

## CASE OF THE WEEK

# Prosecutors Want Attorney To Testify In Restitution Case

*The Law Tribune will often preview an important or interesting case when the state Appellate or Supreme courts are in session.*

**Case:** State v. Lisa Lantz

**Court:** Connecticut Appellate Court

**Date:** Oct. 14

**Time:** 2 p.m.

**Attorneys:** Raheem L. Mullins, deputy assistant state's attorney, and Tara Knight, of Knight, Conway & Cerritelli

**Summary:** A woman convicted of larceny is challenging a judge's ruling that would force her lawyer to take the stand in her probation violation case, thus removing him as her lawyer.

**Background:** On Oct. 13, 2006, Lisa Lantz was convicted of three counts of fourth-degree larceny and sentenced to three years of probation. She had swindled two elderly neighbors out of \$85,775 by telling them she needed money for everything from an engagement ring to dental work. As part of her sentence, she had to repay the money.

Roughly \$53,000 of the restitution was due a week after sentencing, the rest to be paid during the three-year probationary period. An arrest warrant was issued when Lantz didn't make payments. In May 2008, Meriden assistant state's

attorney James Dinnan moved to have Lantz's defense lawyer, Gregory Cerritelli, of Knight, Conway & Cerritelli in New Haven, disqualified from the case.

Dinnan explained that at a pre-trial hearing Cerritelli told him that Lantz had \$29,000 available to make payments. And so Dinnan claimed he needed Cerritelli as a witness to explore Lantz's ability to pay the restitution.

Cerritelli countered that disqualifying him would violate his client's Sixth Amendment right to counsel of her choice. Cerritelli further claimed he was not a necessary witness.

The state was required to prove that Cerritelli was the only source of the information regarding whether Lantz had the financial means to pay the restitution. It relied entirely on the

conversation between Cerritelli and Dinnan. Then-Meriden Superior Court Judge Arthur Hadden ultimately ruled that Cerritelli had to testify about the restitution payments. Cerritelli mince words after Judge Hadden's decision for the first time. "I'm shocked and outraged. It's counter to everything I've imagined our adversarial system is about," Cerritelli said. "It's appalling."

Lisa Lantz then appealed Judge Hadden's decision, claiming that the trial court abused its discretion by granting the state's motion to disqualify Cerritelli as her lawyer. Lantz argues that the state didn't demonstrate a compelling need for his testimony, nor did it exhaust other possible sources that might reveal her means to pay the restitution.

Attorney Tara Knight, a partner in Cerritelli's firm, is handling the appeal.

"The 'fact' that the defendant was able in March 2008 to give or show to Attorney Cerritelli a bank check for \$29,000, which she hoped to apply to her restitution obligation, simply does not speak to whether the defendant was able, months earlier... to secure such funds," Knight wrote in her Appellate Court briefs.

Knight further argues that the statements he made to Dinnan were done so in the course of settlement negotiations and should be excluded from subsequent hearings.

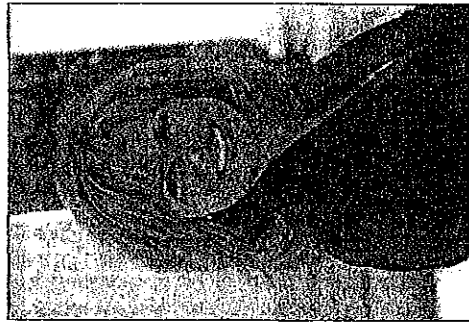
"Nothing suggests that Attorney Cerritelli's statements were blurred out during a chance and casual encounter... in a coffee shop or at

the grocery store," Knight stated. "Virtually the entire purpose of pre-trial discussions between a defense lawyer and members of the State's Attorney's Office is to see if a plea can be negotiated."

But the state doesn't agree that the conversation between the prosecutor and defense attorney should be out of bounds.

"Cerritelli's admission that the defendant had shown him a sizeable check for purposes of restitution, thereby evincing her ability to pay, is vital to the state's case," writes Deputy Assistant State's Attorney Raheem L. Mullins to the state Appellate Court.

"There is no way for the state to elicit this evidence and demonstrate that the defendant had the ability to pay her restitution, other than through Cerritelli's admission," Mullins continued. "The quality of any other source pales in comparison to having Cerritelli testify regarding the check..."



TARA KNIGHT