter further and cancelling the phony arrest warrant had she been acting with honesty and professional integrity. I have included this email chain as part of the enclosures to this complaint (see pages 109 – 113 of the paginated bundle). Ms. Hardy presumably wanted to cover up for a lying, corrupt and dishonest police officer and did not wish to admit the Prosecutor's office's mistake in issuing the faulty arrest warrant in the first place.

A further meeting also took place between Patrick Tomasiewicz, Jeremiah Donovan, Carl Ajello and Robert Diaz in October 2017 in which the false claim was repeatedly made by Carl Ajello that the arrest warrant was **not** based on one phone call to voicemail. This is recorded in Jeremiah Donovan's note of the meeting (see attached enclosures) on October 12, 2017. Now that the arrest warrant has been released, it clearly evidences the fact that the arrest warrant is indeed based on a single phone call to voicemail and that Mr. Ajello was **untruthful** at the meeting, presumably to wrongly cover up for the serious mistake that has been made in issuing this faulty arrest warrant.

## **BlumShapiro calls**

These have already been dealt with in some depth by Jim Bergenn's and Jeremiah Donovan's memoranda, even though I was not charged with these so called harassing calls to the complainant's workplace. However, it is worth pointing out that (1) Jim Bergenn spoke to the private detective who confirmed that she **never** had any instructions from me to make any calls to BlumShapiro, (2) that any calls made from my phone number to the private detective were **after** the "harassing phone call" made on 13<sup>th</sup> February 2015 such that I could not have been the one to instruct her, (3) there is absolutely no phone record evidence that I ever called BlumShapiro for any reason or indeed the complainant (other than the one phone call on February 25, 2015) and (4) that even if I had made these calls to BlumShapiro (which I firmly deny), there was no "true threat" which would bring the calls outside the protection of the 1<sup>st</sup> amendment, a point which is very ably made by Jeremiah Donovan in both his enclosed memoranda.

Jeremiah Donovan is himself a very well regarded former Federal prosecutor and he refers to a "line of unbroken Appellate cases" which confirm that merely unpleasant or objectionable speech is protected by the 1<sup>st</sup> amendment, otherwise everybody would be subject to criminal arrest any time they expressed an opinion which someone else found distasteful and objectionable and the US would lose its enshrined principle of being a free and democratic society in which people can express any views they wish, provided they are not threatening others with physical harm.

## **Motions in front of Judge Dewey in March 2017, October 2017 and March 2018**

Unfortunately, wrongly and unjustly, Norman Pattis's previous Motion to cancel the warrant in March 2017 was unfairly denied without a hearing for faulty reasons by Judge Dewey on the basis that whilst practice book section 36-6 enabled a Judge to cancel a warrant, it did not enable a Judge to have a warrant released for inspection by "interested parties" such that it could be cancelled. This was clearly a frivolous and silly argument since Judge Dewey could easily have walked into the clerk's room, looked at the arrest warrant, realized it was based on one phone call to voicemail and demonstrably did not set forth probable cause and proceeded to cancel it. Then a further Motion for Re-argument was filed and argued in front of Judge Dewey in October 2017. The Judge once again asked Mr. Donovan as to whether he knew what was in the warrant. When he said "no", Judge Dewey proceeded to promptly deny the Motion at the end of the hearing, again without bothering to go to the clerk's office and check what was actually in the warrant to assess whether it was infirm or not.

I then appealed the decision filed another Motion to Re-argue after the warrant was released in my civil case and filed another, third, Motion to Re-argue, but Judge Dewey then wrongly decided that she had no “jurisdiction” to hear the Motion since it was the Appellate court. Judge Dewey was reversed by the Appellate court and ordered to re-consider the Motion. Now that the warrant had been released and demonstrably did not set forth probable cause, I was quietly hopeful and confident that justice would finally be done and the arrest warrant cancelled.

Indeed, the recent Motion to cancel hearing of March 16, 2018 was a different affair. We had obtained the arrest warrant through discovery in the civil defamation action. It was verifiably based on one phone call and so felt confident that Judge Dewey would now finally cancel the arrest warrant. Mr. Donovan once again went in front of Judge Dewey on March 16, 2018 and asked that Judge Dewey cancel the arrest warrant since it manifestly did not set forth probable cause. Judge Dewey, had she had any competence or reasonability, should have done so immediately at the hearing once she understood that the arrest warrant was indeed based off a single phone call to voicemail and so manifestly did **not** set forth probable cause. Instead, she did not make a decision and then came back with a disappointing decision quoting another faulty unpublished decision from Judge Newson in the case of *Rodriguez* which suggested that practice book section 36-6 did not allow a Judge to cancel an arrest warrant even though the plain wording suggests it does. Judge Dewey also said she was not able to go behind Judge Mullarchy’s decision to assess whether probable cause existed or not, even though it plainly did not and the arrest warrant had clearly issued in error.

The feedback I have had from various Attorneys is that Judge Dewey is a very poor, incompetent and prosecution friendly Judge who frequently makes poor decisions and is then overturned on appeal. Indeed, I have also seen this on one occasion in my own case where she was ordered by the Appellate court to re-consider her decision when she thought she had lost “jurisdiction” by virtue of my matter having been sent to the Appellate court. The gross injustice is that I have wasted tens of thousands of dollars on legal fees and 3 years of my life because of Judge Dewey’s ongoing incompetence in failing to cancel an arrest warrant issued without probable cause. I am understandably giving serious consideration to filing a grievance against her.

## Conclusion

I do not see why I should be the subject of a frivolous and false arrest warrant which causes a serious and unjust curtailment of my liberty to travel to the US on a faulty arrest warrant which has clearly issued **without probable cause** by a verifiably lying complainant and rotten, corrupt and dishonest police officer who acted in bad faith and wrongly issued a criminal arrest warrant based on one phone call to voicemail with no voicemail left, in response to an online notification message by the complainant herself.

Every Attorney I have spoken with has been amazed by this and as you can see from Jim Bergenn's memoranda, he regards this arrest warrant as having issued with less evidence than **any other which has ever issued in Connecticut legal history and most likely US history** (i.e. in any other state in the US), which is really saying something, especially coming from an Attorney who is widely regarded as the best in the state (see Best Lawyer's guide at <https://www.bestlawyers.com/lawyers/james-w-bergenn/82947>). Jim Bergenn's views are mirrored by top Attorney Jeremiah Donovan (a graduate of Yale Law school and former Federal Prosecutor). Both Jim Bergenn and Jeremiah Donovan are happy to be contacted during the course of your investigation into this matter for their views. Jim Bergenn may be reached on his email address of [Jbergenn@goodwin.com](mailto:Jbergenn@goodwin.com), his mobile number of **860 463 4011** and his direct dial work number of **860 251 5639**. Jeremiah Donovan can be reached on his email address of [Jeremiah\\_donovan@sbcglobal.net](mailto:Jeremiah_donovan@sbcglobal.net) and his work number of **860 388 3750**.

However, there is evidently no need for me to make an appeal to authoritative figures here. It would be plainly obvious to anyone with any degree of intelligence and common sense that a criminal arrest warrant should most certainly **not** issue based on one phone call to voicemail with no voicemail left. The fact it has in my matter is clearly both a regrettable and serious mistake which needs to be urgently and promptly correct to avoid any further prejudice to my position.

Indeed, now that the arrest warrant has been released (see attached) and is **verifiably** based on one phone call to voicemail to a family friend after a **decade of no contact** whatsoever between myself and the complainant during which time we have resided in different continents, the argument previously run by the Prosecutor's office that "*you don't know what's in the warrant and so can't say whether probable cause exists or not*" is no longer sustainable and there is no fair or ethical alternative to now promptly cancelling the arrest warrant and apologizing for the wastage of time that has occurred over the past 3 years, time during which I have **not** been able to go back to my business school in Evanston, Illinois in order

to complete my MBA course at Kellogg Business school, one of the leading business schools in the country.

As someone who is himself a lawyer, I accept that no legal system is infallible and that human mistakes and errors can and do sometimes happen. However, once it becomes 100% clear that an arrest warrant is a complete sham and issued in error without probable cause, then I firmly believe that the Prosecutor's office has both a legal and ethical obligation to cancel it promptly to avoid further serious prejudice to the person falsely accused of a crime and in order to maintain its own integrity. Prosecution is most certainly **not** a game and has serious and devastating consequences for a person's life. Hence why frivolous prosecutions should be immediately stopped in their tracks once it becomes transparently clear that they are frivolous.

I entirely agree with Jim Bergenn and Patrick Tomaszewicz's experienced and learned views that the complainant suffers from a **borderline personality disorder** which make her very convincing to people in "hero positions" such as the police officer and State's Attorney, even if the objective factual record evidences absolutely no crime whatsoever (see Jim Bergenn's attached memoranda). Indeed, Jim Bergenn in his 2 attached detailed memoranda (see below) compares my situation with 3-4 others he has encountered in his long and distinguished 40 year career where the prosecution ultimately turned out to be utterly baseless and malicious, but not until substantial monies were wasted on legal fees on both sides. Substantial legal fees to the tune of **tens of thousands of dollars** have already been **wasted** on this absurd case, but this letter is designed to enable common sense to prevail and to stop any further time or legal fees being wasted on this frivolous and absurd matter.

As it is, I have already been severely penalized in this matter by virtue of having an enormous and unjustifiable restriction placed on my liberty to travel to the US through fear of arrest and prosecution on a false and frivolous arrest warrant for the past 3 years, not to mention the fact that I cannot obtain a visa to travel to the US whilst a criminal arrest warrant is pending for me. Further, my own father has suffered a great deal with serious heart disease and cancer in hospital as a result of this falsely issued warrant.

I would be grateful if this matter could be promptly looked into and this arrest warrant cancelled **immediately** as is the Prosecutor's office right to do so under practice book section 36-6. My civil case will shortly be **dismissed** (i.e. in a matter of **days on May 2nd**) unless the warrant is now promptly cancelled and I am able to come to Hartford for deposition. This would be a travesty of justice and enable the complainant to get away with her defamation and lies.



I firmly believe that it would be entirely wrong and improper for further money, time and resources to be wasted on what is clearly a false and frivolous arrest warrant which should **never** have issued in the first place, not just in my view, but in the view of several leading Attorneys, one of whom is himself a former Federal prosecutor, and also according to basic principles of fairness and common sense. Further, and in my view, appropriate disciplinary action should be taken against the State's Attorneys Gail Hardy, Carl Ajello and Robert Diaz for falsely keeping an arrest warrant on their books without probable cause for the past 3 years, even when the correct facts of the situation were clearly pointed out to them and they should have fairly and ethically withdrawn the arrest warrant for lack of probable cause for a criminal offence.

To ensure full transparency and fairness in the investigation and resolution of this matter, I can confirm that this formal complaint will also be sent to the Justice department and to the Senator of your state through the Ministry of Justice in the UK. I sincerely hope you will deal with it fairly and expeditiously.

Yours faithfully,

*Faiz Siddiqui*

Faiz Siddiqui

Enclosures:

1. Arrest warrant issued in May 2015
2. Search warrant issued in April 2015
3. Complainant's signed complaint of March 2015 (with email enclosures)
4. Complainant's discovery from civil case which proves actual malice on her part
5. Jim Bergenn's detailed chronology of case
6. Jim Bergenn's submissions document to Gail Hardy
7. Jim Bergenn's correspondence with police officer of April 2016
8. Defamation pleadings of December 2016
9. Complainant's incoming AT&T phone records of February and March 2015
10. Patrick Tomasiewicz email correspondence with Gail Hardy of January 2017
11. Norman Pattis's Motion of March 2017
12. Note of meeting between Jeremiah Donovan, Patrick Tomasiewicz with State's Attorney's Robert Diaz and Carl Ajello in October 2017
13. Jeremiah Donovan's Motion of October 2017
14. Jeremiah Donovan's Motion of March 2018

15. Hartford courant article in October 2016 on formal complaint against and suspension of Sgt. Eric Rocheleau for possession of drugs
16. Hartford courant article in September 2017 on formal complaint against and transfer of Lieutenant Rocheleau to another department for sexual harassment of fellow female police officer

**INFORMATION**

JD-CR-71 REV. 3-11

STATE OF CONNECTICUT  
**SUPERIOR COURT**

Disposition date

Police Case number

150008206

Agency name

West Hartford PD

Agency number

**Title, Allegation and Counts**

State of Connecticut vs. (Name of accused) **Siddiqui, Faisal Faiz** Residence (Town) of accused **London, England,** Docket number

Address Date of birth **05/06/1979** The undersigned Prosecuting Authority of the Superior Court of the State of Connecticut charges that:

To be held at (Town) **HARTFORD** Geographical area number **14** Court date

Count One — Did commit the offense of: **HARASSMENT 2ND** Continued to Purpose Reason

At (Town) **West Hartford** On or about (Date) **02/25/2015** In violation of General Statute number **53a-183**

Count Two — Did commit the offense of: **HARASSMENT 2ND** (140)

At (Town) **West Hartford** On or about (Date) **02/13/2015** In violation of General Statute number **53a-183**

Count Three — Did commit the offense of:

At (Town) On or about (Date) In violation of General Statute number

See other sheet for additional counts Date **5/28/15** Signed (Prosecuting Authority) *[Signature]*

**Court Action**

Defendant advised of rights before plea Bond Surety  10% Election (Date)  CT  JY

(Judge) (Date)  Attorney  Public defender Guardian Bond change Seized property inventory number:

Count	Plea date	Plea	Plea withdrawn		Verdict finding	Fine	Remit	Additional disposition
			Date	New plea				
1						\$	\$	
2						\$	\$	
3						\$	\$	

Date	Other Court Action	Judge

Receipt number Cost  IMP  NCI Bond information  Bond forfeited  Forfeiture vacated  Forfeiture vacated and bond reinstated

Application fee - receipt number if paid Circle one W I Q Program fee - receipt number if paid Circle one W I Q Probation fee - receipt number if paid

Prosecutor on original disposition Reporter/monitor on original disposition Signed (Clerk) Signed (Judge)

This is page 1 of a 2 page information

INFORMATION

JD-CR-71 Rev. 3-11

STATE OF CONNECTICUT SUPERIOR COURT

Disposition date

Police Case number 1500008206

Agency name West Hartford Police Dept.

Agency number CT0015500

Arrest Warrant

Geographical area number 14

State of Connecticut vs. Siddiqui, Faisal Falz

To: Any Proper Officer of the State of Connecticut

By Authority of the State of Connecticut, you are hereby commanded to arrest the body of the within-named accused. ("X" all that apply)

- Options A and B with checkboxes: A. Accused is ordered to be brought before a clerk or assistant clerk of the Superior Court. B. Accused is not entitled to bail.

If A, B or both are checked above, you shall without undue delay bring the arrested person before the clerk or assistant clerk of the Superior Court for the geographical area where the offense is alleged to have been committed, or if the clerk's office is not open, to a community correctional center within said geographical area, or the nearest community correctional center if no such center exists in the geographical area, or to the Correctional Institution, as the case may be.

Checked option C: C. Bail set at \$2500.00 CASA ONLY

Checked option D: D. Non-financial conditions of release:

Handwritten: NO contact Gum Randhawa

Extradition boundaries established by prosecutor

Option E: Conditions of release not determined by the court.

By the Court Signed (Judge of the Superior Court) Date 5-29-15 Name of the Judge (Print or type) Muller, Kelly

Return On Arrest Warrant

Geographical area number, Town of, Date, State of Connecticut

Then and there, by virtue of the within and foregoing complaint and warrant, I arrested the body of the within-named accused and read the same in the hearing of said accused; and have said accused here in court for examination.

Attest (Officer's signature and Department)

Table with 3 columns: Date, Other Court action, Judge. Multiple rows for recording court actions.

**ARREST WARRANT APPLICATION**

JD-CR-64b Rev. 3-11  
C.G.S. §54-2a  
Pr. Bk. Sec. 36-1, 36-2, 36-3

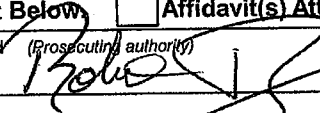
**STATE OF CONNECTICUT  
SUPERIOR COURT**  
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For Court Use Only	
Supporting Affidavits sealed:	
<input type="checkbox"/> Yes	<input type="checkbox"/> No

Police Case number <b>1500008206</b>	Agency name <b>West Hartford PD</b>	Agency number	
Name (Last, First, Middle Initial) <b>Siddiqui, Faisal, F.</b>	Residence (Town) of accused <b>London, England</b>	Court to be held at (Town) <b>HARTFORD</b>	Geographical Area number <b>14</b>

**Application For Arrest Warrant  
To: A Judge of the Superior Court**

The undersigned hereby applies for a warrant for the arrest of the above-named accused on the basis of the facts set forth in the:  Affidavit Below  Affidavit(s) Attached.

Date <b>5/28/15</b>	Signed (Prosecuting authority) 	Type/print name of prosecuting authority <b>Eric Rocheleau</b>
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**Affidavit**



The undersigned affiant, being duly sworn, deposes and says:

1. That the Affiant, Detective Sergeant Eric Rocheleau #258, is a duly sworn Police Officer for the town of West Hartford, Connecticut, and has been for the past 16 years. I am currently assigned to the Detective Division. The following facts and circumstances are stated from personal knowledge and observations as well as information received from other police officers acting in their official capacity and from official police reports and statements made by prudent and credible witnesses.

2. That on 2/17/15 this officer was assigned a harassment case. Erum Randhawa, reported being the victim of ongoing harassment spanning several years. Erum had previously made complaints about Faisal "Faiz" Siddiqui to the West Hartford and South Windsor Police Departments. Erum expressed a deep concern for her safety as she believes Faiz is unpredictable and obsessed with her.

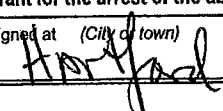
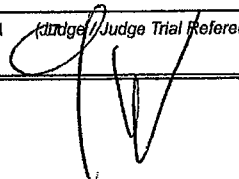
3. That Erum stated Faiz had come to the US during the summer of 2006 as he had some "issues" and his family thought it would be good for him to stay with some of his family in the states for a while. Erum stated that Faiz, other friends and family would often get together. She described Faiz as a bit strange and that their relationship was friendly, never romantic.

(This is page 1 of a 5 page Affidavit)

Date <b>5/22/15</b>	Signed (Affiant) <b>ERIC ROCHELEAU</b> 
Jurat Subscribed and sworn to before me on (Date) <b>22 MAY 2015</b>	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public) 

**Finding**

The foregoing Application for an arrest warrant, and affidavit(s) attached to said Application, having been submitted to and considered by the undersigned, the undersigned finds from said affidavit(s) that there is probable cause to believe that an offense has been committed and that the accused committed it and, therefore, that probable cause exists for the issuance of a warrant for the arrest of the above-named accused.

Date and Signature 	Signed at (City or town) <b>Hartford</b>	On (Date) <b>5-29-15</b>	Signed (Judge/Judge Trial Referee) 	Name of Judge/Judge Trial Referee <b>Michael Kelly</b>
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**ARREST WARRANT APPLICATION**

JD-CR-64a Rev. 3-11  
 C.G.S. § 54-2a  
 Pr. Bk. Sec. 36-1, 36-2, 36-3  
**CFS #: 150008206**

**STATE OF CONNECTICUT  
 SUPERIOR COURT**

www.jud.ct.gov

West Hartford PD

Name (Last, First, Middle Initial) Siddiqui, Faisal, F.	Residence (Town) of accused London, England	Court to be held at (Town) HARTFORD	Geographical Area number 14
------------------------------------------------------------	------------------------------------------------	----------------------------------------	--------------------------------

**Affidavit - Continued**

4. That Faiz returned to England and Erum began getting a number of strange calls she believed were from him. The calls were often no talk calls and disguised numbers. Other times Faiz would speak to Erum and express disappointment with her lack of interest in maintaining communication with him. Faiz felt "led on" by her. The calls have gone on for years but are sporadic. The calls often come during the summer or around occasions such as Valentine's Day and most recently over a job promotion. Erum believes calls were being "spoofed" (having a fictitious phone number show up on caller ID) or blocked in order to disguise the caller's number.

5. That on 8/28/12 Erum received a lengthy, emotional and intense 9 page email from Faiz. It was written with many key points repeated. It describes in Faiz's words how Erum came on to a very reluctant Faiz. According to this email the two eventually formed a bond after dating for some time and when Faiz returned to London he was rebuffed by her repeatedly. The email was sent to a number of her friends in her community and family the week of her wedding

6. That in the 9 page email Faiz admits that he tried for a month to get a hold of her but she ignored his calls and instant messages. He acknowledged that Erum kept hanging up on him. Faiz understood that she wanted "Nothing further to do" with him. He also wrote that Erum's mother advised Faiz not to call anymore.

7. That on 7/16/14 a co-worker of Erum, Richard Finkel, received a voicemail. The 3 minute and 38 second voicemail appears to have been a script read by someone attempting to disguise their voice and English accent with the use of a voice changer. The message details alleged misdeeds by Erum in both her professional and personal life. The message uses much of the same wording that Faiz wrote in his 9 page email to Erum in 2012 and encourages them to consider firing her. Finkel also received an additional suspicious call. A party by the name of "Mike" contacted him and stated that he had additional information on Erum. There was no caller ID number for Mike and Finkel told Mike not to call back.

8. That on 2/13/15 the managing partner at Blum Shapiro, Carl Johnson, and the Human Resources Director, Sara Bell were both contacted by a female who identified herself as a private investigator by the name of Molly Monihan of Sirius Investigations. Johnson was advised by Monihan about "disturbing" information regarding Erum. Johnson referred the Monihan to Bell. The caller told Bell she was hired by a client to advise Blum Shapiro about Erum. Monihan made statements so as to call into question Erum's suitability to work for this company. The caller made the same claims as in the previous voicemail left for Finkel. The caller stated that her client wanted to pass along this information to Blum Shapiro to consider terminating Erum's employment.

(This is page 2 of a 5 page Affidavit)

Date 5/22/15	Signed (Affiant) <i>[Signature]</i>
Jurat Subscribed and sworn before me on (Date) 22 MAY 2015	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public) <i>[Signature]</i>
Reviewed (Prosecutorial Official) <i>[Signature]</i>	Date 5/28/15
Reviewed (Judge/Judge Trial Referee) <i>[Signature]</i>	Date 5-29-15

**ARREST WARRANT APPLICATION**

JD-CR-64a Rev. 3-11  
 C.G.S. § 54-2a  
 Pr. Bk. Sec. 36-1, 36-2, 36-3  
 CFS #: 1500008206

**STATE OF CONNECTICUT  
 SUPERIOR COURT**

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West Hartford PD

Name (Last, First, Middle Initial) Siddiqui, Faisal, F.	Residence (Town) of accused London, England	Court to be held at (Town) HARTFORD	Geographical Area number 14
------------------------------------------------------------	------------------------------------------------	----------------------------------------	--------------------------------

**Affidavit - Continued**

The caller attempted to get additional information about Erum. Monihan also stated that her client did not want Erum to know about the phone call she was making. Erum believes that the calls by Private Investigator Molly Monihan, "Mike's" call with information about Erum and the voicemail message to her employer were all orchestrated by Faiz.

9. That Erum has received at least nine missed, spoofed or blocked calls which she believes were suspicious in recent times. Erum then placed a cell phone application (TrapCall) on her phone that is able to trap and record some blocked numbers. On 2/25/15 a call at 0136 hours came from a number displayed as (224) 622-3820. A Whitepages reverse number search of this number showed that it was a T-Mobile assigned number out of Illinois. Erum had information that Faiz was currently living in Illinois at that time. This was later confirmed with Homeland Security.

10. That on 2/25/15 I called (224) 622-3820 and spoke with a male party with an English accent. I suspected that it could be Faiz or someone known to him. He refused to give me his name and was curious as to who I was. I would later confirm through a relative of Faiz that (224) 622-3820 was Faiz's cellular number.

11. That on 3/23/15 I visited Faiz's aunt and uncle, Ahsan and Seema Usman in South Windsor and advised them the reason of my visit. Ahsan stated that he felt responsible for the trouble as he tried to make arrangements for Faiz to meet women here in the US. He tried to arrange Erum and Faiz as a couple but he confirmed that it didn't work out. He described Faiz as having "some issues" and possibly being Schizophrenic. He confirmed that the relationship ended and that Faiz has been unable to let go.

12. That on 3/24/15 I emailed Faiz. The next day I received a voicemail from Faiz. This caller sounded like the person that I had previously spoken to after calling (224) 622-3820. Faiz later indicated that he had not "seen, spoken with or had any written correspondence" with Erum in years. He did not say he hadn't tried to call her. He did not wish to discuss the matter with me any further. He would later refer me to his lawyer.

13. That on 4/8/15 I spoke with Molly Monihan from Sirius Investigations. I advised her about why I was calling and she immediately stated something to the effect of "The crazy guy". Molly stated that she had spoken with an unknown male party with an English accent. The party would call from a blocked line and only identified himself as "James". The caller asked Monihan to call Blum Shapiro but Monihan claimed she would not until he paid her retainer. Monihan claimed that since this guy was so insistent that she decided to give Blum Shapiro a "heads up" on him.

(This is page 3 of a 5 page Affidavit)

Date	5/22/15	Signed (Affiant)	<i>[Signature]</i>	
Jurat	Subscribed and sworn before me on (Date) 22 MAY 2015	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public)	<i>[Signature]</i>	
Reviewed (Prosecutorial Official)	Date 5/28/15	Reviewed (Judge / Judge Trial Referee)	Date 5-28	

**ARREST WARRANT APPLICATION**

JD-CR-64a Rev. 3-11  
 C.G.S. § 54-2a  
 Pr. Bk. Sec. 36-1, 36-2, 36-3  
**CFS #: 1500008206**

**STATE OF CONNECTICUT  
 SUPERIOR COURT**

www.jud.ct.gov

West Hartford PD

Name (Last, First, Middle Initial) Siddiqui, Faisal, F.	Residence (Town) of accused London, England	Court to be held at (Town) HARTFORD	Geographical Area number 14
------------------------------------------------------------	------------------------------------------------	----------------------------------------	--------------------------------

**Affidavit - Continued**

14. That Molly further stated that he stopped calling for a while but recently contacted her office again inquiring whether she called the police on him. She thought he had called two weeks prior to 4/8/15. WHPD Det. Birritteri called Faiz on his cell phone on 3/23/15. She said the caller sounded very angry. He kept on asking "Why did this man call me?" Molly explained that she had no way of knowing who he was or how to get a hold of him. She explained that she did not know his number or how the police got it.

15. That I asked Molly to listen to the recording that Faiz left on my voicemail. As soon as I played it for her she indicated that this was the same person that she had spoken to and had been asked to contact Blum Shapiro by. Faiz has a very particular English accent but it is still obvious that he is Middle Eastern.

16. That on 4/24/15 this officer was granted a search warrant for (224) 622-3820. I obtained cellphone records and subscriber account information. That the account holder was listed as Mohammed Faiz Siddiqui DOB 6/5/79. Faiz's real birth date is 5/6/79. The account was established on 1/27/15 and cancelled on 3/23/15

17. That call records from the search warrant showed the following calls;

Calls made from (224) 622-3820 (London time);

On 2/25/15 to Erum's personal cell phone (860) 306-5607 was called at 0635 hours (as reported by Erum.

On 2/24/15 three calls to Sirius Investigations (360) 685-4268 at 1210, 2230 and 2233 hours.

On 2/25/15 at 2332 hours this officer's cell phone at (860) 816-4572.

On 3/23/15 Sirius Investigations was called at 2241 hours.

Calls received at (224) 622-3820 (London time);

On 2/25/15 at 2318 and 2335 hours from this officer's cell phone (860) 816-4572.

On 3/23/15 at 2237 hours from a blocked call. This coincides with Det. Birritteri calling Faiz with my blocked cellphone. Also the same day service was cancelled on said phone.

(This is page 4 of a 5 page Affidavit)

Date	5/22/15	Signed (Affiant)	[Signature]
Jurat	Subscribed and sworn before me on (Date) 22 MAY 2015	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public)	[Signature]
Reviewed (Prosecutorial Official)	Date 5/23/15	Reviewed (Judge/Judge Trial Referee)	Date 5-23-15



**ARREST WARRANT APPLICATION**

JD-CR-64a Rev. 3-11  
 C.G.S § 54-2a  
 Pr. Bk. Sec. 36-1, 36-2, 36-3  
 CFS #: 1500008206

**STATE OF CONNECTICUT  
 SUPERIOR COURT**

www.jud.ct.gov

West Hartford PD

Name (Last, First, Middle Initial) Siddiqui, Faisal, F.	Residence (Town) of accused London, England	Court to be held at (Town) HARTFORD	Geographical Area number 14
------------------------------------------------------------	------------------------------------------------	----------------------------------------	--------------------------------

**Affidavit - Continued**

18. That this officer believes Erum Randhawa has been harassed in the form of repeated calls from blocked and disguised numbers at various times including some late at night. That Faiz used his own phone to call Erum on 2/25/15. That the harassment has continued by a private investigators firm being hired to report to Erum's employer about her misdeeds in an effort to get her fired. That on 2/13/15 a call was placed by said private investigator to Erum's employer. That Faiz's number was shown to have called said private investigator numerous times.

19. That based on the following facts and circumstances this officer believes there is probable cause for the arrest of Faisal "Faiz" Siddiqui DOB 5/6/79. That this officer believes Faiz called Erum's cell phone on 2/25/15 and that he called Sirius Investigations on or about 2/13/15 in order to have Erum reported and fired. That, by telephone, Faiz made several calls with the intent to harass, annoy and in the process caused alarm to Erum. That by his actions Faisal Faiz Siddiqui violated C.G.S. 53a-183 Harassment in the second degree, two counts.

(This is page 5 of a 5 page Affidavit)

Date	5/22/15	Signed (Affiant)	<i>[Signature]</i>
Jurat	Subscribed and sworn before me on (Date) 22 MAY 2015	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public)	<i>[Signature]</i>
Reviewed (Prosecutorial Official)	Date 5/22/15	Reviewed (Judge / Judge Trial/Referee)	Date 5-22-15

+++++ RECEIVED FROM NATIONAL LETS +++ 03/02/15 12:52 ++++++ 0613  
IAR.VTICE1887  
10:52 03/02/2015 11346  
10:52 03/02/2015 05543 CT0015503  
\*00PSC55089

TXT  
\*\*\* LAW ENFORCEMENT SENSITIVE \*\*\*

IAQ RECEIVED: 03/02/15 11:48:56 AM  
ORI/ CT0015503 ATN/ROCHELEAU,ERIC PHN/8605232140  
NAM/ SIDDIQUI, FAISAL  
DOB/ 19790506 CUS/N OFF/5399 PUR/C POB/UK SEX/M

\*\*\*\* QUERY MESSAGE TEXT ENDS - L.E.S.C. RESPONSE BEGINS \*\*\*\*  
THIS IS NOT A GOVERNMENT DETAINER! THIS INFORMATION IS FOR  
LAW ENFORCEMENT USE AND IS BEING PROVIDED FOR INFORMATIONAL  
PURPOSES ONLY. THIS RESPONSE IS NOT SUPPORTED BY FINGERPRINTS.

THE LAW ENFORCEMENT SUPPORT CENTER IS UNABLE TO FIND, BASED ON  
THE INFORMATION PROVIDED, A MATCH IN THE DHS DATABASES QUERIED.  
IF YOU HAVE ADDITIONAL IDENTIFIERS, PLEASE RESUBMIT YOUR  
REQUEST. THIS RESPONSE DOES NOT INDICATE THAT THE NAME QUERIED  
IS EITHER AN ALIEN OR A U.S. CITIZEN, NOR DOES IT INDICATE  
LAWFUL OR UNLAWFUL IMMIGRATION STATUS AND SHOULD NOT BE THE SOLE  
BASIS FOR A COURSE OF ACTION. IF YOU HAVE ANY QUESTIONS  
REGARDING THIS RESPONSE, YOU MAY CALL YOUR LOCAL ICE FIELD  
OFFICE OR THE ICE LAW ENFORCEMENT SUPPORT CENTER AT (802)  
872-6020.

\*\*\*\*\*  
FOR FURTHER INFORMATION CONTACT THE ICE LAW  
ENFORCEMENT SUPPORT CENTER AT (802) 872-6020.

REQUESTING ORI INFORMATION:  
AGENCY/  
PHONE/

L.E.S.C. QUERY ID: 15814010 \*\*\* LIMITED OFFICIAL USE \*\*\*  
END OF RESPONSE . . .

15-8281

+++++ RECEIVED FROM NATIONAL LETS +++ 03/02/15 11:48 ++++++ 0613  
AM.AX0000000

09:48 03/02/2015 09475  
09:48 03/02/2015 04507 CT0015503  
\*PSC55089

TXT  
YOUR INQUIRY HAS BEEN RECEIVED BY  
THE ICE LAW ENFORCEMENT SUPPORT CENTER.

EST 1148.  
TEXT OF INQUIRY WAS:  
PUR/C.ATN/ROCHELEAU, ERIC. PHN/8605232140. NAM/SIDDIQUI, FAISAL. DOB/19790506. SEX/M.  
POB/UK. CUS/N.OFF/5399

END

*MII (spec)  
NO IL DRIVERS LICENSE  
CALLED ALIEN CTR. NOT EMPLOYED THERE*

15-8206

# WEST HARTFORD POLICE DEPARTMENT

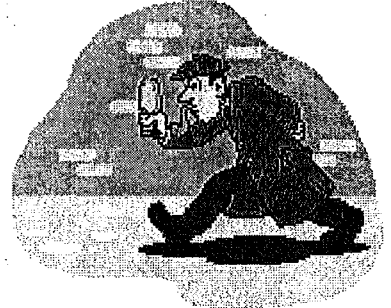
103 Raymond Road

West Hartford, CT 06107

Telephone: (860) 523-5203

Facsimile: (860) 236-0940

NCIC ORI: CT0015500



## FACSIMILE COVER SHEET

This fax consists of 2 pages including this cover page.

*The information contained in these documents may be privileged information which is regulated by law. It is intended solely for the person to whom it is addressed. Distribution, dissemination, or reproduction of these documents or of the information contained herein by any person not authorized to possess or receive them may be subject to criminal or civil prosecution. If you have received these documents in error, please call (860) 523-2070 immediately so these documents may be retrieved.*

To; T Mobile Legal Dept. (973) 292-8697

From Det. Sgt. Rocheleau Fax (860) 236-0940

Please send reply to the fax (860) 236-0940-Thanks

FAXES & LEGAL DOCS

- ICE DOC
- COPY OF SIGNED S. WARRANT
- ARREST WARRANT
- S. WINSON P.D. REPORT



# WEST HARTFORD POLICE DEPARTMENT

T-Mobile USA  
Legal Department  
4 Sylvan Way  
Parsipanny, NJ 07054  
(973) 292-8911  
(973) 292-8697

West Hartford Police Department  
103 Raymond Rd.  
West Hartford, CT 06107

To Whom It May Concern,

In regards to West Hartford Police Department investigation #15-8206, I am requesting the preservation of the following records for the T-Mobile Wireless account associated with cell phone number (224) 622-3820 from 7/16/14 to 3/22/15.

All subscriber information including name, address, local and long distance telephone connection records, records of sessions times and durations, length of service including start date and types of service utilized, telephone or instrument number, and other subscriber number or identity. Text messaging, text messaging content, call & Internet usage identifying information including dialing or signaling information that identifies the origin, direction, destination or termination of each communication generated or received by a subscriber or customer by means of any equipment, facility or service of a telecommunications carrier. All incoming and outgoing calls, all incoming and outgoing text messages and text message content, all incoming and outgoing messages containing photographs and call locations. All cell site locations and evolution data optimized (EVDO) including per call measurement data (PCMD) for all calls, text messages and internet usage.

A search warrant for these records is pending and will be provided once obtained. Thank you for your assistance.

Det. Sgt. Eric A. Rocheleau #258  
West Hartford Police Department  
103 Raymond Rd.  
West Hartford, CT 06107  
(860) 523-2140  
(860) 236-0940

15-8206

**Eric Rocheleau**

---

**From:** Eric Rocheleau  
**Sent:** Thursday, April 23, 2015 10:16 PM  
**To:** 'ler2@T-Mobile.com'  
**Subject:** Preservation letter  
**Attachments:** Scanned from a Xerox multifunction device.pdf

Dear Sir/Madam,

Please find an email copy of the preservation letter that I sent via fax. Please reply to this email with any findings. Additional contact information for me is on the letter itself. A search warrant for (224) 622-3820 is being applied for.

Regards,

Det. Sgt. Eric Rocheleau

*# CONFIRMED BY HAWKINS  
@ T. MOBILE L.F.  
(973) 292-8911*

150008206

**RETURN AND APPLICATION  
AND SEIZURE WARRANT**

§v. 3-10

C.G.S. §§ 54-33a, 54-33c, 54-33j

STATE OF CONNECTICUT  
**SUPERIOR COURT**

www.jud.ct.gov

Form JD-CR-52 must also be completed



**Instructions to Applicant**

File a the application for the warrant and all affidavits upon which the warrant is based with the clerk of the court for the geographical area within which any person who may be arrested in connection with or subsequent to the execution of the search warrant would be presented, together with the return of the warrant.

**Instructions to G.A. Clerk**

Upon execution and return of the warrant, affidavits which are the subject of an order dispensing with the requirement of giving a copy to the owner, occupant or person within forty-eight hours shall remain in the custody of the clerk's office in a secure

location apart from the remainder of the court file.

Police Case number 150008206

**TO: A Judge of the Superior Court or a Judge Trial Referee**

The undersigned, being duly sworn, complains on oath that the undersigned has probable cause to believe that certain property, to wit:

all subscriber information, all incoming and outgoing calls, all incoming and outgoing text messages, evolution data optimized (EVDO), including per call measurement data (PCMD), call locations and all cell tower locations for cellular phone number (224) 622-3820 on 7/16/14 and from 2/13/15 through 3/23/15.

is possessed, controlled, designed or intended for use or which is or has been or may be used as the means of committing the criminal offense of:

was stolen or embezzled from:

constitutes evidence of the following offense or that a particular person participated in the commission of the offense of: Harassment 2nd degree in violation of C.G.S. 53a-183

is in the possession, custody or control of a journalist or news organization, to wit:

and such person or organization has committed or is committing the following offense which is related to such property:

and such property constitutes contraband or an instrumentality of the criminal offense of:

**And is within or upon a certain person, place, or thing, to wit:**

T-Mobile agent of process, Corporation Service Company 50 Weston St. Hartford, CT 06120-1537

*(This is page 1 of a 9 page Affidavit and Application.)*

City/Town	Date	Signature and Title of Affiant
Hartford	04/24/2015	Det. Sgt. Eric Rocheleau
Hartford	04/24/2015	Det. Brandon Lee
<b>Jurat</b>	Subscribed and sworn to before me on (Date) 4/24/15	Signed (Judge/Judge Trial Referee)

And that the facts establishing the grounds for issuing a Search and Seizure Warrant are the following:

(1) Your Affiant, Detective Sergeant Eric Rocheleau #258, is a duly sworn Police Officer for the town of West Hartford, Connecticut, and have been for the past 16 years. I am currently assigned to the Detective Division for the past two years. The following facts and circumstances are stated from personal knowledge and observations as well as information received from other police officers acting in their official capacity and from official police reports and statements made by prudent and credible witnesses.

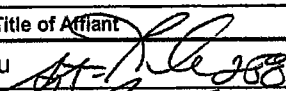


(2) Your Affiant, Detective Brandon Lee #309, is a duly sworn Police Officer for the town of West Hartford, Connecticut, and have been for the past 9 years. I am currently assigned to the Detective Division. The following facts and circumstances are stated from personal knowledge and observations as well as information received from other police officers acting in their official capacity and from official police reports and statements made by prudent and credible witnesses.

(3) That on 2/17/15 Sgt. Rocheleau was assigned a harassment case. Erum Randhawa, reported being the victim of ongoing harassment spanning several years. Erum reports now being harassed at her place of employment at 29 S. Main St. in West Hartford. Erum had previously made prior police complaints about Faisal "Faiz" Siddiqui. After speaking with Erum she described a friendly history Faiz going back to 2006. She described Faiz as a bit strange, that their relationship was friendly but never romantic. Family would later acknowledge that Faiz could be schizophrenic. Erum described the suspect as someone obsessed with her and unable to let go due to an imaginary romantic relationship.

(4) That on 8/28/12, the week of Erum's wedding, Erum received a rambling 9 page email from Faiz detailing what he believed were the many misdeeds that Erum perpetrated against him. The email was sent to many of Erum's friends, family and her fiancée. The email contains admissions that Faiz tried for months to get a hold of her but she ignored his calls and instant messages. Faiz detailed that Erum kept hanging up on him. Faiz admits that Erum advised him that she wanted nothing further to do with him and that Erum's mother advised Faiz not to call anymore.

(5) That on 7/16/14 a co-worker of Erum, Richard Finkel, received a voicemail. The voicemail appears to have been a script read by someone attempting to disguise their voice and their English accent with the use of a voice changer. The message details alleged misdeeds by Erum in both her professional and personal life. The message uses much of the same wording that Faiz wrote in his 9 page email to Erum in 2012 and encourages them to consider firing her. Finkel also received an additional suspicious call. A party by the name of "Mike" contacted him and stated that he had additional information on Erum. There was no caller ID number for Mike.

(This is page 2 of a 9 page Affidavit and Application.)

City/Town	Date	Signature and Title of Affiant
Hartford	4/24/2015	Det. Sgt. Eric Rocheleau 
<del>Hartford</del> Middletown	4/24/2015	Det. Brandon Lee 
Jurat	Subscribed and sworn to before me on (Date) 4/24/15	Signed (Judge/Judge Trial Referee) 



(6) That on 2/13/15 Erum's boss, Carl Johnson, and the Human Resources Director, Sara Bell were both contacted by a female who identified herself as a private investigator by the name of Molly Monihan of Sirius Investigations. Johnson and Bell were advised by Monihan about "disturbing" information regarding Erum. The caller stated she was hired by a client to advise Blum Shapiro about Erum. Monihan made statements so as to call into question Erum's suitability to work for this company. The caller stated that her client wanted to pass along this information to Blum Shapiro to consider terminating Erum's employment. Monihan also stated that her client did not want Erum to know about the phone call she was making. Erum believes that "Mike's" call to Finkel, Molly Monihan's call and the voicemail message to her work were orchestrated by Faiz.

(7) That Erum placed a cell phone application (TrapCall) on her phone that is able to trap and record some blocked numbers. On 2/25/15 a call at 0136 hours came from a number displayed as (224) 622-3820. A Whitepages reverse number search of this number showed that it was a T-Mobile assigned number out of Illinois. Erum had information that Faiz is currently living in Illinois. Erum has received at least nine missed, spoofed or blocked calls which she believes could be from Faiz.

(8) That Lt. Godby of the Northwestern University Police Department confirmed that Faiz Siddiqui was enrolled in the Executive Masters Program at the Kellogg School of Management. Sgt. Rocheleau also confirmed this with the school's web site. US Immigrations confirmed that Faiz was a student attending Northwestern University in Chicago, IL

(9) That on 2/25/15 Sgt. Rocheleau used an Internet based calling system (SpyDial.com) to dial (224) 622-3820. This system calls the phone and is able to retrieve the voicemail message without actually dialing the number. There was no name indicating who owned the phone. It was uncertain whether this was an actual number unblocked by the TrapCall app or a spoofed number from which it was dialed from. Sgt. Rocheleau then called the number and spoke with a male party with an English accent. Sgt. Rocheleau suspected that it could be Faiz or someone known to him. He refused to give Sgt. Rocheleau his name. He hung up but then minutes later called back Sgt. Rocheleau. This call was recorded. Sgt. Rocheleau would later obtain a phone number for Faiz from a relative of his who confirmed that (224) 622-3820 was Faiz's cellular number.

(10) That Sgt. Rocheleau positively identified the number as a T-Mobile number through T-Mobile, WHOIS and CLEAR.

**(This is page 3 of a 9 page Affidavit and Application)**

City/Town	Date	Signature and Title of Affiant
Hammond	4/24/2015	Det. Sgt. Eric Rocheleau <i>[Signature]</i>
MPA	4/24/2015	Det. Brandon Lee <i>[Signature]</i> 309
Jurat	Subscribed and sworn to before me on (Date) 4/24/15	Signed (Judge/Judge Trial Referee) <i>[Signature]</i>

(11) That on 3/24/15 Sgt. Rocheleau emailed Faiz requesting an interview. The next day Sgt. Rocheleau received a voicemail from Faiz. This caller sounded like the person that Sgt. Rocheleau had previously "SpyDialed" and spoken to after calling (224) 622-3820. The SpyDial recording was played back and it sounds like the same person. Faiz indicated that he had not "seen, spoken with or had any written correspondence " with Erum in years. He did not say he hadn't tried to call her. He indicated that he did not wish to discuss the matter with me any further.

(12) That on 4/8/15 Sgt. Rocheleau spoke with Molly Monihan from Sirius Investigations. He advised her the reason for the call and she immediately stated something to the effect of "The crazy guy". Molly stated that she had spoken with an unknown male party with an English accent. The party would call from a blocked line and only identified himself as "James". She was asked to make a call to Blum Shapiro but would not until he paid her retainer. Molly claimed that since this guy was so insistent that she decided to give Blum Shapiro a "heads up" on this guy.

(13) That Molly further stated that the person stopped calling for a while but recently contacted her office inquiring whether she called the police on him. She thought he had called about 2 weeks prior. This would place the call to Molly at about the same time from (3/25/15) when Det. Birritteri called Faiz on his cell. She said he sounded very angry. He kept on asking "Why did this man call me?" Molly explained that she had no way of knowing who this caller was or how to get a hold of him (Faiz). She explained that she did not know his number or how the police got it.

(14) That Det. Birritteri and Molly listened to the recording that Faiz left on Sgt. Rocheleau's voicemail. Molly and Det. Birritteri indicated that the recording sounded like the same person they spoke with.

(15) That, Sgt. Rocheleau believes Erum Randhawa has been harassed in the form of repeated calls from blocked and fake numbers at various times including some in the middle of the night. That the harassment has continued by a private investigators firm being hired to report to Erum's employer about her misdeeds in an effort to get her fired. That the person who attempted to hire the firm wished to remain anonymous and had an English accent. That one such call on 2/25/15 at 0136 am was found to be from (224) 622- 3820. That the number was reported by relatives of Faiz as his personal cell number.

(16) That these records are likely to show calls made in an effort to harass Erum. The requested information is limited to the date the voicemail was left to Erum's coworker on 7/16/14 and calls made between the first confirmed trapped call made from (224) 622-3820 on 2/25/15 until when this department made contact and

**(This is page 4 of a 9 page Affidavit and Application)**

City/Town	Date	Signature and Title of Affiant
Haverhill	4/24/2015	Det. Sgt. Eric Rocheleau
MH	4/24/2015	Det. Brandon Lee
Jurat	Subscribed and sworn to before me on (Date) 4/24/15	Signed (Judge/Judge Trial Referee) [Signature]

phone was disconnected on 3/23/15.

7) That there is sufficient probable cause to believe that records of cell phone activity from T-Mobile phone number (224) 622-3820 are likely to help establish evidence relating to the crime of C.G.S. 53a-183 Harassment 2nd degree. Therefore your affiants are requesting a search and seizure warrant be issued for T-Mobile in care of the Agent of Process, Corporation Counsel 50 Weston St. Hartford, CT. for all subscriber information, all incoming and outgoing calls, all incoming and outgoing text messages, evolution data optimized (EVDO), including per call measurement data (PCMD), call locations and all cell tower locations for cellular phone number (224) 622-3820 on 7/16/14 and from 2/13/15 through 3/23/15.

*(This is page 5 of a 9 page Affidavit and Application)*

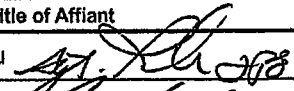

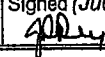
City/Town	Date	Signature and Title of Affiant
Hartford	4/24/2015	Det. Sgt. Eric Rocheleau <i>[Signature]</i>
MUd	4/24/2015	Det. Brandon Lee <i>[Signature]</i>
Jurat	Subscribed and sworn to before me on (Date) 4/24/15	Signed (Judge/Judge Trial Referee) <i>[Signature]</i>

The undersigned ("X" One)  has not presented this application in any other court or to any other judge or judge trial referee.  
 has presented this application in another court or to another judge or judge trial referee (specify)

Therefore the undersigned requests that a warrant may issue commanding a proper officer to search said person or to enter into or upon said place or thing, search the same, and take into custody all such property.

And to submit the property described in the foregoing affidavit and application to laboratory analysis and examination:

**(This is page 6 of a 9 page Affidavit and Application.)**

City/Town	Date	Signature and Title of Affiant
HARTFORD	4/24/2015	Det. Sgt. Eric Rocheleau 
Midd	4/24/2015	Det. Brandon Lee 
Jurat	Subscribed and sworn to before me on (Date) 4/24/15	Signed (Judge/Judge Trial Referee) 

**AFFIDAVIT REQUESTING DISPENSATION WITH  
REQUIREMENT OF DELIVERY**  
pursuant to § 54-33c, Connecticut General Statutes

West Hartford  
1500008206

**By: A Judge of the Superior Court or a Judge Trial Referee**

For the reasons set forth below, the undersigned, being duly sworn, requests that the judge/judge trial referee dispense with the requirement of C.G.S. § 54-33c that a copy of the application for the warrant and a copy of any affidavit(s) in support of the warrant be given to the owner, occupant or person named therein with forty-eight hours of the search:

- The personal safety of a confidential informant would be jeopardized by the giving of a copy of the affidavits at such time;
- The search is part of a continuing investigation which would be adversely affected by the giving of a copy of the affidavits at such time;
- The giving of such affidavits at such time would require disclosure of information or material prohibited from being disclosed by chapter 959a of the general statutes;
- In addition, it is requested that the requirement of advance service of this warrant upon the customer whose financial records are being sought, be waived pursuant to C.G.S. § 36a-43(a);

and the specific details with regard to such reasons are as follows:

The undersigned further requests that this affidavit also be included in such nondelivery.

**(This is page 7 of a 9 page Affidavit and Application.)**

City/Town	Date	Signature and Title of Affiant
	4/24/2015	Det. Sgt. Eric Rocheleau
	4/24/2015	Det. Brandon Lee
<b>Jurat</b>	Subscribed and sworn to before me on (Date)	Signed (Judge/Judge Trial Referee)

**SEARCH AND SEIZURE WARRANT**

STATE OF CONNECTICUT  
SUPERIOR COURT

**SEARCH AND SEIZURE WARRANT**  
1500008206 West Hartford

The foregoing Affidavit and Application for Search and Seizure Warrant having been presented to and been considered by the undersigned, a Judge of the Superior Court or a Judge Trial Referee, and the foregoing Affidavit having been subscribed and sworn to by the affiant(s) before me at the time it was presented, the undersigned (a) is satisfied therefrom that grounds exists for said application, and finds that said affidavit established grounds and probable cause for the undersigned to issue this Search and Seizure Warrant, such probable cause being the following: From said affidavit, the undersigned finds that there is probable cause for the undersigned to believe that the property described in the foregoing affidavit and application is within or upon the person, if any, named or described in the foregoing affidavit and application, or the place or thing, if any, described in the foregoing affidavit and application, under the conditions and circumstances set forth in the foregoing affidavit and application, and that, therefore, a Search and Seizure warrant should issue for said property.

NOW THEREFORE, by Authority of the State of Connecticut, I hereby command any Police Officer of a regularly organized police department, any State Police Officer, any inspector in the Division of Criminal Justice, or any conservation officer, special conservation officer or patrol officer acting pursuant to C.G.S. § 26-6 to whom these presents shall come within ten days after the date of this warrant to enter into or upon and search the place or thing described in the foregoing affidavit and application, or search the person described in the foregoing affidavit and application or both, to wit:

T-Mobile agent of process, Corporation Service Company 50 Weston St. Hartford, CT  
06120-1537

for the property described in the foregoing affidavit and application, to wit:

all subscriber information, all incoming and outgoing calls, all incoming and outgoing text messages, evolution data optimized (EVDO), including per call measurement data (PCMD), call locations and all cell tower locations for cellular phone number (224) 622-3820 on 7/16/14 and from 2/13/15 through 3/23/15.

submit the property described in the foregoing affidavit and application to laboratory analysis and examination:

and upon finding said property to seize the same, take and keep it in custody until the further order of the court, and with reasonable promptness make due return of this warrant accompanied by a written inventory of all property seized.

The foregoing request that the judge or judge trial referee dispense with the requirement of C.G.S. § 54-33c that a copy of the warrant application and affidavit(s) in support of the warrant be given to the owner, occupant or person named therein and that the affidavit in support of such request also be included in such nondelivery is hereby:

GRANTED for a period of

NOT TO EXCEED 2 WEEKS BEYOND DATE WARRANT IS EXECUTED

This order, or any extension thereof, dispensing with said requirement shall not limit disclosure of such application and affidavits to the attorney for a person arrested in connection with or subsequent to the execution of the search warrant unless, upon motion of the prosecuting authority within two weeks of such arraignment the court finds that the state's interest in continuing nondisclosure substantially outweighs the defendant's right to disclosure.

DENIED

Service of this Search Warrant upon the customer whose financial records are being sought is hereby waived, pursuant to C.G.S. § 36a-43 (a).

**NOTE: AFFIANT'S OATH MUST BE TAKEN PRIOR TO JUDGE/JUDGE TRIAL REFEREE SIGNING BELOW)**

*(This is page 8 of a 9 page Affidavit and Application.)*

Signed at <u>Hartford</u> , Connecticut, on:	Date <u>4/24/15</u>	At (Time) <u>1419</u>	<input checked="" type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m.
Signed (Judge/Judge Trial Referee) <u>[Signature]</u>	Print name of Judicial Official <u>J Dewey</u>		

**RETURN FOR AND INVENTORY  
PROPERTY SEIZED ON SEARCH AND SEIZURE WARRANT**

West Hartford  
1500008206

Inventory control number		
Judicial District of <b>HARTFORD</b>	G.A. 14	AT (Address of Court) 101 LAFAYETTE STREET, HARTFORD, CT 06106
Docket number CR-		Police Case number 1500008206
Uniform arrest number		Companion case number
Date of seizure		

Then and there by virtue of and pursuant to the authority of the foregoing warrant, I searched the person, place or thing named therein, to wit:

T-Mobile agent of process, Corporation Service Company 50 Weston St. Hartford, CT 06120-1537

and found thereon or therein, seized, and now hold in custody, the following property :

Total Cash Seized: \$ .00, consisting of

*(106) ONE HUNDRED AND SIX PAGES OF INFORMATION FROM T-MOBILE INCLUDING FAX, SUBSCRIBER INFORMATION AND CALL INFORMATION.*

and I gave a copy of such warrant to Lucy Frankowski c/o Corp Service the owner or occupant of the dwelling, structure, motor vehicle or place designated therein, or to UK ATTY GREG POWELL c/o Service person named therein, on (Date): 4/27/15 1330 hrs. *faxed to T-Mobile on 4/29/15 @ 1630*

**(This is page 9 of a 9 page Affidavit and Application.)**

Date <u>4/27/15</u>	Signed (Officer's Signature and department) <i>[Signature]</i>
------------------------	-------------------------------------------------------------------

**NOTE: Form JD-CR-61, pages 1 - 9 must be supplemented by Form JD-CR-52.**

**PROPERTY SEIZED UNDER SEARCH WARRANT**

JD-CR-52 Rev. 9-10  
C.G.S. §§ 21a-262, 42-472a,  
53-278c, 54-33g, 54-36a, 54-36e,  
54-36g, 54-36h, 54-36o,  
54-112 § 1

**CONNECTICUT SUPERIOR COURT**  
(Staple to JD-CR-61 as page 7)

Court docket number
U.A.R. number/Juvenile Summons number
Companion case number
Town of seizure
Judicial District, G.A. or J.M.

Police case/Receipt number  
15-8206

Name and address of defendant/subject  
Siddiqui, Farid

Address of Court  
161 Elmwood St. Hartford, CT

**Section I. No In Rem** (Complete this section if In Rem was not served)  
Notice is hereby given to the court of the foregoing Return of Property seized on Search and Seizure Warrant. No In Rem proceedings have been filed in the office of the clerk.

Dated at (Town)	On (Date)	Signed (Assistant Clerk)	Court
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**Section II. In Rem** (Complete this section only if In Rem was served)  
Whereas, as appears on file, the property referred to in the above summons was duly seized and, in accordance with the statute and as appears above, a summons was duly issued and served, commanding the owner(s) thereof and all others whom it may concern to appear before this court, to show cause why the said property should not be forfeited, adjudged a nuisance and ordered to be destroyed or otherwise disposed of, and whereas said owner(s):

appeared, thereupon being made party defendant(s) and after hearing  made default of appearance  executed the foregoing waiver

the court adjudged the property referred to in said summons and entered the following order:

**Section III. Order Of The Court** (Complete this section in both cases)

<b>Forfeiture Proceedings</b>	Item(s) number	The preceding item(s) of property in the foregoing inventory is/are subject to an in rem asset forfeiture proceeding pursuant to C.G.S. § 54-36h or an in rem proceeding pursuant to C.G.S. § 54-36o. See attached form.
	Item(s) number	The preceding item(s) of property in the foregoing inventory is/are hereby ordered returned to the rightful owner(s) within <b>6 months</b> from the date of this order, upon proper claim therefore, OTHERWISE the property shall be disposed of pursuant to C.G.S. § 54-36a as follows: <input type="checkbox"/> money shall be turned over to the Clerk of Court for deposit to the General Fund. <input type="checkbox"/> in the case of seizures pursuant to C.G.S. § 54-36o, money shall be turned over to the Clerk of the Court for deposit to the privacy protection guaranty and enforcement account established by C.G.S. § 42-472a. <input type="checkbox"/> in the case of seizures pursuant to P.A. 10-112 § 1, money shall be turned over to the Clerk of the Court for deposit to the General Fund. <input type="checkbox"/> turned over to the Examiner of Seized Property for disposition, provided that if it is a valuable prize, it shall be sold at public auction or private sale and the proceeds remitted to the State and deposited to the General Fund. <input type="checkbox"/> in the case of seizures under C.G.S. § 54-36o or <input type="checkbox"/> in the case of seizures under P.A. 10-112 § 1, the property should be turned over to the Commissioner of Administrative Services for sale at public auction. The proceeds of the sale shall be applied: (1) to payment of balance due on any lien preserved by the court in the forfeiture proceedings; (2) to payment of any costs incurred for the storage, maintenance, security and forfeiture of such property; and (3) to payment of court costs. For seizures under C.G.S. § 54-36o, the balance, if any, shall be deposited in the privacy protection guaranty and enforcement account established under C.G.S. § 42-472a. For seizures under P.A. 10-112 § 1, the balance, if any, shall be deposited in the General Fund. <input type="checkbox"/> destroyed. <input type="checkbox"/> turned over to the following charitable, educational or governmental agency or institution: (Specify name and address)

**Evidentiary Funds At A Financial Inst.** The financial institution holding evidentiary funds seized by the \_\_\_\_\_ Police Department/law enforcement agency shall issue a check in the amount of \_\_\_\_\_ dollars payable to \_\_\_\_\_

**Controlled Substance(s)** Item(s) number \_\_\_\_\_ The preceding item(s) of property in the foregoing inventory is/are hereby adjudged to be controlled drug(s), substance(s) or drug paraphernalia and it is hereby ordered that said item(s) be:  
 destroyed (C.G.S. §§ 54-36a; 54-36g).  delivered to the Commissioner of Consumer Protection (C.G.S. § 21a-262).

**Firearms/Contraband** Item(s) number \_\_\_\_\_ The preceding item(s) of property in the foregoing inventory is/are hereby adjudged to be contraband and it is hereby ordered that said item(s) be turned over to the Bureau of Identification of the Connecticut State Police Division for  destruction  appropriate use  disposal by sale at public auction (C.G.S. § 54-36e) or  turned over to the Commissioner of Environmental Protection in accordance with C.G.S. §§ 26-85 and 26-90.

**Nuisance, Contraband Or Other Property; Gambling** Item(s) number \_\_\_\_\_ The preceding item(s) of property in the attached inventory is/are hereby adjudged to be a nuisance, contraband or other property, or such property is hereby adjudged seized, pursuant to C.G.S. § 53-278c, ordered to be forfeited and it is hereby ordered disposed of as follows:  
 money shall be turned over to the Clerk of Court for deposit to the General Fund. Item number(s) \_\_\_\_\_  
 in the case of seizures pursuant to C.G.S. § 54-36o, money shall be turned over to the Clerk of the Court for deposit to the privacy protection guaranty and enforcement account established by C.G.S. § 42-472a. Item number(s) \_\_\_\_\_  
 in the case of seizures pursuant to P.A. 10-112 § 1, money shall be turned over to the Clerk of the Court for deposit to the General Fund.  
 turned over to the Examiner of Seized Property for disposition, provided that if it is a valuable prize, it shall be sold at public auction or private sale and the proceeds remitted to the State and deposited to the General Fund. Item number(s) \_\_\_\_\_  
 property used in gambling shall be turned over to the Examiner of Seized Property for disposition, provided that if it is a valuable prize, it shall be sold at public auction or private sale and the proceeds remitted to the State and deposited to the General Fund. Item number(s) \_\_\_\_\_  
 in the case of seizures under C.G.S. § 54-36o or  in the case of seizures pursuant to P.A. 10-112 § 1, the property should be turned over to the Commissioner of Administrative Services for sale at public auction. The proceeds of the sale shall be applied: (1) to payment of balance due on any lien preserved by the court in the forfeiture proceedings; (2) to payment of any costs incurred for the storage, maintenance, security and forfeiture of such property; and (3) to payment of court costs. For seizures under C.G.S. § 54-36o, the balance, if any, shall be deposited in the privacy protection guaranty and enforcement account established under C.G.S. § 42-472a. For seizures under P.A. 10-112 § 1, the balance, if any, shall be deposited in the General Fund. Item number(s) \_\_\_\_\_  
 destroyed. Item number(s) \_\_\_\_\_  
 turned over to the following charitable, educational or governmental agency or institution: (Specify name and address) \_\_\_\_\_  
 Item number(s) \_\_\_\_\_

By Order of the Court (Name of Judge) \_\_\_\_\_ Judicial District, Geographical Area, or Juvenile \_\_\_\_\_ Signed (Judge) \_\_\_\_\_ Date signed \_\_\_\_\_

Part A Inventory number

Part B Inventory number

Juvenile inventory number



Instructions To Preparer: 1. Type or print with ball point pen. 2. Remove last copy for your records. 3. Forward remaining copies intact to clerk of court.  
 Instructions To Clerk: 1. Enter Docket Number and Inventory Number. 2. Remove carbons by snapping off this top stub. 3. Read instructions on the back of the bottom stub.

**INVENTORY OF PROPERTY SEIZED  
 WITHOUT A SEARCH WARRANT**

CR-18 Rev. 10-12  
 S.S. §§ 21a-262, 26-85, 26-90, 42-472a, 46b-121,  
 4-36a,g,h,o. and p; P.A. 12-55, Sec. 7

FOR P.I.D. USE ONLY  
 WARRANT APPLIED FOR  
 TO COURT

Police case/receipt number  
 To Court  
 Destroy - No Value  
 Case Pending  
 Return to Owner  
 Prisoner's  
 Juvenile

**Part A**  
 Court Docket Number \_\_\_\_\_

**Part B**  
 Court Docket Number \_\_\_\_\_

**Juvenile**  
 Court Docket Number \_\_\_\_\_

**Instructions**  
 1. Do not use this form if a search warrant is used.  
 2. Original must be filed with the Clerk of Court.  
 3. In the case of an arrest or referral, file with a uniform arrest report or Juvenile Summons/Complaint.  
 4. Last copy for Police Department use.

**Asset Forfeiture**  
 Court Docket Number \_\_\_\_\_

to the Superior Court at (Address of court)  
 Juvenile \_\_\_\_\_ Geographical \_\_\_\_\_  
 Matters \_\_\_\_\_ Area Number \_\_\_\_\_

Court Appearance Date \_\_\_\_\_ Arrest/Referral \_\_\_\_\_ Police case/receipt number 15-8206 Companion case number \_\_\_\_\_  
 Made  Pending

Name, address and telephone number of defendant(s)/subject(s)	Name, address and telephone number of complainant(s)/owner(s)
1. Siddiqui, Farisat London, UK	1.
2.	2.
3.	3.

Type of incident HARASSMENT

Date of seizure 5/24/15 Type of property  Stolen  Evidence  Lost/found  Investigation

The following property was seized, in connection with a criminal/delinquency case: (Describe quantity, type, color, serial number, etc.)

1. (106) PAGES OF SUBSCRIBER INFO & RECORDS FROM (224) 622-3820
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.

If cash money was seized, enter total amount here  
 List each denomination separately on the numbered lines above.

Total amount of cash \$ 0

Signature: [Signature] Title: Sgt. Badge number: 208 Date: 5/24/15 Department: WHPD

**Property Room Use Only**

Date out	Reason	By	Date returned

Police case/receipt number  
 Part A Inventory number  
 Part B Inventory number  
 INVENTORY NUMBER

Run Date: 03/20/2015  
Run Time: 09:17

West Hartford Police Dept.  
**WITNESS STATEMENT**

Date: 03/20/2015	Time Started: 08:43	Time Ended: 09:20	CFS #: 1500008206
Location: WHPD HQ	Statement taken by: ROCHELEAU, ERIC		

I, Erum Randhawa Date Of Birth: 07/28/1984  
of 153 Gail LA Town/City: South Windsor CT

This statement is given as it pertains to me being harassed.

During the summer of 2006, I met Faiz Siddiqui (his legal name might be Faisal Siddiqui) through a childhood and family friend (Usman Haque). Usman is Faiz's first cousin. He was visiting his Aunt, Uncle, and Usman in South Windsor, CT from London. We hung out a handful of times with our other childhood friends, usually at Usman's parents residence in South Windsor, CT. Growing up, Usman's house was usually the house we would all hang out at. At some point during the summer, Faiz obtained my cellphone number from his Aunts cellphone, and called me a few times while I was at work. This made me very uncomfortable.

Sometime towards the end of the summer, Faiz returned to London. He called me multiple times with the impression that we would be friends and that we would remain in contact while he was back in London. I never gave him any indication of this. During our phone conversation, I suggested that we could be friends via email. Faiz began to call more frequently, leaving voicemails that put me down and made me very uncomfortable. He insisted that I loved him and that I had developed feelings for him. I tried to explain in many different ways that this was not true. There were many instances where Usman and his older brother Umar (residing in Naperville, IL) would try to 3-way a phone call, between Faiz and myself, to help mediate and explain to Faiz that I was not interested. They were convinced that it would help. It didn't.

For several years, Faiz would continue to call me with Unknown/Private numbers. Sometimes it would stop for a few months, and then start up again. I just ignored the calls. During this time frame, he insisted that his South Windsor family cut me out of their lives. He explained that I was a toxic person and if they cared about him, they would disown me completely. He would often call his Uncle and leave awful

By affixing my signature to this statement, I acknowledge that I have read it and / or have had it read to me and it is true to the best of my knowledge and belief.

Name of Person making Statement: <u>Erum Randhawa</u>	Signature of Person making Statement: <u>Erum Randhawa</u>	Date: <u>3/20/15</u>
Parent/Guardian Name:	Parent/Guardian Signature:	Date:

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein. If notarized, endorse here:

Notarized By: [Signature] # 28 Date Signed: 3/20/15 09:25  
Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_

Witness Name:	Witness Signature:	Date:
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### West Hartford Police Dept.

#### WITNESS STATEMENT

Messages, calling me terrible names and claiming all kinds of nonsense. His family finally agreed to stay away from me if he promised to drop this whole thing and move on. My relationship with the family remained the same, although, they told Faiz otherwise. Faiz realized Usman and I were friends on Facebook, and began harassing them again. Usman then removed me from Facebook.

In August 2012, Faiz was in South Windsor, CT the week of my wedding. He wrote an 8 page email to several members of our local community and to my in-laws a few days before my wedding. I was mortified. He wrote so many terrible things about me and created so many untrue stories. This email is available if needed.

In February 2013, I saw on my LinkedIn account that a person from London, UK, in the Legal Profession reviewed my profile (Faiz attended Oxford Law School in the UK.) I immediately reached out to Usman Haque. He assured me that Faiz had not recently contacted him. I reached out to LinkedIn requesting information on blocking certain individuals. This email is available if needed.

On July 16, 2014, the Forensic Partner from BlumShapiro (Richard Finkel), my boss, received a lengthy voicemail on his work phone. The person claimed to be a former colleague of mine, who wanted to let my boss know that I should be terminated. The individual made all kinds of false accusations. Fortunately, I notified my boss in 2013 that there was an individual who was constantly calling me with unknown phone calls and had been harassing me for years. At this point, the Director of Human Resources, Sara Bell, was notified, along with our firm's Labor Attorney. I then filed a police report with South Windsor Police. It is clear on the voicemail that a person is reading off a script, has an England accent, and used a voice changer. The individual also mentioned similar information as Faiz did in his 8 page email. This voicemail is available if needed.

On November 20, 2014, the Forensic Partner received another phone call. His work phone caller ID said the individual was named "Patrick Schneemann"; however, no number was listed. The individual told my boss that I was an unfit employee with a severe drug issue. He claimed his name was Mike and refused to give out his phone number. I later went to West Hartford Police to file a police report. (South Windsor's dispatcher suggested it was a West Hartford district issue since my office is located in West Hartford.)

By affixing my signature to this statement, I acknowledge that I have read it and / or have had it read to me and it is true to the best of my knowledge and belief.

Name of Person making Statement: <i>Esom Rana</i>	Signature of Person making Statement: <i>[Signature]</i>	Date: <i>3/20/15</i>
Parent/Guardian Name:	Parent/Guardian Signature:	Date:

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein. If notarized, endorse here:

Notarized By: \_\_\_\_\_  
Name: *[Signature]* #258 Signature: \_\_\_\_\_ Date Signed: *3/20/15 0925*

Witness Name:	Witness Signature:	Date:
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West Hartford Police Dept.  
**WITNESS STATEMENT**

January 2015, I received information that Faiz was now attending Kellogg University in Evanston, IL for his MBA.

On February 13, 2015, the Managing Partner (Carl Johnson) of my firm ( President of 400 employees), received a phone call from a Private Investigator named Molly Monahan from Sirius Investigations (Based out of Washington State.) She was instructed by her client to explain to the Managing Partner reasons as to why I should be terminated. She also spoke with the Director of Human Resources (Sara Bell). The details of the phone call are available if needed.

On February 25 around 1:23am, I received a missed phone call from 224-622-3820, a number based out of Evanston, IL.

For the last few month, I have been receiving several "Spoofing" phone calls in addition to the No Caller ID, Unknown, Private number calls. I believe these to have been made by Faiz in an effort to continue his harassment of me.

This statement is the truth and given freely. I have requested the assistance of the West Hartford Police in locating and prosecuting the suspect responsible for harassing me. I will press charges and appear in court if necessary.

By affixing my signature to this statement, I acknowledge that I have read it and / or have had it read to me and it is true to the best of my knowledge belief.

Name of Person making Statement: <i>From Radhawa</i>	Signature of Person making Statement: <i>From Radhawa</i>	Date: <i>3/20/15</i>
Parent/Guardian Name:	Parent/Guardian Signature:	Date:

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein. If notarized, endorse here:

Not Taken By: *[Signature]* #208  
Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date Signed: *3/20/15* *ORJ*

Witness Name:	Witness Signature:	Date:
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75-8206

**Dates of Specific Occurrences:**

1. August 2012: The 8 page email individual sent to my community and in-laws the week of my wedding.
2. February 2013: A LinkedIn Member from London looked at my profile in February 2013. I deleted my account for months afterwards.
3. July 16, 2014: The voicemail to the Forensic Partner (Richard Finkel) . (I have this voicemail saved)
4. November 20, 2014: The phone calls to Forensic Partner (Richard Finkel).
  - Patrick Schneemann : No Number Listed
    - o This individual said his name was Mike and refused to give his information to my boss.
  - Nadol Streaman: 860-978-0707
    - o This call came an hour later and hung up as soon as my boss answered the phone
5. February 13, 2015: Managing Partner (Carl Johnson) and Human Resource Director (Sara Bell) received a phone call from:
  - Molly Monahan at (360)-685-4268.
  - <http://www.siriusinvestigations.com/contact/contact.htm>
  - See email from Human Resource Director sent to you on 2/14/15.

**Individual Harassing Me:**

- Faiz Siddiqui - London
- Attended Oxford Law School
- Possibly 34/35 years old
- [faizsiddiqui04@gmail.com](mailto:faizsiddiqui04@gmail.com)
- Father's Name (Based on Saved Emails): Javed Siddiqui
- [javedsiddiqui26@yahoo.co.uk](mailto:javedsiddiqui26@yahoo.co.uk)

**NEW INFORMATION**

- o Currently a MBA student at Kellogg University in Illinois (See Link Below)
- o <http://www.kellogg.northwestern.edu/>
- o In contacts with his local cousin in Illinois:
  - Dr. Umar Haque, DMD
  - Oak Brook Smiles PC
  - 1 S Summit Ave Ste 200
  - Oakbrook Terrace, IL 60181
  - (630) 627-7420

**Family in South Windsor:**

- Ahsan Haque (Uncle)
- Seema Haque (Aunt)
- Usman Haque (Cousin)
- Dr. Umar Haque (Cousin : See above)

24 Wedgewood Lane  
South Windsor, CT 06074  
860-648-1991

**BlumShapiro**

Accounting | Tax | Business Consulting

Erum Majid Randhawa  
CPA, CFE  
Forensic Accountant, Manager  
Litigation Services and Business Valuation Group

Blum, Shapiro & Company, P.C.  
29 South Main Street  
P.O. Box 272000  
West Hartford, CT 06127-2000

Direct 860.570.6498  
Main 860.561.4000  
Fax 860.728.7598

Call 860-306-5601



Faiz Siddiqui &lt;faizsiddiqui64@gmail.com&gt;

---

## The Truth

---

**Usman Haque** <usmanhaque@gmail.com>

Mon, Aug 13, 2012 at 12:43 AM

To: erum majid &lt;erummajid@gmail.com&gt;

Cc: Faiz Siddiqui &lt;faizsiddiqui64@googlemail.com&gt;, sharko786@hotmail.com, uhashmi84@yahoo.com, arslan.althaf1@gmail.com, uzma.azeezy@hotmail.com, rezgullah@gmail.com, saniya.ct@gmail.com

Erum,

I tried calling you earlier this afternoon but I think you switched off your phone. It is important that I write you this email because your actions have caused a lot of hurt to my family. Six years ago when Faiz visited CT, it was obvious that you had an interest in him; from your late meetings at our house, to our nights out at Tisane's, Koji's and the congressman's party. It was understandable that he was led to believe that your interest in him persisted even after he left back for the UK. I understand that there were some communications made between the two of you after that time as well as some very emotional inflections in your voice when you found him impressive after the congressman's party. He had every right to believe you had strong feelings for him. He informs me that you played immature emotional games with him on IM, revolving between being hot and cold towards him, and also rudely hung up the phone on him repeatedly. I don't understand how someone can express such a strong interest in someone, yet then deliberately blow them off when they attempt to initiate contact.

The last 6 years have been very painful for my family and I, as my mother has not spoken to her own brother and nephew in that time, whereas I am sure you have enjoyed that time and are seemingly getting married. I hope that God makes you appreciate your actions and that ultimately, justice is given to you for your behavior.

As a result of the above, I do not consider your actions to be appropriate of that of a friend or of a nice person and therefore wish to have no further contact with you. I would be grateful if you could delete my contact information from your phone and kindly not visit my home ever again.

Usman

②



erum R <erummajid@gmail.com>

---

**email**

---

Usman Haque <usmanhaque@gmail.com>  
To: erum majid <erummajid@gmail.com>

Sun, Aug 12, 2012 at 7:44 PM

don't worry, all the other email addresses i sent it to are FAKE...i made all of them myself



**From:** Eric Rocheleau  
**To:** Erum Randhawa  
**Subject:** RE:  
**Date:** Monday, June 01, 2015 6:09:53 PM  
**Attachments:** image001.png

---

No problem-glad to help. Mine are crossed as well.

**From:** Erum Randhawa [mailto:erandhawa@blumshapiro.com]  
**Sent:** Monday, June 01, 2015 5:24 PM  
**To:** Eric Rocheleau  
**Subject:**

Hi Sgt Rocheleau

Thank you again for pushing the case up from a Community Court to a Part B Court. I really appreciate you going the extra steps. I hope the State Attorney and Judge scare him enough so that he leaves me alone forever, regardless of where he resides. I'm crossing fingers.

Erum Randhawa, CPA, CFE  
Forensic Accountant, Manager  
Litigation Services and Business Valuation Group  
Direct 860. Fax 860

BlumShapiro  
29 South Main Street | 2 Enterprise Drive | 1465 Post Road East  
West Hartford, CT 06127 | Shelton, CT 06484 | Westport, CT 06880

1

**BlumShapiro**

Accounting Tax Business Consulting

An Independent Member of Baker Tilly International

Any written tax content, comments, or advice contained in this email (including attachments) is limited to the matters specifically set forth herein and is based on the completeness and

**RAND 00035**



As for the donation, that is not necessary. We are here to serve. If you insist, however, Sgt. Rocheleau has suggested the Town of West Hartford's charity, *The Town That Cares*. You could make a donation in the sergeant's name (see below for more info). I hope that is helpful.

As always, we remain at your service.

-Chief Tracey G. Gove

**The Town That Cares is a special fund established by the Town of West Hartford's Department of Human and Leisure Services. The fund assists residents experiencing a crisis situation hindering their ability to pay for food, utility bills, shelter costs, medical expenses and other critical needs. It is funded 100% by contributions from generous individuals, businesses and community groups.**

*All donations are tax deductible; to the extent permitted by law  
Tax ID: 06-6002124*

You may also send a check payable to The Town That Cares to:

West Hartford Human Services  
50 South Main Street, Room 306  
West Hartford, CT 06107

**From:** Erum Randhawa [<mailto:eranc>]  
**Sent:** Wednesday, April 29, 2015 1:58 PM  
**To:** Tracey Gove  
**Subject:** RE: Your Officer

Chief Gove,

I wanted to reach out to you and let you know how thankful I am that Sgt Rocheleau was assigned to my case. For almost 10 years I have been dealing with a harassment/stalker issue. The stalker made several attempts to contact me and went as far as contacting the President, the HR Director, and the Forensic Partner of my firm to insist they terminate my position.

The stalker resides in London leaving me to feel hopeless that this would ever stop. In the stalker's most recent visit to America, Sgt Rocheleau used an effective method making it clear to the perpetrator the harassment needed to stop.

There were so many obstacles in the way but Sgt Rocheleau found various creative approaches in getting around the challenges of this case. He carefully calculated every decision and every discussion he had with other parties involved.

**RAND 00050**

Although he was not dealing with a serious criminal matter, he still took this case seriously. I'm so appreciative of that.

I was hoping to make a contribution in his name to a police focused charity. Chief Montminy mentioned Sgt Rocheleau is or was involved in the K-9 unit. If this is allowed, please tell me how I can proceed.

Thank You!

Erum Majid Randhawa, CPA, CFE  
Forensic Accountant, Manager  
Litigation Services and Business Valuation Group  
Direct 860                      Fax 860.

BlumShapiro  
29 South Main Street    | 2 Enterprise Drive    | 1465 Post Road East  
West Hartford, CT 06127 | Shelton, CT 06484    | Westport, CT 06880

## BlumShapiro

Accounting Tax Business Consulting

An Independent Member of Baker Tilly International

**From:** Tracey Gove [<mailto:TGove@WestHartfordCT.gov>]  
**Sent:** Tuesday, April 28, 2015 12:49 PM  
**To:** 'Marc Montminy'  
**Cc:** Erum Randhawa  
**Subject:** RE: Your Officer

Very good. Thanks, Chief. I appreciate the feedback!

**From:** Marc Montminy [<mailto:montminym@manchesterct.gov>]  
**Sent:** Tuesday, April 28, 2015 12:44 PM  
**To:** Tracey Gove  
**Cc:** Erum Randhawa ([erand](mailto:erand))  
**Subject:** Your Officer

Tracey;

**RAND 00051**



Faiz Siddiqui &lt;faizsiddiqui64@gmail.com&gt;

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**Jim Bergenn's detailed chronology of case**

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**Faiz Siddiqui** <faizsiddiqui64@gmail.com>  
To: Faiz Siddiqui <Faizsiddiqui64@gmail.com>

Fri, Apr 20, 2018 at 2:05 AM

**From:** Bergenn, James  
**Sent:** Friday, April 01, 2016 2:14 PM  
**To:** Bergenn, James  
**Subject:** Rocheleau outline

1. Doing this 36 years;
2. When first talked with Faiz, I realized that this was unusual. The events were unusual, and he's a person with lifelong honorable conduct, graduate of perhaps the world's best law school, Oxford. Not see the woman for most of a decade and virtually no contact, other than dispute re her conduct after the relationship ended years earlier.
3. I then reconstructed the chronology. Realized that this case followed very clearly a pattern of a handful of other weird cases and explained it to him. Like most others who I have to inform, he took a long time to understand.
4. In law school, and in law enforcement work, we simply do not learn about certain personality disorders, and they are impossible to recognize. It took me over 15 years to begin to get my hands around them, and only then with professional help.
5. I am not a dr, but I have not yet missed when I have detected a BPD. I have studied it, and have represented many who were caught up in the vortex. I learned that only 3 percent of the population, but as much as 75% of the litigation involves one or another of the personality disorders.
6. Rare, but happens where some perfectly presenting victim is

convincing about their private and honest perception of a series of events. The perception is, tragically, honest, but it makes them totally convincing.

7. I give 3 recent examples in my own experience:

a) 2015[!!] a professor had lifetime of honorable conduct. His ex-wife remarried a catholic high school principal, and with the "halo" convinced first her new husband, and then cops and states Attorney of false "harassment", to great harm of the young daughter in common. Did tight thorough chrono. After very experienced Attorney couldn't move the case. After 15-20k in attorneys fees and hearings, evidence proves falsity and judge makes ASA drop the case; prof later even gets full custody of girl. I can send you the publicly filed document.

b) a wife (Attorney & licensed teacher, and Ex college ranked athlete), falsely accuses Executive from strong intact family and lifetime of honorable conduct, of molesting 18 month old. Took me 15 minutes. After 100k worth of psych evals and 100k of attorneys and hearings, evidence proves mom misperceives facts and herself was responsible for the kid's complaint that led her to believe molestation. Dad later wins sole custody.

c) A wife/teacher becomes vp of catholic high school, and with halo falsely accuses husband of 13 counts of 1<sup>st</sup> degree marital rape, to get kids in custody. Husband is lifelong honorable conduct. teacher of emotionally troubled teens from strong intact family. Strong evidence proves preposterous. 50 witnesses supported us, as did the forensic

evidence, but she was utterly convincing. 350k in Attorney and expert fees later, drop all such sex charges.

8. In each instance, justice system simply cannot be equipped to understand borderline personality disorders.

9. Here abundant history of the accuser suggests same. Core issue of BPD's is fear of abandonment, making them enraged when they *perceive* lack of control over a man. They pick strong men as targets, get enthralled with them, and then enraged by their failure to submit themselves completely. Seek to enmesh to get meaning and security. Recommend the book and the DSM. This history is that pattern.

10. BPD's so believe their own perception, because of the unbearable fear of abandonment, that they are extremely persuasive to others, who recognize what would otherwise be sincere factual reporting. These others, typically in hero position like a cop or state's Attorney, have zero training or experience in the phenomenon, and in subjective good faith enmesh with the BPD and go after the male who "abandoned" the "victim".

11. Here we see core facts that establish this:

- a. Faiz and Erum get tight in 2006; she is enamored, going to his home almost daily; he never even went to hers;
- b. Faiz has to return to London; despite the relationship being relatively early in development, he's perceived, by Erum, to have abandoned her;
- c. Faiz continues "normal" courtship, though from overseas, with calls and email messages; but the "abandoned" Erum is hot and cold, trying to ensnare

him back or express her rage at his failure to stay in US, enmeshed with her;

d. Faiz does not see Erum for many years; Erum's rage continues, rather than simply move on, and defames Faiz everywhere in the extended family and among what had been a few friends in common;

e. After years of seeing Erum's false and abusive attacks on his otherwise intact and exemplary character, Faiz consults with attorneys in London and USA and then sends an email message in 2012 **which they vetted**, to defend himself against her copious lies, with the truth he experienced during their relatively brief courtship;

f. At a wedding of someone in Faiz's extended family, others who've been drawn in to sympathize with Erum's personal version of long past facts, disinvite Faiz's family from the wedding;

g. Faiz gets phone calls from unknown source, asking him questions that are harassing in nature, but he knows no one but Erum who feels antagonistic to him;

h. Faiz gets notices from the internet that Erum is following him on social networks;

i. Erum, further enraged, attacks again, this time both within the family and, as an experienced forensic accountant with some knowledge of the legal system, goes to legal authorities and erects an image of Faiz that's consistent with her personal experience, but contrary to the plain historical facts. Instead of being a past boyfriend who moved on, who she had falsely

attacked with lies, and who had then defended himself with one legally vetted email message providing the truth to those who heard her lies; she said Faiz was harassing her.

j. The police become persuaded, of course, that this attractive professional, who is familiar with the litigation and investigation world and its ethics, Erum, is a sympathetic victim. Impossible for anyone talking with her to understand the context; they then possess false presumptions about Faiz, a Pakistani. Their perception of her blinds them even to facts *that Erum admits to*, right before their eyes:

- i. She's had no contact with Faiz for many years, either by email message or by phone, other than one email message in 2010;
- ii. She's not been even in the same area of the country for years;
- iii. She's not seen him or been in his presence for years.

k. The **police** are so taken in with Erum's perception of these simple historical events, that they ***do things that they've never done before***, and that attorneys with over a hundred years among them have ***never seen before***:

- i. They act in ways that law abiding middle aged citizens feel ***threatened with felony arrest, with potential immigrant status implications***, if they do not provide a phone number of the person who is supposedly harassing Erum;
- ii. They are unable, from this supposed victim,

even to get his number, meaning that her **records must reflect an absence of harassing phone calls**;

iii. They know that there are many **years of no contact** of any kind in person; iv. They know there are many **years of no conversation by phone**;

v. They know that there are **no email messages from Faiz to Erum** other than the one that was based on legal advice to defend himself against her defamatory claims; vi. They know that the **2 mature adults did have a courting relationship** many years earlier and that their termination of that relationship caused unusual turmoil in the extended family;

vii. They know that Faiz is a **well-educated professional, with zero history** of any negative conduct toward anyone;

viii. They **inform Northwestern University** that they have information that could cause Faiz' being ordered from the country, that he was **working in violation** of his student visa; [this information is false and has zero basis]

ix. **They seek a warrant** against someone who is about a thousand miles away for a misdemeanor that has less factual support than any that have previously been granted (and that **omits informing the judge and the state's Attorney** that:

a) it is based on the officer having



**falsely threatened law-abiding middle-aged adults of felonies if they don't provide a phone number,**

b) they didn't even have the phone number before such threats, implying there was ***no history of harassing phone calls,***

c) it is based on ***falsely accusing this law abiding target of the warrant application of violating the immigration laws,***

d) the ***target made clear, directly and through others, that he had no interest in any contact and had not seen, talked to or emailed the complainant in many years!***

12. I then learn that his father is told by you that some investigator called Erum on Faiz behalf. Is that true?

13. I asked Monahan the details that she provided, certainly not knowing that the police had been misled.

a. she never got a call from Faiz or someone associated with him;

b. Never got paid by or have any agreement with Faiz or anyone associated with him;

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Faiz Siddiqui &lt;faizsiddiqui64@gmail.com&gt;

**Jim Bergenn's submission document to Gail Hardy**

1 message

Faiz Siddiqui <faizsiddiqui64@gmail.com>  
To: Faiz Siddiqui <Faizsiddiqui64@gmail.com>

Fri, Apr 20, 2018 at 2:16 AM

----- Forwarded message -----

From: "Bergenn, James" <JBergenn@goodwin.com>  
To: "Bergenn, James" <JBergenn@goodwin.com>  
Cc:  
Bcc:  
Date: Tue, 14 Jun 2016 19:59:47 +0000  
Subject: Faiz Siddiqui

Dear Gail Hardy,

1. Hired months ago to help look into an unusual "first ever" matter, where other attorneys had seemed to miss opportunities to help resolve or dispose of it properly;
2. Client had hired Attorney Jon Schoenhorn, who declined many client requests to meet with the West Hartford police who took in a complaint, while they were determining whether or not this was a worthy case, and whether there was probable cause;
3. Because the police did not get Attorney Schoenhorn's cooperation as the client directed many times, they could only work on information derived from the complainant.
4. The allegations were curious. The matter concerned an Oxford educated tax Attorney from England, who was not only from out of the country, but also not in relationship with the Connecticut complainant since 2006, almost a decade earlier. She was very convincing with the police, however, when she complained in 2015 that she was at that point feeling harassed by the client, even though there was none of the expected objective evidence, such as records of many phone calls and requests for no contact. Further, the Complainant was --for over 30 years-- a family friend and regular visitor of the client's Aunt in Connecticut, and the Aunt's son. She attended family weddings in Chicago and at the Aunt's house in Connecticut; she was included in a private function in 2012 for close family and friends. At no time throughout all these years did she express that she was experiencing harassing conduct, much less being "criminally harassed".

5. I've had a number of unusual experiences with similar criminal cases that originally brought by law enforcement agents understandably not familiar with underlying psychological issues and convinced of a complainant's apparently sincere beliefs. Each one of these unusual cases turned out later, when the objective facts were examined closely, to be based solely upon a complainant's own projections, of *feeling* harassed, notwithstanding that the objective evidence proved no crime.

6. The investigating officer in this curious case was duty bound to do *something* to determine whether or not this was a criminal "case," or a sufficient evidentiary basis to ask for a state's attorney's review of a warrant. Unfortunately, he was hamstrung by Attorney Shoenhorn's refusal to cooperate. So the officer followed up with others:

- he called Northwestern University, where the Attorney subject was studying for an MBA, and
- he met with the uncle and aunt of the Attorney who'd known both complainant and subject for many years.

7. The reason I need to sit with you is to review with you important undisputed facts that change the analysis of the case. Apart from the fact that Franks v Delaware requires affidavits submitted to judges to reasonably track available material facts, you have made it clear that it is your policy and practice to exercise discretion before invoking the criminal process. Here, most of these facts I need now to share were not known when the warrant was submitted, so they need to be considered to maintain a viable warrant. I'm confident that these facts would have affected a prosecutorial decision whether to submit a warrant application in this case, as well as changed an impartial judicial probable cause decision. I will share these facts openly, rather than initiate a formal pleading process, because it is the most practicable approach and there's no downside. Among these undisputable facts that bear on probable cause, most or all of which are likely not disclosed in the extant warrant application submitted to the judge:

- a) The subject of the warrant had not seen nor spoken with the complainant for the over 8 years following the end of their prior relationship in 2006;
- b) The "subject" and the complainant's relationship in 2006 was when he lived in Connecticut for a few months, before he had to go back to London;
- c) The Complainant had grown very attached to the accused, always visiting him at his Aunt's house (whereas he never once went to her house).
- d) When he was required to return to England, he tried to keep up with the

budding relationship for several months by phone. The complainant, however, let it be known that she was very upset that he left the US. She was angry that “he left her”, even though his return to Europe had nothing to do with their relationship.

(Based upon my extensive prior experience with complainants who initiated criminal cases that ultimately turned out to be dropped as baseless, this complainant appears to have experienced an unpredictable and overwhelming feeling of *abandonment*, which then led to her feeling enraged at the subject. Even to this day, despite having had no further relationship with him for *a decade* (since 2006), the complainant remains fixated on her attachment to him that was severed when he left).

e) After he left, despite no complaints at all during their prior courtship, the complainant spoke very angrily about the subject among family and friends they had in common. This lasted for years, with the complainant creating false and harmful stories about the subject. She even complained bitterly about how he previously treated her, and about things that never happened or ever came up during the months they dated. At some point, since he was highly educated and ambitious, he needed to stop her horrid and unrelenting defamation. Although an Attorney, he wasn't familiar with defamation, having only practiced in international tax after his Oxford graduation. So he solicited advice from 2 accomplished attorneys, one in England and one in New York.

Each attorney advised him that under the law of defamation he had a duty to mitigate damages, and that he needed to communicate to her directly to request that she discontinue her conduct, and to “set the record straight” with the facts in writing. (I've handled many defamation cases in Connecticut, where the law is the same.) Critically for these purposes, however, each attorney specifically *vetted the email message that he sent to the complainant* in 2012. Hence some of the almost legalistic language in that letter, which sets forth facts and demands that she discontinue her conduct. Following attorney review, he pushes send.

g) Instead of this email message solving things, however, the attorneys didn't appreciate that what we have here is more a psychological than a legal problem. Instead of ending her misconduct, this email message got the complainant very worked up. Though she'd never before complained of his *harassing* her during her years-long enagement about his having *abandoned* her, the lawyer-advised email message served to *increase* her hostility. The lawyers couldn't appreciate that an email message connection with someone like this enables a “reengagement” with the source of abandonment. The

complainant, to attempt reattachment, ramped up the very conduct that led to the attorney-advised email message, the behavior in which she had engaged since her 2006 "abandonment". She complained even more to others in their common circle about his decade-old "conduct" during their relationship back in 2006, even though that relationship had been uneventful until he left the States.

h) Although its significance was seemingly lost on the investigator, the Complainant after 2006 kept going to the subject's Aunt's house in Connecticut and in close contact with the Aunt's son, even attending a social function at the Aunt's house in 2012. If he had been "*criminally harassing*" her, why would her unrelenting defamation focus on *past* conduct with no complaint of current harassment (other than complaint about his attorney-advised email)?

i) When she went to the west Hartford police, the complainant knew about working with law enforcement as a forensic accountant with Blum Shapiro. She knew how to present; she provided the police the client's 2012 email message -- without 2 critical pieces of information necessary to understand the email: (1) the historical context known by all familiar with them that she was a long family friend who'd never complained about any harassing conduct in all the years she was defaming him; and (2) this very email message was a legal product vetted by 2 experienced attorneys trying to end her own civil misconduct. (Likely, this she did not know herself.)

j) Without the key information, the police, only recognized the client's strong feelings expressed in the email message in response to the complainant's many years of very hostile antagonism. They were not told by attorney Schoenhorn that this was a legal document, allowing police to lose sight of the significance of the absence of relationship issues for 8 years and of the evidence of misconduct normally expected of those committing criminal harassment.

k) The police were motivated by sincere desire to assist a plainly troubled complainant and did a follow up investigation. Convinced of her feelings of harm and ignorant of context, the police acted in a manner I've never seen in 37 years of criminal investigations, much less during a *misdemeanor* investigation:

1) The investigating officer met with the client's aunt and uncle, a law abiding, middle-aged couple of impeccable integrity, to obtain the client's phone number (a number curiously not known by the complainant alleging receipt of harassing telephone calls). The aunt and uncle told the officer, however, that they knew both of them, that this was *not* a criminal matter, and that they did not want to provide the officer the client's phone number as part of some criminal investigation. In response to these neutral witnesses' express reluctance to participate in what they felt was not an appropriate criminal case, the officer specifically threatened them that it would be a *felony* not to provide him with the number. They were petrified.

Although the law gives wide latitude to officers investigating serious crimes, so as not to hamstring law enforcement, I've never heard of an officer threatening lifelong law-abiding middle-aged people with *felonies* if they fail to provide information on a misdemeanor investigation. Because they're Pakistani, this was very troubling. Pakistanis post 9/11 suffer wide prejudice daily; compared to the general population, they fear law enforcement. All Muslims subject to such things as a major party presidential nominee advocating for their *total exclusion* from entry into the USA ought not be so intimidated. The investigating officer in an email denies this threat of this couple, but evidence of this threat is documented in writing and it has been witnessed by many, including by co-counsel attorney Pat Tomasiewicz and his investigator.

2) The officer also spoke with the Dean's office at Northwestern University, where the client was studying for an advanced degree, and wrongly informed them that he had information that the client was studying *and working* at the University. The officer apparently didn't know that his statement was an allegation that the client was violating the law -- in a way that could be prosecuted and lead to his exclusion from the country (since his visa only permitted him to study and not to work). The client knew this accusation was false, even if unwitting, and he was as afraid as the aunt and uncle who also received felony threats.

3) The officer also spoke with the client himself, with me, with members of law enforcement and with other Attorneys, repeating several times a threat of his international extradition. In my own conversation with him, he denied these threats. I asked the officer where he thought the client was when he had this conversation with him, and he told me he thought the subject was in

“London”. I then explained to him that I was unaware of any international extradition on a misdemeanor, and that when I checked with the Chief State’s Attorney Kevin Kane, neither had he. Although I explained to him that his comments to the client could only be perceived as telling the client that he was subject to international extradition from London, the officer apparently still does not understand that he falsely threatened this attorney subject with something that was not true.

4) The law enforcement officer also indicated that a specifically identified private investigator from Washington state had called the complainant on the client’s behalf to cause her alarm. This allegation I investigated myself; I received written and oral confirmation from this same named investigator that she’s never done anything for the client and does not even know of the complainant.

5) Finally, the necessary legal predicate for a misdemeanor harassment charge is that an alleged harasser be informed beforehand that an alleged recipient of an alleged call has stated that the calls are not wanted. **Sec. 53a-183. Harassment in the second degree: Class C misdemeanor. (a) A person is guilty of harassment in the second degree when: ... (3) with intent to harass, annoy or alarm another person, he makes a telephone call, whether or not a conversation ensues, in a manner likely to cause annoyance or alarm.** In this case, however, the complainant makes clear to the police, as does the evidence itself, that there had been *no contact* between the two for many years after the long-ended 2006 relationship. It’s incongruous that there’d have been a conversation to “discontinue contact” when there’d been *no contact* for many years. Why would someone say “don’t contact me” if there’s been no contact. How and when would she say this? The evidence of first direct contact is *his* email message of 2012, which was specifically advised by an attorney. In this context, any complainant allegation regarding notice not to have contact is not supportable, and not credible. For the record, my client unequivocally denies any such communication ever took place.

I have more details to share and I'd like to save unnecessary and wasteful litigation to vacate the warrant based on its factual and legal infirmities and the harm being caused to the subject.



Having reviewed the facts of this case carefully, it's clear to me (and my colleague Patrick Tomasiewicz) that this matter would not even have resulted in a criminal investigation of an honest, law abiding and well educated man.

Although this case is a clear one off, there is a Practice Book provision on point. (**Sec. 36-6. —Cancellation of Warrant.** At the request of the prosecuting authority, any unserved arrest warrant shall be returned to a judicial authority for cancellation. A judicial authority also may direct that any unserved arrest warrant be returned for cancellation.)

I look forward to meeting with you. ‘

**Shipman & Goodwin** LLP

C O U N S E L O R S   A T   L A W

**James W. Bergenn**

Partner

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Faiz Siddiqui &lt;faizsiddiqui64@gmail.com&gt;

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**Jim Bergenn correspondence with Sgt. Rocheleau from April/May 2016**

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Faiz Siddiqui <faizsiddiqui64@gmail.com>  
To: Faiz Siddiqui <Faizsiddiqui64@gmail.com>

Fri, Apr 20, 2018 at 2:26 AM

**From:** Bergenn, James  
**Sent:** Tuesday, May 03, 2016 12:21 PM  
**To:** scott Slifka (scottslifka@yahoo.com)  
**Subject:** Faiz Siddiqui

Scott,

I am sending this email message to you as soon as I sent it out, because I think it is in the best interest of all that you be up to speed with it. I believe it would be best if you and I could sit with the Police Chief right away to talk about this. I think it might be good to pass this along to him, but I can talk with you about the best procedure.

As you know, I would never, and can never, be involved in any litigation adverse to the Town. Right now, I am simply trying to remove an improper warrant. I believe the Chief would be very interested in approaching this problem constructively. I think that we might even want one of the Town's attorneys at the meeting. I may have to go to the State's attorney next, in order to quash the warrant, but since the warrant is the product of Town police work, it is also important that the Town and the police be in the best position.

Thanks.

Jim

**Shipman & Goodwin** LLP

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**From:** Bergenn, James  
**Sent:** Tuesday, May 03, 2016 12:16 PM  
**To:** 'Eric Rocheleau'  
**Cc:** Pat Tomasiewicz (pt@ftlawct.com)  
**Subject:** Faiz Siddiqui

Dear Sgt. Rocheleau,

I write this email to reply to yours of Friday afternoon.

Because our first meeting seemed more productive than this recent email message, I'm afraid the email message reinforces concerns that led to our efforts to meet with you in the first place.

First, I reiterate here what I said during my initial conversation with you, I have had extensive and only positive experience with West Hartford police over the past 37 years. This experience contrasts very favorably with the experience many attorneys have had with certain other town's police.

Second, we decided to sit with you because of how very unusual this case is. Handling it properly calls for heightened professional cooperation. Most defense attorneys don't engage with police during investigations, and the attorneys engaged by Faiz Siddiqui

before Pat Tomaszewicz and I were declined Faiz's many requests of them to provide you the information that I began to provide at our meeting.

I spent a lot of time investigating the matter. I decided to reach out to you, and I decided to go forward on April 1 even though Pat Tomaszewicz was tied up elsewhere, because further delay in getting this information to you was causing significant harm.

Third, you may remember that during our lengthy meeting you also had to pay attention to another pending crisis in Town. When we broke off after an hour and a half, we both thought it would be constructive to continue our meeting at another time, though you needed a 2 week delay for a long scheduled training.

This case is unusual. In Pat Tomaszewicz and my 80 years' experience, we've never heard of a situation where significant new material information not known to the police, the state's attorney and the judge emerges after a warrant is obtained but before the subject is processed on the warrant. Neither have we heard of a misdemeanor warrant issued for someone living in a foreign country, with virtually no Connecticut contact during the relevant time period. Here, a warrant was issued based only on a complainant's reported perception of facts, but also based on events that you (and the state's attorney and the judge) did not know only started after Faiz had sent an email message that was actually based upon the advice of 2 attorneys in England.

The English attorneys explained to Faiz that the law of defamation required him to respond to certain damaging defamation that had been recurringly put out by Erum Majid. The law required him to mitigate the damage he was being caused and to seek an end to the conduct. Faiz sent this attorney-advised response in an email message in 2012. Sometime later, wholly ignorant of the law of defamation and its requirements, Erum contacted your department, remarkably to allege that it Faiz who was harassing *her*.

Although I spent months investigating the facts and preparing a detailed summary before meeting with you, I've reminded others that our conversation ended up being limited by your need to attend to a separate motor vehicle accident crisis that was also going on at that time. You could only make a few brief notes as I spoke, and you surely can't be expected to have kept up with all my details. This meeting, now a month ago, was followed by a time when you were extremely busy, both personally and at work. Finally, as your email message states, in this "*interesting case*", mental states are not ordinarily yours to diagnose.

What is important for law enforcement purposes, however, is credibility and the state's attorney and judge's need to know what was not known at the time of the warrant's application. In this email message, I will at least recap things I mentioned at our lengthy meeting, limiting myself for now only to the items you touch upon in your email.

## 1. "The meeting did not go as I expected."

At the outset, because this was such a different case, I spent a half hour explaining other unusual recent cases I had where police were misled by a “convincing complainant” whose deeply *felt* facts were not consistent with objective evidence. This was done to provide context, which would help when I introduced facts learned in this case that were apparently not known to you, the state’s attorney and the judge. (You probably recall the case in Eastern Connecticut of well-intentioned police, and then a state's attorney's office, being completely misled by a normal-appearing person who turns out to be suffering a borderline personality disorder. Extensive study of forensic records of emails and family court pleadings in that case *later* proved that the defendant, a professor and father of an elementary school girl, was wrongly arrested based upon misleading information provided by his ex-wife and her new husband. Both complaining witnesses at first appeared credible. They held very respectable positions, so the officers (not surprisingly) did not believe it was their position even to think of mental health issues, and they obtained a warrant based upon their information alone. When a year later the judge saw the extensive forensic evidence that the police hadn’t examined, the state's attorney nolleed the case, and the wrongful charge case was dismissed. The *same* information, incidentally, also led the family court shortly thereafter to protect the child by providing her sole custody to the wrongfully arrested father.)

A meeting with the law enforcement personnel in that other case *before* that warrant issued would have prevented the false charge. When we were hired a year later, however, our work to develop

the evidence and the chronology made it clear that the arrest was the result of a borderline personality disordered complainant who had been very convincing, but also wrong.

2. **"It was hard to listen Atty. Bergenn accuse West Hartford detectives and myself of misconduct to include; threatening Faiz' uncle and aunt with arrest."**

I was very careful at our meeting to tell you that I was *not* making any such accusation. Instead, I stated that while the aunt and uncle might be wrong, each of these humble, middle-aged, honorable, law-abiding Pakistanis *believed* that you told them they were committing felonies if they chose not to provide you with Faiz's telephone number. As investigating officers and attorneys, we only know what the facts say, and we reserve *conclusions* for others. I don't conclude you threatened them; instead, I just report to you their honest and fervent belief. I also note that this belief is supported by their written communications, by statements made to 2 others in the family, and by attorney Pat Tomaszewicz and an investigator who met them to confirm it. In short, when you asked them for Faiz' phone number, they were scared. Although they did not want to provide it because they believed this long past relationship problem is not a criminal matter, they gave it to you anyway when they believed you said it would be a felony not to provide it. You may not appreciate how much more afraid folks from other countries (even those here legally) feel compared to native-born citizens, when police suggest they may be committing crimes. Based upon their race

and origin, law-abiding Pakistani Muslim people, especially post the events of 9/11, are known suffer more worry than almost anyone.

Although courts permit this sort of police interrogation for suspect criminals, these law-abiding neutral witnesses are not suspected of any crime. We know of no cases where neutral law-abiding witnesses feel threatened with felonies during an investigation into an alleged misdemeanor. Here, the crime investigated is recurring phone calls and the complainant doesn't know the number of the alleged source of the calls. To be clear, I have not accused West Hartford police or you, and I would never be adverse to the Town. Instead, I do need to report to you and the Town when facts investigated are backed up by 4 witnesses and documentation.

3. **"It was even more surprising to learn that I had allegedly threatened to extradite Faiz from Europe on a misdemeanor warrant."**

When Faiz said you told him he'd be extradited from Europe on the misdemeanor warrant, I looked into international misdemeanor extraditions, as something new to me. Rather than charge my client for research, I checked in with Connecticut's Chief State's Attorney to see if he'd ever heard of it. Kevin Kane reported "no", and that he didn't believe it could even be done. When I explained this to you, you explained to me that you never



told Faiz you'd seek an *international* extradition, but that you *did* say to him that he'd be extradited on the misdemeanor warrant. You also said you believed he was in London when you were talking with him, and this was true. Naturally, since he was in Europe he believed you were telling him that he'd be extradited internationally. (Although I did not mention it at our meeting, others told us you also indicate to them what Faiz understood from your direct conversation with him, that he was subject to international extradition.)

Even an outstanding *misdemeanor* warrant significantly impairs a person's freedom, their reputation, their travel. This warrant, based upon Erum Majid's false and misleading information, has already caused much harm to Faiz Siddiqui, a tax attorney alumnus of Oxford's Law School. To help avoid further harm, I've handled this matter carefully, gathering and providing the facts to you.

#### 4. **"I can assure you, these incidents never happened."**

I understand your stated personal belief that these incidents never happened. And it may well be that when you told Faiz (in England) that you would have him extradited, you weren't thinking to yourself at the time that you would seek to extradite Faiz from Europe. Similarly, your personal belief may be that you did not threaten the aunt and uncle, even though that's what they each believe you said. It is not up to either of us to make the

conclusion whether these 2 incidents happened.

5. **"These previous statements contrast this most recent email that mentions the fine reputation of my department."**

The West Hartford Police Department retains the good reputation I mentioned at our meeting, and repeated above. As a West Hartford resident, I am proud of that well-earned reputation. It was that same reputation that caused me to assure my client that as long as he paid for all the preliminary work necessary to get the facts right, the police department would listen carefully to the information and follow the law that requires correcting facts that have been used to obtain a warrant.

6. **"I further found it troubling that Atty. Bergenn has plans of notifying Erum's employer that he believes she has a multiple personality disorder."**

I have no plans to notify Blum Shapiro during the investigation; I've never done such a thing. I mentioned to you that Erum Majid is a forensic accountant at Blum Shapiro, no doubt familiar with law enforcement, and that I have high regard for the firm. Also, I've worked with partner Richard Finkel, who enjoys a well-earned reputation in that field. I only mentioned to you that as the law requires, I make sure that my clients' reputations are intact

when legal matters are concluded. That could potentially involve contact with Mr. Finkel at some point, but that is not clear yet.

In this case, the evidence is that about a decade ago, long before she contacted your office, Erum appears to have become enraged when Faiz, someone with whom she had a few months' relationship, had to return to England for reasons unrelated to her. Her decade-later rage at someone she's not seen for years is consistent with someone acting out on feelings of "abandonment". Her reaction is disproportionate to the objective circumstances. Although there may be some other explanation for her reaction, neither you nor I have ever heard of such an obsession under similar circumstances, nor have we heard of any other case anywhere in the country, much less Connecticut, where a criminal complaint is brought against a former boyfriend who, as your own emails acknowledge, hasn't seen or spoken with her for many years.

I didn't go looking for the borderline personality disorder diagnosis. On the other hand we have to be mindful why neither of us have ever heard of *any* case where a harassment misdemeanor charge is brought like this. Normal, credible people do not make criminal complaints about boyfriends who they haven't seen nor spoken to for many years; who live across an ocean; who haven't lived in the same area *ever*; and who are law-abiding professionals, whose only evident contact after many years is a lawyer-guided email to ask the complainant to stop doing him harm.

I've not seen the warrant application in this case, but I doubt the application includes:

- details about the extended absence of any contact between the 2 adults here;
- that Faiz' email message to her explicitly seeks to stop her from defaming him, many years after their short relationship was over;
- that this more recent 2012 communication was the result of standard legal advice;
- that there is no credible evidence Erum ever told Faiz not to contact her, since for years he hadn't seen, written to or called her (it would be incongruous, of course, for anyone to ask someone else not to have any contact when the abundant record reflects no ongoing contact in the first place).
- The only contact of which we are aware during these many years was his lawfully required 2012 email to ask her to stop defaming him.

Mental health issues are not part of your training or your work. This perhaps explains your email about a "multiple personality disorder", a disorder ordinarily requiring someone's commitment to a mental hospital (like the schizophrenic with a "multiple personality disorder" in the movie "Sybil.") I never said anything about *that* disorder, something totally unrelated to what the evidence suggests here. I did mention, however, that those afflicted with a BPD often seek conflict with those with whom they've had a relationship, in order for them to "attach" to another person, to stop their pain of abandonment.

I've advised Faiz to try to ignore Erum's hostile conduct, to read up on the BPD condition to put these extraordinary events into some rational context, and to trust that professionals in our justice system seek the truth, and do not get committed to a version of events provided by the first to complain.

**7. "Atty. Bergenn acknowledged that I had probable cause for a warrant at the time it was issued."**

It should be plain now that your original understanding of the events provided *falsely* by Erum *would* establish a *false* probable cause, at least until the currently available objective facts impeach that sole source person's credibility. It is not your fault when someone comes across as truthful, even though they are either lying or totally unreliable because of their certain internal feelings that are not consistent with reality. The facts examined carefully and fully after this initial report you received, however, now make it evident that Erum's claim that Faiz is a criminal harasser is not credible.

None of us is permitted to ignore the facts. It may not be prudent to discontinue conversations that help in understanding the facts. Last month, you appeared receptive and ready for our next meeting, after your return from training. The best interests of justice, of all the persons involved, and of the Town itself all suggest that we schedule a prompt meeting -- committed to the

best understanding of the facts, to help the state's attorney and the judge who've so far only been told of Erum's perceptions, which perceptions are inconsistent with Faiz's lawful conduct at all times in this case.

We will continue to work constructively to solve this serious problem.

Jim Bergenn

**Shipman & Goodwin** LLP

C O U N S E L O R S   A T   L A W

**James W. Bergenn**

Partner

One Constitution Plaza  
Hartford, CT 06103-1919

Tel (860) 251-5639

Fax (860) 251-5219

[jbergenn@goodwin.com](mailto:jbergenn@goodwin.com)

[www.shipmangoodwin.com](http://www.shipmangoodwin.com)

Privileged and confidential. If received in error, please notify me by e-mail and delete the message.

**P** please consider the environment before printing this message

---

**From:** Eric Rocheleau [mailto:ERocheleau@WestHartfordCT.gov]

**Sent:** Friday, April 29, 2016 1:58 PM

**To:** Pat Tomasiewicz (pt@ftlawct.com); Bergenn, James

**Subject:** Faiz

Dear Atty. Tomasiewicz and Bergenn,

I apologize for taking so long to get back to you. I have been extremely busy between work and personal conflicts. I have absolutely no doubt you are getting a lot of calls from Faiz.

To say the least this has been an interesting case. My initial meeting with Atty. Bergenn did not go as I expected. It was hard to listen Atty. Bergenn accuse West Hartford detectives and myself of misconduct to include; threatening Faiz' uncle and aunt with arrest. It was even more surprising to learn that I had allegedly threatened to extradite Faiz from Europe on a misdemeanor warrant. I can assure you, these incidents never happened. These previous statements contrast this most

recent email that mentions the fine reputation of my department.

I tried to work with the other attorneys and Faiz and received little cooperation. I had hoped for a reasonable explanation from Faiz but he chose not to explain. I went forward with my investigation.

While there could be a mental issue here, it appeared to be Faiz'. Faiz' or Erum's mental states, respectively, are not mine to diagnose. I further found it troubling that Atty. Bergenn has plans of notifying Erum's employer that he believes she has a multiple personality disorder. The complainant gave a written, sworn and credible statement. Atty. Bergenn acknowledged that I had probable cause for a warrant at the time it was issued. The warrant was issued after I presented my findings to a judge who also agreed that probable cause existed.

Please feel free to forward any exculpatory information. At this time I will respectfully decline another meeting.

Regards,

Sergeant Eric Rocheleau #258

Detective Division

103 Raymond Rd.

West Hartford, CT 06107

(860) 570-8872

RETURN DATE: JANUARY 3, 2017 : SUPERIOR COURT  
FAIZ SIDDIQUI : J.D. OF HARTFORD  
v. : AT HARTFORD  
ERUM MAJID RANDHAWA : DECEMBER 8, 2016

**COMPLAINT**

**First Count  
(Defamation)**

1. Plaintiff Faiz Siddiqui is an individual who resides in London, England.
2. Defendant Erum Majid Randhawa is an individual who resides at 153 Gail Lane, South Windsor, CT 06074.
3. Plaintiff is an Oxford University educated solicitor and citizen of the United Kingdom.
4. Both Plaintiff and Defendant are of Pakistani descent and both are Muslims.
5. Defendant and her family are long term friends for over 30 years of the Plaintiff's Aunt and Uncle who reside in South Windsor, Connecticut and frequent visitors to their house. Defendant and her family attended both the Plaintiff's Aunt's sons' weddings in 2001 in Chicago and in 2012 in South Windsor, Connecticut at the Plaintiff's Aunt's house.
6. In the summer of 2006, Plaintiff became acquainted with Defendant on a social basis.
7. Defendant made several attempts to encourage the Plaintiff to go out with her, including but not limited to baking a cheesecake and bringing it to the Plaintiff's Aunt's house where he was staying at the time.
8. During the summer of 2006, Plaintiff and Defendant went to a bar named Koji's along with Plaintiff's first cousin, Usman Haque.



9. At the time of this encounter, Plaintiff was several years older than Defendant and expressed his general preference for the company of women his own age. Defendant became dismayed and encouraged Plaintiff to broaden his views to include younger women such as herself.

10. A few days later, Defendant sent Plaintiff approximately ten instant messages imploring Plaintiff to go out with her again and expressing that she had “a blast” on their previous chaperoned date.

11. Plaintiff responded by saying that he would need to check his schedule and would get back to her.

12. Defendant refused to accept this answer and continued to pressure Plaintiff to go out with her. Plaintiff finally agreed in order to stop Defendant’s constant entreaties.

13. Plaintiff and Defendant went to a local cinema and watched “Pirates of the Caribbean: Dead Man’s Chest.”

14. Plaintiff and Defendant also went out to a bar named Tisane Euro Asian Café in Hartford, CT. Shortly after this outing, the Plaintiff and Defendant both attended a party at a Congressman’s house late at night together and played “drinking games” until around 4 a.m.

15. Plaintiff and Defendant met several more times in July 2006 at which Defendant repeatedly expressed interest in the Plaintiff, even visiting him very late at night at his Aunt’s home in South Windsor, Connecticut.

16. Plaintiff left the United States on July 28, 2006 and returned to his home in the United Kingdom.

17. In the late summer and fall of 2006 as well as early 2007, Plaintiff and Defendant had a series of inconsistent instant messages in which Defendant sometimes expressed great interest in the Plaintiff and sometimes rudely rebuffed the Plaintiff.

18. At this point, Defendant cut off contact with the Plaintiff, but made numerous malicious and negative comments about Plaintiff to Plaintiff's family members and other members of the local South Windsor community.

19. As a result of Defendant's false and malicious comments, Plaintiff's father and his sister did not speak for six years and the Plaintiff and his family were not even able to attend Usman Haque's wedding in 2012, even though the Plaintiff was Mr. Haque's first cousin and Mr. Haque's mother was the sister of the Plaintiff's father.

20. Plaintiff had no further contact with the Defendant from 2007 to 2012.

21. In 2012, on the advice of counsel and because of continuing defamatory remarks made about him by the Defendant, Plaintiff sent Defendant an email, which was reviewed by both Plaintiff's U.S. and British counsel before he sent it. In this email, Plaintiff expressed his dismay at Defendant's continued malicious and false statements about Plaintiff to his family and provided a factually correct version of events to protect his reputation from the damaging effects of the Defendant's continuing defamation. Plaintiff then had no further contact with Defendant until early 2015.

22. On January 1, 2015, Plaintiff received a notice from mylife.com that Defendant had been viewing his information on the internet. As this time, Plaintiff was studying for a master's in business administration (MBA) at Northwestern University in Illinois. In response, Plaintiff called Defendant once, but did not reach her and left no message.

23. Plaintiff has had no other contact with Defendant of any kind for several years.

24. In 2015, the Defendant willfully, maliciously and falsely accused Plaintiff of harassing her. Defendant falsely stated to the West Hartford police that Plaintiff was harassing her although she knew that she had no contact with Plaintiff for more than two years and only one contact with Plaintiff for more than eight years. Defendant made her false statements to the West Hartford police with the intent to harm the Plaintiff who was then attempting to obtain a master's in business administration from Northwestern University.

25. Whilst further and more specific pleadings will be made upon discovery, various discussions with the police and State's Attorney's office have indicated the following false and malicious statements on the part of the Defendant.

(a) Defendant told the Plaintiff not to have any "*calls, emails, visits or any correspondence from him or through a third person with her and that the Plaintiff had been aware of this*". This statement is plainly false because the Plaintiff and Defendant had no communications other than the 2012 email since 2007. Further, the Plaintiff had never even visited the Defendant's house once and the Plaintiff had only once emailed her in his entire life based on Attorney's advice to protect his reputation from her malicious and defamatory remarks. By stark contrast, the Defendant had repeatedly come over to visit the Plaintiff at his Aunt's house in 2006 on numerous occasions.

(b) Defendant also stated to the Police that the Plaintiff made "*several promises*" to the Defendant not to contact her. This is once again false because the Plaintiff and Defendant were not even in contact with one another for several years.

(c) Defendant stated that the Plaintiff made a large number of phone calls "*at all times of day and night*" to the Defendant between February and March 2015. This is

false because the Plaintiff made only one phone call, which went to voicemail in which the Plaintiff did not leave any message; and.

(d) Defendant stated that the Plaintiff made malicious calls to the Defendant's workplace. Once again, the Plaintiff did not do so.

26. Defendant was aware that her statements to the police were false since she knew that she had had no contact with Plaintiff since 2007, except the 2012 email.

27. Based upon Defendant's false and malicious lies, the West Hartford police contacted Northwestern University and transmitted false information to Northwestern, specifically that Plaintiff was a Northwestern employee who was living and working on campus in breach of his F1 student status. Plaintiff is not and has never been a Northwestern employee.

28. Defendant's false accusations constitute libel and slander per se because they allege a criminal activity.

29. As a result of Defendant's false and malicious statements, there is an outstanding misdemeanor warrant for Plaintiff's arrest. Due to the warrant, Plaintiff cannot travel to the United States to complete his degree without fear of arrest.

30. Plaintiff suffers from Major Depressive Disorder and Chronic Insomnia, both of which have been significantly exacerbated due to the Defendant's false statements.

31. As a result of Defendant's false and malicious statements to the police, Plaintiff suffered severe emotional distress, loss of income due to his inability to complete his Northwestern MBA, and damage to his reputation in his community.

**Second Count  
(Intentional Infliction of Emotional Distress)**

1-31. Paragraphs 1-31 of this Complaint are repeated and re-alleged as if fully set forth herein.

32. By making false statements to the West Hartford police that Plaintiff had been harassing her, statements which she knew to be false when made, Defendant intended to cause Plaintiff emotional distress.

33. Defendant's knowingly false statements to West Hartford police were extreme and outrageous.

34. Defendant's false statements to West Hartford police have caused Plaintiff to suffer severe emotional distress.

**Third Count  
(Negligent Infliction of Emotional Distress)**

1-34. Paragraphs 1-34 of this Complaint are repeated and re-alleged as if fully set forth herein.

35. The Defendant's false statements created an unreasonable risk of causing Plaintiff emotional distress.

36. Plaintiff's distress was the foreseeable result of Defendant's false statements.

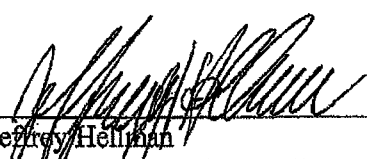
37. As a result of Defendant's false statements and the resulting arrest warrant, Plaintiff has suffered severe emotional distress.

WHEREFORE, Plaintiff claims:

- a. damages,
- b. punitive damages, and
- c. such other legal or equitable relief the Court may deem appropriate.

PLAINTIFF  
FAIZ SIDDIQUI

By: \_\_\_\_\_

  
Jeffrey Hellman  
Law Offices of Jeffrey Hellman, LLC  
(Juris No. 433635)  
195 Church Street, 10<sup>th</sup> Floor  
New Haven, CT 06510  
203-691-8762 (tel.)  
203-823-4401 (fax)  
jeff@jeffhellmanlaw.com

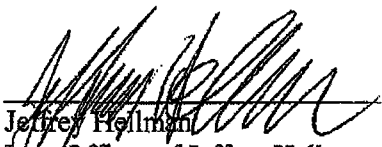
RETURN DATE: JANUARY 3, 2017 : SUPERIOR COURT  
FAIZ SIDDIQUI : J.D. OF HARTFORD  
v. : AT HARTFORD  
ERUM MAJID RANDHAWA : DECEMBER 8, 2016

**STATEMENT OF AMOUNT IN DEMAND**

The amount in demand is greater than \$15,000.00.

PLAINTIFF  
FAIZ SIDDIQUI

By:

  
\_\_\_\_\_  
Jeffrey Hellman  
Law Offices of Jeffrey Hellman, LLC  
(Juris No. 433635)  
195 Church Street, 10<sup>th</sup> Floor  
New Haven, CT 06510  
203-691-8762 (tel.)  
203-823-4401 (fax)  
jeff@jeffhellmanlaw.com

Invoice Date: July 05, 2017

Invoice Number: 249989

Billing Fax:

Bill To:

LAW OFFICES OF JEFFREY HELLMAN LLC 06510  
JEFFREY HELLMAN  
10TH FLOOR  
195 CHURCH ST  
NEW HAVEN CT 06510

Global Legal Demand Center

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600  
NORTH PALM BEACH, FL 33408-3029



REF #

### Invoice

File Code	Case Description	Description of	Units	Rate	Amount
2180213.005	FAIZ SIDDIQUI VERUM MAJID RANDHAWA CASE# HHD-CV-6073898S	Billed Usage	2.0	\$10.00	\$20.00
2180213.005	FAIZ SIDDIQUI VERUM MAJID RANDHAWA CASE# HHD-CV-6073898S	Processing Fee	1.0	\$35.00	\$35.00

Federal Tax ID: 91-1379052

Subtotal: \$55.00

Payments Received: - \$0.00

Total Due: \$55.00

JEF





Global Legal Demand Center  
 Phone: 1-800-635-6840

Federal Tax ID: 91-1379052

Make Checks payable to AT&T  
 11760 US HIGHWAY 1, SUITE 600  
 NORTH PALM BEACH, FL 33408-3029

Invoice Date: July 5, 2017  
 Invoice Number: 249989  
 File Code: 2180213.005

Due Date	Amount Due	Amount Paid
Upon Receipt	\$55.00	\$ _____

Remitted By: LAW OFFICES OF JEFFREY  
 JEFFREY HELLMAN  
 10TH FLOOR  
 195 CHURCH ST  
 NEW HAVEN CT 06510

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to [ATIMOBILITY.NCC@ATT.COM](mailto:ATIMOBILITY.NCC@ATT.COM) or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

\_\_\_\_\_  
 Credit Card Number

\_\_\_\_\_  
 EXP DATE  
 Credit Card Type (Visa, MasterCard, Amex, etc)

\_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Name As It Appears on the Credit Card

\_\_\_\_\_  
 Address for Credit Card

\_\_\_\_\_  
 City/State/Zip Code for Credit Card

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date



**GLOBAL LEGAL DEMAND CENTER  
RESPONSE COVER SHEET  
11760 US HIGHWAY 1, SUITE 600  
NORTH PALM BEACH, FL 33408-3029  
Phone 1-800-635-6840 Facsimile 1-888-938-4715**

**To: ATTY JEFFREY HELLMAN  
LAW OFFICES OF JEFFREY HELLMAN LLC  
06510  
10TH FLOOR  
195 CHURCH ST  
NEW HAVEN CT 06510**

**File Code:  
2180213.005**

**From: SHC**

**Phone Number: (203) 691-8762  
Fax Number: 1**

**Request Dated: 6/13/2017  
Received On: 6/19/2017**

**Number of Pages:  
Date: 7/5/2017**

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**- All available requested information is enclosed.**

**IMPORTANT NOTICE:**

**AT&T's preferred method of response is via email. Please include an email address on future requests.**

**CONFIDENTIALITY NOTICE**

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

**SUBPOENA DUCES TECUM - ALL COURTS**

To: AT&T Corp.  
c/o C T Corporation System  
One Corporate Center  
Hartford, CT 06103-3220

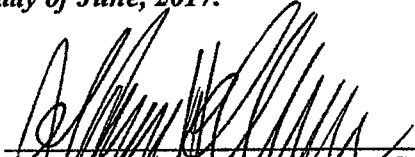
*By AUTHORITY OF THE STATE OF CONNECTICUT, an authorized representative of AT&T Corp. is hereby commanded to appear and produce documents at the Law Offices of Jeffrey Hellman, LLC, 195 Church Street – 10<sup>th</sup> Floor, New Haven, Connecticut on July 7, 2017 at 2:00 o'clock in the afternoon, or to such day thereafter and within 60 days hereof,*

*AND the authorized representative is COMMANDED to bring with you and produce at the same time and place the following:*

See Schedule A.

*HEREOF fail not, under penalty of Law  
To any proper officer or indifferent person to serve and return.*

*Dated at New Haven, Connecticut this 20<sup>th</sup> day of June, 2017.*

  
\_\_\_\_\_  
Commissioner of the Superior Court  
Jeffrey Hellman  
Law Offices of Jeffrey Hellman, LLC  
195 Church Street, 10<sup>th</sup> Floor  
New Haven, CT 06510  
Tel: 203-691-8762  
jeff@jeffhellmanlaw.com

**SCHEDULE A**

For July 16, 2014 and from February 13, 2015 through March 23, 2015, concerning cellular number 860-306-5607:

- 1) all incoming calls to or from the numbers: 224-622-3820; +31 10 744 04 61; 229-518-6462; 331-523-4292 and 777-777-779;
- 2) all outgoing calls to or from numbers: 224-622-3820; +31 10 744 04 61; 229-518-6462; 331-523-4292 and 777-777-779;
- 3) all incoming texts messages to or from numbers: 224-622-3820; +31 10 744 04 61; 229-518-6462; 331-523-4292 and 777-777-779; and
- 4) all outgoing texts messages to or from 224-622-3820; +31 10 744 04 61; 229-518-6462; 331-523-4292 and 777-777-779.



GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600  
NORTH PALM BEACH, FL 33408-3029  
1-800-635-6840  
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared Steven Carey, who being duly sworn, deposes and says:

**My name is Steven Carey. I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 11/05/2007. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T.**

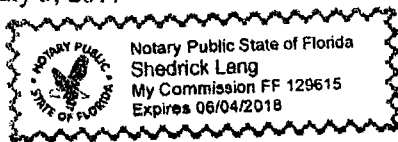
(860) 306-5607

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

Steven Carey  
July 5, 2017

The foregoing affidavit was sworn to and subscribed before me by Steven Carey, who is personally known to me.

July 5, 2017



Notary Public, State of Florida  
Printed Name  
Serial Number (if any)

GLOBAL LEGAL DEMAND CENTER



# AT&T Records key

AT&T searches all available databases to ensure all responsive records are provided. Multiple reports may be provided in response to your request.

**Note: For each record described in this key, all times are stored and provided in UTC**

## AT&T Mobility Voice Descriptions

Column Name	Description
<b>Item</b>	Row Number
<b>Conn. Date</b>	Connection Date. The date the call was connected.
<b>Conn. Time(UTC)</b>	Connection Time. The time the call was connected. Time is in UTC. Times is expressed in military time as HH:MM:SS
<b>Conn Date Time</b>	Connection date and time- Date and Time the call was connected. Displayed as one column on the Landline Call Detail Records.
<b>Seizure Time</b>	The time it takes to connect the call measured from the moment the caller presses "Send" to when the call is connected.
<b>Originating Number</b>	The phone number the call/text originated from. For data records, this does not necessarily mean the number originated the data transaction. The network constantly communicates with internet enabled devices and the data records do not indicate if a customer initiated a data transaction.
<b>Terminating Number</b>	The number the transaction terminated to.
<b>DIALED (D)</b>	The number that the originating party dialed.  Appears in subsequent line of the same row in the Originating Number column.
<b>FORWARDED (F)</b>	<i>(Note: only appears if the Terminating number differs from the Dialed number)</i> The number the terminated number forwarded the call to.
<b>TRANSLATED (T)</b>	Appears in subsequent line of the same row in the Originating Number column.  Indicates if a number was translated to a different number. For example, if the number called is 911, then that gets translated to a ten digit number for routing to a 911 dispatch center. The (T) indicates the number the translation was from, not the number translated to.
<b>ORIGINAL</b>	Denotes the number that originated the call before call forwarding was invoked.
<b>ORIGINATING (OO)</b>	Appears in subsequent line of the same row in the Originating Number column.
<b>ET (Elapsed Time)</b>	Duration of the transaction. Duration is in HH:MM:SS

AT&T Proprietary

The information contained here is for use by authorized persons only and is not for general distribution.



<b>IMEI International Mobile Equipment Identifier</b>	<p>A 15-digit number that uniquely identifies an individual wireless device</p> <p>Only the IMEI of the number requested is displayed.</p>
<b>IMSI International Mobile Subscriber Identity</b>	<p>The IMSI is a globally-unique code number that identifies a GSM subscriber to the network. The IMSI is linked to your account information with the carrier. The IMSI resides in the SIM card which can be moved from one GSM phone to another.</p> <p>Only the IMSI of the number requested in the legal demand is displayed.</p>
<b>CT (Call Type)</b>	<p>Denotes if the leg of a call is an originating leg or terminating leg.</p> <p>Mobile Originating (MO)          Mobile Terminating (MT)          Service Originating (SO)          Service Terminating (ST)</p> <p>A leg of a call represents each time the call is processed through a network switch. Calls may go through several switches in AT&amp;T's network in order to reach the intended party.</p> <p>A service record is generated when the network generates a leg of a call to reach a service on the network. For example, a leg connecting to the voicemail platform denotes a service invoked on the network and may show up as a service record.</p>
<b>Feature</b>	<p>This column represents the type of call that occurred as recorded by our network and used for purposes of processing a call on AT&amp;T's network. These are not necessarily indicative of features on a customer's account or the types of services subscribed to.</p>
<b>Make</b>	<p>The Make of the handset used in the transaction.</p>
<b>Model</b>	<p>The Model of the handset used in the transaction.</p>
<b>Cell Location</b>	<p><b>Identifiers:</b>          3G Network Cell Site= LAC/CID          4G Network Cell Site= ECGI</p> <p><b>Examples:</b>          3G Network Cell Site: [27077/11621:80:05629:26:74779:350:90:0]</p>

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	LAC/CID	LONG:LAT	Sector:Beamwidth
	4G Network Cell Site {133151247:520122:-96:912452:33:013937:358:-1:0	ECGI:ENB-ID	LONG:LAT Sector:Beamwidth
<b>Definitions:</b>			
LAC-Location Area Code. This number identifies the specific region a cell tower is located in. The number is used internally in AT&T and for network purposes.			
CID-Cell Identity. This number identifies the location of the tower within a specified region. The number is used internally in AT&T and for network purposes.			
ECGI-Enhanced cell global identity. A ten digit number that indicates the location of a cell tower when 4G technology is being used. The number is used internally in AT&T and for network purposes.			
ENB-ID- Evolved Node B (eNodeB) Hardware connected to the AT&T mobility network that communicates directly with a mobile device. This number is used internally to AT&T to identify a specific antenna on a tower when 4G technology is used.			
Longitude - A geographic coordinate that specifies an East-West Position of a point on the earth's surface. The Latitude represented is of the cell tower.			
Latitude - A geographic coordinate that specifies a North-South Position of a point on the earth's surface. The Longitude represented is of the cell tower.			
Sector-A number out of 360 degrees that indicates the side of the cell site antenna used in processing the call.			
Beamwidth-A number out of the 360 degrees that specifies the angle of coverage of the RF signal coming from a particular cell site sector.			

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### Feature Definitions for Mobility Voice Report

Features represents the type of call that occurred as recorded by our network and used for purposes of processing a call on AT&T's network. These are not necessarily indicative of features on a customer's account or the types of services subscribed too.

Feature Acronym	Feature Definition
'ADD'	Unstructured Supplementary Service Data
'CBI'	Barring of All Incoming Calls
'CBIOP'	Incoming Operator Determined Barring
'CBIP'	Barring of All Incoming Calls Roaming Outside Public Land Mobile Network
'CBIUK'	Barring of Incoming Calls
'CBO'	Barring of All Outgoing Calls
'CBOI'	Barring of All Outgoing Intl Calls
'CBOIP'	Barring of All Outgoing Intl Calls Except to Public Land Mobile Network
'CBOOP'	Outgoing Operator Determined Barring
'CBOUK'	Barring of Outgoing Calls
'CBUK'	All Barring
'CFB'	Call Forwarding Subscriber Busy
'CFC'	Call Forwarding All Conditional
'CFNA'	Call Forwarding No Reply
'CFNR'	Call Forwarding Not Reachable
'CFO'	Call Forwarding in Gateway (Unknown)
'CFU'	Call Forwarding Unconditional
'CFUK'	All Forwarding
'CGC'	Advice of Charge Charging
'CGI'	Advice of Charge Information
'CIAC'	Account Code Service
'CICUG'	Closed user Groups Service
'CIPCI'	Proprietary Customer Information

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'CMH'	Call Hold
'CMPRL'	Proprietary Release Link Trunk Service
'CMPVM'	Proprietary Voice Mail Call Dropback
'CMR'	Call Re-origination
'CMRC'	Call Re-Origination By Cause
'CMW'	Call Waiting
'ECT'	Explicit Call Transfer
'GEM'	Enhanced Multi
'NIOR'	Invoke Calling Number Identity Restriction
'MPS'	Multiparty Services
'NIND'	Proprietary Calling Name Delivery
'NIOP'	Calling Number Identity Presentation
'NIOR'	Calling Number Identity Restriction
'NITP'	Connected Line Identity Presentation
'NITR'	Connected Line Identity Restriction
'NSDA'	Directory Assistance Service Call
'OACR'	Anonymous Call Rejection
'OEXT'	Extension Service
'OMCT'	Malicious Call Trace
'OMSC'	MSC
'OOR'	Optimal Routing (of Late Call Forwarding)
'SUBCMH'	Call hold, Invoke, Invoked by Subscriber
V2G	Volte to 3G. It indicates the call was handed off from one Volte (a VOIP call) to the 3G network (circuit switched call)
VM	Voicemail involved in transaction
VCORR	4G Cell site was correlated with additional database
FCID	"Flexible Caller ID" This indicates a secondary device, such as a watch or tablet, originated the call. The number indicated as the Original Originating (OO) is the native number belonging to the secondary device that originated the call.

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### AT&T Mobility SMS Descriptions

Column Name	Description
Originating Number	Number that originated the SMS
Terminating Number	Number that received the SMS
Description	If known, describes the direction of the SMS SMO (SMS originating) SMST (SMS terminating)

### AT&T Mobility Data Descriptions

Column Name	Description
Bytes Up	The number of bytes sent from mobile station to the network.
Bytes Dn	The number of bytes from the network to the mobile station.
Originating Number	For data records, the Originating Number does not necessarily mean the number originated the data transaction. The network constantly communicates with internet enabled devices and the data records do not indicate if a customer initiated a data transaction.

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## AT&T Wireline Descriptions

Column Name	Description
Sec. Orig	Secondary Originating Number. A secondary number associated with the call transaction. This number can either be a wireline or mobility number. As an example, if it is a non-mobility number, this could be a number that sits behind a customer's internal phone network such as a PBX. There are other numerous situations when secondary originating numbers are part of a call transaction.
CIC	Carrier Identification Code. The number in this column translates to identifying the interexchange carrier of the call. A public listing of CIC codes can be found at the following url: <a href="http://www.nanpa.com/reports/reports_cic.html">http://www.nanpa.com/reports/reports_cic.html</a>
Call Code	Represents the type of call that was processed on the wireline network. Call Code and other technical information can be obtained from the FBI NDCAC Technical Resource Group which can be reached at 855-306-3222.
Orig. Acc.	Originating Access ID. When a call is received from another carrier and traverses AT&T's VoIP network. This number translates to what carrier sent AT&T the call.  Originating Access Id and other technical information can be obtained from the FBI NDCAC Technical Resource Group which can be reached at 855-306-3222.

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### AT&T International Descriptions

Column Name	Description
<b>Orig Country</b>	The country the call originated from based on the NPA-NXX of the party that placed the call.
<b>Dial Country</b>	The country of the number dialed based on the NPA-NXX of the dialed number.
<b>In Country</b>	Inbound Country. The country AT&T terminated the call to. This does not necessarily mean the called party is in the listed country. This represents the country that AT&T directed the call to in order to properly route the call to its final destination. Other carriers may pick up the call after the call has left the AT&T network.
<b>Out Country</b>	Outbound Country. The country AT&T routed the call from. This does not necessarily mean the call originated from the listed country. This represents the country AT&T's network was used in to properly route the call to its final destination.
<b>Ans Ind</b>	Indicates if the call was answered.
<b>From CPN</b>	From Calling Party Number. Indicates if the call originated from the Originating Number.

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MOBILITY

2180213.005  
06/21/2017

AT&T has queried for records from 02/13/2015 12:00:00am to 03/23/2015 11:59:59pm  
AT&T has queried for records using Eastern Time Zone. AT&T's records are stored and provided in UTC.

Run Date: 06/21/2017  
Run Time: 13:55:25  
Voice Usage For: (860)306-5607

Item	Conn. Date	Conn. Time (UTC)	Seizure Time	ET	Originating Number	Terminating Number	IMEI	IMSI	CT	Feature
1	02/24/15	22:30:34	0:16	0:00	12295186462	18603065607	3544110606171902 APPLE IPHONE6	310410753408996	MT	[NIOF]
2	02/24/15	22:30:50	0:21	0:00	12295186462	18603065607	APPLE IPHONE6		ST	[NIOF]
3	02/24/15	22:30:57	0:28	0:42	12295186462 18603065607 (D) 12062992100 (F)	12062992100	APPLE IPHONE6		ST	[NIOF:CFNA]
4	02/25/15	23:38:06	0:10	8:50	12295186462	18603065607	3544110606171902 APPLE IPHONE6	310410753408996	MT	[NIOF]
5	02/25/15	23:38:06	0:14	8:49	12295186462	18603065607	APPLE IPHONE6		ST	[NIOF]
6	02/26/15	18:09:36	0:07	0:00	12295186462	18603065607	3544110606171902 APPLE IPHONE6	310410753408996	MT	[NIOF]
7	02/26/15	18:09:43	0:11	0:00	12295186462	18603065607	APPLE IPHONE6		ST	[NIOF]
8	02/26/15	23:00:06	0:03	5:57	12295186462	18603065607	3544110606171902 APPLE IPHONE6	310410753408996	MT	[NIOF]
9	02/26/15	23:00:06	0:06	5:57	12295186462	18603065607	APPLE IPHONE6		ST	[NIOF]
10	03/07/15	16:12:24	0:14	0:00	12295186462	18603065607	3544110606171902 APPLE IPHONE6	310410753408996	MT	[NIOF]
11	03/07/15	16:12:38	0:19	0:00	12295186462	18603065607	APPLE IPHONE6		ST	[NIOF]
12	03/07/15	19:06:27	0:11	0:00	12295186462	18603065607	3544110606171902 APPLE IPHONE6	310410753408996	MT	[NIOF]
13	03/07/15	19:06:38	0:14	0:00	12295186462	18603065607	APPLE IPHONE6		ST	[NIOF]
14	03/23/15	21:21:13	0:05	1:42	12295186462	18603065607	3544110606171902 APPLE IPHONE6	310410753408996	MT	[NIOF]

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2180213.005  
06/21/2017

MOBILITY



AT&T has queried for records from 02/13/2015 12:00:00am to 03/23/2015 11:59:59pm  
AT&T has queried for records using Eastern Time Zone. AT&T's records are stored and provided in UTC.

Run Date: 06/21/2017  
Run Time: 13:55:25  
Voice Usage For: (860)306-5607

Item	Conn. Date	Conn. Time (UTC)	Seizure Time	ET	Originating Number	Terminating Number	IMEI	IMSI	CT	Feature
15	03/23/15	21:21:13	0:09	1:42	12295186462	18603065607	APPLE IPHONE6		ST	[NIOP]

dg

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2180213.005  
06/21/2017

MOBILITY



AT&T has queried for records from 02/13/2015 12:00:00am to 03/23/2015 11:59:59pm  
AT&T has queried for records using Eastern Time Zone. AT&T's records are stored and provided in UTC.

Run Date: 06/21/2017  
Run Time: 13:55:31  
Voice Usage For: (860)306-5607

Item	Conn. Date	Conn. Time (UTC)	Seizure Time	ET	Originating Number	Terminating Number	IMEI	IMSI	CT	Feature
1	02/25/15	06:35:23	0:17	0:00	12246223820	18603065607	3544110606171902 APPLE IPHONE6	310410753408996	MT	[INIOR]
2	02/25/15	06:35:40	0:21	0:00	12246223820	18603065607	APPLE IPHONE6		ST	[NIOR]
3	02/25/15	06:35:43	0:24	0:15	12246223820 18603065607 (D) 12062992100 (F)	12062992100			ST	[NIOR:CFNA]
4	02/25/15	06:35:47	0:13	0:00	12246223820	18603065607	3544110606171902 APPLE IPHONE6	310410753408996	MT	[NIOP]
5	02/25/15	06:36:00	0:16	0:00	12246223820	18603065607	APPLE IPHONE6		ST	[NIOP]

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WIRELINE

2180213.005  
06/21/2017

AT&T has queried for records from 02/13/2015 12:00:00am to 03/23/2015 11:59:59pm  
AT&T has queried for records using Eastern Time Zone. AT&T's records are stored and provided in UTC.

Run Date: 06/21/2017  
Run Time: 13:53:31  
Voice Usage For: (860)306-5607

Item	ConnDateTime (UTC)	Originating Number	Sec. Orig.	Terminating Number	Dialed Number	Elapsed Time	CIC	Call Code	Orig. Acc.
1	02/25/15 06:35:42	2246223820		8603065607		0:14	6633	306	163
2	02/25/15 06:35:59	709960	2246223820	8603065607		0:00	9020	827	845

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WIRELINER

2180213.005  
06/21/2017

AT&T has queried for records from 02/13/2015 12:00:00am to 03/23/2015 11:59:59pm  
AT&T has queried for records using Eastern Time Zone. AT&T's records are stored and provided in UTC.

Run Date: 06/21/2017  
Run Time: 13:53:36  
Voice Usage For: (860)306-5607

Item	ConnDateTime (UTC)	Originating Number	Sec. Orig.	Terminating Number	Dialed Number	Elapsed Time	CIC	Call Code	Orig. Acc.
1	02/24/15 22:30:57	1632923	2295186462	8603065607		0:42	913	827	859
2	02/25/15 23:38:06	709960	2295186462	8603065607		8:49	9020	827	845
3	02/26/15 18:09:43	709960	2295186462	8603065607		0:00	9020	827	845
4	02/26/15 23:00:07	709960	2295186462	8603065607		5:56	9020	827	845
5	03/07/15 16:12:37	709960	2295186462	8603065607		0:00	9020	827	845
6	03/07/15 19:06:38	709960	2295186462	8603065607		0:00	9020	827	845
7	03/23/15 21:21:13	1632923	2295186462	8603065607		1:42	913	827	859

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2180213.005  
06/21/2017

MOBILITY

AT&T has queried for records from 02/13/2015 12:00:00am to 03/23/2015 11:59:59pm  
AT&T has queried for records using Eastern Time Zone. AT&T's records are stored and provided in  
UTC.



Run Date: 06/21/2017  
Run Time: 13:55:31  
Voice Usage For: 31107440461

Item	Conn. Date	Conn. Time (DRC)	Seizure Time	ET	Originating Number	Terminating Number	IMEI	MSI	CT	Feature
1	02/25/15	20:56:00	0:17	0:00	31107440461	18603065607			MT	[NIOF]
2	02/25/15	20:56:17	0:21	0:00	31107440461	18603065607			ST	[NIOF]
3	02/25/15	20:56:21	0:25	0:01	31107440461 18603065607 (D) 12062992100 (F)	12062992100			ST	[NIOF:CPNA]



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2180213.005  
06/21/2017

WIRELINE

AT&T has queried for records from 02/13/2015 12:00:00am to 03/23/2015 11:59:59pm  
AT&T has queried for records using Eastern Time Zone. AT&T's records are stored and provided in  
UTC.



AT&T

Run Date: 06/21/2017  
Run Time: 13:54:55  
Voice Usage For: 31107440461

Item	CondDateTime (UTC)	Originating Number	Sec. Orig.	Terminating Number	Dialed Number	Elapsed Time	CTC	Call Code	Orig. Acc.
2	02/25/15 20:56:21	714897	31107440461	8603065607		0:01	9020	827	701

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for general distribution.



Faiz Siddiqui &lt;faizsiddiqui64@gmail.com&gt;

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**Email correspondence between Attorney Tomaszewicz and Gail Hardy from January 2017 - Email 1**

---

Faiz Siddiqui <faizsiddiqui64@gmail.com>  
To: Faiz Siddiqui <Faizsiddiqui64@gmail.com>

Fri, Apr 13, 2018 at 9:16 PM

From: Patrick Tomaszewicz <pt@ftlawct.com>  
Date: Mon, Jan 2, 2017 at 1:13 AM  
To: "Gail.Hardy@ct.gov" <Gail.Hardy@ct.gov>

Dear Gail:

I trust you had an enjoyable holiday season and had time away with family.

Since our meeting this fall, my client has maintained his innocence. He has clearly told me that in no way shape or form has he harassed this woman, let alone criminally. Due to the outstanding warrant, he is currently unable to travel and finish school at Northwestern University where he was a previous student. He is, as you know, a graduate of Oxford University without a criminal record and a licensed attorney in England. This matter is causing him a great deal of agitation and is derailing the completion of his education at a US graduate school where he is pursuing a master's degree.

During our meeting you had indicated to me that there were a series of phone calls during the months of February and March of 2015. I am having difficulty wrapping my head around this as we have an email from Detective Rocheleau affirming that the complaining witness told him that she had not had contact with Faiz for several years. Further, my client has confirmed that he only made one phone call to the complainant in early 2015, a phone call which went to voicemail with no message left, which was in itself a response to a mylife email in which he had seen the Complainant viewing his details online. I attach a copy of the mylife email for your review. In that he is a licensed attorney I have no reason to disbelieve his representations to me and this can also be easily confirmed by actually viewing the relevant phone records which are currently in possession of the West Hartford Police Department.

As part of my efforts, I have spoken also with my client's father who is a CPA and a very decent and competent man and who has vouched for my client's version of events as being factually correct and accurate

The short of it is that I am still in the dark as to what this woman is actually alleging. For example, it is simply not the case that the complainant told my client not to have any communication with her either by himself or through a third party and the nonsensical nature of this statement is highlighted by the fact that (1) my client has not even had any contact with the complainant for the best part of a decade such that it is clearly impossible for such a communication to have taken place and (2) my client has only once emailed the complainant in his entire life on Attorney's advice to protect himself from her continuing defamation and (3) has never even once visited the complainant's home in his life even though the complainant came over to his Aunt's house to visit him on numerous occasions in the summer of 2016. Further, neither did my client make a large number of calls to the complainant between February and March 2015 and/or to her workplace and the phone records will once again clearly evidence this.

To put it bluntly and to cut a long story short, the police officer in question (who I have already expressed my grave doubts to you about) has apparently falsely stated on his affidavit that a large number of calls to the complainant between February and March 2015 had been traced back to my client's phone with a view to misleading the neutral magistrate and falsely obtaining the arrest warrant against my client without probable cause. This is verifiably false and incorrect. A quick check of the phone records which were obtained through the police officer's search warrant will clearly show that my client only called the complainant once and that this was nothing more than a phone call which went to voicemail with no phone message left and was in itself merely a response to a mylife email which my client received about the complainant viewing his details online (see attached). The

police officer's absurd argument was apparently that the fact my client called the complainant once was "circumstantial evidence" that he must have been responsible for the other calls to her, something which I need not explain to you is not plausible.

It is a further unfortunate and unacceptable aspect to this matter that the complainant and her family are long term family friends and frequent visitors of my client's Aunt and Uncle's family who reside in South Windsor, Connecticut. Indeed, she attended both my client's Aunt's son's weddings in Chicago in 2001 and also a small, private, family gathering for the younger son's wedding at the Aunt's South Windsor home in 2012. Indeed, the complainant is both a family friend and regular visitor of my client's Aunt's house for over 30 years. I am sure you can understand the relevance of this submission - the complainant's allegations that my client was "harassing" her are even more ridiculous when understood against the backdrop of the complainant hanging around the same social circles as the Aunt and Uncle's son and regularly visiting my client's Aunt's house and approaching and socializing with the Aunt's family at social functions. In short, the complainant's entire conduct has been wholly inconsistent with someone being harassed by my client, otherwise she clearly would have cut off all contact with my client and his family.

Had my client been randomly calling an unknown woman off a New York sidewalk rather than a long term and well known family friend for over 30 years, I would have somewhat been able to understand and see the scope for arguing harassment, even though this would of course still not constitute harassment based off the factual events in question here which quite frankly do not constitute any crime whatsoever.

The complainant has already been described by my colleague Jim Bergenn as someone suffering from a borderline personality disorder which makes the complainant prone to malicious vendettas against people she feels are not ensnared under her direct "power and control." As Jim has explained, a key characteristic of those with such borderline personality disorder is the tendency to perceive one's circumstances very differently to those justified in objective reality and to be utterly convincing in their false belief in this skewed version of reality. This frequently results in wasteful, unnecessary and costly litigation until the correct facts are clearly established. Here we have the same case - a long term family friend of my client making a baseless and malicious harassment complaint against him when there has not even been any contact between them for the best part of a decade and even managing to convince a dishonest and corrupt police officer to lie on his affidavit and do her bidding for her. Please understand that my only purpose in bringing this point to your attention is to bring this matter to a prompt conclusion without further time and money being wasted on unnecessary litigation to vacate the warrant.

To conclude, the purpose of this email is both to kindly request a courtesy copy of the warrant and also the pertinent phone records and also to arrange to meet with you as soon as possible this week so that I can go through the relevant phone records with you to ensure that I am fully protecting my client's interests. As a case is not currently pending, I do not have the power to subpoena the phone records directly and so meeting you this week to go through the phone records and 100% confirm what I am saying is correct would seem like the best and most practical solution. In the meantime, I would greatly appreciate it if you would post and/or email me a courtesy copy of the warrant and the phone records.

Thank you for any cooperation that you can extend in this matter.

Best,

Pat Tomasiewicz



Patrick Tomasiewicz

96 Oak Street

Hartford, CT 06106

tel: 860/231-7766

fax: 860/560-7359

pt@ftlawct.com

Please be advised that this transmittal may be a confidential attorney-client communication or may otherwise be privileged or confidential. If you are not the intended recipient, please do not copy or re-transmit this communication. If you have received this communication in error, please notify me by e-mail (pt@ftlawct.com) or by telephone (860-231-7766) and delete this message and any attachments.

-----Original Message-----

From: Hardy, Gail [mailto:Gail.Hardy@ct.gov]  
Sent: Monday, January 02, 2017 2:54 PM  
To: Patrick Tomasiewicz  
Subject: RE: Faiz Siddiqui -- Meeting this week

Pat,

I started reading your email and stopped because I'm reading from a smartphone and it's far too long on this small screen. I'll read it in total tomorrow when I'm at work; but I'm not really sure what "your client" is doing, and if he still considers you to be his lawyer. He had another attorney reach out to me in the past few weeks and request a meeting. Nevertheless, I don't intend to depart from practice and permit there to be a "trial," of sorts on a matter where the warrant has not been served. His status may allow him to seek out the best lawyers, but it doesn't allow him to bypass the procedures that all others must follow. I have already given much more attention to this matter, than I should have. By the way, have you finished your trial in GA #12 yet??? Happy New Year!

Gail P. Hardy  
Hartford State's Attorney  
Division of Criminal Justice  
101 Lafayette Street  
Hartford, CT 06106

Phone: 860.566.3190

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Faiz Siddiqui &lt;faizsiddiqui64@gmail.com&gt;

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**Email correspondence between Attorney Tomasiewicz and Gail Hardy from January 2017 - Email 2**

---

**Faiz Siddiqui** <faizsiddiqui64@gmail.com>  
To: Faiz Siddiqui <Faizsiddiqui64@gmail.com>

Fri, Apr 13, 2018 at 9:13 PM

**From:** "Hardy, Gail" <Gail.Hardy@ct.gov>  
**Date:** January 5, 2017 at 10:17:06 AM EST  
**To:** Patrick Tomasiewicz <pt@ftlawct.com>  
**Subject:** RE: Emails

Pat, I haven't even read the email yet, but no, I'm not going to meet again. I've already spent too much time on this. I know you approached Carl on this before I, out of courtesy to you and Jim, took a look at it. I reviewed the warrant that was lodged with the police, and I would have signed it too. I'm not about to set some sort of new precedent for reviewing warrants; or do something for you that I wouldn't do for other attorneys; or even do for pro-se defendants—who I consider to be more vulnerable, because of their inability to afford the services of attorneys who are willing to expend countless hours of their time to achieve the result that the client seeks. Anyway, I hope that your trial finishes sometime this year...and I'm sure we will speak again soon.

***Gail P. Hardy***

Hartford State's Attorney  
Division of Criminal Justice  
101 Lafayette Street,  
Hartford, CT 06106  
Phone: 860.566.3190

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**From:** Patrick Tomasiewicz [mailto:pt@ftlawct.com]  
**Sent:** Wednesday, January 04, 2017 9:42 PM  
**To:** Hardy, Gail  
**Subject:** Emails

Hello Gail,

I am writing to see if I can get into to see you on Friday with respect to the contents of the e mails that I sent to you. Brief meeting yet important.

Kind regards,

Pat



Patrick Tomasiewicz



96 Oak Street  
Hartford, CT 06106  
tel: 860/231-7766  
fax: 860/560-7359  
pt@ftlawct.com

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4. Undersigned counsel has been in contact with State's Attorney Gail Hardy, who represents that she has reviewed the warrant but was not willing to provide counsel with a copy, as it has not been served.
5. Although undersigned counsel has been unable to obtain a copy of the arrest warrant, upon information and belief, the warrant was issued in connection with domestic allegations of a former acquaintance of Mr. Siddiqui who claimed to have received harassing phone calls from the Chicago, Illinois area during a period of time where Mr. Siddiqui was in that area to attend Northwestern University. She has not provided any proof that such calls came from Siddiqui.
6. There never has been nor is there any protective order or any other legal order in place between the complainant and Mr. Siddiqui which might legally prohibit any contact between them. Moreover, the Complainant has never asked Mr. Siddiqui not to contact her, and has maintained an active interest in communicating with Mr. Siddiqui, as evidenced by her third-party communication with him via Mylife.com.
7. The complainant is a family friend and regular visitor of Mr. Siddiqui's aunt in South Windsor, Connecticut, for over 30 years, making these allegations even more peculiar given that the complainant could simply have cut off all contact with Mr. Siddiqui and his family if she was indeed being genuinely harassed as she falsely alleges—she has not.
8. In fact, Mr. Siddiqui and the complainant became acquainted in 2006 when Mr. Siddiqui was visiting his aunt in South Windsor, Connecticut, at which time the complainant aggressively pursued a romantic relationship with Mr. Siddiqui, regularly coming over to his aunt's house to visit him and seduce him to go out with her even though Mr. Siddiqui never once visited the complainant's house. Despite the considerable difference in

experience and maturity between Mr. Siddiqui and the Complainant, she made up in exuberance and digital persistence what she may have lacked in subtlety and nuance: the complainant bombarded Siddiqui with IM messages seeking to pressure him to go out with her (even though Mr. Siddiqui expressed considerable reluctance at these constant entreaties and only gave in after several repeated requests by the complainant) and frequented Martini bars such as Koji's and Tisane's with him, staying out until the early hours of the morning. Furthermore, even upon Mr. Siddiqui's return to England in late July 2006, they maintained communication and exchanged a series of messages in which complainant sometimes expressed great interest in him and, on yet other occasions, rudely rebuffed him, in what was perhaps an amateurish and inartful attempt to ignite passion while simultaneously feigning disinterest.

9. The complainant and Mr. Siddiqui cut off contact in the Spring of 2007. At this stage, having lost Siddiqui's interest, the complainant began making a series of disparaging and defamatory remarks over several years about Mr. Siddiqui to members of his family in Connecticut and other people in the local South Windsor community, even though she had never expressed any such concerns during their courtship period and had made several unsolicited romantic advances towards Mr. Siddiqui. As a result of this continuing and scurrilous defamation by the complainant over several years, there was a serious rift in Mr. Siddiqui's extended family for several years such that Mr. Siddiqui's family and his aunt's family did not speak at all for 6 years, and Mr. Siddiqui and his family were not even able to attend Mr. Siddiqui's aunt's son's wedding in 2012 because of the friction caused by the complainant's campaign of defamation.

10. In August 2012, resolved to protect his otherwise exemplary reputation from this trans-Atlantic barrage of malicious and defamatory attacks by the complainant, Siddiqui sought and followed the advice from both US and UK Counsel and wrote an email in August 2012 to set the record straight and explain the correct facts of the situation to the audience to whom the Complainant had been defaming him. Though this email was purely factual in nature, contained no abuse or threats of any kind, and was written on Attorney's advice to protect Mr. Siddiqui's reputation and mitigate damages (as was his duty), the Affiant, Detective Rocheleau, nonetheless recklessly and wrongly decided to interpret this email as circumstantial evidence of harassment and evidence that Mr. Siddiqui was also responsible for allegedly harassing calls to the complainant and her employer in 2015, for which there is absolutely no evidence.

11. In January 2015 Mr. Siddiqui received notification that the complainant was searching for him on mylife.com. (See Exhibit 1, attached.) As a result of this notification, Mr. Siddiqui maintained a copy of the notification and called the Complainant on a single occasion, the phone call going straight to voicemail without any communication. Mr. Siddiqui apprised the Affiant of this fact, and the Affiant ignored it. (See Exhibit 2, attached.) The Affiant also alleged that an investigator had contacted the complainant on Siddiqui's behalf; however, the Affiant was provided with a statement from the investigator in question in which she maintained that she never received any contact from Siddiqui or anyone on his behalf and that her company's records show no reference to either Siddiqui or the Complainant. (See Exhibit 3, attached.) The Affiant, apparently, disregarded this as well. In fact, when prior counsel also shared this information with the Affiant, the Affiant subsequently and unreasonably refused to meet with prior counsel,

even though counsel had never witnessed a police officer refusing to meet to accept exculpatory information in their entire combined professional careers of over 80 years.

12. Despite these sparse, non-harassing communications with the complainant over a ten year period, which Siddiqui fully disclosed to the warrant Affiant, but which were apparently not disclosed by the Affiant in the course of his application for the warrant, an arrest warrant was issued for harassment in the second degree.
13. Undersigned counsel, as well as prior counsel for Mr. Siddiqui, have been in contact with State's Attorney Gail Hardy on this case, in which it was indicated that the warrant application did not contain vital information that was known to the affiant officer which would have vitiated the presence of probable cause.
14. Notwithstanding these representations, as well as the self-evident and substantial legal and factual infirmities of this warrant which have all been fully brought to the attention of the State's Attorney, the State's Attorney has taken the position not to cancel the warrant by request, as is the State's Attorney's right per Connecticut Practice Book §36-6. It has therefore been regrettably necessary for Mr. Siddiqui to spend substantial legal fees and time to file a motion and engage the Court's time and resources on this matter for a warrant that would never have issued in the first place and which should have been promptly cancelled by the State's Attorney's office once the facts neglected by the Affiant were brought to their attention.
15. Moreover, this warrant issued on the word of an Affiant whose investigation involved a great deal of very serious and unprecedented misconduct on the part of the investigating police officer, misconduct which, had it been known to the Court at the time the warrant issued, would have—both in isolation and in conjunction with the issues raised above--

vitiating the Affiant's credibility and any probable cause that relied upon it. This misconduct tainted the investigation and the warrant, and includes the following:

- The Affiant turned up unannounced at Mr. Siddiqui's Aunt and Uncle's house in South Windsor, Connecticut and threatened them that "*it would be illegal and they would be treated as felons*" if they did not provide Mr. Siddiqui's phone number to them. It is unheard of for a police officer to threaten law abiding middle aged people with a crime for a minor misdemeanor, particularly those from a Muslim background who are particularly sensitive to police discrimination since events post 9/11. Substantial written evidence exists to support this misconduct.
- The Affiant contacted the Dean's office at Kellogg business school where Mr. Siddiqui was studying at the time and falsely told them that he was "*living and working on the Northwestern campus*", an allegation that insinuated Mr. Siddiqui was in violation of immigration laws. A written email from the Dean at Kellogg exists which supports this. (See Exhibit 4, attached.)
- The Affiant made several threats of international extradition against Mr. Siddiqui to Mr. Siddiqui's father, previous attorneys and members of law enforcement, knowing full well that it is unheard of for someone to be extradited on a minor misdemeanor. In particular, the Affiant menacingly told Mr. Siddiqui's father in May 2015 that if Mr. Siddiqui ever travelled to any international airport in the world, he would be immediately arrested and deported to Connecticut to face arrest and prosecution. (See Exhibits 5-9, attached.)

- During the course of his investigation, the Affiant sought to monitor and keep tabs on Mr. Siddiqui's entrance and departure from the U.S. in a bullying and oppressive fashion as though this was a federal crime or felony of great significance. In particular, he wrote to Mr. Siddiqui's then-lawyer, Greg Powell, and stated false information that Mr. Siddiqui was leaving Boston Airport on April 22, 2015 at 9:40 a.m., false information which was then corrected by Attorney Powell. (See Exhibit 10).

## II. LAW AND ARGUMENT

Connecticut Practice Book §36-6 provides "At the request of the prosecuting authority, any unserved arrest warrant shall be returned to a judicial authority for cancellation. A judicial authority may also direct that any unserved arrest warrant be returned for cancellation." While there is no case directly on point in Connecticut on motions to cancel an unserved arrest warrant pursuant to Conn. Prac. Bk. Sec. 36-6, courts in other jurisdictions have heard such motions. For example, in *Lauredan v. Lauredan*, 2012 N.J. Super. Unpub. LEXIS 2368 at \*3 (NJ Sup. App. Sept. 19, 2012), a warrant was issued for the arrest of the plaintiff for failure to pay child support. When the warrant was issued, the plaintiff filed a motion for order to show cause to cancel the arrest warrant on the basis of a concurrent motion for the children's emancipation retroactively to the time of their graduation from college, which would tend to vitiate the basis for said warrant.

Moreover, there is constitutional precedent for the vacating of a warrant. "In *Franks v. Delaware*, supra, [438 U.S.] 155-56, the United States Supreme Court held that a defendant may challenge the truthfulness of an affidavit supporting a search warrant, provided the defendant has



made a 'substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit . . . .' If this statement is necessary to the finding of probable cause, 'the [f]ourth [a]mendment requires that a hearing be held at the defendant's request.' *Id.* The court stated also that '[t]o mandate an evidentiary hearing, the challenger's attack must be more than conclusory and . . . [t]here must be allegations of deliberate falsehood or of reckless disregard for the truth, and those allegations must be accompanied by an offer of proof. . . . Affidavits or sworn or otherwise reliable statements of witnesses should be furnished, or their absence satisfactorily explained. . . . The deliberate falsity or reckless disregard whose impeachment is permitted . . . is only that of the affiant, not of any nongovernmental informant.' *Id.*, 171." *State v. Batts*, 281 Conn. 682, 695-696 (2007), citing *State v. Ruscoe*, 212 Conn. 223, 232, (1989).

Cases subsequent to *Franks* have extended the rule to include material omissions from the affidavit. *State v. Weinberg*, 215 Conn. 237 cert. denied, 498 U.S. 967 (1990); *State v. Bergin*, 214 Conn. 657, 666 (1990). Additionally, the Supreme Court in *Franks* required an offer of proof, *supra*, 171. Said offer of proof should be "accompanied by a statement of supporting reasons."

In *Franks v. Delaware*, 438 U.S. 154, 165, (1978), the United States Supreme Court has held that the factual basis for probable cause should " 'be truthful' in a sense that the information put forth is to be believed." Further, the Connecticut Supreme Court has held that the false information must be necessary to the finding of probable cause. *State v. Stepney*, 191 Conn. 233, 238 (1983). It is respectfully submitted that had the judicial authority been made aware of the facts as set forth above, throughout this motion and in any hearing thereon, the judicial authority

would have concluded that the Defendant could not have committed the crime(s) charged and the judicial authority would not have found probable cause for the alleged criminal offense(s).

The above offer of proof provides the court with “a substantial preliminary showing” that the warrant Affiant, Det. Eric Rocheleau of the West Hartford Police Department, at a minimum, recklessly disregarded the truth of the non-harassing nature and extremely limited extent of communications between the complainant and Mr. Siddiqui, which is a necessary element of the crimes charged as required by *Franks* to obtain a hearing. Plainly stated, the Affiant was aware that the Complainant did not have the phone number of the alleged harassing phone calls or any record of them. The Affiant was further aware as evidenced in an email to Mr. Siddiqui dated Tuesday March 31<sup>st</sup> 2015 that the complainant had had no contact with Mr. Siddiqui for several years. Moreover, the detective claimed that an investigator had called the complainant on Siddiqui’s behalf, and yet that investigator has stated that she never received any contact from Siddiqui or anyone on his behalf and that her company’s records show no reference to either Siddiqui or the Complainant. Though the warrant Affiant apparently took no steps to investigate this loose end in the Complainant’s tale, this fact has nonetheless been memorialized in writing by the private investigator and relayed to both the Affiant and the State’s attorney by Siddiqui’s prior counsel and a copy of that email is attached to this motion as an exhibit. (Ex. 3).

**A. The Warrant Affiant’s Recklessness and Gross Misconduct In This Matter Fatally Impugn His Credibility.**

The detective was also reckless in his belief and statement in his affidavit that the complainant had told Mr. Siddiqui not to have any “calls, emails, visits or any correspondence from him or through a third person with her and that Mr. Siddiqui has been aware of this” and that Mr. Siddiqui had made “several promises” to the complainant not to contact her. These

statements were plainly false on the facts since, as the Affiant was aware and acknowledged, Mr. Siddiqui had not even had any contact with the complainant for the best part of a decade and there was therefore no possibility of any such communication having taken place. In any event, Mr. Siddiqui unequivocally denies that any such communication ever took place.

It must also be noted that Mr. Siddiqui has never even visited the complainant's home, nor ever sent her any text messages, nor ever emailed her (apart from the one email in August 2012 which was sent on Attorney's advice to protect his reputation from the damaging effect of the complainant's ongoing defamation) and so there was self-evidently never any need for such a communication to take place. Further and proper investigation by the police officer would have confirmed these basic facts and he was therefore reckless in simply believing this false representation from the complainant and misleadingly representing it in his affidavit.

Moreover, the warrant affiant's investigation was littered with misconduct that taints his credibility. Rocheleau threatened Siddiqui's family that not providing him with a telephone number could result in criminal punishment. The warrant affiant also called Siddiqui's school and insinuated that he was living and working there in violation of immigration laws. And he indicated to Siddiqui's father that he would stop at nothing to get Siddiqui arrested: when asked by Mr. Siddiqui's father how one phone call to a family friend of over 30 years-- in response to an online communication from her—that had gone to voicemail without any message left, could possibly amount to harassment on any view let alone a reasonable one, the Detective claimed that the fact one phone call was made by him was "circumstantial evidence" that Mr. Siddiqui must have been responsible for the other alleged calls made to the complainant between February and March 2015. Clearly, this is an absurd view for which there was no more support than there

was for the proposition that the Complainant was manufacturing her allegations, by means of self-made phone calls or otherwise.

While counsel has not been given the opportunity to review the actual warrant at issue and thus cannot detail for the Court the full extent of the Affiant's misrepresentations, there exists a good faith basis to believe that the Affiant has falsely stated on his affidavit or at least sought to give the Court the misleading impression that several phone calls (i.e. more than one) were traced back to Mr. Siddiqui's phone with a view to misleading the neutral magistrate and falsely obtaining a warrant without probable cause. A cursory check of Mr. Siddiqui's phone records will conclusively show that only one phone call was made, a phone call which went to voicemail with no message left. The phone records will also unequivocally show that Mr. Siddiqui at no stage ever made contact with the complainant's employer as has presumably been falsely alleged by the Affiant in his affidavit. Indeed, Mr. Siddiqui's father has submitted an affidavit in support of this motion which states that the police officer had himself told him that he had simply "assumed" that Mr. Siddiqui was responsible for the allegedly "harassing phone calls" to the complainant and her employer between February and March 2015 without any evidence whatsoever to justify his absurd and unreasonable assumption.

Therefore, without a factual representation in the warrant affidavit that the Defendant was linked to either: (1) a telephone call in which he addressed the complainant with indecent or obscene language; or (2) written communications likely to cause annoyance or alarm; or (3) a telephone call he made both (a) in a manner likely to cause annoyance or alarm and (b) with the specific intent to harass, annoy, or alarm the complainant, the judicial authority would not have been able to make a finding of probable cause.

**B. The Alleged Conduct, Even Viewed In The Light Most Favorable To The State, Fails To Satisfy Any Reasonable Interpretation of §53a-183.**

The criminal harassment statute was most certainly not designed to encroach upon or protect against the kind of behavior—even viewed in the light most favorable to the State-- as has been alleged by the Affiant and Complainant, conduct that would at most be actionable under civil law<sup>1</sup>. Mr. Siddiqui has never even allegedly utilized any obscene or indecent language which may bring him within the purview of subsection (1), nor has he had any written communication with the complainant in more than a decade other than the single email which was written on Attorney's advice in August 2012, designed to protect himself against her continuing defamation. Plainly, that email falls outside the purview of subsection (2), and is well outside the one year statute of limitations for misdemeanor in any event.

The State must therefore rely on subsection (3), which prohibits calls made: (1) in a manner likely to cause annoyance or alarm; **and** (2) with the intent to harass, annoy or alarm the complainant. The evidence, however, cannot support such reliance: plainly stated, there is no case in Connecticut under which either the alleged acts of communication here or their content (a single e-mail written in service of a legal duty to mitigate damages; a single telephone call made years later that went to voicemail without any content, a call which was itself made in response to a communication from the complainant; and a call from a third-party investigator to a third-party employer, a call that the investigator herself disputes making) have been determined to be proscribed by §53a-183.

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<sup>1</sup> Indeed, it should be noted that this exact same set of facts is being litigated in a defamation civil suit where Mr. Siddiqui is the Plaintiff and the Defendant (the Complainant here) has not filed a counterclaim. (Exhibit 11.)

Indeed, despite the change in law following *State v. Moulton*, 310 Conn. 337 (2013), allowing a person to be prosecuted under §53a-183 for both the conduct *and* the constitutionally unprotected content of harassing communications, there remains longstanding precedent that shields conduct *and* content such as that alleged by the State here from prosecution. As recently detailed by the *Nowacki* court:

“Typically, the provisions of §53a-183 have been enforced in the context of a multitude of unwanted communications; see, e.g., *State v. Orr*, 291 Conn. 642, 645-46, 969 A.2d 750 (2009) (defendant left multiple angry voicemails with threats to police captain); *State v. Hopkins*, 62 Conn.App. 665, 667, 772 A.2d 657 (2001) (victim received over 139 pages of unsolicited love letters over three years); *State v. Snyder*, 40 Conn.App. 544, 546, 672 A.2d 535 (defendant ordered dozens of magazine subscriptions and \$5,000 worth of merchandise delivered to victims), cert. denied, 237 Conn. 921, 676 A.2d 1375 (1996); or the misuse of letters or electronic devices for the purposes of fraudulent activity; see, e.g., *State v. Buhl*, 152 Conn.App. 142, 148 (defendant utilized fake Facebook profile to expose contents of victim’s diary); *State v. Adgers*, 101 Conn.App. 123, 125-26, 921 A.2d 122 (2007) (defendant sent letters from prison to victim of sexual assault under guise of “legal mail”); or the violation of a protective order or other form of court order.”

*State v. Nowacki*, 155 Conn.App. 758, 788 (2015). Moreover, the *Moulton* court itself noted that while it may be possible for a single telephone call to be harassing in violation of §53a-183 based upon the circumstances surrounding the call, “it is far more likely that a lone telephone call will be found to be harassing or alarming on the basis of the offensive or abusive content of the call.” *State v. Moulton*, supra, 310 Conn. at 360 n.21. Here, there is simply no credible allegation of offensive or abusive content, as there is no content whatsoever. And in the absence of any evidence of harassing circumstances surrounding the single, unanswered call, the State’s case necessarily fails.

Furthermore, per *Moulton*, Subsection (3) has been given a very specific meaning by the Connecticut Courts when relying on the content of the calls (as the State is here) such that the State can only prosecute speech that can objectively be deemed to by its “...very utterance inflict injury or tend to incite an immediate breach of the peace...” or “... a true threat.” (Internal

citations and quotes omitted) *Mouton*, supra, at 349. Accordingly, while serious and credible threats of physical injury are prohibited by subsection (3) and rise to the level of a crime, that is clearly not the point at issue here. Similarly, if the State were to rely on the conduct of calls, then it would typically have had to show that a very large number of unwanted calls were consistently being made by the Defendant to the complainant at anti-social hours. Once again, this is not at issue here, since Mr. Siddiqui's phone records clearly show that only one phone call was made in a non-harassing manner and in response to an online notification he had seen from the complainant.

As it is not alleged by either the complainant or the State that Mr. Siddiqui ever made any physical threats of injury to the complainant whatsoever, whether direct or indirect, it must necessarily be the case that Mr. Siddiqui's alleged conduct cannot come within subsection (3), even if the State had any evidence that Mr. Siddiqui was responsible for these "harassing phone calls" which it clearly does not, other than an unreasonable and unfair presumption by the Affiant. Such grist for the mill is so thin as to be no grist at all.

### **C. Expiry of Any Notional Probation Period.**

It is highly uncommon—if not unprecedented-- for a misdemeanor warrant to be issued for a foreign national living in a different continent in circumstances such as these, where (1) there have been no direct threats of physical injury, (2) there has not even been any contact between Mr. Siddiqui and the complainant for over a decade, and (3) there is clearly no imminent risk of physical injury or contact whatsoever since Mr. Siddiqui and the complainant reside in different continents.

As well as the above, the Court should note that, even on the State's case there has now been a further 2-year period in which there has not been any contact whatsoever between Mr. Siddiqui and the complainant. Any probation period which might have been in place for Mr. Siddiqui would have expired a long time ago, and has come and gone without any further allegations. As well as the fact there is no probable cause for this warrant and it should never have issued in the first place, this represents a separate line of reasoning as to why this warrant should be promptly cancelled.

As matters stand and with an outstanding warrant for his arrest, Mr. Siddiqui is unable to return to the United States to continue his education at graduate school for fear of arrest on this incorrectly issued warrant. This is regrettably causing him to suffer ongoing economic losses.


We are confident that this Court will find that this warrant has been issued in error based on nothing more than one phone call which went to voicemail with no voicemail left and which was in response to an online notification message from the complainant, something which most certainly cannot be said to constitute criminal harassment on any interpretation, let alone a reasonable one, either as a matter of fact or law. Therefore, with all the facts now properly before a reviewing Court, and without a credible factual representation in the warrant affidavit that the Defendant was linked to either: (1) a telephone call in which he addressed the complainant with indecent or obscene language; or (2) written communications likely to cause annoyance or alarm; or (3) a telephone call he made both (a) in a manner likely to cause annoyance or alarm and (b) with the specific intent to harass, annoy, or alarm the complainant, the judicial authority cannot make a finding of probable cause.

For all the foregoing reasons, the Defendant has made a "substantial preliminary showing" that the Affiant recklessly disregarded the truth of a material fact which was necessary to the



Court's finding of probable cause, or otherwise omitted such facts. Based on the foregoing, Mr. Siddiqui respectfully requests that a hearing be calendared for the Court to hear the Motion to determine whether the warrant should be canceled on the basis of information not included in the arrest warrant when it was issued.

RESPECTFULLY SUBMITTED,

By   
NORMAN A. PATTIS, ESQ.  
KEVIN SMITH, ESQ.  
PATTIS & SMITH, LLC  
383 Orange Street  
New Haven, CT 06511  
T: 203-393-3017  
F: 203-393-9745  
Juris No. 423934


**ORDER**

The foregoing motion having been heard, it is hereby ordered: GRANTED/DENIED.

\_\_\_\_\_  
Judge/Clerk

**CERTIFICATION**

This is to certify that a copy of the foregoing has been served on the above date to counsel, Attorney Gail Hardy, Office of the State's Attorney, GA 14 at Hartford.

  
NORMAN A. PATTIS, ESQ.  
KEVIN SMITH, ESQ.

**EXHIBIT 1**



Faiz Siddiqui <faizsiddiqui64@gmail.com>

## Faiz Siddiqui, Action Required: Check Important Updates on Your Identity Summary

MyLife Update <mylife@mail.mylife.com>  
Reply-To: no-reply@mail.mylife.com  
To: Faiz Siddiqui <faizsiddiqui64@gmail.com>

Thu, Jan 1, 2015 at 6:02 PM



IDENTITY SUMMARY 01/01/2015

### Review Important Updates for Faiz Siddiqui

**SOMEONE IS VIEWING YOU** *New*



**Erum Majid** from South Windsor, CT is viewing your info

[VIEW DETAILS](#)

## Has Your Email Been Breached?

Check data breaches that have put over 500 million people at risk.

It's easy - enter your email to see if you've been a victim

faizsiddiqui64@gmail.com

**CHECK NOW FOR FREE**

Connect with us



To protect your privacy, do not forward this email to anyone not authorized by you to access your profile.

[Unsubscribe](#) [Manage Settings](#) [User Agreement](#) [Privacy Policy](#)

Got a question? Visit our Help pages or call us at (888) 820-9006

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**EXHIBIT 2**



Faiz Siddiqui &lt;faizsiddiqui64@gmail.com&gt;

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**Erum Majid**

3 messages

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**Eric Rocheleau** <ERocheleau@westhartfordct.gov>

Mon, Mar 30, 2015 at 7:03 PM

To: "faizsiddiqui64@gmail.com" &lt;faizsiddiqui64@gmail.com&gt;, "faizsiddiqui64@googlemail.com" &lt;faizsiddiqui64@googlemail.com&gt;

Hello Mr. Siddiqui,

I very much appreciate you calling me back after receiving my email. I am working day shift this week, generally 8 am to 4 pm. The best time to reach me would be from 8 to 8:30 first thing in the morning although I am here during business hours. Please try back at (860) 523-2140.

Regards,

Sgt. Eric A. Rocheleau #258

Detective Division

103 Raymond Rd.

West Hartford, CT

(860) 523-2070 x 2140

---

**Faiz Siddiqui** <faizsiddiqui64@gmail.com>

Tue, Mar 31, 2015 at 3:48 PM

To: Eric Rocheleau &lt;ERocheleau@westhartfordct.gov&gt;

Dear Detective Rocheleau,

I was very surprised to receive your email since I have not seen, spoken with or had any written correspondence with Erum Majid for several years.

Please inform Erum that I have absolutely no desire to have any communication with her and that she should stop making malicious and false accusations against people. Whatever happened between us several years ago is now ancient history and I do not see any point in dwelling on it.

There is no point in discussing this matter further since I have nothing further to add. I would be grateful for your confirmation that the matter is now closed.

Regards,

Faiz

On Wed, Mar 25, 2015 at 1:38 AM, Eric Rocheleau <ERocheleau@westhartfordct.gov> wrote:

Dear Mr. Siddiqui,

Greetings. My name is Detective Sergeant Eric Rocheleau and I work for the West Hartford Police Department in Connecticut. I am writing to you as I would like to talk to you about Erum Majid. I would prefer to talk on the phone so please contact me at (860) 523-2140.

Erum explained how you two connected, how your relationship progressed and how it, sadly, did not work out. She has received some suspicious calls lately. She has done some of her own investigating and thinks that it could be you. I would like to understand more about this as I feel there has to be much more to this story. Please call me.

Regards,

Sgt. Eric A. Rocheleau #258

Detective Division

103 Raymond Rd.

West Hartford, CT

(860) 523-2070 x 2140

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Eric Rocheleau <ERocheleau@westhartfordct.gov>  
To: Faiz Siddiqui <faizsiddiqui64@gmail.com>

Tue, Mar 31, 2015 at 11:53 PM

Mr. Siddiqui,

Just to confirm, Erum did say that she has not spoken to you in years. I also believe she has not received any other emails from you since you wrote the 8 page email to her in August of 2012. She has indicated that she does not want any calls, emails, visits or any correspondence in any way from you or through a third person. She indicated that you have been aware of this.

After Erum filed a complaint with this department about bothersome calls from the Chicago Illinois area, I looked into it. Homeland Security confirmed that you were attending school (Northwestern Univ.) in Illinois. Erum never spoke badly of you but did think that you may still be upset with her after things did not end well. She hopes you were not responsible for the calls.

As I previously indicated, I believe there is more to this story. It would be irresponsible for me to take one person's complaint and not get not both sides. I'm sure this could all be cleared up in one phone call. I hope this is possible.

Unfortunately, I cannot confirm that this matter is closed. I am working tonight and will should be in the office from 830PM to 1130 pm EST.

Regards,

Sergeant Eric Rocheleau

**From:** Faiz Siddiqui [mailto:faizsiddiqui64@gmail.com]  
**Sent:** Tuesday, March 31, 2015 10:49 AM  
**To:** Eric Rocheleau  
**Subject:** Re: Erum Majid

[Quoted text hidden]



**EXHIBIT 3**

**From:** Molly Monahan [mailto:Monahan@siriusinvestigations.com]  
**Sent:** Monday, February 29, 2016 1:27 PM  
**To:** Bergenn, James  
**Subject:** Deep Search

Mr. Bergenn

I thorough electronic search of all our Sirius Investigation files in Quick Books, Emails and all Documents showed no references to any of the following:

1. Faiz Siddiqui;
2. Erum Majid;
3. BlumShapiro accounting firm, or Richard Finkel of that firm;
4. West Hartford Police Officer Eric Rocheleau;

We are not able to search phone records and cannot state for certain that we did not receive calls from those named individuals. However we can state with certainty that we show no professional relationship to any and all the above.

Molly Monahan

Agency Principal & Investigator

WA Agency Lic. #1646

360 685-4268

[www.siriusinvestigations.com](http://www.siriusinvestigations.com)

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**EXHIBIT 4**



Faiz Siddiqui <faizsiddiqui64@gmail.com>

**Re: Details of malicious phone call**

2 messages

**Faiz Siddiqui** <faizsiddiqui64@gmail.com>  
To: Greg Haniffee <g-haniffee@kellogg.northwestern.edu>

Fri, Apr 17, 2015 at 11:47 AM

Dear Greg,

Many thanks for your well-wishes which I will pass onto my father. As an aside, have you had the opportunity to look further into the matter of the malicious phone call? Can you please let me know the precise date and time of the malicious phone call, who received it at the EMBA office and whether it was recorded?

The more information you can obviously provide the better.

Kind regards,

Faiz

On Mon, Apr 13, 2015 at 6:02 PM, Greg Haniffee <g-haniffee@kellogg.northwestern.edu> wrote:

Hi Faiz -

I'm very sorry to hear about your father's sudden illness, and sorry y=to hear you had to turn around and head back. I'll see the director from Germany next week, and we'll come up with a detailed plan for the transition there.

As for the phone call, I'll work with the IT staff to pull the information and provide it to you.

Best -  
Greg

**Greg Haniffee**  
**Associate Dean, EMBA Global Network**  
Kellogg School of Management  
Northwestern University  
2169 Campus Dr  
Evanston, IL 60208

P 847.467.7013  
M 240.565.3578

[Website](#) | [Twitter](#) | [Facebook](#)

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**From:** Faiz Siddiqui <faizsiddiqui64@gmail.com>  
**Date:** Sunday, April 12, 2015 at 7:00 PM  
**To:** Greg Haniffee <g-haniffee@kellogg.northwestern.edu>  
**Subject:** Weekend/Phone call

Dear Greg,

Apologies to have missed you this weekend. My father was very unwell which is why I had to leave in rather a hurry. You will be pleased to learn that I will be taking your wise advice to take a break and go to Germany.

As an aside, I would be grateful if you would be kind enough to provide me with further details of the malicious phone call which was made to the Kellogg office around a few weeks ago. In particular, I would like to know the time and date of the call and what exactly was said. Any other details such as whether the caller was male/female, what he/she sounded like and whether you were able to track the number etc. would also be very helpful. Presumably, the call would have registered on the Kellogg IT system, even if the number was private?

Please also feel free to put me in touch directly with the recipient of the call if you think that would help. Your assistance in this matter is greatly appreciated.

Kind regards,

Faiz

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**Greg Haniffee** <g-haniffee@kellogg.northwestern.edu>  
To: Faiz Siddiqui <faizsiddiqui64@gmail.com>

Mon, Apr 20, 2015 at 8:33 PM

Hi Faiz -

Date: March 2  
Time: approximately 11:15am  
Call came into our main line (847-467-7020)  
The call was not recorded, that doesn't happen

This is what we know at this point, she didn't think to ask for the caller's name, once she clarified that this was not your place of employment or living, the caller rang off.

We can't get the the detail of the calls to match it exactly. Rebecca Phend took the call, here is her summary below. Make sense for anyone you may have contacted?

Greg

---

Hi Elmer,

I wanted to let you know that I just received a call on the main line for Faiz. The caller said that Faiz had told him he was working here and listed his home address as the Allen Center. I told the caller that no one lives here and that Faiz was a student, but definitely not working here. He said that Faiz had definitely told him that he was working here- not just a student and had definitely put 2169 Campus Drive as his home address and our main line phone number as his contact number.

---

**From:** Faiz Siddiqui <faizsiddiqui64@gmail.com>  
**Date:** Friday, April 17, 2015 at 5:47 AM  
**To:** Greg Haniffee <g-haniffee@kellogg.northwestern.edu>  
**Subject:** Re: Details of malicious phone call

[Quoted text hidden]

**EXHIBIT 5**

**FIRST AFFIDAVIT OF JAVED SIDDIQUI**

My name is Javed Siddiqui. I am over the age of eighteen and I understand and believe in the obligation of an oath and that the contents of my witness statement are true and correct. I hereby state, declare, affirm and say that:

1. My name is Javed Siddiqui and I am a Chartered Accountant by profession. I was previously a senior tax partner at a top 20 firm of Accountants in the UK for 25 years and thereafter a senior tax partner and consultant at another leading UK accounting firm for 17 years. I currently reside in Dubai. This statement sets out my best recollection of a phone discussion I had with Sergeant Rocheleau on Monday 11<sup>th</sup> May 2015, based on a note of the call made immediately after my conversation with Sgt. Rocheleau.
2. I was in Dubai at the time when I noticed a missed call from a USA number with the area code 860. I know this to be Hartford area as the same area code applies to my sister. I returned the call and the receptionist answered as West Hartford Police. I advised her that I had a missed call from their number. I gave her my name and I was put through to Sgt. Rocheleau.
3. Sgt. Rocheleau again asked for my name and my relationship with Faiz. I advised him that Faiz was my son. He told me that Faiz was bothering a woman by the name of Erum Majid. She had registered a complaint that Faiz was harassing her. I advised him that I was unable to discuss the case with him as I knew nothing about it, but that I knew that Rocheleau had visited my sister in Connecticut and she had told me about this.
4. I have not personally met Erum Majid, but I knew her and her family to be long term family friends and regular visitors of my sister's house in South Windsor, Connecticut for over 30 years. Indeed, I understand that she and her family had attended both my sister's sons weddings in Chicago in 2006 and a small, private, family gathering at my sister's

house in South Windsor, Connecticut for the younger son's wedding in 2012. Unfortunately, my own family and I had not been able to attend the my sister's younger son's wedding in 2012 because of the friction caused by Erum making a number of untruthful and malicious statements about my son to my sister's family and other members of the local South Windsor community between 2006 and 2012. Further, I knew that Erum had spent a great deal of time with Faiz when he went to visit my sister in the summer of 2006 and had been very keen on him, regularly visiting him at my sister's house and going out with him. I therefore found these harassment allegations to be very curious and peculiar indeed.

5. I mentioned to Sgt. Rocheleau that I knew he had simply wanted to warn Faiz and ask him to keep away from Erum. I suggested if this is all he wanted, I could 100% assure him that this would be the case. I told him that the only instance of Faiz calling her was one call he had made when he saw Erum trying to find him on a website. I also told him that Faiz had received online notification of this in January 2015. I further told him that Faiz had called in response to this online notification and his call had gone to voicemail and he had not even spoken with her nor left a message.
6. I asked Sgt. Rocheleau that if on the occasion of that one phone call, Faiz was not even able to talk to her and it was simply a missed call without any voicemail message left, then how could this possibly be harassment on any view, let alone a reasonable one, especially since the phone call was to a family friend of over 30 years?
7. Sgt. Rocheleau paused for a moment and then replied by saying that even one phone call could amount to harassment. First, he said that it could constitute harassment because Erum was a girl. I told him that this was ridiculous. He then responded by saying



that it might constitute harassment because Erum was a member of an ethnic minority group. I told Sgt. Rocheleau that this viewpoint was also plainly ridiculous, as both Faiz and Erum were both Pakistani Muslims and from the same ethnic minority group. I gained the distinct impression that Sgt. Rocheleau was just trying to find any way whatsoever to get Faiz into trouble using ever more ridiculous arguments to back up his theories, even though Faiz had not seen, spoken with nor had any contact whatsoever with Erum for several years.

8. Sgt. Rocheleau then told me that he had now been able to go through the complaint and the file handed to him by Erum. He did not think he could just let the matter go with just a warning. He told me that he was looking to get an arrest warrant based on the information he had.

He listed this out:

- i. There had been unscripted telephone calls to her from the London and Chicago area over the last year.
- ii. There had been telephone calls made to her office by a private detective. He had been able to trace the calls and had spoken with the private detective, who had apparently provided "*all the information he needed to know*". I now know this to be a categorical lie based on a statement in an email which the private detective has herself provided which confirms that my son never instructed this private detective in any way. I also understand that the private detective herself denies making the calls.
- iii. That the matter continued after all these years gave him no comfort that Faiz would ever stop "harassing" her.

*M. J. [Signature]*

- iv. That Faiz had made "several promises" to Erum that he would not contact her and that he was not faithful to his promises.
  - v. He had a copy of an email sent by Faiz to Erum's contacts from August 2012 which indicated that, irrespective of the contents, Faiz had no intentions of laying off.
  - vi. A single telephone call had been made to Erum by Faiz from Chicago.
9. I advised him that I was only aware of the one call from Faiz to Erum in response to an online notification from her and nothing more. I told him that Faiz was now in any event Faiz back in London. Sgt. Rocheleau said that one phone call was "circumstantial evidence" that Faiz must have been responsible for the other allegedly "harassing phone calls" to Erum and her employer between February and March 2015 and that this meant that he could "assume" that it was Faiz, even though he confirmed that he had **absolutely no evidence whatsoever** to justify this presumption.
10. Sgt. Rocheleau said that once the arrest warrant had been issued, Faiz would need to come over to the US and get himself arrested. He continued that if he did not, then Faiz would be extradited from the UK to face the charges in the US. Further, Sgt. Rocheleau advised me that if Faiz wanted to travel out of UK, he would also be arrested by the UK authorities or the country of his destination and immediately internationally extradited to the US to face the charges. I am also aware that this threat of international extradition was made to Faiz's previous attorneys and to other members of law enforcement and that there is substantial written evidence to corroborate this.
11. I suggested that this appeared to me to be great waste of public funds, simply for the sake of getting a message to Faiz to not contact Erum, which he had not done for several years in any event. Sgt. Rocheleau said that he would go through with the arrest warrant since, in



**EXHIBIT 6**

## SECOND AFFIDAVIT OF JAVED SIDDIQUI

My name is Javed Siddiqui. I am over the age of eighteen and I understand and believe in the obligation of an oath and that the contents of my witness statement are true and correct. I hereby state, declare, affirm and say that:

1. My name is Javed Siddiqui and I am a Chartered Accountant by profession. I was previously a senior tax partner at a top 20 firm of Accountants in the UK for 25 years and thereafter a senior tax partner and consultant at another leading UK accounting firm for 17 years. I currently reside in Dubai. This statement sets out my recollection of discussions I personally had with my brother in law (Ahsan Ul Haq) and my sister (Seema Ahsan) to the best of my recollection and belief.
2. In mid March 2015, I received a telephone call from Ahsan and Seema. They advised me that they had been visited by two police officers from the West Hartford police department. They met with them at the door and were advised that the matter concerned Faiz Siddiqui whom they believed was known to them. Police advised that they had a few questions to put to them.
3. Police advised that a woman by the name of Erum Majid had lodged a complaint against Faiz for harassing her. I was told that the police had an inch thick file of all the evidence that the police officer explained that had been presented to them by Erum. I inquired and they confirmed that they were never shown any of the contents of the file.
4. Police further said that they merely wanted to speak to Faiz and ask him to stop making harassing phone calls to her. Ahsan and Seema were told that was the extent of it. The police officer then asked them for Faiz's phone number. Ahsan asked the police whether they were obliged to provide this information. The police officer told them that if they did not, *"it would be illegal and that they would be treated as felons"*. Feeling threatened, they

then provided the phone number under duress.


5. All of the above information was repeated by Ahsan and Seema in Karachi in front of my brother and Faiz in Karachi in April 2015.
6. I have had several other discussions with both my sister and brother in law since April 2015 in which they have confirmed that they were threatened by the police officer that "*it would be illegal and that they would be treated as felons*" unless they provided Faiz's contact number.
7. When I initially spoke with Ahsan in mid December 2015, he told me that he would be happy to confirm the above in a witness statement. However, I spoke to him again in January 2016 and he said, presumably under my sister's direction who categorically did not wish to get involved, that he did not wish to get involved in any way.
8. I am truly amazed, as is everyone who I have discussed this matter with including all of our legal advisors, that Sgt. Rocheleau has gone to such extreme lengths in this matter for something which did not even constitute a crime and which should not even have been investigated by the police.

I, Javed Siddiqui, certify that this statement is complete, true and accurate, to the best of my knowledge and recollection.

Dated this 4th day of March, 2017.

  
\_\_\_\_\_  
Javed Siddiqui, Affiant

Signed and sworn to before me this 4th day of March, 2017, at

  
\_\_\_\_\_  
CHARLES G. LAMBERT, Notary Public  
PROFESSIONAL CORPORATION  
674 MUMFORD STREET

**EXHIBIT 7**

### **FIRST AFFIDAVIT OF FAIZ SIDDIQUI**

My name is Faiz Siddiqui. I am over the age of eighteen and I understand and believe in the obligation of an oath and that the contents of my witness statement are true and correct. I hereby state, declare, affirm and say that:

1. My name is Faiz Siddiqui and I am a graduate of the University of Oxford in England and a Tax lawyer by profession. I currently reside in London. This statement sets out my best recollection of my dealings with the complainant (Erum Majid), Sergeant Eric Rocheleau of the West Hartford police department, Sgt. Rocheleau's gross misconduct, as well as more recent events to the best of my recollection and belief.

#### **Interactions with Erum Majid**

2. I had first become acquainted with and got to know Erum Majid in the summer of 2006 when visiting my Aunt and Uncle's family in South Windsor, Connecticut. I understood at the time and still understand that she and her family are close family friends and regular visitors of my Aunt's house in South Windsor, Connecticut for over 30 years. Indeed, she and her family had also attended my Aunt's older son's wedding in Chicago in 2001 and a small, private, family gathering for my Aunt's younger son's wedding in South Windsor, Connecticut in 2012. Indeed, she also regularly approaches and socializes with members of my Aunt's family in Connecticut. I therefore find her harassment allegations to be even more absurd and peculiar in this context as she clearly would have cut off all contact with myself and my family if she was being genuinely "harassed" as she falsely claims.
3. Upon hearing that I was an Oxford educated lawyer in England, Erum had thought I was a "catch" and had aggressively pursued a romantic relationship with me. The first time I had met her at a café in South Windsor, Connecticut, she had flirted with me and even offered that I taste her coffee which I found to be a very forward gesture considering it was the first time I was meeting her. Shortly after this, she had baked a cheesecake and turned up at my



Aunt's house with a view to encouraging me to go out with her, even though both my Aunt and Uncle confirmed that this was extremely unusual behavior for her and they had never seen her do it before. We then went out to a Martini Bar in Hartford, Connecticut by the name of Koji's where she continued to endlessly flirt with me and kept suggesting how I should consider dating someone like her. Shortly after this excursion, the complainant bombarded me with IM messages encouraging me to go out with her again, even though I expressed considerable reluctance at her endless requests and only eventually gave in and accepted to stop her constant entreaties.

4. Around a week later, we then went out to a local cinema to watch *Pirates of the Caribbean: Dead Man's Chest*. Once again, the complainant continued to flirt with me and encouraged me to become romantically interested in her.
5. On another occasion, we went out to another Martini Bar by the name of Tisane and shortly after this visit, we went to a local Congressman's house for a party where we played drinking games until 4am in the morning. On the way back in the car, the complainant constantly commented on how impressive I had been at the party and sat forward in close physical proximity to me to encourage me to make an advance on her. Indeed, the complainant was apparently very impressed at how I conducted myself at this party and grew in admiration and affection for me, even visiting me late at night at my Aunt's house just a few days later. Once again, the complainant flirted endlessly with me seeking to encourage me to go out with her, including but not limited to showing off a bracelet she had bought and getting up from her seat at my Aunt's living room table and shouting "LOOK" at the top of her voice. However, I once again rebuffed her obvious and unsubtle advances.
6. I left the United States on July 28<sup>th</sup> 2006 to return home to England. At this point, I had a

series of inconsistent IM exchanges with the complainant in which she sometimes expressed great interest and on other occasions rudely rebuffed me. We finally cut off contact in the spring of 2007. However, the complainant regrettably saw fit to launch a malicious and long term campaign of defamation and copious false and malicious lies against me for several years to my Aunt's family and other members of the local South Windsor community. As a result of the complainant's persistent false and malicious lies about me over several years, there was serious rift between my father and his sister (my Aunt), such that we did not even speak to my Aunt's family for 6 years and we were not even able to attend my Aunt's son's wedding in 2012, even though the complainant and her family showed up to a small and private family gathering at the Aunt's house in 2012 and paradoxically had more involvement in my first cousin's wedding than myself and my family did, even though my father is the actual brother of my Aunt.

7. As a result of the complainant's continuing defamation over several years, I took advice from both US and UK counsel and decided to send a factually correct email in August 2012 to protect my reputation against the complainant's continuing and damaging defamation and copious false and malicious lies over several years. I did not have any further contact with the complainant until 2015 when I received an online notification from Mylife (see Exhibit 1) which indicated that she was looking for me online. As a result of this online notification, I did call her on one occasion to find out why she was looking for me online. The phone call went to voicemail and I did not leave any message for her.
8. Aside from one factual email written in August 2012 on Attorneys' advice and one phone call which went to voicemail, I wish to confirm that I have not seen, spoken with or had any contact whatsoever with the complainant for **over a decade**. Nor have I ever made any calls to the complainant's workplace as she wrongly and falsely claims.

#### Interactions with Sgt. Rocheleau

9. I heard from my Aunt and Uncle at some stage in March 2015 that Sgt. Rocheleau had gone around to my Aunt and Uncle's house at some stage in March 2015 and threatened them that "*it would be illegal and that they would be treated as felons*" if they did not provide my phone number. I understand that based on this menacing and unfortunate threat, they provided the phone number to him under duress as they feared arrest.
10. I subsequently received an email from Sgt. Rocheleau on Wednesday March 25th in which he claimed that Erum Majid had received some "suspicious calls", that she had done some of her "own investigating" and believed it might have been me. As such, he invited me to call and speak to him. As I had not seen nor spoken with Erum for years, still less made any "suspicious calls" to her, I decided to send a simple email back to Sgt. Rocheleau on Tuesday March 31st to let him know that I had not seen, spoken or had any written correspondence with Erum Majid for several years and that she should therefore stop making false and malicious allegations against me.
11. Sgt. Rocheleau responded on Tuesday March 31st 2015 to persist with saying that he wanted to talk to me and that the complainant had herself accepted that "she has not spoken to you in years" and that she had not received "any other emails" since I "wrote the 8 page email to her in August of 2012". Sgt. Rocheleau further went onto state a total lie and fabrication on the part of the complainant to say that "*She has indicated that she does not want any calls, emails, visits or any correspondence in any way from you or through a third person*" and that I had "*been aware of this.*" This was a **total lie and fabrication** on the complainant's part and it was clearly wrong and reckless for Sgt. Rocheleau to believe this in circumstances where he himself acknowledged that there had been no contact between Erum and myself for several years. Sgt. Rocheleau went onto say that he could not confirm

that the matter was closed and that I should contact him at his office number.

12. I very much felt like immediately responding to Sgt. Rocheleau to confirm that Erum's statement was a false and malicious lie which was deliberately and maliciously designed to get me into trouble, but I was advised by my then Attorney (Patrick Filan) to not have any further contact with the police officer. The Court will note from paragraph 25 of my attached defamation complaint that this false and malicious statement on the part of the complainant now constitutes one of the bases for my civil claim in defamation against her.
13. My then Attorney (Patrick Filan) contacted the police officer by phone who menacingly told him that he would 100% be seeking an arrest warrant against me and seeking to extradite me on the charges. This threat was repeated to Commander Johnson of the Northwestern police department and also to my father and he has documented this in his own affidavit.
14. One of my previous Attorneys (Jon Schoenhorn) was also contacted by Sgt. Rocheleau to tell him that he would be seeking an arrest warrant in this matter. I kept asking Attorney Schoenhorn to go and speak with the police officer to give my side of the story, but an arrest warrant was issued purely off the complainant's and police officer's false and lying version of events.
15. I was informed by my previous Attorney (Jon Schoenhorn) that an arrest warrant had issued for me in early June 2015. I was shocked and dismayed by this given that I had not even had any contact whatsoever with Erum Majid for a decade, let alone any "harassing contact" as she now falsely and maliciously claims.

**Sgt. Rocheleau's serious and unprecedented gross misconduct**

16. I wish to emphasize that the examples listed here are only a limited sample of Sgt. Rocheleau's overall gross misconduct in this matter.

By way of some limited examples:

- i. Sgt. Rocheleau turned up unannounced at my Aunt and Uncle's house and threatened them that "*it would be illegal and that they would be treated as felons*" if they did not provide my phone number. All of my lawyers in this matter have confirmed that they have never heard of a threat made by a police officer to law abiding, middle aged citizens in the context of a minor misdemeanor investigation.
- ii. Sgt. Rocheleau called the Dean's office at my business school (Northwestern) and told them that I was "*living and working in breach of my F1 student status*", a comment which was both false and would have serious implications for my visa immigration status in the US.
- iii. Sgt. Rocheleau sought to monitor my movements into and out of the US in a bullying and oppressive fashion as though this was a federal crime or felony of great significance and provided false information to my previous lawyer (Greg Powell) that I was leaving Boston Airport on 22<sup>nd</sup> April 2015 at 9.40am, false information which was then corrected by my lawyer.
- iv. Sgt. Rocheleau proceeded to obtain a search warrant on my phone number in April 2015 **without probable cause** and based on nothing more than the assertion of the complainant that I was the one responsible for anonymous "harassing phone calls" to her.
- v. Sgt. Rocheleau spoke to my father in May 2015 and menacingly threatened him that I would have to go over to the US to surrender and face the charges or that I would

be arrested and extradited to the US to face the charges the next time I attempted to fly out of the UK, either by the UK authorities or the country of destination, knowing full well that it was unheard of for anyone to be extradited for a minor misdemeanour. He further maliciously and menacingly told my father that the fact I had called her once was “circumstantial evidence” that I must have been responsible for the other allegedly “harassing phone calls” to the complainant and her employer between February and March 2015 and that he could simply “assume” it was me without any evidence whatsoever to justify this presumption. Whilst we have not yet seen the warrant and therefore the full extent of Sgt. Rocheleau’s lies and misrepresentations, there is a good faith basis for us to believe that he has deliberately lied on his affidavit and wrongly suggested that several phone calls to Erum Majid and her employer were traced back to my phone.

- vi. Having received the phone records from his search warrant and having realized that this was about one phone call to voicemail, Sgt. Rocheleau nonetheless acted in bad faith and proceeded to apply for an arrest warrant against me without anything approaching sufficient or reliable evidence to support probable cause. He did so despite knowing that Erum Majid was a close family friend and regular visitor to my Aunt’s house and that I had not had any contact with her for several years. I also have a good faith basis to believe that Sgt. Rocheleau lied on his affidavit to suggest that several phone calls to the complainant and her employer had been traced back to my phone, when the reality was that I had just called the complainant once in response to an online notification and that I had never once called her employer at all and that my phone records would have shown this. We believe that Sgt. Rocheleau did this on purpose with a view to misleading the neutral magistrate and

obtaining an arrest warrant without probable cause.

- vii. The threat of international extradition was repeated by Sgt. Rocheleau to Commander Johnson of the Northwestern police department in December 2015.
- viii. I found out through Jim Bergenn that Sgt. Rocheleau had been informed by the private detective that she both (1) had no connection with myself and (2) had not made the calls to the complainant's office in any event. Notwithstanding this, Sgt. Rocheleau decided to wrongly and maliciously "assume" it was me who had contacted the complainant's workplace to make disparaging remarks about her, as well as the one to make a very large number of phone calls to Ms. Majid between February and March 2015 "*at all times of day and night*" and that the fact I had called Ms. Majid once in response to an online notification was "circumstantial evidence" for this. He had no evidence or basis whatsoever for this ridiculous presumption and he confirmed as much in his discussion with my father in May 2015 (see attached First Affidavit from my father).
- ix. When challenged on his misconduct by my previous Attorney, Jim Bergenn, Sgt. Rocheleau dishonestly tried to deny all of his misconduct, insinuated that Attorney Bergenn was himself lying and refused to meet with him and Attorney Tomaszewicz for a follow up meeting, even though neither Attorney had ever witnessed a police officer refusing to meet to accept exculpatory evidence in their entire combined professional careers of over 80 years.

**More recent events/Defamation complaint**

17. I would also bring to the Court's attention that I feel so understandably angry and upset about this matter that I have filed a complaint in defamation against Erum Majid for her false and malicious lies in this matter, which Sgt. Rocheleau was at the very least reckless in believing, or worse and more realistically, acting in bad faith in order to falsely and maliciously obtain an arrest warrant against me without any evidence whatsoever. I would like to draw the Court's attention to paragraph 25 of the complaint which details the complainant's false and malicious lies about me which cannot possibly be true on the factual record of this matter and given that I have not seen, spoken with or had any written correspondence whatsoever with Erum Majid for several years. For ease of reference, I will recount the false and malicious statements which were recklessly believed by Sgt. Rocheleau in bad faith even though they are plainly false on the factual record of this matter:

- i. The complainant told me not to have any *"calls, emails, visits or any correspondence either myself or through a third person with her and that I had been aware of this"*. This statement is **plainly and demonstrably false** on the facts since I had had no communications with the complainant other than the 2012 email since 2007 and so there was self-evidently no possibility or need for such a communication to take place. Further, I had never even once visited the complainant's house and I had only once emailed her in my entire life to protect my reputation from her malicious and defamatory remarks. By stark contrast, the Defendant had repeatedly come over to visit me at my Aunt's house in 2006 on numerous occasions. Notwithstanding these plain and self-evident facts, Sgt. Rocheleau chose to wrongly and recklessly believe this lie from the complainant



which was plainly false on the stated facts that I had not had any contact with her for several years and misleadingly represent it in his arrest warrant affidavit.

- ii. The complainant also falsely stated to the Police that I made "*several promises*" to her that I would not contact her. This is once again **plainly and demonstrably false** on the facts since I had not even had any contact with the complainant for several years. Once again, Sgt. Rocheleau chose to wrongly and recklessly believe this falsehood from the complainant and misrepresent it in his affidavit, even though it clearly contradicted the plain and obvious factual record of this matter in which Sgt. Rocheleau himself accepted by email that I had not had any contact with the complainant for several years.
- iii. The complainant stated that I made a very large number of phone calls to her "*at all times of day and night*" between February and March 2015. This is **plainly and demonstrably false** on the facts since my phone records will unequivocally show that I only called her once and the complainant's phone records will show a complete absence of these incoming harassing phone calls as we strongly believe that she has entirely fabricated and made up these "harassing phone calls" as can be seen from her staunch opposition to our subpoenaing her phone records in the civil case. It was wrong, dishonest and reckless for Sgt. Rocheleau to suggest that one call in response to an online notification which went to voicemail was "circumstantial evidence" that I must have been responsible for the other "harassing phone calls" to the complainant and her employer between February and March 2015. Sgt. Rocheleau "assumed" it was me, admitted as much to my father in his discussion with him in May 2015 and accepted that he had no proper evidential basis for this bad faith presumption whatsoever.

iv. The complainant indicated that I made malicious phone calls to her workplace. Once again, I did not do so and the phone records will unequivocally prove that I did not. It was wrong and reckless for Sgt. Rocheleau to disregard the complete absence of any phone calls to the complainant's employer on my own phone records, as well as a statement from the private detective that she had never heard of me nor made any phone calls to the complainant's workplace.

18. I strongly believe that the "harassing phone calls at all times of day and night" between February and March 2015 **never** took place at all from any source whatsoever and that this was a deliberate, false and malicious lie on the part of the complainant to get me into legal trouble. We are currently seeking to subpoena the complainant's own incoming phone records in the civil case and are confident that her phone records will show a total absence of these so called "harassing phone calls" and will therefore confirm the fact she has lied. What is most interesting and illuminating is that Ms. Majid has instructed her lawyer to seek to stop us from obtaining these phone records (both mine and hers) as she herself knows that she has lied and that these "harassing phone calls" do not in reality exist. If these phone calls did in fact exist, then I am certain that the complainant would have presented them to my lawyer as objective evidence to defend against my civil claim. I can also confirm that the complainant has not launched any counterclaim against me for harassment, defamation or otherwise.

19. As matters stand and with an outstanding warrant for my arrest, I am unable to return to the United States to continue my education at graduate school for fear of arrest on this incorrectly issued warrant. This is regrettably causing me to suffer ongoing economic losses as I cannot complete my education and take up a job. This has also caused a substantial and severe exacerbation in my medical conditions of Major Depression,

Chronic Insomnia and acute anxiety. Further, my father who suffers from a serious heart condition (he had a serious heart attack in 2013 which nearly killed him) and prostate cancer has also suffered enormously in the past 2 years and is now in a very critical and unstable condition in hospital with severe respiratory problems because of the acute and continuing stress and anxiety associated with this incorrectly and inappropriately issued warrant.

20. I believe that the complainant was upset by my truthful email of August 2012 which exposed her for the liar and manipulator that she is and she has inappropriately chosen to seek revenge by making a false and malicious police complaint against me which was wrongly and recklessly believed by the police officer who was acting in bad faith and doing everything possible to maliciously obtain an arrest warrant against me. I strongly believe that (1) the full extent of Sgt. Rocheleau's gross misconduct and dishonesty and (2) the abject lack of any probable cause for this warrant will be unequivocally proven to be the case during the course of this motion.

I, Faiz Siddiqui, certify that this statement is complete, true and accurate, to the best of my knowledge and recollection.

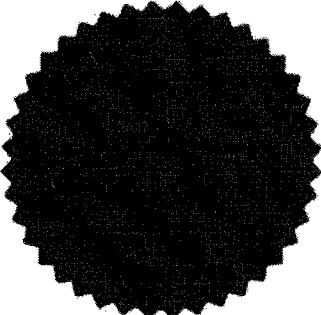
Dated this <sup>29<sup>th</sup></sup> day of March, 2017.

Faiz Siddiqui

Faiz Siddiqui, Affiant

Signed and sworn to before me this <sup>29<sup>th</sup></sup> day of March, 2017, at

Yahia Khan



Notary Public  
EAM E ADULS MTC HETG  
180, Piccadilly  
London  
England  
commission is for life.

**EXHIBIT 8**

## SECOND AFFIDAVIT OF FAIZ SIDDIQUI

My name is Faiz Siddiqui. I am over the age of eighteen and I understand and believe in the obligation of an oath and that the contents of my witness statement are true and correct. I hereby state, declare, affirm and say that:

1. My name is Faiz Siddiqui and I am a Tax lawyer by profession. I currently reside in London. This statement sets out my recollection of discussions I personally had with my Uncle (Ahsan Ul Haq) and my Aunt (Seema Ahsan) to the best of my recollection and belief.
2. In March 2015, my Aunt and Uncle told me that two West Hartford police officers (including Sergeant Eric Rocheleau) visited their house in connection with a complaint made by a long term family friend for over 30 years by the name of Erum Majid. I live in a different country and continent to Erum Majid and have not seen nor spoken with her for over a decade.
3. My Aunt and Uncle told me that the police had a large file which Erum had given to them and that they simply wanted to warn me to stay away from her. They told me that when the police officer asked me for my number, my Uncle asked whether he was obligated to provide it. Sgt. Rocheleau threatened my Aunt and Uncle that *"it would be illegal and that they would be treated as felons"* if they did not provide my phone number. After they were threatened, they provided the police with the number under duress. They confirmed that they would not have provided it had they not been threatened with arrest.
4. My Uncle told me that he had corrected a mistruth that Erum had never been interested in me by making it clear that she had been very interested in me and frequently visited the house to see me, whereas I had never once visited her house. My Uncle told me that Sgt. Rocheleau had then told him that this *"changed things"* since it showed interest and

communication from her side.

5. Apparently, Erum had also deliberately withheld from the police that (1) I had not had any communication with her for over a decade aside from one email which was written on Attorneys' advice to protect myself from the damaging effect of her continued defamation about me and (2) that she and her family were friends and regular visitors of my Aunt's house in South Windsor, Connecticut for over 30 years and also participants in both my Aunt's sons' weddings in Chicago in 2001 and at their family home in South Windsor, Connecticut in 2012. I am sure that she did this deliberately in order to make her false, malicious and baseless complaint look as menacing as possible.
6. All of the above information was repeated by my Aunt and Uncle to me in April 2015 when I went to visit my Uncle in Karachi, Pakistan and also in several other discussions since that time. However, my Aunt and Uncle no longer wish to be involved in this matter.

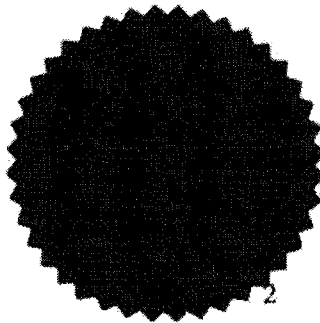
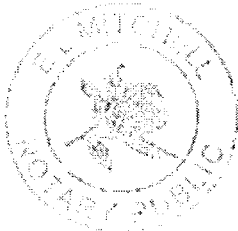
I, Faiz Siddiqui, certify that this statement is complete, true and accurate, to the best of my knowledge and recollection.

Dated this <sup>29<sup>th</sup></sup> day of March, 2017.

Faiz Siddiqui

Faiz Siddiqui, Affiant

Signed and sworn to before me this <sup>29<sup>th</sup></sup> day of March, 2017, at London, England  
FA SIDDQUI



, Notary Public  
EIAWE ROUWE MITCHELL  
180, Piccadilly  
London  
England  
Commission is for life

**EXHIBIT 9**

L. No. 27, Sem No 3,

City: Govvt. Karachi

16 MAR 2017

RUPEES FIFTY

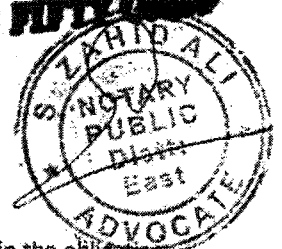
S.No. 35914 Date:

ISSUED TO WITH ADDRESS: ANWAR AHMED ADVOCATE

THROUGH TO WITH ADDRESS: Dig: 3153 HC

PURPOSE: (ATTACHED)

STAMP VENDOR'S SIGNATURE



**AFFIDAVIT OF SOHAIL SIDDIQUI**

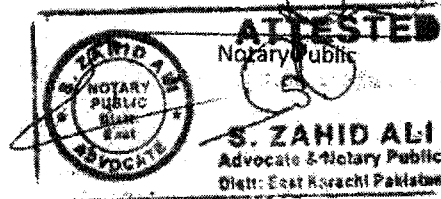
My name is Sohail Siddiqui. I am over the age of eighteen and I understand and believe in the obligation of an oath and that the contents of my witness statement are true and correct. I hereby state, declare, affirm and say that:

1. My name is Sohail Siddiqui and I am a civil engineer by profession. I am a US citizen with a masters degree from the University of Pennsylvania and currently reside in Karachi, Pakistan. This statement sets out my recollection of discussions I personally had with my brother in law (Ahsan Ul Haq) and my sister (Seema Ahsan) to the best of my recollection and belief.
2. In March 2015, I was told by my sister (Seema Ahsan) and my brother in law (Ahsan ul Haq) that they had been visited by police from the West Hartford police department.
3. They told me that the police had visited their house in connection with a complaint made by a lady, an old family friend of Faiz's age, who claimed that my nephew, Faiz, was harassing her. I found this very surprising considering Faiz was in the USA and talking for hours about his educational options and that he would have time to think or bother about this old family friend.
4. They told me that the police officers had a large file which had apparently been produced by Erum and that they had simply wanted to warn Faiz to stay away from her. The police wanted Faiz's USA phone number. My brother in law asked if he was obligated to provide this phone number. My brother in law and sister recalled that the Sergeant told my brother and sister that it would be illegal and they would be treated as felons if they did not provide the number. They told me that they would not have provided the number but for the fact that not doing so would be illegal.
5. I can also confirm that my brother in law, sister, brother (Javed Siddiqui) and Faiz all visited my house in Karachi in April 2015 and this information was provided by my sister and brother in law in front of us then.
6. In December 2015, I became aware that Faiz's lawyers needed statements from my sister and brother in law to recount their encounter with the police officer. I requested them to provide this information, but they did not want to remain involved. I am willing to do anything I can to assist in this matter. I, Sohail Siddiqui, certify that this statement is complete, true and accurate, to the best of my knowledge and recollection.

*Sohail Siddiqui*  
Sohail Siddiqui, Affiant

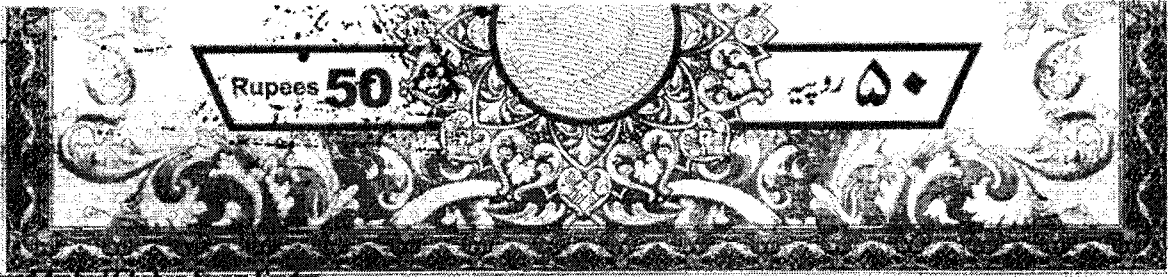
Signed and sworn to before me this 18 day of March, 2017, at

Dated this 18 day of March, 2017.



18 MAR 2017





Muhammad Arshad Chohan Stamp Vendor

L. No. 27, Seat No 3

City Centre, Karachi

16 MAR 2017

S.No 35914 Date

RUPEES FIFTY ONLY

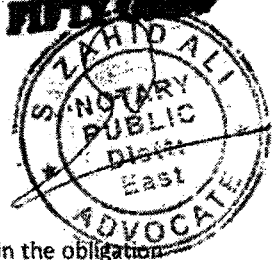
ISSUED TO WITH ADDRESS ANWAR AHMED Advocate

THROUGH TO WITH ADDRESS C/O: 3155 HC

PURPOSE

VALUE (ATTACHED)

STAMP VENDOR'S SIGNATURE



**AFFIDAVIT OF SOHAIL SIDDIQUI**

My name is Sohail Siddiqui. I am over the age of eighteen and I understand and believe in the obligation of an oath and that the contents of my witness statement are true and correct. I hereby state, declare, affirm and say that:

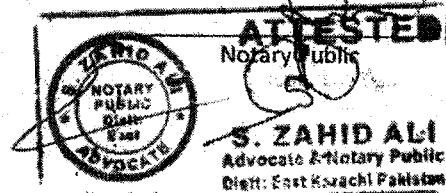
1. My name is Sohail Siddiqui and I am a civil engineer by profession. I am a US citizen with a masters degree from the University of Pennsylvania and currently reside in Karachi, Pakistan. This statement sets out my recollection of discussions I personally had with my brother in law (Ahsan Ul Haq) and my sister (Seema Ahsan) to the best of my recollection and belief.
2. In March 2015, I was told by my sister (Seema Ahsan) and my brother in law (Ahsan ul Haq) that they had been visited by police from the West Hartford police department.
3. They told me that the police had visited their house in connection with a complaint made by a lady, an old family friend of Faiz's age, who claimed that my nephew, Faiz, was harassing her. I found this very surprising considering Faiz was in the USA and talking for hours about his educational options and that he would have time to think or bother about this old family friend.
4. They told me that the police officers had a large file which had apparently been produced by Erum and that they had simply wanted to warn Faiz to stay away from her. The police wanted Faiz's USA phone number. My brother in law asked if he was obligated to provide this phone number. My brother in law and sister recalled that the Sergeant told my brother and sister that it would be illegal and they would be treated as felons if they did not provide the number. They told me that they would not have provided the number but for the fact that not doing so would be illegal.
5. I can also confirm that my brother in law, sister, brother (Javed Siddiqui) and Faiz all visited my house in Karachi in April 2015 and this information was provided by my sister and brother in law in front of us then.
6. In December 2015, I became aware that Faiz's lawyers needed statements from my sister and brother in law to recount their encounter with the police officer. I requested them to provide this information, but they did not want to remain involved. I am willing to do anything I can to assist in this matter. I, Sohail Siddiqui, certify that this statement is complete, true and accurate, to the best of my knowledge and recollection.

*Sohail Siddiqui*

Sohail Siddiqui, Affiant

Signed and sworn to before me this 18 day of March, 2017, at

Dated this 18 day of March, 2017.



18 MAR 2017

**EXHIBIT 10**



Faiz Siddiqui <faizsiddiqui64@gmail.com>

**a simple answer**

**Greg Powell** <GregPowell@psplaw.co.uk>  
To: "faizsiddiqui64@gmail.com" <faizsiddiqui64@gmail.com>

Wed, Apr 22, 2015 at 12:25 PM

That you are leaving Boston at 9.40am .Well ?

Kind Regards,

**Greg Powell**

Managing Partner

Powell Spencer & Partners

A: 290 Kilburn High Road

London NW6 2DD

T: 020 7604 5659

F: 020 7328 1221

E: gregpowell@psplaw.co.uk



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Thank you for your co-operation.



Faiz Siddiqui <faizsiddiqui64@gmail.com>

---

**FW: Faiz**

---

**Greg Powell** <GregPowell@psplaw.co.uk>  
To: Faiz Siddiqui <faizsiddiqui64@gmail.com>

Mon, Mar 13, 2017 at 12:30 PM

The only reference I can find .

**Greg Powell**  
Managing Partner

**From:** Eric Rocheleau [mailto:ERocheleau@WestHartfordCT.gov]  
**Sent:** 23 April 2015 02:22  
**To:** Greg Powell <GregPowell@psplaw.co.uk>  
**Subject:** RE: Faiz

I'll look into it. Thanks

**From:** Greg Powell [mailto:GregPowell@psplaw.co.uk]  
**Sent:** Wednesday, April 22, 2015 7:44 AM  
**To:** Eric Rocheleau  
**Subject:** Faiz

Hi , I am reassured he is NOT in the USA and not therefore catching any flight .Can I ask you to check your source as I would not want either of us to be misled or mistaken about that . many thanks ,

Kind Regards,

**Greg Powell**  
Managing Partner

Powell Spencer & Partners

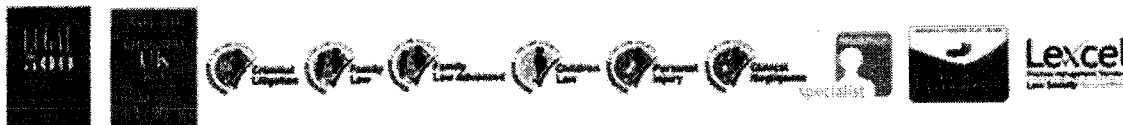
A: 290 Kilburn High Road

London NW6 2DD

T: 020 7604 5659

F: 020 7328 1221

E: gregpowell@psplaw.co.uk



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Thank you for your co-operation.

**EXHIBIT 11**

RETURN DATE: JANUARY 3, 2017 : SUPERIOR COURT  
FAIZ SIDDIQUI : J.D. OF HARTFORD  
v. : AT HARTFORD  
ERUM MAJID RANDHAWA : DECEMBER 8, 2016

**COMPLAINT**

**First Count  
(Defamation)**

1. Plaintiff Faiz Siddiqui is an individual who resides in London, England.
2. Defendant Erum Majid Randhawa is an individual who resides at 153 Gail Lane, South Windsor, CT 06074.
3. Plaintiff is an Oxford University educated solicitor and citizen of the United Kingdom.
4. Both Plaintiff and Defendant are of Pakistani descent and both are Muslims.
5. Defendant and her family are long term friends for over 30 years of the Plaintiff's Aunt and Uncle who reside in South Windsor, Connecticut and frequent visitors to their house. Defendant and her family attended both the Plaintiff's Aunt's sons' weddings in 2001 in Chicago and in 2012 in South Windsor, Connecticut at the Plaintiff's Aunt's house.
6. In the summer of 2006, Plaintiff became acquainted with Defendant on a social basis.
7. Defendant made several attempts to encourage the Plaintiff to go out with her, including but not limited to baking a cheesecake and bringing it to the Plaintiff's Aunt's house where he was staying at the time.
8. During the summer of 2006, Plaintiff and Defendant went to a bar named Koji's along with Plaintiff's first cousin, Usman Haque.

9. At the time of this encounter, Plaintiff was several years older than Defendant and expressed his general preference for the company of women his own age. Defendant became dismayed and encouraged Plaintiff to broaden his views to include younger women such as herself.

10. A few days later, Defendant sent Plaintiff approximately ten instant messages imploring Plaintiff to go out with her again and expressing that she had "a blast" on their previous chaperoned date.

11. Plaintiff responded by saying that he would need to check his schedule and would get back to her.

12. Defendant refused to accept this answer and continued to pressure Plaintiff to go out with her. Plaintiff finally agreed in order to stop Defendant's constant entreaties.

13. Plaintiff and Defendant went to a local cinema and watched "Pirates of the Caribbean: Dead Man's Chest."

14. Plaintiff and Defendant also went out to a bar named Tisane Euro Asian Café in Hartford, CT. Shortly after this outing, the Plaintiff and Defendant both attended a party at a Congressman's house late at night together and played "drinking games" until around 4 a.m.

15. Plaintiff and Defendant met several more times in July 2006 at which Defendant repeatedly expressed interest in the Plaintiff, even visiting him very late at night at his Aunt's home in South Windsor, Connecticut.

16. Plaintiff left the United States on July 28, 2006 and returned to his home in the United Kingdom.



17. In the late summer and fall of 2006 as well as early 2007, Plaintiff and Defendant had a series of inconsistent instant messages in which Defendant sometimes expressed great interest in the Plaintiff and sometimes rudely rebuffed the Plaintiff.

18. At this point, Defendant cut off contact with the Plaintiff, but made numerous malicious and negative comments about Plaintiff to Plaintiff's family members and other members of the local South Windsor community.

19. As a result of Defendant's false and malicious comments, Plaintiff's father and his sister did not speak for six years and the Plaintiff and his family were not even able to attend Usman Haque's wedding in 2012, even though the Plaintiff was Mr. Haque's first cousin and Mr. Haque's mother was the sister of the Plaintiff's father.

20. Plaintiff had no further contact with the Defendant from 2007 to 2012.

21. In 2012, on the advice of counsel and because of continuing defamatory remarks made about him by the Defendant, Plaintiff sent Defendant an email, which was reviewed by both Plaintiff's U.S. and British counsel before he sent it. In this email, Plaintiff expressed his dismay at Defendant's continued malicious and false statements about Plaintiff to his family and provided a factually correct version of events to protect his reputation from the damaging effects of the Defendant's continuing defamation. Plaintiff then had no further contact with Defendant until early 2015.

22. On January 1, 2015, Plaintiff received a notice from mylife.com that Defendant had been viewing his information on the internet. As this time, Plaintiff was studying for a master's in business administration (MBA) at Northwestern University in Illinois. In response, Plaintiff called Defendant once, but did not reach her and left no message.

23. Plaintiff has had no other contact with Defendant of any kind for several years.

24. In 2015, the Defendant willfully, maliciously and falsely accused Plaintiff of harassing her. Defendant falsely stated to the West Hartford police that Plaintiff was harassing her although she knew that she had no contact with Plaintiff for more than two years and only one contact with Plaintiff for more than eight years. Defendant made her false statements to the West Hartford police with the intent to harm the Plaintiff who was then attempting to obtain a master's in business administration from Northwestern University.

25. Whilst further and more specific pleadings will be made upon discovery, various discussions with the police and State's Attorney's office have indicated the following false and malicious statements on the part of the Defendant.

(a) Defendant told the Plaintiff not to have any "*calls, emails, visits or any correspondence from him or through a third person with her and that the Plaintiff had been aware of this*". This statement is plainly false because the Plaintiff and Defendant had no communications other than the 2012 email since 2007. Further, the Plaintiff had never even visited the Defendant's house once and the Plaintiff had only once emailed her in his entire life based on Attorney's advice to protect his reputation from her malicious and defamatory remarks. By stark contrast, the Defendant had repeatedly come over to visit the Plaintiff at his Aunt's house in 2006 on numerous occasions.

(b) Defendant also stated to the Police that the Plaintiff made "*several promises*" to the Defendant not to contact her. This is once again false because the Plaintiff and Defendant were not even in contact with one another for several years.

(c) Defendant stated that the Plaintiff made a large number of phone calls "*at all times of day and night*" to the Defendant between February and March 2015. This is

false because the Plaintiff made only one phone call, which went to voicemail in which the Plaintiff did not leave any message; and.

(d) Defendant stated that the Plaintiff made malicious calls to the Defendant's workplace. Once again, the Plaintiff did not do so.

26. Defendant was aware that her statements to the police were false since she knew that she had had no contact with Plaintiff since 2007, except the 2012 email.

27. Based upon Defendant's false and malicious lies, the West Hartford police contacted Northwestern University and transmitted false information to Northwestern, specifically that Plaintiff was a Northwestern employee who was living and working on campus in breach of his F1 student status. Plaintiff is not and has never been a Northwestern employee.

28. Defendant's false accusations constitute libel and slander per se because they allege a criminal activity.

29. As a result of Defendant's false and malicious statements, there is an outstanding misdemeanor warrant for Plaintiff's arrest. Due to the warrant, Plaintiff cannot travel to the United States to complete his degree without fear of arrest.

30. Plaintiff suffers from Major Depressive Disorder and Chronic Insomnia, both of which have been significantly exacerbated due to the Defendant's false statements.

31. As a result of Defendant's false and malicious statements to the police, Plaintiff suffered severe emotional distress, loss of income due to his inability to complete his Northwestern MBA, and damage to his reputation in his community.

**Second Count**  
**(Intentional Infliction of Emotional Distress)**

1-31. Paragraphs 1-31 of this Complaint are repeated and re-alleged as if fully set forth herein.

32. By making false statements to the West Hartford police that Plaintiff had been harassing her, statements which she knew to be false when made, Defendant intended to cause Plaintiff emotional distress.

33. Defendant's knowingly false statements to West Hartford police were extreme and outrageous.

34. Defendant's false statements to West Hartford police have caused Plaintiff to suffer severe emotional distress.

**Third Count  
(Negligent Infliction of Emotional Distress)**

1-34. Paragraphs 1-34 of this Complaint are repeated and re-alleged as if fully set forth herein.

35. The Defendant's false statements created an unreasonable risk of causing Plaintiff emotional distress.

36. Plaintiff's distress was the foreseeable result of Defendant's false statements.

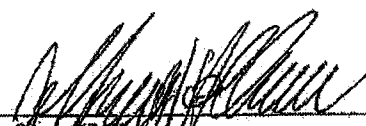
37. As a result of Defendant's false statements and the resulting arrest warrant, Plaintiff has suffered severe emotional distress.

WHEREFORE, Plaintiff claims:

- a. damages,
- b. punitive damages, and
- c. such other legal or equitable relief the Court may deem appropriate.

PLAINTIFF  
FAIZ SIDDIQUI

By: \_\_\_\_\_

  
Jeffrey Hellman  
Law Offices of Jeffrey Hellman, LLC  
(Juris No. 433635)  
195 Church Street, 10<sup>th</sup> Floor  
New Haven, CT 06510  
203-691-8762 (tel.)  
203-823-4401 (fax)  
jeff@jeffhellmanlaw.com

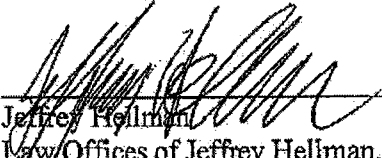
RETURN DATE: JANUARY 3, 2017 : SUPERIOR COURT  
FAIZ SIDDIQUI : J.D. OF HARTFORD  
v. : AT HARTFORD  
ERUM MAJID RANDHAWA : DECEMBER 8, 2016

**STATEMENT OF AMOUNT IN DEMAND**

The amount in demand is greater than \$15,000.00.

PLAINTIFF  
FAIZ SIDDIQUI

By:

  
\_\_\_\_\_  
Jeffrey Hellman  
Law Offices of Jeffrey Hellman, LLC  
(Juris No. 433635)  
195 Church Street, 10<sup>th</sup> Floor  
New Haven, CT 06510  
203-691-8762 (tel.)  
203-823-4401 (fax)  
jeff@jeffhellmanlaw.com

Broadcast Report

P 1  
 03/31/2017 16:44  
 Serial No. A2W011007034  
 TC: 587421

Addressee	Start Time	Time	Prints	Result	Note
18605661983	03-31 15:49	00:28:08	070/070	OK	
18605661458	03-31 16:17	00:26:21	070/070	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,  
 MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,  
 BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX,  
 RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,  
 I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,  
 TEL: RX from TEL, NG: Other Error, CONT: Continue, No Ans: No Answer,  
 REFUSE: Receipt Refused, Busy: Busy, M-Full: Memory Full, LQUR: Receiving length over,  
 PDUR: Receiving page over, FIL: File Error, DC: Decode Error, MDN: MDN Response Error,  
 DSN: DSN Response Error, PRINT: Compulsory Memory Document Print,  
 DEL: Compulsory Memory Document Delete, SEND: Compulsory Memory Document Send.

**PATTIS & SMITH, LLC**  
 383 ORANGE STREET, FIRST FLOOR  
 NEW HAVEN, CT 06511  
 TELEPHONE 203-393-3017  
 FACSIMILE 203-393-9745

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 KEVIN M. SMITH (ksmith@pattisandsmith.com)  
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*CLERK - Lauren Hamillstone 203-566-1983*

To: *State Attorney 203-566-1458* From: *Kevin Smith*

Fax: \_\_\_\_\_ Pages: *70*

Phone: \_\_\_\_\_ Date: *03/31/17*

Re: *Faiz Siddiqui* CC: \_\_\_\_\_

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Comments: \_\_\_\_\_

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October 12, 2017

Faiz Siddiqui  
via e-mail

Re: Meeting with Carl Ajello

Dear Faiz:

On October 12, 2017, Patrick Tomasiewicz and I met with Supervisory State's Attorney Carl Ajello in an effort to persuade him to withdraw the arrest warrant against you. I wanted to write to you while the memory of the meeting is fresh.

The meeting lasted about forty minutes. The tone of the meeting was cordial, but the state's attorney's expressed annoyance that such a meeting should even take place. SASA Ajello began the meeting by stating that during his many years as a prosecutor, he had never met with defense attorneys in order to discuss whether a warrant should be withdrawn or to debate the merits of the evidence supporting the warrant; that he would never do so again; and that, although he would listen to whatever information we wished to present to him, there is no information we could present and no argument that we could make that would cause him to seek to withdraw a warrant that had been issued. This view, it was clear, was not based upon any peculiarities of this particular case, but rather upon the general view that the time for contesting evidence does not begin until the defendant has made his initial appearance. He said that the criminal justice system provides a forum within which to attack the validity and sufficiency of the state's evidence, and that is called "the trial."

He said that he did not intend to provide us with any information concerning the evidence described in the warrant affidavit, and that he would not debate with us concerning the weight or sufficiency of that evidence -- especially since he would be engaging in a debate with people who did not know what was in the warrant and its supporting documents. He did not provide any information as to the contents of the warrant or argue about the evidence, with two exceptions, as will be seen below.

Although I did not ask specifically, it was clear that SASA Ajello had read the letter which I had e-mailed to him yesterday.

We used your memorandum as an outline and made each and every one of the points that you suggested, in the same manner you suggested, paragraph by paragraph, leaving out only one

paragraph.<sup>1</sup> We made those arguments -- even those about which I am somewhat skeptical -- with, I think, the same sincerity and with the same supporting points as you do in your own discussions of the matter. With, as I have mentioned, two exceptions, the states attorneys did not contradict or contest our arguments. They simply listened, as SASA Ajello had indicated at the beginning of the meeting that he would do. You should not interpret their declining to argue with us about specifics as a tacit admission. They simply had decided not to be drawn into argument.

The two exceptions were these:

First, when I argued that there had been one single telephone call from you to Randhawa, made after you had been notified that she had viewed your MyLife page, and that there had never been a large number of telephone calls at all times of the day or night in early 2015, and that this was demonstrated by Randhawa's telephone records, SASA Ajello responded with some animation: "do you think that I would obtain a warrant based on unidentified telephone calls that may have come from telemarketers?" I got the sense from his rhetorical question that the warrant is not based on a large number of hang-up calls wrongly attributed to you and that the claim that the investigating officer lied about this in the warrant affidavit is not supported by the affidavit itself. Although the state's attorneys would not discuss the facts set forth in the affidavit, I got the distinct sense that there is no allegation in the affidavit that you made or caused to be made a large number of calls to Randhawa. Your strongly expressed concern that no prior attorney has pointed this out to the prosecution may be misplaced. Of course, SASA Ajello may have been implying that there were a large number of calls and that they have actually been linked to you, but I do not think so. Rather I think, as I came to conclude in reviewing the information that you sent me, that the basis for the warrant in the Blum, Shapiro material.

Second, when I argued that the content of the calls to Blum, Shapiro was protected by the callers' first amendment privilege, the state's attorney asked how I could know what was said, since I had not seen the warrant application. I said that I had seen the transcript of the recorded Blum, Shapiro call, and that transcript seemed to express views that were protected. We agreed that a true threat was not protected and since I had not seen the affidavit, I could not know whether the calls as described in the warrant affidavits really were protected.

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<sup>1</sup>We did not mention that you were unwilling to agree not to bring a civil action against the investigating officers in exchange for a withdrawal of the warrant, since such a resolution was never suggested by the state's attorneys.

page 3

I am not sure what to make of this exchange. It suggests that the calls to Blum, Shapiro included more than we have been able to piece together, but it may have been just an attempt to point out to me that it is presumptuous to make a first amendment argument when I do not know what words were said.

Patrick asked (as you had suggested) if the state's attorneys were unwilling themselves to seek to withdraw the warrant, whether they might consider not opposing the court's withdrawal of the warrant.

The state's attorney's response was that seven attorneys in the state's attorney's office had, at one time or another, reviewed the warrant application and agreed that it set forth probable cause, that a judge had reviewed it and found that it set forth probable cause, and that the place to contest such conclusions was at trial, not in a pre-arrest conference in the state's attorney's office. They did not think that the court had jurisdiction to consider the issue and they would continue in that view. With respect to the cost of litigating the matter, SASA Ajello did not seem concerned: "We don't put a price tag on justice," he said.

I had expected before the meeting to encounter a great deal of sympathy for Randhawa and satisfaction that the warrant prevents you from being in the United States. I did not encounter any of that. Rather, the state's attorneys' concerns were largely procedural: state's attorneys never give the defense the opportunity to contest the allegations of an arrest-warrant affidavit prior to an arrest, and they are not about to start now. I get the sense, Faiz, that the state's attorney's meeting with us was simply an accommodation to Patrick and that allowing the defense to contest the allegations of a warrant application before a warrant has been served, no matter how persuasive the defense's contentions, is something that the state's attorneys contend should not occur at all. I also get the sense that our arguments concerning the underlying basis for the warrant are missing the mark and that there is material in the warrant application of which we are unaware.

I shall continue working on my memorandum for Tuesday's hearing and shall send you my first draft when it is completed.

Sincerely yours,

Jeremiah Donovan

STATE OF CONNECTICUT  
SUPERIOR COURT - G.A. 14

STATE OF CONNECTICUT

v.

FAIZ SIDDIQUI

no docket number yet assigned,  
case scheduled for reargument  
October 17, 2017

October 16, 2017

**DEFENDANT FAIZ SIDDIQUI'S MEMORANDUM  
IN SUPPORT OF MOTION TO REARGUE**

**Introduction:** Faiz Siddiqui, a London-based solicitor and Oxford graduate, filed a Motion for Cancellation of Arrest Warrant ("Motion") in this Court, with eleven attached exhibits, in which he alleged that the Court had wrongfully issued a warrant for his arrest for violating General Statutes § 53a-183(3) (harassment in the second degree). Mr. Siddiqui sought, at considerable length, to persuade the Court that the affidavit in support of the warrant could not have established probable cause, Motion at 11-13, or that it contained materially false statements, *id.* at 11, or that it recklessly disregarded the truth of a material fact, *id.* at 15. Mr. Siddiqui requested that the Court cancel the wrongfully issued warrant. *Id.* at 16. The gist of Mr. Siddiqui's argument was that the warrant application must allege that he had made repeated hang-up calls to the complainant, while telephone records indicated that he had made only a single call.

The Court, in a written decision, reviewed Mr. Siddiqui's assertions that the warrant had issued for his arrest based on the complainant's false claims that he had made several harassing calls from Chicago, Illinois; that if there were harassing calls, there was no evidence concerning the source of the calls; and that the complainant had a motive for fabrication. Decision at 1.<sup>1</sup> The Court, however, declined Mr. Siddiqui's request that it review the warrant for sufficiency, determine whether material false

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<sup>1</sup>A scrivener's error indicated that the warrant originated from investigation by the West Haven rather than West Hartford police.

statements supported the warrant application, and order the warrant withdrawn.

Rather, the Court decided that until an executed warrant was returned to the Court after the arrest of Mr. Siddiqui, it lacked jurisdiction to review the sufficiency and propriety of an unexecuted warrant. It would only obtain such jurisdiction at the time the executed warrant was returned and the defendant presented in court. Decision at 2.

Mr. Siddiqui moved pro se for reargument and the Court granted the motion, scheduling Tuesday, October 17, 2017 as the date for the reargument.

This memorandum, submitted prior to the hearing of the reargument, benefits from the discovery obtained from the Complainant in *Siddiqui v. Randhawa*, docket no. HHD-CV-17-6073898S, which was not available when the original Motion was prepared. It sets forth Mr. Siddiqui's contentions in a somewhat different manner than the Motion, taking care not to repeat at any significant length the arguments or the factual assertions of the Motion, which, having been once made, need not be made again.

***Factual and procedural background:*** Previous attorneys have contacted the State's Attorney to argue that Faiz Siddiqui, a London-based English solicitor for whom an arrest warrant is presently pending, has been wrongfully accused. Motion at ¶¶ 4, 11, 14. Having failed to persuade the State's Attorney of Mr. Siddiqui's innocence, they have filed in this Court the Motion for Cancellation of Arrest Warrant with multiple attachments, seeking to persuade this Court to review the application and affidavit in support of the arrest warrant in order to determine whether the affidavit truly establishes forth probable cause and sets forth truthful factual information.

Previous attorneys, however, not having access to the application for the arrest warrant and affidavit in support, see Decision at 2, have been shooting in the dark,

trying to piece together what the warrant affidavit *must* say, and then demonstrating that the putative affidavit is wrong. The undersigned, too, has had no access to the affidavit in support of the warrant, and so, too, is shooting in the dark, but we have had access to discovery from a civil action between Siddiqui and the Complainant. A careful review of that discovery (as well as all the prior submissions in the case) suggests that Siddiqui is innocent of the Complainant's claims of harassment.

To be more specific, the discovery in the civil case includes emails from the Complainant to the investigating officer Eric Rochelau. In one of these e-mails, described by the Complainant as her "draft statement," the Complainant sets forth in careful detail her allegations. We have attached that statement to this memorandum, removing e-mail addresses and hand-numbering the paragraphs for ease of reference. (The discovery also contains similar e-mails to the investigating officer from South Windsor, Mark Cleverdon, which make the same allegations.) These e-mails set forth the factual basis as to why Complainant thinks that she has been harassed by Mr. Siddiqui. The affidavit in support of the arrest warrant almost surely mirrors the allegations set forth in Complainant's e-mailed "draft statement," so this e-mails is as close to the warrant affidavit that the undersigned can come. The e-mail supports our argument that the warrant affidavit either does not set forth probable cause or must be based upon incorrect information.

Complainant begins her statement with a three-paragraph description of her relationship with Mr. Siddiqui. Draft statement ¶¶ 1-3. It is very different from Mr. Siddiqui's description of the same relationship. This memorandum will not re-hash Mr.

Siddiqui's version; it has already been presented at length.<sup>2</sup> In order to determine whether a crime was committed, it is not necessary to analyze the romance or the non-romance, to determine who was in the right and who was in the wrong, who was sensitive and who was cruel. It is enough to note, as a starting point, that at the time of Complainant's marriage in 2012, Mr. Siddiqui sent a very bitter e-mail to Complainant, relatives and friends in which the extent of his suffering was apparent. Complainant statement at ¶ 5.

Complainant's later claims of harassment are almost surely colored by her anger at that e-mail, and those claims lack merit.

First, Complainant complains that sometime during the year after the bitter e-mail, Link-In (a website where professionals post their resumes) provided her with a routine notification that someone in London had reviewed the professional information that she had posted on the site. *Id.* ¶ 6. There is no evidence that the curious Londoner was Mr. Siddiqui and no credible argument that reviewing a curriculum vitae that someone has posted on a publically available website constitutes harassment. (Googling old friends and acquaintances to see what they are up to is a popular pastime.)

Two years passed with no alleged contact. This brings us within the statute of limitations period.

On July 16, 2014, an anonymous caller left a message for Complainant's supervisor at the accounting firm where she worked, leaving a voicemail that seriously impugned her integrity and suggested that she be fired. *Id.* ¶ 7.

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<sup>2</sup>Defendant's Motion for Cancellation of Arrest Warrant (hereinafter "Motion") sets forth the history. Motion at 2-7. The First Affidavit of Faiz Mr. Siddiqui (exhibit 7 to Motion) describes the relationship at length.

On November 14, 2014, a caller who said his name was "Mike" and whose caller id said "Patrick Schneemann" called Complainant's boss and urged that she be fired because of a serious drug problem. *Id.* ¶ 8. An hour later, her boss received another call, this one from someone whose caller id identified her as Nadol Streaman – Streaman hung up as soon as the phone was answered. *Id.*

On February 13, 2014, a caller who identified herself as Molly Monahan, a private investigator, called the managing partner of Complainant's firm and the firm's director of human resources, relaying derogatory claims about Complainant and suggesting that she be fired. *Id.* ¶ 10.

We do not know whether someone is competing for Complainant's job, or whether a former client is displeased with her, or whether some former friend wishes her ill, but Faiz Mr. Siddiqui strenuously denies having had anything to do with the making of those telephone calls, denies ever having had any contact, direct or indirect, with the anonymous caller of July 16, or with Patrick Schneeman, or with Nadol Streaman, or with Molly Monahan. See Motion, Exhibit 7 (affidavit of Faiz Mr. Siddiqui) ¶ 16(vi). Because of the vehemence of his denials, we tend to doubt that there could be any evidence set forth in the warrant application that links Mr. Siddiqui with any of the callers. They were acting at the behest of someone else.

One of the disturbing aspects of this prosecution is that Complainant in her e-mails seems immediately, instinctively, and conclusively to claim that anytime a caller hangs up upon reaching a voice mail message, the call must have been instigated by Mr. Siddiqui, and I fear that those multiple telemarketer calls that all of us routinely receive may have been wrongly incorporated into the warrant application and described as harassing calls from Mr. Siddiqui.



One vivid example of Complainant's unjustified claims of harassment is Nadol Streaman, who, Complainant takes pains to inform Rochelau, called Complainant's boss and hung up when he answered -- not one hour after the Schneeman call. Draft Statement ¶ 8. This is an example of the way that Complainant blames Mr. Siddiqui for actions that are not criminal -- for actions in which he has no involvement.

The state would probably not dispute that Nadol Streaman's full name is Corrine Ann Streaman Nadolny. From Canton, she was formerly the business development director for Filomeno & Co. of West Hartford, and, at the time of call and presently, is a sales representative at Paychex, Inc. She has had considerable business dealings with the Complainant's employer, and has had nothing at all to do with Mr. Siddiqui. The undersigned is not sure why she hung up -- perhaps she realized she had pressed the wrong "contact" button when she heard the answerer's voice, but her hanging up had nothing to do with harassing the Complainant.

As has been previously submitted, the investigator Monahan herself e-mailed James Bergenn, informing him that she had never had any professional relationship with Mr. Siddiqui (Exhibit 3 to Motion), and we also note that none of the telephone numbers originating the calls to the Complainant's employer has been traced to a number Mr. Siddiqui used or controlled.

Before we discuss the single call that Mr. Siddiqui did make to Complainant, it is important to note that Complainant, like many of us, seems to receive frequent calls from mass marketers and scam artists, but unlike most of us, when she receives such calls, she blames Mr. Siddiqui for harassment. For example, in other e-mails disclosed in discovery, she took care to report to the investigators each time she received calls from an Albany GA telephone number (229-518-6462) and from another Georgia

number (331-523-4292), suggesting that these are harassing calls from Mr. Siddiqui. Her telephone records reveal that she does frequently receives calls from those numbers, and we fear that calls from those numbers are attributed in the warrant affidavits to Mr. Siddiqui.

If one googles these telephone numbers, however, one finds a large number of complaints from people all over the country about the misuse of these two numbers by telemarketers. See <https://www.callercenter.com/229-518-6462.html>. A typical complaint is the one from Marguerite France on June 29, 2015. She says of the people who call from 331-523-4292: "These people are relentless. They have called my sister in Farmington, CT at 860-677-1552 a total of 21 times. She answers and tells them to stop calling. They are selling solar panels. She tells them she already has them and they actually called her a liar. She is an older lady and is getting extremely upset about this. They need to be removed."<sup>3</sup> If Complainant attributes to Mr. Siddiqui calls that a search of the internet quickly will reveal are calls from numbers used by unscrupulous mass telemarketers, her claims should be dismissed.

Complainant claims that on February 25, her telephone indicated that she had missed a call from 224-622-3820. Her telephone records confirm that there was a single call from that number, of a duration that would indicate that the caller hung up when a voice message answered.

The telephone was Mr. Siddiqui's; he made the call; he has always acknowledged that he made the call. See Motion, ¶ 11; *id.*, Exhibit 7 (first affidavit of Faiz Mr. Siddiqui ¶ 8) ("Aside from one factual email written in August 2012 on

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<sup>3</sup><https://800notes.com/Phone.aspx/1-331-523-4292>, last reviewed on October 11, 2017.

Attorneys' advice and one phone call that went to voicemail . . . , I have not . . . had any contact whatsoever with the complainant for over a decade"). Mr. Siddiqui has previously described how he had been notified by MyLife that Complainant had recently viewed his biography on that site (see Motion, Exhibit 1 (MyLife notification re Complainant)) and he thought he would call her to say hello. She did not answer (the call was late -- as calls to exes often are, and it was an hour later on the east coast than in Illinois) and he did not leave a message.

A review of the telephone records of Complainant's incoming calls that were provided in discovery in the civil case are attached. Those records confirm that this is the only call Mr. Siddiqui made to Complainant, the only attempted contact since the bitter 2012 e-mail. Police investigators have subpoenaed Mr. Siddiqui's telephone records, and we are confident that they could have found nothing different.

Mr. Siddiqui believes that the warrant affidavit, seizing upon Complainant's claims that the telemarketing calls come from Mr. Siddiqui, may allege that he made frequent calls to Complainant "at all times of the day and night between February and March of 2015,"<sup>4</sup> but Complainant's telephone records reveal one single call, and we fear that the affidavit may seek to attribute to Mr. Siddiqui numerous calls that even a cursory investigation would reveal are from numbers used by mass telemarketers about whom complaints have been made by victims all over the country.

That fear is furthered by the investigating officer's unjustifiable view, expressed to Mr. Siddiqui's father, that Mr. Siddiqui's making a single call to Complainant is circumstantial evidence establishing that he must have made all the other calls. See

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<sup>4</sup>The basis for Mr. Siddiqui's belief seems to be something that one of his attorney's told him about something that the State's Attorney said in their discussions concerning the allegations of the warrant.

First Affidavit of Javed Mr. Siddiqui at ¶ 9 (Exhibit 5 to Motion) -- when googling easily establishes that many of Complainant's incoming calls are from telemarketers who use the numbers which, we believe, the Complainant may have attributed to Mr. Siddiqui.

The undersigned, after his own review that was facilitated by the civil discovery, has come to believe that the basis for the warrant is not the unsupportable claim that Mr. Siddiqui made numerous hang-up calls to the Complainant, but rather that he was responsible for the four calls to the Complainant's employer. The Motion pays scarce attention to these calls, not mentioning them in its factual recitation. See Motion at 1-7. This memorandum therefore considers these calls at greater length and argues that if the warrant is based primarily on these calls, it violates the free-speech rights of whoever it was who may have made those calls.

**Discussion:** In his motion, Mr. Siddiqui

first, pointed to authority from another jurisdiction supporting the contention that the subject of an unexecuted arrest warrant may request the issuing court to review a warrant application and affidavit and reconsider whether the affidavit sets forth probable cause. *Lauredan v. Lauredan*, 2012 N.J. Super. Unpub. LEXIS 2368 at \*3 (N.J. Sup. App. September 19, 2012). Memo at 7.

second, argued that because the subject of an *executed* warrant may obtain review of the warrant's affidavit if he can make a substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included in the arrest warrant, *Franks v. Delaware*, 438 U.S. 154 (1978), the subject of an *unexecuted* warrant is entitled to the same review. Memo at 7-11.

third, argued that even when the evidence was viewed in the light most favorable to the state, failed to establish a violation of General Statutes § 53a-183. Memo at 12-14.

fourth, that the minor nature of the charge when considered against the passage of time without further incident following the issuing of the warrant suggests that the withdrawal of the warrant is a proper exercise of discretion. Memo at 14-15.

This memorandum incorporates these arguments and contends, in addition, that

the Court does have jurisdiction to review validity of a unexecuted arrest warrant and that the Court is required to review that warrant in order to prevent a violation of Mr. Siddiqui's rights to free speech under the Fourth Amendment to the United States Constitution and Article First, § §§ 4, 5 of the Connecticut Constitution.

***The Court has jurisdiction to review the arrest warrant.*** Practice Book § 36-1 authorizes a judicial authority to issue an arrest warrant. The application must be made by a prosecuting authority, and the warrant may be issued only if the judicial authority "determines that the affidavit accompanying the application shows that there is probable cause to believe that an offense has been committed and that the accused committed it."

Practice Book § 36-2 establishes the administrative procedure to be followed when a warrant is issued. The affidavit in support of the warrant must be presented to the judicial authority in order for that authority to make a finding of probable cause but it should not be filed with the clerk at the time that the warrant is issued. Rather, the affidavit is filed when the return of the warrant is made, presumably remaining with the affiant or the prosecuting authority until the return. At the time of the return, the clerk is required to open a file and assign a docket number to the matter. Practice Book § 44-11.

There are several practical advantages to such a procedure. An affidavit that is not in the possession of the clerk presents a smaller likelihood of being revealed to the general public and, in particular, to the subject of the warrant, minimizing the risk of flight and the danger of forewarned resistance.

The practice book provisions concerning the physical possession of search-warrant is practical, rather than jurisdictional. Actual physical possession of an affidavit

prior to the execution of a warrant does not confer on the holder some quasi-mystical power, like possession of the “letters of transit,” in the movie *Casablanca*. The warrant provisions of the Practice Book are based on the eminently pragmatic consideration that if the person who will execute the warrant holds on to the affidavit, word is less likely to get out. They are rules for the filing of documents, not jurisdictional rules.

Authorizing an arrest warrant is a significant exercise of judicial power. On the basis of the warrant, a fellow citizen may be taken into custody and kept in custody until a court is available for his presentment. On the basis of a warrant, officers may enter without a search warrant the subject’s home to effect an arrest. *Payton v. New York*, 445 U.S. 573 (1980). On the basis of the warrant, upon arrest, he may be thoroughly searched, his nearby possessions may be searched, and the vehicle in which he is travelling may be searched. See *Arizona v. Gant*, 556 U.S. 332 (2009); *New York v. Belton*, 453 U.S. 454 (1981). If he is arrested in a distant jurisdiction, he may be detained for a considerable period of time until extradited.

The warrant protects the arresting officers against civil liability. If, after the formal commencement of criminal proceedings, a court agrees that Mr. Siddiqui had established that the warrant was wrongfully issued, that finding would not terminate the criminal prosecution which, at that point, would be based on an information filed by the prosecutorial authority. Such a finding might result in the suppression of post-arrest statements or evidence seized pursuant to arrest but, thanks to the good-faith exception, might not even result in that remedy.

The effect of the arrest warrant upon Faiz Siddiqui in particular is significant. He cannot travel to the United States or any of its territories. He cannot resume his schooling at the Kellogg School of Management at Northwest University. Connecticut

does not have the power to extradite him from Great Britain. The applicable extradition treaty provides that class A misdemeanors and most felonies are extraditable offenses. See Extradition Treaty Between The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland (2003), Article 2, § 1 ("An offense shall be an extraditable offense if the conduct on which the offense is based is punishable under the laws in both States by deprivation of liberty for a period of one year or more or by a more severe penalty.") Violations of General Statutes § 53a-183 are class C misdemeanors, punishable by a maximum term of three months, and thus not extraditable. Connecticut thus has made no effort to extradite Mr. Siddiqui from Great Britain.

Nevertheless, if Mr. Siddiqui were to enter the United States voluntarily, say, at Kennedy airport, he would be detained by federal authorities on the basis of the warrant. After some period during which immigration authorities sought to establish that the Faiz Siddiqui who entered the United States is the same person named in the Connecticut warrant, he would be turned over from federal custody to New York authorities, who would make inquiries about the willingness of Connecticut to extradite. He would remain in custody until a New York extradition warrant issued or he consented to waive extradition from New York. and until Connecticut officers made arrangements to retrieve him. Upon his return to Connecticut he would undoubtedly be detained overnight and presented in court the next day. It is thus easy to predict that on the basis of the warrant, Mr. Siddiqui could spend a week to several months (if he contested extradition) in custody.

Given the significance of the warrant-issuing power generally and upon Mr. Siddiqui in particular, it would seem that there should be some corresponding power

that authorizes the Court to cancel an improvidently issued warrant. There is.

Practice Book § 36-6 provides that:

At the request of the prosecuting authority, any unserved arrest warrant shall be returned to a judicial authority for cancellation. A judicial authority also may direct that any unserved arrest warrant be returned for cancellation.

Having requested a warrant, the prosecution may later change its mind and return it for cancellation, but in this case declines to do so. The second sentence of the Practice Book section, authorizing a judicial authority to direct that any unserved arrest warrant be returned for cancellation even in the absence of any prosecutorial request, is the operative section with respect to Mr. Siddiqui's motion.

There is one situation in which courts frequently grant defense requests that the court direct that unserved warrants be returned for cancellation. When a court issues a bench warrant directing that a defendant be arrested for failure to appear, and the defendant, abashed, appears later in the day with a plausible excuse for his tardiness, and requests that the bench warrant be withdrawn, it is probably § 36-6 that provides the authority for the cancellation of bench warrants issued pursuant to Practice Book § 38-21.

Cancellation of arrest warrants based upon affidavits setting forth probable cause to believe that a defendant has committed a crime are more rare. In the undersigned's career, it has happened twice, once fairly recently and once long in the past:

- recently, a police officer had been transferred and the officer newly assigned to an investigation obtained a warrant against the defendant, not realizing that the defendant had cooperated with the transferred officer in exchange for the promise of not being prosecuted. The state's attorney, on being informed of the situation by the undersigned, made inquiry and then requested that the court withdraw the warrant.



• long ago, while participating in a pretrial, the undersigned informed the prosecutor and presiding judge that the subject of an outstanding warrant in an unrelated case had died in California. The judge ordered the prosecutor to inquire, worried that someone with the same name might be arrested and held for awhile before the error was corrected. The inquiry established that the subject was indeed dead and the court directed that the unserved warrant be returned for cancellation.

In the first example, the prosecuting authority requested the warrant's cancellation, at the defendant's request. In the second, because of the informality of the procedure, the procedure is more difficult to categorize. The court may have granted a defense request to review the warrant application in light of later developments, or the court may have acted sua sponte, upon information provided by the defense and confirmed by the prosecution.

In any case, it cannot be disputed that Practice Book § 36-6 empowers a court to cancel an unexecuted warrant in appropriate circumstances -- even though the formal commencement of the criminal proceeding has not yet occurred. (Indeed, the provision contemplates that it will only be utilized when a criminal proceeding has not been formally commenced, since it applies only to unexecuted warrants.) The question presented by Mr. Siddiqui's motion is in what circumstances should a court must conduct a review of the validity of a warrant application upon request of the subject of a warrant application.

A court certainly must abide by a similar request by a prosecuting authority. Upon such a request, the warrant *shall be returned . . . for cancellation*. What showing must be made in order to obtain a review by the subject of a warrant? The practice book provision suggests that a court may exercise its discretion in order to conduct such a review without any showing whatsoever. Section 36-6 provides no limitation upon the power of the court to direct the return of an arrest warrant for cancellation. In

the same way that the prosecution's request for a return of a warrant must be heeded, the court's direction that an unserved warrant be returned cannot be opposed, at least according to § 36-6. This makes sense, since if the Court had found a problem in the warrant application initially, it need not have authorized the warrant, and its decision would be unreviewable. A decision that a warrant should be cancelled is similarly unreviewable.

In our original Motion, we argued that the Court was required to review the warrant application and affidavit, where the subject of the warrant was able to make the showing required by *Franks v. Delaware*, 438 US 154 (1978), and we sought to make that showing – admittedly, a difficult task, since we do not know precisely what is contained in the warrant's affidavit. We incorporate but do not repeat those arguments here. We do suggest, however, that there are other situations in which the Court must direct that an unserved warrant be returned for cancellation, and this is one of them.

***This Court should direct that the unserved warrant be returned for cancellation in order to prevent a violation of the First Amendment and Article First, § 4, 5.***

We ask the Court to imagine a situation in which a court authorizes an arrest warrant based upon probable cause that the defendant has violated a certain criminal statute. The following week, the legislature passes and the governor signs legislation that repeals the statute and makes that repeal retroactive. It seems clear that if the prosecuting authority made no request for the cancellation of the warrant, the issuing court would almost surely, either sua sponte, or at the request of the defendant, would direct that the unserved warrant be returned for cancellation.

Something somewhat similar has occurred in this case which suggests that the Court should grant Mr. Siddiqui's motion or should act sua sponte.

The arrest warrant was issued in sometime in June, 2015. Since the issuance of the warrant (and very recently) there has been a developing jurisprudence indicating that the calls to the complainant's employer, conveying critical views as to the complainant's professional and personal conduct and suggesting that she be fired, are protected by the state and federal guarantees of free speech and cannot constitutionally be criminalized.

The First Amendment to the United States Constitution, made applicable to Connecticut by the Fourteenth Amendment, provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech. . . ."

Article First, § 4 of the Connecticut Constitution provides that "[e]very citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty."

Article First, § 5 provides that "[n]o law shall ever be passed to curtail or restrain the liberty of speech or of the press."

Ever since our Supreme Court's decision in *State v. Moulton*, 310 Conn. 337, 78 A.3d 55 (2013), holding that the content of a communication may be considered in determining whether a defendant has violated the Connecticut harassment statute – so long as the content of the communication is not constitutionally protected –, our Supreme and Appellate Courts have confronted a variety of situations in which the communication that formed the basis of the prosecution was constitutionally protected, and some the most important of those decisions have been released in the past few months.

In *State v. Baccala*, SC 19717 (July 11, 2017), the defendant, displeased that

the customer service desk at a Stop & Shop was closed, shouted "[p]retty much every swear word you can think of" over the telephone and then appeared in person to utter curses far more vile than anything said in the calls to the complainant's employer. The Supreme Court reversed the defendant's conviction for breach of peace. "Because the words spoken by the defendant were not likely to provoke a violent response under the circumstances in which they were uttered, they cannot be proscribed consistent with the first amendment."

In *State v. Reed*, AC 37726 (September 19, 2017), the defendant, engaged in a billing dispute with a law firm, telephoned and complained that she had been disrespected, that Adam Lanza (the Sandy Hook killer) had also been disrespected, and that unless the firm learned how to treat its clients, someone—even she, herself—might do something similar to the firm. Although such words would seem to convey a true threat, unprotected by state and federal guarantees of free speech, Reed's conviction was reversed because the trial court had failed to instruct the jury that

You are to examine only whether the act of the calling and causing the ringing of the telephone was harassing, and to look to the speech only for the intent in physically making the telephone call. LEGAL AUTHORITY: Connecticut Selected Jury Instructions Criminal, § 6.7-7; *State v. Moulton*, 120 Conn. [App. 330, 339, 991 A.2d 728] (2010) [*aff'd in part*, 310 Conn. 337, 78 A.3d 55 (2013)]; *see also State v. LaFontaine*, 128 Conn. App. 546, 555-58 [16 A.3d 1281] (2011)." The state concedes, and we agree, that the court should have included the requested language.

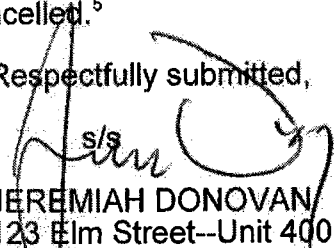
These holdings are consistent with (slightly) older cases such as *State v. LaFontaine*, 128 Conn. App. 546, 555-58, 16 A.3d 1281 (2011). There, the defendant, displeased with the conduct of his former wife's attorney, telephoned the attorney's law firm, calling the attorney the vilest of expletives, using language far more offensive than that used in the calls to the complainant's employer. Despite the vile and alarming

language used by LaFontaine to express his views of his ex-wife's attorney, the Appellate Court held that "§ 53a-183 (a)(3) was unconstitutionally applied to the defendant's speech in violation of the first amendment."

Whoever may have called Blum, Shapiro to express his or her views as to the integrity of the complainant and the advisability of firing her, that language is protected by the state and federal constitutional guarantees of free speech. It contains no constitutionally unprotected "true threat." *i.e.* a serious and credible threat of physical violence. If the warrant is based upon those telephone calls, the warrant is unconstitutional, and this Court is under an obligation to review the warrant and its application in order to prevent an arrest that would violate the First Amendment and Article First §§ 4, 5.

**Conclusion:** For these reasons, and for all the reasons set forth in the Memo and its attachments, Faiz Siddiqui respectfully requests that the Court, pursuant to Practice Book § 36-6 order that the warrant, its application and affidavits be returned to the Court for review, and if the warrant fails to set forth probable cause, or if it is based on false information, or if its execution would violate the state and federal guarantees of free speech, that it order that the warrant be cancelled.<sup>5</sup>

Respectfully submitted,

  
s/s  
JEREMIAH DONOVAN  
123 Elm Street--Unit 400  
P.O. Box 554  
Old Saybrook, CT 06475

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<sup>5</sup>Alternatively, the Court may wish to order that the a copy application, affidavit and warrant be provided to the defendant, and order further briefing after review, or order a *Franks* hearing, if the Court believes that the showing in the initial warrant satisfies the requirements for ordering such a hearing.

(860) 388-3750  
FAX 388-3181  
Juris no. 305346  
Fed.bar.no. CT 03536  
jeremiah\_donovan@sbcglobal.net

**ORDER**

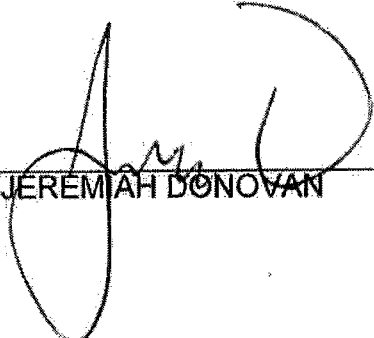
The foregoing motion having been heard by the Court, it is hereby ordered  
granted / denied.

THE COURT

By \_\_\_\_\_  
Judge/Clerk

**CERTIFICATION OF SERVICE**

This is to certify that the above and foregoing was mailed, postage prepaid, by first class mail, on October 16, 2017 , to Carl Ajello, Supervisory State's Attorney, GA14, Hartford, Superior Court, 101 Lafayette Street, Hartford, CT 06106, and was also e-mailed to him.

  
\_\_\_\_\_  
JEREMIAH DONOVAN

**Attachment One  
Complainant's E-Mail to  
Investigating Officer Setting Forth  
Chronological Description of  
Harassment Complaint**

From: [REDACTED]  
To: [Faiz Rocheleau \(FRocheleau@WestHartfordCT.gov\)](mailto:Faiz.Rocheleau@WestHartfordCT.gov)  
Subject: Statement  
Date: Wednesday, February 25, 2015 6:07:19 PM  
Attachments: [image001.png](#)

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Hi Sgt Rocheleau,

Attached is a draft statement. I can shorten it if needed. Please review and advise. I am leaving for California on Friday, and will return on Wednesday, March 4<sup>th</sup>. I will be available tomorrow from 9:45am to 2:30pm if you would like for me to come in and sign the statement.

**Statement Dated 2-25-2015**

During the summer of 2006, I met Faiz Siddiqui (his legal name might be Faisal Siddiqui) through a childhood and family friend (Usman Haque). Usman is Faiz's first cousin. He was visiting his Aunt, Uncle, and Usman in South Windsor, CT from London. We hung out a handful of times with our other childhood friends, usually at Usman's parents residence in South Windsor, CT. Growing up, Usman's house was usually the house we would all hang out at. At some point during the summer, Faiz obtained my cellphone number from his Aunts cellphone, and called me a few times while I was at work. This made me very uncomfortable.

Sometime towards the end of the summer, Faiz returned to London. He called me multiple times with the impression that we would be friends and that we would remain in contact while he was back in London. I never gave him any indication of this. During our phone conversation, I suggested that we could be friends via email. Faiz began to call more frequently, leaving voicemails that put me down and made me very uncomfortable. He insisted that I loved him and that I had developed feelings for him. I tried to explain in many different ways that this was not true. There were many instances where Usman and his older brother Umar (residing in Naperville, IL) would try to 3-way a phone call, between Faiz and myself, to help mediate and explain to Faiz that I was not interested. They were convinced that it would help. It didn't.

For several years, Faiz would continue to call me with Unknown/Private numbers. Sometimes it would stop for a few months, and then start up again. I just ignored the calls. During this time frame, he insisted that his South Windsor family cut me out of their lives. He explained that I was a toxic person and if they cared about him, they would disown me completely. He would often call his Uncle and leave awful messages, calling me terrible names and claiming all kinds of nonsense. His family finally agreed to stay away from me if he promised to drop this whole thing and move on. My relationship with the family remained the same, although, they told Faiz otherwise. Faiz realized Usman and I were friends on Facebook, and began harassing them again. Usman then removed me from Facebook.

In August 2012, Faiz was in South Windsor, CT the week of my wedding. He wrote an 8 page email to several members of our local community and to my in-laws a few days before my wedding. I was mortified. He wrote so many terrible things about me and created so many untrue stories. This email is available if needed.

In February 2013, I saw on my LinkedIn account that a person from London, UK, in the Legal Profession reviewed my profile (Faiz attended Oxford Law School in the UK.) I immediately reached out to Usman Haque. He assured me that Faiz had not recently contacted him. I reached out to LinkedIn requesting information on blocking certain individuals. This email is available is needed.

On July 16, 2014, the Forensic Partner from [REDACTED] (REDACTED), my boss, received a lengthy voicemail on his work phone. The person claimed to be a former colleague of mine, who wanted to let my boss know that I should be terminated. The individual made all kinds of false accusations. Fortunately, I notified my boss in 2013

RAND 00100



that there was an individual who was constantly calling me with unknown phone calls and had been harassing me for years. At this point, the Director of Human Resources, [REDACTED], was notified, along with our firm's Labor Attorney. I then filed a police report with South Windsor Police. It is clear on the voicemail that a person is reading off a script, has an England accent, and used a voice changer. The individual also mentioned similar information as Faiz did in his 8 page email. This voicemail is available if needed.

8

On November 20, 2014, the Forensic Partner received another phone call. His work phone caller id said the individual was named "Patrick Schneemann"; however, no number was listed. The individual told my boss that I was an unfit employee with a severe drug issue. He claimed his name was Mike and refused to give out his phone number. An hour later, my boss received another phone call, with the caller id saying "Nadol Streaman 860-978-070." When my boss answered the phone, the person hung up. I then went to West Hartford Police to file a police report. (South Windsor's dispatcher suggested it was a West Hartford district issue since my office is located in West Hartford.)

9

In January 2015, I received information that Faiz was now attending Keillogg University in Evanston, IL for his MBA.

10

On February 13, 2015, the Managing Partner ([REDACTED]) of my firm (President of 400 employees), received a phone call from a Private Investigator named Molly Manahan from Sirius Investigations (Based out of Washington State.) She was instructed by her client to explain to the Managing Partner reasons as to why I should be terminated. She also spoke with the Director of Human Resources (Sara Bell). The details of the phone call are available if needed.

11

On February 25 around 1:23am, I received a missed phone call from 224-622-3820, a number based out of Evanston, IL.

12

For the last few month, I have been receiving several "Spoofing" phone calls in addition to the No Caller ID, Unknown, Private number calls. I have enclosed a summary attached of all the information discussed above.

Thank You

[REDACTED]

Date of Birth

Home:

Work:

Summary Attachment:

Dates of Recent Occurrences:

1. August 2012: The 8 page email individual sent to my community and in-laws the week of my wedding.
2. February 2013: A LinkedIn Member from London looked at my profile in February 2013. I deleted my account for months afterwards.
3. July 16, 2014: The voicemail to the Forensic Partner ([REDACTED]). (I have this voicemail saved)
4. November 20, 2014: The phone calls to Forensic Partner ([REDACTED]).

- Patrick Schneemann; No Number Listed

o This individual said his name was Mike and refused to give his information to my

RAND 00101

boss.

- Nadol

o This call came an hour later and hung up as soon as my boss answered the phone

5. February 13, 2015: Managing Partner (██████████) and Human Resource Director (██████████) received a phone call from:

- Molly Monahan at (360)-885-4268.
- <http://www.siriusinvestigations.com/contact/contact.htm>
- See email from Human Resource Director sent to you on 2/14/15.

6. February 25, 2015: Received a call from 224-622-3820 at 1:36am. Location per google says "Northern NE Illinois: Evanston, Waukegan, Northbrook".

**Individual Harassing Me:**

- Faiz (Faisal) Siddiqui – London
- Attended Oxford Law School
- Possibly 34/35 years old
- Currently a MBA student at Kellogg University in Evanston, IL

STATE OF CONNECTICUT  
SUPERIOR COURT - G.A. 14

STATE OF CONNECTICUT

v.

FAIZ SIDDIQUI

no docket number yet assigned,  
case scheduled for reargument  
March 16, 2018

March 14, 2018

**DEFENDANT FAIZ SIDDIQUI'S MEMORANDUM  
IN SUPPORT OF SECOND MOTION TO REARGUE**

**Introduction:** The Court has allowed the defendant Faiz Siddiqui to reargue for a second time his Motion for Cancellation of Arrest Warrant and has scheduled Friday, March 16, 2017, as the date for the argument. This memorandum is submitted in support of Mr. Siddiqui's argument.

**Factual and Procedural Background:** Faiz Siddiqui, a London-based solicitor and Oxford graduate, filed a Motion for Cancellation of Arrest Warrant ("Motion") in this Court, with eleven attached exhibits, in which he alleged that the Court had wrongfully issued a warrant for his arrest for violating General Statutes § 53a-183(3) (harassment in the second degree). Mr. Siddiqui sought, at considerable length, to persuade the Court to release a copy of the warrant and application to him so that he could demonstrate that the affidavit in support of the warrant either

- could not have established probable cause, Motion at 11-13; or

- contained materially false statements, *id.* at 11; or
- recklessly disregarded the truth of a material fact, *id.* at 15.

Mr. Siddiqui accordingly requested that the Court cancel the wrongfully issued warrant. *Id.* at 16.

The gist of Mr. Siddiqui's argument was that in order to establish a violation of the harassment in the second degree statute (General Statutes § 53a-183(3)), the warrant application *had* to have alleged that he had made repeated hang-up calls to the complainant. He knew, however, that he had made a single call, and telephone records supported his contention that he had made only a single call.

The Court, in a written decision, reviewed Mr. Siddiqui's assertions that the warrant had issued for his arrest based on the complainant's false claims that he had made several harassing calls from Chicago, Illinois; that if there were harassing calls, there was no evidence concerning the source of the calls; and that the complainant had a motive for fabrication. Decision at 1.<sup>1</sup> The Court, however, declined Mr. Siddiqui's request that it review the warrant for sufficiency, determine whether material false statements supported the warrant application, and order the warrant cancelled. Rather, the Court decided that it lacked jurisdiction to review the sufficiency and propriety of an unexecuted warrant since it did not have access to the warrant in order to determine whether it was infirm or not, and that it would normally only obtain such jurisdiction at the time the executed warrant was returned and the defendant presented in court. Decision at 2. The Court did recognize its authority to cancel an unexecuted warrant: "A superior court judge does have authority pursuant to Connecticut Practice Book § 30-6

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<sup>1</sup>A scrivener's error indicated that the warrant originated from investigation by the West Haven rather than West Hartford police.

to direct the return of an unserved warrant in order to effectuate cancellation of that warrant.” It is precisely this authority which the defendant invokes.

The Court granted Mr. Siddiqui’s motion to reargue and, after further briefing, heard argument on October 17, 2017. This argument was enriched by evidence that had been received during discovery in a civil case between the parties, *Siddiqui v. Randhawa*, docket no. HHD-CV-17-6073898S, although Mr. Siddiqui still did not have access to the warrant and its application. At the conclusion of the re-hearing, the Court adhered to its earlier ruling that it lacked jurisdiction to consider the validity of the warrant so long as it remained unexecuted, since the Court and the defendant did not have access to the warrant in order to be able to assess its validity. To the extent that the Court’s decision was based upon the unavailability of the warrant, that deficiency has been cured by the release of the warrant and its application in the civil proceeding.

Mr. Siddiqui appealed from the Court’s decision. While that appeal was pending, however, Mr. Siddiqui was able to obtain during discovery procedures in the pending civil case between himself and the complainant a copy of the warrant and application, which are attached hereto. Review of the warrant application revealed that the arrest warrant was, indeed, based upon a claim that a single telephone call constituted a violation of General Statutes § 53a-183(3). Mr. Siddiqui requested that the appeal be remanded to this Court for reconsideration in light of this discovery, and the Court scheduled argument for Friday, March 16, 2018.

This memorandum is submitted in support of Mr. Siddiqui’s second reargument of his motion. As with our previous memorandum, we incorporate the assertions and exhibits previously filed, and try to take care not to repeat at any significant length the

arguments or the factual assertions of the Motion, and previous memorandum, which, having been once made, need not be made again.

***Discussion:***

***The warrant application does not establish probable cause to believe that Mr. Siddiqui violated General Statutes § 53a-183(3).*** The warrant application, attached hereto, bases its allegation of harrasment on one single telephone call.

Viewing the allegations of the warrant in the light most favorable to the validity of the warrant, the warrant alleges that

- Beginning in 2006, the complainant on dates uncertain received an unspecified number of “sporadic” telephone calls from Mr. Siddiqui in which he expressed disappointment in her lack of interest in maintaining communication with him.
- Almost six years ago, in August, 2012, Mr. Siddiqui sent an “intense 9 page email” to her, her friends and her family, in which he described being rebuffed by her after, he thought, she had “come on to” him.
- Over the course of the years, there have been three calls to the complainant’s employer.<sup>2</sup> In the course of these telephone calls, the callers disclosed to the complainant’s employer various professional and personal misdeeds that the callers thought had been committed by the complainant, questioned her suitability for the job that she held, and urged the employer to consider firing her.
- The complainant placed a “cell phone application (TrapCall)” on her telephone, which revealed one single call from Mr. Siddiqui, on February 25, 2015, from the telephone number (224) 622-3820. The call was made at 12:36 AM from Evanston, Illinois, and was thus received at 1:36 AM eastern daylight time. The investigating officers established that the number was assigned to the telephone that Faiz Siddiqui used when he was a student at Northwestern. The investigating officers obtained a search warrant for the telephone call records of that phone. They discovered that the only call that had been made from Mr. Siddiqui’s telephone to the complainant was the single aforementioned telephone

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<sup>2</sup> For the purposes of this argument (reviewing the application in the light most favorable to the applicant), we shall assume that these telephone calls were made by Mr. Siddiqui or his agents, although he does not admit being responsible for them.

call that had been recorded by the complainant's TrapCall device on February 25, 2015.<sup>3</sup>

- On dates uncertain, the complainant "began getting [an unspecified] number of strange calls she believe were from him. The calls were often no talk calls and disguised numbers."

Beginning from the bottom, the claim concerning "strange calls she believed were from him" is of no evidentiary value whatsoever. Everyone receives a number of such calls everyday. They are from local numbers, but the accent of the callers clearly indicates that they are from overseas. If an answering machine picks up, the calls are programmed to hang up and leave no message. No one is on the other end of the line when one answers, unless one waits for the recording to come on. In our Memorandum in Support of Motion to Reargue, we pointed out, from e-mails we had received in the discovery from the on-going civil case, the telephone numbers that the complainant had supplied to the investigating detective that she believed were Mr. Siddiqui's, and noted that when one searches those numbers through Goggle, one finds complaints from people all over the country that those are numbers used by internet marketers, many of them fraudulent. People of that ilk apparently called the complainant's number, as they call the numbers of all of us, and the complainant attributes such calls to Mr. Siddiqui. In our Memorandum in Support of Motion to Reargue, we also pointed out that in those

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<sup>3</sup> [As we have acknowledged in previous pleadings, "The telephone was Mr. Siddiqui's; he made the call; he has always acknowledged that he made the call. *See* Motion, ¶ 11; *id.*, Exhibit 7 (first affidavit of Faiz Mr. Siddiqui ¶ 8) ("Aside from one factual email written in August 2012 on Attorneys' advice and one phone call that went to voicemail . . . , I have not . . . had any contact whatsoever with the complainant for over a decade"). Mr. Siddiqui has previously described how he had been notified by MyLife that Complainant had recently viewed his biography on that site (*see* Motion, Exhibit 1 (MyLife notification re Complainant)) and he thought he would call her to say hello. A voice mail message answered (the call was late -- as calls to exes often are, and it was an hour later on the east coast than in Illinois) and he did not leave a message." Memorandum in Support of Motion to Reargue at 8.

same e-mails, the complainant referred to the investigating detective messages left on her employer's telephone system that the complainant attributed to Mr. Siddiqui. They were, in fact, messages from persons with a long and continuing relationship with her employer; the complainant just did not recognize the name. The allegation of "strange calls she believed were from him" is of no evidentiary value whatsoever.

With respect to the intense e-mail from Mr. Siddiqui and the telephone calls to the complainant's employer, those cannot form the basis for a charge of harassment. There is no claim that the e-mail or the calls contain a threat or fighting words likely to provoke an imminent violent response. Non-threatening e-mails in which a writer expresses his views on the character of the recipient, no matter how "intense" those views might be, are protected by the First Amendment and Article First, §§ 4 and 5 of the Connecticut constitution. Telephone calls to an employer setting forth information that the caller believes should cause the employer to re-consider placing the employee in a position of trust are equally protected, no matter how unwise or unkind such calls may be.

As we discussed more fully in our Memorandum in Support of Motion to Reargue at 15-18, an unbroken line of appellate decisions establishes that communications protected by the first amendment cannot form the basis for a criminal charge. See, e.g., *State v. Baccala*, 326 Conn. 232, 163 A.3d 1 (2017) (vile insults could not form the basis for threatening and breach-of-peace charges, unless they were likely to provoke an imminent violent response); *State v. Moulton*, 310 Conn. 337, 78 A.3d 55 (2013) (if the content of the call consisted of true threats, the content could be considered in establishing harassment; if it consisted of constitutionally protected speech, it could



not); *State v. Reed*, 176 Conn. App. 537, 169 A. 3d 326 (2017) (content of call could be considered if it was a true threat not protected by the first amendment).

With respect to the unspecified number of sporadic calls made over the course of a decade during which Mr. Siddiqui expressed his sorrow that they had not stayed in touch, it is difficult to believe that anyone could find these calls to be the basis for a harassment complaint.<sup>4</sup>

This brings us to the single call that forms the basis for the charge.

On February 25, 2015, at 12:35 PM his time, 1:35 AM hers, Mr. Siddiqui called the complainant's number. There is no allegation in the complaint that the complainant answered the telephone and he hung up on her. There is no allegation that he breathed ominously or made rude noises. There is no allegation that he made any kind of a threat. There is no allegation that the complainant even heard the telephone ring. All that happened was that an answering machine answered and Mr. Siddiqui did not leave a message. The complainant would not have even known that he had called, if she had not installed a device that trapped the telephone numbers of callers who did not leave messages. Investigating officers obtained a search warrant and obtained Mr. Siddiqui's telephone records. They found only one single call to the complainant, the call of February 24.

A person is guilty of harassment in the second degree when, with the intent to harass, annoy or alarm another person, that person "makes a telephone call, whether or not a conversation ensues, in a manner likely to cause annoyance or alarm." General

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<sup>4</sup>Mr. Siddiqui has requested that it be pointed out that he has in previous pleadings denied that he has had any contact with the complainant for over a decade and the facts set forth in the warrant application do not seem to contradict his assertion.

Statutes § 53a-183(a)(3). Annoyance is defined as "vexation; a deep effect of provoking or disturbing ...." *State v. Indrisano*, 228 Conn. 795, 810, 640 A.2d 986 (1994). "'Alarm' is defined as... 'fear: fill[ed] with anxiety as to threatening danger or harm ....' Webster's Third New International Dictionary [1993]." *State v. Cummings*, 46 Conn. App. 661, 673, 701 A.2d 663, *cert. denied*, 243 Conn. 940, 702 A.2d 645 (1997). "[T]he legislature intended ... 'annoyance or alarm,' to be that perceived to be as such by a reasonable person operating under contemporary community standards." *State v. LaFontaine*, 128 Conn. App. 546, 554, 16 A.3d 1281 (2011).

Typically, telephone harassment involves multiple telephone calls or calls placed at inconvenient locations or hours. See, e.g., *State v. Therrien*, 117 Conn. App. 256, 259-60, 978 A.2d 556 (defendant placed threatening calls to complainant's personal cellular telephone during work hours), *cert. denied*, 294 Conn. 913, 983 A.2d 275 (2009); *State v. Lemay*, 105 Conn. App. 486, 488-89, 938 A.2d 611 (defendant repeatedly, anonymously called complainant and made banging noises), *cert. denied*, 286 Conn. 915, 945 A.2d 978 (2008); *State v. Bell*, 55 Conn.App. 475, 477, 739 A.2d 714 (defendant placed forty-five phone calls), *cert. denied*, 252 Conn. 908, 743 A.2d 619 (1999), *overruled in part on other grounds by State v. Moulton*, 310 Conn. 337, 362, 78 A.3d 55 (2013); *State v. Marsala*, 43 Conn.App. 527, 529, 684 A.2d 1199 (1994) (defendant called complainant twenty-five times in early morning hours); *State v. Marsala*, 1 Conn.App. 647, 648-49, 474 A.2d 488 (1984) (defendant made threatening calls to complainant at her home, at night, and broke her window).

Admittedly, a single telephone call could, in extreme circumstances, constitute harassment, as in *Reed*, where the single call included a threat that the caller might do

something to the victims similar to what Adam Lanza had done to the children at the Sandy Hook Elementary School, or as in *Moulton*, where a postal worker called a post office and, in an angry and agitated voice, said that she could do the same thing that another postal worker had recently done – shot and killed several fellow workers.

Making a single telephone call around midnight, and then not leaving a message on the answering machine, is hardly likely to cause annoyance or alarm. As we have noted, the complainant probably would not even have known that Mr. Siddiqui had called, if she had not installed a special device on her telephone in order to detect the call. From Mr. Siddiqui's point of view, making a single late night call (after learning that someone he thought of as an old girlfriend had reviewed his biography online), and then not leaving a message, does not evince an intent to harass, annoy or alarm another person. He did not know that the complainant had installed a trapping device; he undoubtedly thought that the complainant would not even know that he had called. From the complainant's point of view, a single late-night call, with no harassing or threatening message, would not be perceived by a reasonable person operating under contemporary community standards to be a cause of annoyance or alarm.<sup>5</sup>

I mean, come on: the late night drunken dial to the ex is the theme of dozens of songs. See, e.g., Lady Antebellum, *Need You Now*; Smithfield, *Slippin'*; Pardi, John, *When I Been Drinkin'*; Josh Abbott Band, *Wasn't That Drunk*; Brothers Osborne, *Stay a Little Longer*; Kinder, Ryan, *Tonight*, Qualley, Rainey, *Kiss Me Drunk*, Young, Chris, *I'm*

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<sup>5</sup>Although this does not appear in the four corners of the warrant, Mr. Siddiqui asks that the undersigned to include that “This is especially true if one takes into account the background context that (1) there was a prior relationship between the defendant and the complainant, (2) that the complainant is a regular visitor and friend of the defendant's aunt for over thirty years and (3) the phone call fro the Defendant was itself prompted by an online message that indicated that the complainant had expressed interest in the defendant's MyLife biography.

*Comin' Over*, Clark, Ashley, *Heaven Would Hurt*, *A Thousand Horses*, (*This Ain't No Drunk Dial*, Smithfield, *Hey Whiskey*, Swindell, Cole, *Hope You Get Lonely Tonight*, Gardner, Clayton, *What If We Fall*. If such calls were criminalized, our jails would be bursting with lovesick puppies.

This warrant application does not set forth probable cause to believe that Mr. Siddiqui violated General Statutes.

***The Court has the power to withdraw the warrant and should do so:*** There can be no doubt that the court is empowered to withdraw an unexecuted arrest warrant. Practice Book § 36-6 provides, in relevant part: "A judicial authority. . . may direct that any unserved arrest warrant be returned for cancellation." It imposes no limitations or conditions on the court's power to do so. The Court has previously and correctly acknowledged in its July 28, 2017, ruling that it was vested with the authority to cancel an unexecuted warrant.

In the Appellate Court, the state argued that Practice Book § 36-6 was an unlawful expansion of the jurisdiction conferred on Connecticut's courts by our constitution and statutes, relying on the unpublished Superior Court decision *State v. Rodriguez*, 2017 WL 6327765 (Superior Court, GA 11 at Danielson (2017)), which, in turn, relies on cases such as our own case, *State v. Pierre*, 277 Conn. 42, 92, 890 A.2d 474 (2006). The Court, according to the state, has no jurisdiction to take any action in a criminal case prior to the presentment of an information. Anticipating that the state will make a similar argument here, we respond as follows.

*Rodriguez*, of course, has no precedential force. Cases such as *Pierre*, on which the decision rest, consider a totally different question: at what point in the criminal

process does the Sixth Amendment right to counsel attach? A careful consideration of the claim that § 36-6 is an unauthorized expansion of the Superior Court's jurisdiction, that "the proper presentment of an information – which is essential to initiate a criminal proceeding," *State v. Daly*, 111 Conn. Appl 397, 401-02, 960 A.2d 1040 (2008). marks the outer limits of the court's criminal jurisdiction – establishes the error – indeed the danger – of the argument.

The Superior Court is endowed with broad and general jurisdiction over criminal matters. Article fifth, § 1 of the Connecticut constitution (providing that the powers of the court shall be defined by law) and General Statutes § 51-64s (providing that the superior court shall be the sole court of original jurisdiction) establish the jurisdiction of the superior court over a wide variety of matters, including criminal matters. There is no statute that limits the superior court's jurisdiction to criminal matters that occur after an information has been presented to the court. If jurisdiction were so limited, the Court would have no power to issue search warrants (at least those sought prior to the filing of the information) and no power to issue arrest warrants (at least those issued on the basis of an application made prior to the filing of an information. No one would be so foolish as to contend that the Superior Court does not have jurisdiction to issue an arrest warrant or a search warrant prior to the filing of an information.

The power to order that a warrant be cancelled is a corollary to the power to issue a warrant, the other side of the same coin. Even if the Practice Book did not specifically provide, empowering a court to issue arrest warrants encompasses the power to change its mind, to cancel a warrant that it has issued. The Practice Book, it is true, does not set forth the specific procedure that the Court must follow when it cancels

a warrant, or the specific standards that it should rely upon when making the decision to cancel a warrant. To say that the procedure is not specifically described, however, is very different from claiming that because no procedure has been described, there is no jurisdiction.

It is not surprising that no developed body of procedure has amassed around the cancelling of arrest warrants, or that the framers of § § 36-6 left the procedures to be followed and the standards to be utilized in the discretion of superior court judges. In an earlier pleading, we recounted one of our encounters with this practice book section. We reported to a presiding judge that a defendant name in an unexecuted arrest warrant had died; the court ordered the prosecutor to confirm; he did; the court cancelled the warrant. The Practice Book did not set forth the requirement that when a defense counsel reports his client dead, the court shall inquire of the prosecution, etc., etc. The Practice Book did not provide a list to superior court judges of the grounds on which an arrest warrant might be cancelled, including in that list the death of the subject of a warrant. The discretion of superior court judges to adopt reasonable procedures and standard is assumed, and the multiple ways in which the issue might be presented are difficult to list and categorized.

The power to order that an unserved warrant be returned for cancellation is a power that, given the nature of things, will be seldom used. The subjects of arrest warrants do not frequently request a judicial authority to exercise the power because they usually do not know that they have been named in a warrant until the moment when the warrant is executed. Ours is an unusual situation because, as we have noted in our past pleadings, Faiz Siddiqui is a barrister residing in London. As we have noted,

our extradition treaty with Great Britain does not authorize extradition for misdemeanors, and the pending charge prevents Mr. Siddiqui from returning to the United States to resume his schooling. This is thus the unusual situation in which the validity of an arrest warrant may be considered at leisure.

Although it is clear that the Court *may* direct that an unserved warrant be returned for cancellation, this begs the question of whether the Court *should* direct that the warrant be cancelled. This seems, to the defense at least, to be a simple question. If the warrant does not set forth probable cause, then, it seems to us, that it would be a violation of a whole series of state and federal constitutional protections, as well as the Court's oath of office, for a judge knowingly to allow an invalid warrant to remain in effect, knowing that it may well result in an unlawful arrest and the deprivation of liberty that such an arrest would entail.<sup>6</sup> The hardship which the execution of an invalid warrant is particularly harsh in this case.<sup>7</sup>

**Conclusion:** Mr. Siddiqui requests that I reassert arguments already made by other attorneys concerning what he perceives as the unscrupulousness of the

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<sup>6</sup>Mr. Siddiqui also asks the undersigned to argue a point that was made in original motion: that the Court should consider the proportionality and reasonableness of allowing to remain in effect a warrant for a minor misdemeanor after three years, during which Mr. Siddiqui asserts that he had already been severely penalized in terms of not being able to come back to the United States to complete his education, has been required to spend tens of thousands of dollars in order to get the warrant cancelled, and has watched his father suffering and dying in a hospital from heart disease and cancer which Mr. Siddiqui believes is a result of stress caused by the issuance of the arrest warrant.

<sup>7</sup> If Mr. Siddiqui were to attempt to return to Illinois to continue his schooling, he would probably be arrested at O'Hare and spend a couple of weeks in jail and in transport before he would even have the opportunity to have a bond set for him in Connecticut. If the defense is correct, and the warrant was issued without probable cause, Mr. Siddiqui would have no recourse: the arresting officer would be shielded from any claim by the assertion that he merely acted upon the authority of a properly executed warrant and the issuing judge would, of course, be protected by judicial immunity.

investigating officers and the dishonesty of the complainant. The focus of this memorandum, however, is on the warrant itself and the facts set forth within the four corners of the warrant, and the arguments that Mr. Siddiqui urges be advanced have been advanced by other, more skillful attorneys at great length in earlier memoranda. For the reasons set forth in this memorandum, and for all the reasons set forth in his original Memo and its attachments, and in the Memorandum in Support of Motion for Rehearing and its attachments, Faiz Siddiqui respectfully requests that the Court, pursuant to Practice Book § 36-6, direct that the warrant charging him with violating General Statutes General Statutes § 53a-183(3) be returned for cancellation.

Respectfully submitted,

s/s

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**ORDER**

The foregoing motion having been heard by the Court, it is hereby ordered  
granted / denied.

THE COURT

By \_\_\_\_\_  
Judge/Clerk

**CERTIFICATION OF SERVICE**

This is to certify that the above and foregoing was mailed, postage prepaid, by first class mail, on March 15, 2018, to Carl Ajello, Supervisory State's Attorney, GA14, Hartford, Superior Court, 101 Lafayette Street, Hartford, CT 06106, and was also e-mailed to him on the same date.

\_\_\_\_\_  
JEREMIAH DONOVAN

# 4 Pounds Of Pot Found In West Hartford Police Station Led To Suspension In 2015, Records Show

Excerpts Of West Hartford Police Lt. Eric Rocheleau's testimony as part of an internal affairs investigation



By Mikaela Porter

OCTOBER 18, 2016, 6:58 AM | WEST HARTFORD

**T**wo West Hartford police sergeants are challenging the recent promotion of a colleague, citing a suspension that stemmed from an internal affairs investigation that found the successful candidate "carelessly" left more than 4 pounds of marijuana unattended and unsecured.

The marijuana – which the promoted officer says was being used to train a police dog – was discovered more than two years ago, and the investigation was closed last year.

But it has become fodder for a grievance challenging a decision by police Chief Tracey Gove to promote

Eric Rocheleau from sergeant to lieutenant in June, even though the grievance says he ranked third during promotional testing. The two other sergeants who ranked higher than him — Sgt. Michael Alquist and Sgt. Joseph Creaco — say they feel the promotion process was biased, and the West Hartford Police Officers' Association has filed a grievance on their behalf.

The union claims in the grievance that Gove only skips over higher-ranked applicants if they had been recently disciplined and that neither Alquist nor Creaco have any disciplinary records on file. The grievance points out that Rocheleau was recently suspended.

In response to an inquiry from The Courant, Gove said that Creaco received a written reprimand in 2014 for failing to call off a pursuit but that the reprimand was reduced to a counseling session and the letter of reprimand was rescinded.

Documents obtained by The Courant through a Freedom of Information Act request show that Rocheleau's five-day suspension last spring stemmed from a 2014 internal affairs investigation into how marijuana ended up in the department without being properly documented.

Gove said recently that he was aware of the internal affairs investigation when he made Rocheleau a lieutenant.

In promoting Rocheleau, Gove listed his accomplishments over his 18-year tenure, noting his partnership with police dog Kora — the duo apprehended criminals, recovered lost persons, firearms, drugs and other contraband. Additionally, he assisted Central Connecticut State University and the University of New Haven with their criminal justice programs. In 2008, Rocheleau was named West Hartford's police officer of the year. He assisted Simsbury police in setting up their peer team program and is a member of the honor guard.

### **Internal Investigation**

The marijuana was reported by a K-9 officer in September 2014. He said the three individually packaged bags of marijuana were stored in an unlocked orange tool box on the floor of the K-9 office, according to the 48-page report on the internal affairs investigation. Rocheleau, a former K-9 officer, was supervisor of the K-9 unit at the time.

Rocheleau told a department investigator that he had received the marijuana from a lieutenant in the special investigations division in 2009 and had used it for training, documents show.

Rocheleau said he had the marijuana from 2009 to about 2013 and kept it stored in his garage at home and in various places in the department, including the department's garage and, lastly, in 2013, the K-9 office on the first floor, which, the report notes, for some time did not have a lock on it.

He left the marijuana in a box there sometime between February and April 2014, he told the investigator, and had not seen the marijuana since, the report said.

Rocheleau said he had repackaged the marijuana on several occasions, as the container bags had worn down or were bitten by his police dog, the report said.

The documents shows that when interviewed, the special investigations lieutenant, who has since left the department, denied giving Rocheleau the marijuana and said he didn't know where Rocheleau "would have obtained such a large quantity of marijuana."

But Rocheleau insisted that the lieutenant had given it to him, the report said. "He gave me the drugs. I mean there's no other way," Rocheleau is quoted as saying in the report. "No other place I got that. None. I swear to God."

Typically, police departments are given drug kits by the state Department of Consumer Protection for training dogs, the report said. Each kit contains "varying quantities of lab-tested drugs and narcotics" and use of the kit must be logged. The marijuana Rocheleau said he used for training – which weighed 4.2 pounds in September 2014 – was not part of that kit, the report said.

"Sergeant Rocheleau was informed that of 14 individuals interviewed [as part of the internal affairs investigation], none knew anything about the secondary Drug kit (as it was referred to in his first interview) and all stated that over 4 pounds of marijuana would be an excessive amount to distribute for training," according to the report.

### **5-Day Suspension**

As a result of the investigation, Rocheleau was suspended for five days for failing to "properly control and secure the marijuana," according to an April 2015 letter informing Rocheleau of his suspension. It cited the following faults:

The marijuana had not been certified for training and should not have been used in police dog training.

Rocheleau "carelessly left the marijuana unattended and unsecure for over a year in at least three locations including an unlocked police department office, the north garage of the department, and in the garage of your residence."

Rocheleau "failed to show leadership in your supervisory responsibilities" regarding the marijuana.

In lieu of serving a five-day unpaid suspension, Rocheleau forfeited five vacation days, Gove said.

The origin of the marijuana is still unclear. A disciplinary letter to Rocheleau from late April 2015 states:

"Ultimately, the investigation was unable to determine from where the marijuana was obtained."

The internal affairs report, completed in early 2015, ends by saying that the marijuana was being stored in the department's evidence closet. It has since been destroyed, Gove said.

Earlier this month, Rocheleau declined a reporter's request for comment on the investigation.

The episode received little attention outside the department until Rocheleau's promotion in June and the subsequent grievance.

Gove said he believes the marijuana came from "one of the parcel delivery services that intercepted a package containing the marijuana and turned it over to us" and could have been delivered to the department "well over a decade ago."

Gove said the internal affairs investigation found that the marijuana had been improperly stored. "Ultimately," Gove wrote, "we determined that this boiled down to a well-intentioned officer making a poor decision. He wasn't the first officer here to make a mistake and he won't be the last. The only requirement that I have when mistakes occur is that the officer learn from them and not repeat the error."

The department's practice, he noted, is to destroy marijuana intercepted by a parcel delivery service.

When asked why Rocheleau was chosen for promotion, Gove defended his selection in an email:

"All, as the West Hartford Police Union agrees, are qualified for the promotion. All have contributed to the department and have my full confidence, respect and support. As Chief, selecting one candidate to promote is always a difficult decision and this instance was no exception. ... Sergeant Rocheleau is a seasoned member of the Department with a proven track record of public service. He is highly decorated.

"He was the police officer of the year in 2008 and he has received numerous citations from the department. ... Sergeant Rocheleau has served in a variety of voluntary roles within the police department and he has volunteered his time – and continues to do so – at numerous vents throughout the community. I believe that he was the best candidate for the position I was looking to fill," Gove wrote.

The union grievance also indicates that Rocheleau is the subject of a current internal affairs investigation, but Gove said that he believes the union is referring to an incident involving several officers assisting another agency with a robbery pursuit. After review, Gove said, no West Hartford cruisers were "actively involved" in the pursuit and no disciplinary action was taken toward any officers involved.

The union grievance was denied by both Gove and Assistant Chief Daniel Coppinger. The union then

submitted the grievance to town staff. Rick Ledwith, executive director of human resources for the town, said the grievance is under review.

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**This article is related to:** Freedom of Information Act

# Report Finds Police Lieutenant Did Not Violate Sexual Harassment Policy

A recent investigation into a West Hartford Police Lieutenant Eric Rocheleau found he did not violate the police department's sexual harassment policy.



By Mikaela Porter

SEPTEMBER 14, 2017, 6:52 AM | WEST HARTFORD

**A** West Hartford police lieutenant accused of sexually harassing a female officer and creating a hostile work environment did not violate the department's sexual harassment policy although there were "instances where professional boundaries were blurred," an investigation found.

After the investigation was completed, Lt. Eric Rocheleau was notified that he would be transferred to another division.

A 26-page investigatory report, completed by attorney Christopher L. Brigham of Updike, Kelly & Spellacy, said there wasn't enough evidence showing that Rocheleau, a 19-year veteran who most recently

oversaw the department's community relations division, violated the policy in his interactions with the officer from September 2016 to May.

The Courant is not identifying the officer who filed the complaint.

The town recently released a copy of the report, plus nine supplemental documents reviewed during the investigation and emails from Chief Tracey Gove to the officer and Rocheleau in response to a Freedom of Information Act request from The Courant.

Deputy Corporation Counsel Kimberly Boneham said in an email that the town hired Brigham for the investigation "based on his expertise in conducting internal workplace investigations" and "to ensure that there would not be a conflict of interest concerns given that our office was already involved in an administrative proceeding related to one of the parties in the investigation."

Brigham worked for the town for about five weeks and billed the town \$22,239, Boneham said.

Brigham recommended that Rocheleau receive additional training; that the town consider transferring either Rocheleau or the officer to different divisions; that the town consider having both Rocheleau and the officer work with a workplace coach or counselor; and that the town review its employee assistance program.

Gove notified Rocheleau via email on July 25 that, as of July 31, he would be reassigned to the training division and that "this decision is not intended as discipline."

The email also says Rocheleau will receive training from an outside workplace counselor regarding his conduct and conversations with the officer that "'blurred professional boundaries'" and his "demonstrated lack of judgment in some interactions." He is also expected to attend training for supervisors and managers in the department.

Rocheleau declined to comment.

The officer filed a complaint against Rocheleau on April 26, according to the documents provided to The Courant. The officer has worked for the department since September 2011 as a patrol officer. She now works in the community relations division. In July 2016, Rocheleau became the officer's boss.

The officer told Brigham she drafted her complaint in November 2016 but decided not to file it at the time, and when she filed it in April, she had not altered the complaint.

Between September and November of last year, the officer said Rocheleau showed the officer a picture of a tattoo he got on his chest to honor his 20-year marriage and had sexually oriented discussions,



including talk about sleeping with women, about tight-fitting women's pants he wore at a Halloween party and a woman's repeated attempt to have him tuck in his shirt so she could see his "bulge," the documents said.

Rocheleau also discussed the officer's personal business, including her divorce and asked her what type of men she was interested in and when she would start dating again, the documents said.

The officer said Rocheleau also asked her for favors like dropping him off to get breakfast and making stops at his home to drop work off while he was out on injury, among others, the documents said.

When reached for comment, the officer deferred to her attorney, James Sabatini of Sabatini & Associates. Sabatini did not return repeated phone calls seeking comment.

In September 2016, Rocheleau started talking to the officer about "personal issues," according to Brigham's report.

"She had spoken to him about personal issues in the past because he was a member of the EAP Program. She thought it was appropriate to talk to him about her scheduling issues as her supervisor as well," according to the report. "She acknowledged that they both shared information about their personal lives, in particular the difficulties in their marriages, but she believed his intent was manipulative to gain a connection with her rather than out of a desire to help."

Rocheleau said he had many conversations with the officer and he would "frequently check in with her because he was concerned about her emotional state," according to the report.

Rocheleau recommended she consult someone with the town's employee assistance program, he made an appointment for the officer to see a doctor and said that it was not uncommon for him to make those recommendations or those calls.

"He had no indication from her that his assistance was unwelcome or making her uncomfortable," the report said.

On Nov. 3, Rocheleau came into the community relations office and said his back was itchy, and began rubbing his back against the wall across from her desk.

"He was moaning and talking about the itch on his back. She said the moaning 'seemed sexual' to her because it was very distinctive and it went on for a period of time," the report said.

Rocheleau told investigators that he "did not recall" this incident but that if he had an itch he could see himself acting like that.

The officer said Rocheleau stopped moaning and came to her desk and said that several people had been asking him if she was getting a divorce, and felt he was trying to get information for himself, the report says.

"She engaged in the conversation not because she was comfortable but because he was her boss," the report said. "Lieutenant Rocheleau was making her uncomfortable and she tried to change the conversation. She did not know what to say so she asked him if any of them were 'young eligible suitors.' She was thinking to herself that she wanted to get the point across to him that he was not young and not eligible and that she was not interested in him."

Rocheleau said he did remember having a conversation with the officer about her marital status and he "mentioned this to her because he thought she ought to know that word was getting around that several people had asked him about whether she was getting divorced."

The officer said Rocheleau's behavior in December was "markedly different. He became borderline rude and once said that she 'needed to be handled.'"

During the months of December through March, she said, she was busy with work at the schools, was injured and out for a couple weeks and then Rocheleau was also out for an injury and had little interaction, the report says.

Rocheleau told investigators he sent the officer to female leadership class and "has been very encouraging to her," and that "some of her perceptions are completely off."

The officer told Brigham that there were no inappropriate text messages or emails. Rocheleau provided a copy of his text messages to the officer.

During the investigation, Brigham interviewed nine officers within the department, ranging from the rank of officer to chief.

Some male officers in the community relations division said Rocheleau had shown them pictures of his tattoo and had been asked for rides to get food. One officer said he was asked to help Rocheleau's wife when she locked herself out of her car.

Some officers interviewed said they kept their distance from the officer because they knew she had filed sexual harassment complaints in a previous job.

The officer said she was involved in two previous sexual harassment complaints while working at the state Department of Mental Health and Addiction Services and "the fallout in those cases and the way the aftermath was managed made her worried about how her current complaint would be handled by the

Town."

During the investigation, the officer told Brigham she did not initially file the complaint because Rocheleau was perceived as "protected."

"She said that Lieutenant Rocheleau was a 'giant' in the Police Department. He had gotten in trouble, skirted it and was promoted. She said he is protected and that he can do whatever he wants," the report said.

Gove said in an email that "No member of the department is protected from inappropriate behavior" and noted an internal affairs investigation from 2014-2015 that connected Rocheleau to roughly four pounds of marijuana found in the department. Rocheleau forfeited five vacation days in lieu of serving a five-day suspension.

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**This article is related to:** Sexual Misconduct, West Hartford, Freedom of Information Act

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## HARTFORD COMMUNITY COURT

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### Judicial Misconduct Uncovered at the Hartford State's Attorney's Office under Gail P. Hardy

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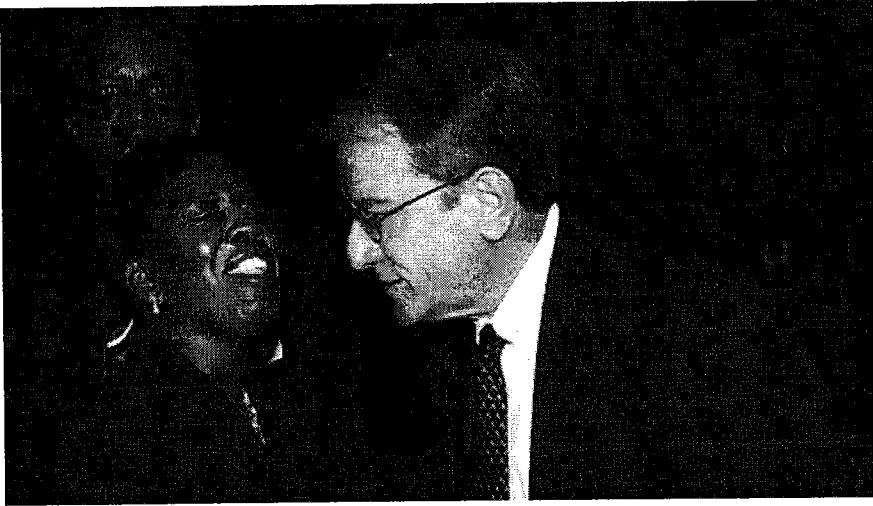
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## Judicial Misconduct Uncovered at the Hartford State's Attorney's Office under Gail P. Hardy

Assistant State's Attorney Thomas J. O'Brien Violently Assaults Defense Attorney

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POSTED BY: KARLA LAWRENCE MARCH 22, 2016

In light of the situation and the past recent weeks news headlines, probable cause been found in the seeking of damages by several attorneys in case of State of Connecticut vs. Jonathan Reich. Upon further investigation it has been found that the articles written by Jessie Sawyer of Patch Media Corporation were impossible to contrive or write without foreknowledge or collusion with the Avon Police Department. **HartfordCommunityCourt.com** has been informed that all previous complaints posted in prior articles **HAVE STILL NOT BEEN ANSWERED OR ACKNOWLEDGED**. We ask, "Where is the Justice System in Connecticut?"

A complaint sent via USPS Certified Mail to Hartford State's Attorney Gail P. Hardy has **HAS NOT BEEN ANSWERED OR ACKNOWLEDGED** for 211 days (6 months & 27 days.)

It is absurd at the fact that this case has been allowed to stay in a taxpayer-funded Court System for an exorbitant amount of time, 1147 days (3 years, 1 month, & 22 days) and counting...

It appears that this is not the first case of judicial misconduct for Hartford State's Attorney Gail P. Hardy including that of recent weeks in the headlines in Connecticut.

“In a decision that has gone unnoticed in the press, a Connecticut court last month reversed a kidnapping conviction finding that the prosecutor in the case, who is now the State’s Attorney for the Hartford Judicial District, hid the existence of a sentencing deal between the state and its chief witness, and permitted the witness to deny in open court that any such deal existed.

In 2005, Lucas Betancourt was tried and convicted of a kidnapping, burglary, and robbery in Waterbury.

Here is a prosecutor who, a court has found, knew she had made a deal to effectively reduce the sentence a co- conspirator had already been given, and listened silently to him disavow on the stand that he even intended to seek a modification, pointedly telling a jury that “You can’t raise a doubt,” about that witness’ testimony.

It is a remarkably brazen act of deception and prosecutorial misconduct.

Lucas Betancourt, whether he is guilty or not, has spent eleven years in prison as the result of his constitutional rights to a fair trial being violated by a prosecutor who has since been promoted to head a State’s Attorneys of ce. That is news worthy of reporting if the media has any intention of taking seriously its role as a check on the behavior of public officials.”

Source: **[ProsecutorialAccountability.com](http://ProsecutorialAccountability.com)**

In light of current circumstances outlined in previous stories here at **[HartfordCommunityCourt.com](http://HartfordCommunityCourt.com)**, We encourage our readers to inform themselves on the key aspects of prosecutorial misconduct at the below link as cited by the National Association of Criminal Defense Lawyers (NACDL) in a study titled “Crossing

the line: Responding to prosecutorial misconduct.”

Keeping the above referenced study in mind, we have concluded that the mentioned points and guidelines directly apply to the case of Jonathan Reich. In lieu of pending details we are asking our viewers to help us seek justice for this case and are sponsoring a direct link to the legal defense fund which will break apart details in this case. Thank you for your support and future updates to follow.

The below referenced link is the of cial legal defense fund in pursuit of revealing details and information that the Hartford Judicial Court System is not turning over to the defendant or his attorneys.

Please Share & Spread the word.

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– The **HartfordCommunityCourt.com** Team

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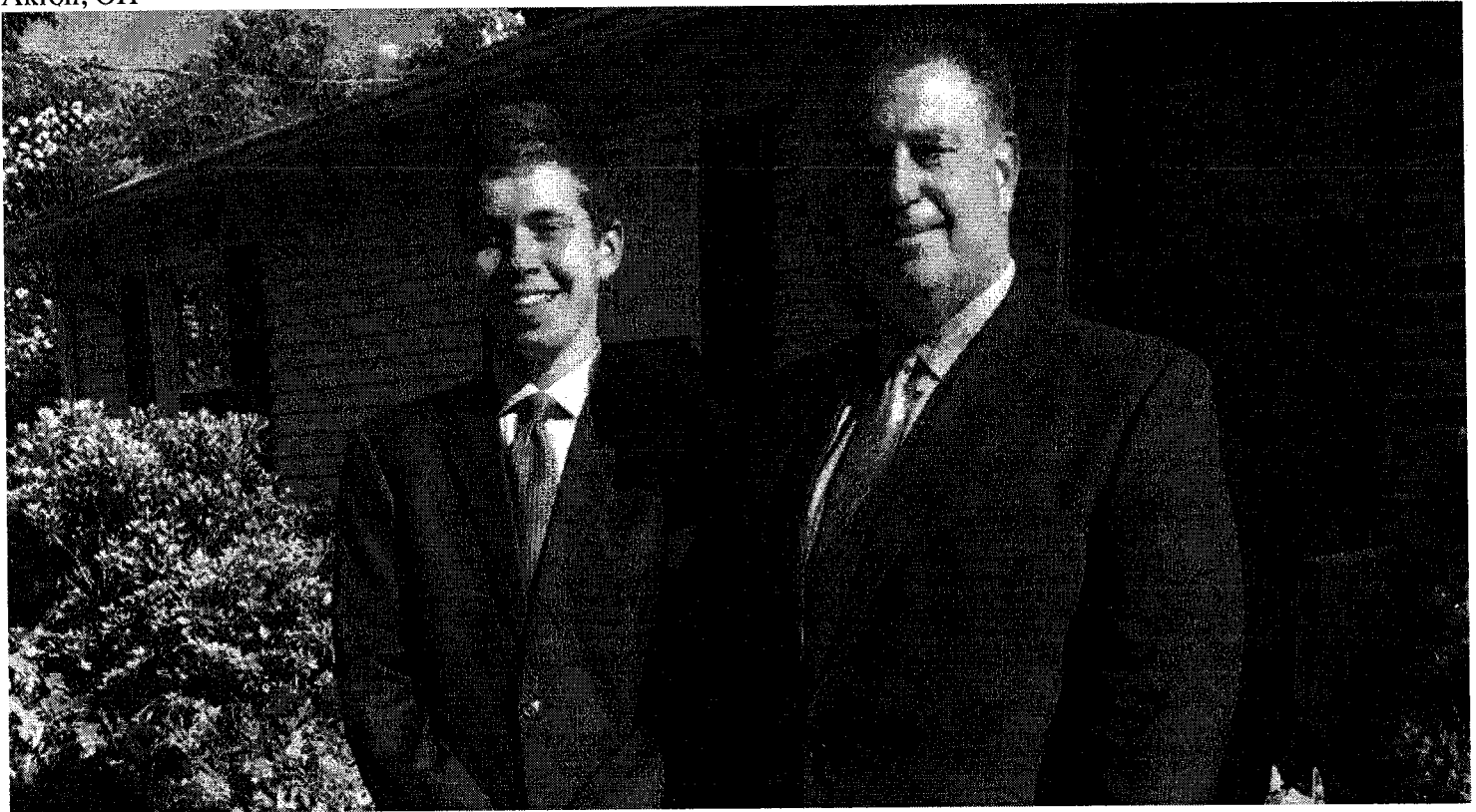
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Petition update

## Connecticut Continues to Retaliate Against Whistleblower Jonathan Reich

**Ryan Davis**  
Akron, OH



22 Jul 2016 — Dear Supporters,

As of today, Friday, July 22nd 2016, the State of Connecticut and several of its corrupt public employees continue to target whistleblower, Jonathan Reich. The Hartford State's Attorney's Office is relentlessly engaging in violations of due process by ignoring a pending case by all means necessary. The corrupt prosecutor, Carl Ajello of Cheshire Connecticut, refuses to communicate with the defendant's attorney, or respond to the attorney's 28-item discovery request submitted October 7th 2015. Prosecutor Carl Ajello has been directing staff members at the Hartford State's Attorney's Office to disconnect the phone line or send the call to voicemail when Jonathan Reich's defense attorney calls the Hartford State's Attorney's office to pursue justice and resolve the case. When members of the public or reporters have called to complain about this illegal activity, they are also sent to Carl Ajello's voicemail. Carl Ajello continues to engage in cruel and unusual punishment by refusing to abide by Connecticut statutes and standard procedures. We will not tolerate Carl Ajello's abuse of the Connecticut legal system.

The individuals listed below participated in a series of actions resulting in, but not limited to, public corruption, discrimination, and civil rights violations with the intent to deprive Jonathan Reich of civil rights guaranteed by the U.S. Constitution and State of Connecticut Constitution.

We urge our supporters to contact the individuals listed here demanding answers with written complaint letters and phone calls:






Gail P. Hardy  
Hartford State's Attorney  
101 Lafayette Street  
Hartford, CT 06106  
Tel: (860) 566-3190

Carl R. Ajello III  
Supervisor, Office of the Hartford State's Attorney  
101 Lafayette Street  
Hartford, CT 06106  
Tel: (860) 566-5996

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### Discussion



**Faiz Siddiqui**

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April 18, 2018

Hon. Edward J. Mullarkey  
c/o Clerk, New Britain Superior Court  
20 Franklin Square  
New Britain, CT 0605

Re: State v. Faiz Siddiqui

Dear Judge Mullarkey:

I have been arguing before Judge Julia Dewey that a warrant that you issued back in 2015 was not supported by probable cause. Judge Dewey has ruled that she is not authorized to review the sufficiency of the warrant until the defendant has been arrested and presented in court. (I have attached a copy of her decision to this letter.) The defendant is an Oxford educated English solicitor who resides in London and who, by all accounts, has a lifelong history of honorable and decent conduct. The warrant prevents his return to the United States because he is, understandably, reluctant to be arrested at Kennedy Airport and held in transit jails until he is presented in the Hartford GA. He would, I know, like to return so that he can complete post-graduate studies at the Kellogg School of Management at Northwest University.

I sense that part of Judge Dewey's declining to rule on the sufficiency of the warrant is an understandable reluctance to second-guess a fellow Superior Court judge, as well as the view that a defendant who has not yet been arrested and presented should not have the right to a judicial review of a warrant that is pending against him. Still, Practice Book § 36-6 does provide, in relevant part: "A judicial authority. . . may direct that any unserved arrest warrant be returned for cancellation," and it imposes no limitations on that power.

I am hoping that you will take a second look at the arrest warrant application, and at the law that has emerged since you issued it, and, if you agree that the warrant application really does not set forth probable cause to believe that Mr. Siddiqui has violated General Statutes § 53a-183 (the telephone harassment statute), that you will direct that the unserved arrest warrant against him be returned for cancellation. A copy of the warrant and application is attached.

Here is what the warrant alleges.

Beginning in 2006, Mr. Siddiqui called the complainant from time to time (the application uses the word "sporadic") and expressed his disappointment at the way things between them turned out. Warrant Application, ¶ 4. The complainant does not indicate when these sporadic calls ended, but Mr. Siddiqui told the investigating officer that he had not spoken with the complainant "for years." *Id.* ¶ 20. Almost six years ago, in August, 2012, Mr. Siddiqui sent an "intense 9 page email" to the complainant, her friends and her family, in which he described being rebuffed by her and gave vent to his hurt. *Id.* ¶ 5.

Over the course of the years, three calls have been made to the complainant's employer. (Mr. Siddiqui has denied having anything to do with those calls, but for the purposes of this argument, we shall assume that he was responsible for them.)

- One caller had an English accent and left a three-and-one-half minute message on an answering machine. He discussed various professional and personal misdeeds that he thought that the complainant had committed and questioned her suitability for the position of trust. *Id.* ¶ 7.
- One was an investigator named Molly Monahan who spoke with a managing partner and human resource director, repeating claims similar to those recorded on the answering machine. ¶ 8.
- A third identified himself as "Mike." When he said that he had additional information concerning the complainant, he was told not to call back, and he did not. *Id.* ¶ 7.

The calls were not made at unusual times, contained no threatening language and have not continued.

These three calls to the complainant's employer seem to be the heart of the charge against Mr. Siddiqui, but, as will be seen below, they cannot form the basis for a harassment charge.

On some date uncertain, the complainant "began getting [an unspecified] number of strange calls she believes were from him. The calls were often no talk calls and disguised numbers." Other than the complainant's suspicion, there was no indication that the calls were from Mr. Siddiqui - or were any different from the

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similar annoying robo-calls which almost everyone receives almost every day.

In order to establish that these calls were coming from Mr. Siddiqui, the complainant placed a "cell phone application (TrapCall)" on her telephone." This seems to be a device or a program which "traps" incoming calls and records the telephone numbers of in-coming callers. *Id.* ¶ 9.

The device revealed *one single call* from Mr. Siddiqui, on February 25, 2015, from the telephone number (224) 622-3820. The investigating officers obtained a search warrant for the call records of that phone number. They discovered that the *only* call that had been made from Mr. Siddiqui's telephone to the complainant was the single aforementioned telephone call that had been recorded by the complainant's TrapCall device on February 25, 2015. *Id.* ¶ 17.

That single call forms the basis of the harassment warrant, because the calls to the employer cannot constitutionally be criminalized.

No matter how unwise or unkind those calls may have been, conveying information that the caller believes should cause the employer to re-consider placing the employee in a position of trust is protected speech. Such opinions are protected by the First Amendment and Article First, §§ 4 and 5 of the Connecticut constitution. Communications protected by the first amendment (those that do not contain threats, or fighting words, or are meant to create imminent disorder) cannot form the basis for a criminal charge. *See, e.g., State v. Baccala*, 326 Conn. 232, 163 A.3d 1 (2017) (vile insults could not form the basis for threatening and breach-of-peace charges, unless they were likely to provoke an imminent violent response); *State v. Moulton*, 310 Conn. 337, 78 A.3d 55 (2013) (if the content of the call consisted of true threats, the content could be considered in establishing harassment; if it consisted of constitutionally protected speech, it could not); *State v. Reed*, 176 Conn. App. 537, 169 A. 3d 326 (2017) (content of call could be considered if it was a true threat not protected by the first amendment).

Your warrant was issued two years before the decisions in *Baccala* and *Reed*, when the relationship between protected speech and harassing words was in play. Now, however, it is clear that calling an employer to express doubts about the integrity of an

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employee cannot be considered harassment, at least in the statutory sense.

With respect to the unspecified number of sporadic calls made over the course of a decade during which Mr. Siddiqui expressed his sorrow that they had not stayed in touch, it is difficult to believe that anyone could find these calls to be the basis for a harassment complaint.

This brings us to the single call that forms the basis for the charge.

On February 25, 2015, at 12:35 PM his time, 1:35 AM hers, Mr. Siddiqui called the complainant's number. No one answered and he hung up. He did not breath ominously or make rude noises. He did not leave a voicemail threat. There is no allegation that the complainant even heard the telephone ring. All that happened was that an answering machine answered and Mr. Siddiqui hung up without leaving a message. The complainant would not have even known that he had called, if she had not installed a device that trapped the telephone numbers of callers who do not leave messages.

As I have argued before Judge Dewey, a person is guilty of harassment in the second degree when, with the intent to harass, annoy or alarm another person, that person "makes a telephone call, whether or not a conversation ensues, in a manner likely to cause annoyance or alarm." General Statutes § 53a-183(a)(3). Annoyance is defined as "vexation; a deep effect of provoking or disturbing ...." *State v. Indrisano*, 228 Conn. 795, 810, 640 A.2d 986 (1994). "'Alarm' is defined as... 'fear: fill[ed] with anxiety as to threatening danger or harm ....' Webster's Third New International Dictionary [1993]." *State v. Cummings*, 46 Conn. App. 661, 673, 701 A.2d 663, cert. denied, 243 Conn. 940, 702 A.2d 645 (1997). "[T]he legislature intended ... 'annoyance or alarm,' to be that perceived to be as such by a reasonable person operating under contemporary community standards." *State v. LaFontaine*, 128 Conn. App. 546, 554, 16 A.3d 1281 (2011).

Typically, telephone harassment involves multiple telephone calls or calls placed at inconvenient locations or hours. See, e.g., *State v. Therrien*, 117 Conn. App. 256, 259-60, 978 A.2d 556 (defendant placed threatening calls to complainant's personal cellular telephone during work hours), cert. denied, 294 Conn. 913, 983 A.2d 275 (2009); *State v. Lemay*, 105 Conn. App. 486,

488-89, 938 A.2d 611 (defendant repeatedly, anonymously, called complainant and made banging noises), *cert. denied*, 286 Conn. 915, 945 A.2d 978 (2008); *State v. Bell*, 55 Conn. App. 475, 477, 739 A.2d 714 (defendant placed forty-five phone calls), *cert. denied*, 252 Conn. 908, 743 A.2d 619 (1999), *overruled in part on other grounds by State v. Moulton*, 310 Conn. 337, 362, 78 A.3d 55 (2013); *State v. Marsala*, 43 Conn. App. 527, 529, 684 A.2d 1199 (1994) (defendant called complainant twenty-five times in early morning hours); *State v. Marsala*, 1 Conn. App. 647, 648-49, 474 A.2d 488 (1984) (defendant made threatening calls to complainant at her home, at night, and broke her window).

Admittedly, a single telephone call could constitute harassment, as in *Reed*, where the single call included a threat that the caller might do something to the victims similar to what Adam Lanza had done to the children at the Sandy Hook Elementary School, or as in *Moulton*, where a postal worker called a post office and, in an angry and agitated voice, said that she could do the same thing that another postal worker had recently done - shoot and killed several fellow workers.

Making a single telephone call around midnight, and then not leaving a message on the answering machine, is hardly likely to cause annoyance or alarm. As we have noted, the complainant probably would not even have known that Mr. Siddiqui had called, if she had not installed a special device on her telephone in order to detect the call. From Mr. Siddiqui's point of view, making a single late night call (after learning that someone he thought of as an old girlfriend had reviewed his biography online), and then not leaving a message, does not evince an intent to harass, annoy or alarm another person. He did not know that the complainant had installed a trapping device; he undoubtedly thought that the complainant would not even know that he had called. From the complainant's point of view, a single late-night call, with no harassing or threatening message, would not be perceived by a reasonable person operating under contemporary community standards to be a cause of annoyance or alarm.

As I argued before Judge Dewey: the late night drunken dial to the ex is the theme of dozens of songs. See, e.g., Lady Antebellum, *Need You Now*; Smithfield, *Slippin*; Pardi, John, *When I Been Drinkin'*; Josh Abbott Band, *Wasn't That Drunk*; Brothers Osborne, *Stay a Little Longer*; Kinder, Ryan, *Tonight*, Qualley, Rainey, *Kiss Me Drunk*, Young, Chris, *I'm Comin' Over*; Clark,

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Ashley, *Heaven Would Hurt*, *A Thousand Horses*, (*This Ain't No Drunk Dial*, *Smithfield*, *Hey Whiskey*, *Swindell*, *Cole*, *Hope You Get Lonely Tonight*, *Gardner*, *Clayton*, *What If We Fall*. If such calls were criminalized, our jails would be bursting with lovesick puppies.

Given that decisional law since the time you issued the warrant has established that the kinds of calls made to the complainant's employer may not constitutionally form the basis for a harassment charge and that, without those calls, there is an inadequate basis to establish probable cause, I am hoping that you will re-think the issuance of this warrant and order it withdrawn.

Thanks for all your gruff kindnesses in the past and for your attention to this criminal matter that seems so minor - but not to Faiz Siddiqui.

Sincerely yours,

Jeremiah Donovan

cc (w/o attachments): Hon. Julia Dewey  
State's Attorney Carl Ajello  
State's Attorney Robert Diaz