

N23N-CR080077420S : SUPERIOR COURT
STATE OF CONNECTICUT : NEW HAVEN JUDICIAL DISTRICT
VS. : AT NEW HAVEN G.A. 23
STEPHEN PISERCHIA : MAY 8, 2008

BEFORE THE HONORABLE: PHILIP SCARPELLINO, JUDGE

A P P E A R A N C E S

FOR THE STATE: MICHAEL DENISON, ESQUIRE
ASSISTANT STATE'S ATTORNEY

FOR THE DEFENSE: JOHN CIRELLO, ESQUIRE
ATTORNEY AT LAW

JANET LASKEN
COURT RECORDING MONITOR

1 MR. DENISON: Good morning, Judge. Michael
2 Denison for the state.

3 THE COURT: Good morning.

4 MR. DENISON: And on your A Docket, number
5 71, the matter of Stephen Piserchia.

6 MR. CIRELLO: Good morning, your Honor.
7 John Cirello for the defendant who's approaching.
8 I have notice of the A.R. application and the
9 green card from the victim.

10 MR. DENISON: I know that the victim is in
11 court today, your Honor.

12 THE COURT: Britt Marie Horrер (sic),
13 H-A-W-R-E. Harwe.

14 MR. DENISON: Harwe.

15 THE COURT: I apologize if I mispronounced
16 it. Is that you, Miss? Come on up. How do you
17 pronounce it, ma'am?

18 MS. HARWE: Harwe, H-A-R-W-E. Harwe.

19 THE COURT: Harwe. The -- the W sounds like
20 a V? All right. Record should reflect that
21 Miss. Harwe's received notice and she is actually
22 present in court.

23 Now I'm sure the prosecutor, ma'am, has
24 informed you that, you know, this is an
25 application for a particular program. This
26 program, firstly, is available only to persons
27 with absolutely no prior criminal involvement.

1 It's a program you can use one time in your life.
2 It's a program where the Court can put -- put the
3 defendant on a probation for up to two years with
4 any conditions the Court thinks is appropriate.

5 And, you know, whenever -- before this
6 program is granted there's a statute that says
7 the victim must be notified so that the victim
8 can come and give their views to the Court. I
9 always try to tell the victims that there's
10 really two things the Court would like to hear,
11 other than, you know, what you want to say
12 anyway, but what -- what the Court would like to
13 know, you know, on the one hand if you're opposed
14 to the program in the first place, and on
15 the -- if you are, then a -- a second thing the
16 Court would want to hear is, even though you're
17 opposed, if the Court were to grant the
18 accelerated rehabilitation, even over your
19 opposition, what conditions would you like to see
20 on it.

21 So -- so those are -- aside from any remarks
22 you'd like to make besides that -- I'm not -- I'm
23 not limiting your remarks to that but those are
24 the two issues that -- that the Court would want
25 to address or want you to address so that -- you
26 know, as I said, even though, you know, a victim
27 may come in, a victim may object, the Court may

1 grant it over the victim's objection, the Court
2 may not grant it over the victim's objection. I
3 don't know what I'm going to do.

4 I had a conversation with counsel this
5 morning. I did read some letters on behalf of
6 the defendant to save some time when I came out
7 in court. I did listen to both attorneys speak
8 to me. And I indicated that I would listen to
9 everybody and if I had some problem I would just
10 continue it for awhile to -- to decide what I
11 wanted to do. Or, if I could make a decision
12 today, obviously, I would do it today. So that's
13 where we stand. Now having said all that, are
14 you ready at this point to address the Court?

15 MS. HARWE: Yes.

16 THE COURT: Do you feel comfortable? Okay,
17 very good then. Go ahead, ma'am.

18 MS. HARWE: Okay.

19 THE COURT: Just state your name for the
20 record.

21 MS. HARWE: My name is Britt Harwe. I just
22 want to let you know I have a paralyzed vocal
23 cord so I'm sometimes hard to understand.

24 THE COURT: Okay. Can you hear that okay
25 through the microphone?

26 THE MONITOR: Yes.

27 THE COURT: All right.

1 MS. HARWE: I'm the one that received Dr.
2 Piserchia's harrassing phone calls. I'm here to
3 say that I do not think Dr. Piserchia should be
4 able to get accelerated rehabilitation and have
5 the possibility of his record erased.

6 I do not believe for a minute that he will
7 not harass again. He is a health care provider
8 who has the priviledge of using the title doctor
9 which makes his behavior all that more -- much
10 more reprehensible.

11 This was not a one-time occurrence or lapse
12 in judgment. Over a period of three days he
13 called seven times. Each time leaving a message
14 harrassing, singing songs, belching and making
15 fun of stroke victims. He admitted he made these
16 calls but only to voice his opinion. Yet not
17 once in any of these seven messages he left did
18 he express any opinion at all. He also sent me
19 e-mails as far back as January 2006 poking fun
20 and that he was going to adjust 45 necks that
21 day.

22 I'm the co-founder of a group of victims
23 called The Chiropractic Stroke Awareness Group.
24 We consist of hundreds of members who have
25 suffered a stroke as a result of a chiropractic
26 adjustment. Our group is working alongside
27 another group called VOCA which is Victims of

1 Chiropractic Abuse. It is working to getting
2 laws passed here in the state of Connecticut that
3 chiropractors would have to adhere to.

4 One of the bills is about giving informed
5 consent to patients before a chiropractor does a
6 minipular treatment on a patient he must first
7 discuss the risks which include permanent
8 disability, stroke and even death.

9 Dr. Piserchia as well as other chiropractors
10 in the state do not want this bill to become law
11 because they feel patients may not want to have
12 manipulations done if they knew there were risks.
13 All chiropractors seem to be concerned about is
14 their bottom line instead of the health of their
15 patients.

16 My group feels that since the risks may
17 include such devastating injuries as permanent
18 disability and death, people have the right to
19 know so they can make their own informed decision
20 about whether they should proceed with this
21 health care treatment.

22 Chiropractors have long advertised that
23 manipulations or adjustments, especially cervical
24 adjustments, were safe. But this is not the
25 case. I can personally attest to that. In 1993
26 I went to a chiropractor for a pinched nerve in
27 my shoulder and the chiropractor crushed an

1 artery to my brain and I had a stroke immediately
2 on the table. Since the age of 26 I've had many
3 disabilities. I was told I'd never walk or
4 possibly talk again. I have a feeding tube
5 because I cannot swallow properly and have to
6 take all nutrition and I have not eaten properly,
7 normally, in 15 years.

8 I am one of the fortunate ones. Many have
9 become permanently paralyzed, have totally lost
10 their ability to walk or talk and even have died.
11 And I'm one of the survivors that want to warn
12 people about the possible dangers. We know about
13 the risks of so many things in medical
14 procedures, risks of smoking, taking drugs, et
15 cetera, so why shouldn't we know the risk of a
16 chiropractic manipulation, especially since
17 they're so severe and potentially life-
18 threatening.

19 I want to continue my work without fear of
20 him calling or writing me, making fun of me or my
21 fellow stroke survivors. I want to continue my
22 work. Dr. Piserchia knows he's picking on people
23 who now have severe physical and emotional
24 problems. He is preying on them by making his
25 phone calls so that they become too intimidated
26 to take part in our awareness campaign, all in
27 hopes that our message will simply go away.

1 Dr. Piserchia may not have continued the
2 calls himself to other victims across the state
3 but I strongly believe he's very instrumental in
4 getting other chiropractors to do exactly as he
5 did. Many messages left on other victims phone's
6 answering machines were the same songs and
7 basically making fun of stroke victims. I know
8 that this is no coincidence. Dr. Piserchia -- it
9 almost chokes me to use this title for him
10 because it just seems unfathomable that any
11 doctor who's supposed to live by the motto first
12 do no harm would intentionally compound a
13 person's injuries by making fun of them.

14 He has never, ever apologized or expressed
15 any remorse that he made the calls. Obviously,
16 he knows our e-mail address and easily could have
17 written a nice note but he didn't. In fact, I
18 know he did the opposite. He has been calling
19 everyone he knows to try and further intimidate
20 us.

21 We know he's even called the billboard
22 companies that we advertise with and tried to get
23 companies to take down our advertisements. He's
24 used every connection he had in the New Haven
25 Police Department to try to get me to go away
26 ever since he made the calls back in June of
27 2007.

1 After he admitted to the police that he made
2 the calls to me and after I put in a complaint to
3 the New Haven Police Department, he called
4 sergeants, lieutenants, patrolmen that he knew at
5 this department, all in hopes of getting this to
6 quietly go away. That is why it has taken over
7 eight months to get to court. Every time Dr.
8 Steve made a call to one of his friends the
9 paperwork would mysteriously disappear.

10 Between Janet, President of MOCA, and
11 myself, we've spent hours upon hours and days
12 upon days trying to get someone to do the right
13 thing within the police department. In fact, the
14 very first time we went to the New Haven Police
15 Department we were told he was not known to them
16 as Dr. Piserchia. He was known as Dr. Steve
17 because Dr. Steve always came in and gave them
18 adjustments.

19 We were assured by the sergeant at the time
20 that although they knew Dr. Steve it would not
21 affect the fact that he was going to be arrested
22 for the harassment, and this was back in August
23 of 2007. Dr. Steve has proceeded in calling
24 everyone else on the force to make this go away.
25 He had the audacity to keep denying that he even
26 made the calls at all, even though he already
27 admitted it to some police officers, and it was

1 clearly his voice on the tapes and the caller ID
2 clearly identified his office as the New Haven
3 Medical Sports and Occupational Health.

4 And then when VOCA was making great strides
5 in bringing one of our bills to light in the
6 legislature this past March, we were accused
7 publically of using Dr. Steve as a scapegoat
8 because they said we deliberately waited to get
9 him arrested in March so we could use the
10 publicity against him and make an example of
11 chiropractic behavior.

12 In fact, the whole tactic of trying to
13 stonewall this and delay his arrest has nothing
14 to do with us at all. We have tried hard to get
15 this done seven, eight months ago and yet they
16 accuse us in Hartford of unscrupulously using Dr.
17 Steve. The whole thing was so covered up and
18 didn't proceed after the paperwork mysteriously
19 dissapeared.

20 We showed an article to Mr. Denison that was
21 written up on Dr. Steven on the internet, of
22 which I have a copy here if you'd like to see.
23 He clearly states Dr. Piserchia made contacts at
24 the New Haven Police Department by lecturing at
25 the Police Academy and it even shows a picture of
26 him working with a police officer in uniform.

27 Dr. Piserchia is a licensed healthcare

1 provider. He made harassing calls from his
2 office in between appointments during the day.
3 He wrote e-mails also during the workday about a
4 year-and-a-half before we could prove he was
5 making these calls.

6 Steve Piserchia will not stop his harassment
7 of me or other stroke victims. Accelerated
8 rehabilitation will not stop him from harassing,
9 frightening and emotionally hurting these people,
10 these stroke victims. We have all, obviously,
11 suffered enough and I would rather not have his
12 record erased. He is a healthcare provider.
13 People need to know that this is on his record
14 and this is the way he has behaved toward
15 victims; knowingly calling them.

16 And I have transcripts of what he said. Not
17 once did he left any kind of opinion whatsoever.
18 And he was complaining he was upset about our
19 advertising. All we did was advertise, injured
20 by a chiropractic adjustment, 'cause we wanted to
21 find others and we have found hundreds. That's
22 all we've done. It's called stroke awareness.
23 You hear about stroke being caused by so many
24 other things, it is caused by chiropractic
25 manipulation.

26 THE COURT: But --

27 MS. HARWE: They've said it in all their

1 literature.

2 THE COURT: But you're not asking me to
3 punish him for all the people that were injured
4 by chiropractors?

5 MS. HARWE: No, I -- I'm --

6 THE COURT: I mean --

7 MS. HARWE: -- asking you to --

8 THE COURT: -- some of your presentation
9 was, you know, was directed at -- at all the
10 people who suffer. And certainly, you know, this
11 Court and I think any -- well, I won't speak for
12 anybody else -- this Court has, you know, empathy
13 for folks who, you know, go in for what we all go
14 in for sometimes and come out in a -- in a bad
15 situation.

16 But -- but you're not asking me to deny it
17 because there are people who suffer --

18 MS. HARWE: No. Absolutely not.

19 THE COURT: Okay.

20 MS. HARWE: I am asking you deny the
21 Accelerated Rehabilitation because this should
22 not be wiped off his record. There have been
23 hundreds of people in the group, there have been
24 others that have gotten the same type of phone
25 calls. We can't prove that it's him but others
26 have been affected. The group has been affected.
27 I can't get others to come with me today because

1 of the harassment.

2 THE COURT: Okay.

3 MS. HARWE: And what is a medical procedure
4 and yes, medical procedures can go wrong, but in
5 many cases chiropractors don't tell the people,
6 go to the hospital and get treatment. They say
7 nothing and let the person suffer.

8 In my case the chiropractor called 911 yet
9 said nothing. Did not tell him he did a neck
10 adjustment, did not tell him I couldn't sit up,
11 that I couldn't speak --

12 THE COURT: Yeah, but I can't --

13 MR. CIRELLO: Your Honor --

14 THE COURT: I mean, the --

15 MS. HARWE: They had no idea --

16 THE COURT: You know, I can't -- you know --

17 MS. HARWE: But this is what he's making fun
18 of these people.

19 THE COURT: I understand that but -- but,
20 you know, the -- it -- the sympathy of the Court
21 cannot be a factor in whether or not to grant
22 this Accelerated Rehabilitation. I mean, there's
23 certainly a sympathetic and empathetic feeling of
24 the Court but -- but I can't use that to -- to
25 deny or grant. Now --

26 MS. HARWE: I want you to understand what he
27 did. It is not just a matter of one person

1 harassing another person or a group. This is a
2 healthcare provider, licensed by the state of
3 Connecticut, using the title doctor, knowingly
4 calling a stroke awareness group and making light
5 and making fun of stroke victims. Hah, hah. My
6 mother had a stroke, she can't talk.

7 THE COURT: That is --

8 MS. HARWE: This is --

9 THE COURT: -- difficult to understand.

10 MS. HARWE: That's what I want you to
11 understand and that's why I gave you --

12 THE COURT: Well, I do --

13 MS. HARWE: -- all that --

14 THE COURT: -- understand that.

15 MS. HARWE: -- background information.

16 THE COURT: I do understand.

17 MS. HARWE: Thank you.

18 THE COURT: Okay. Anything else?

19 MS. HARWE: No. Thank you for letting me
20 speak.

21 THE COURT: Okay.

22 MR. DENISON: Thank you.

23 THE COURT: The state?

24 MR. DENISON: Judge, this is one of those
25 cases where we're faced with a misdemeanor (sic),
26 which is arguably what the Accelerated
27 Rehabilitation Program is designed for.

1 As the Court knows, you've got to make a
2 decision based on whether or not the defendant is
3 likely to re-offend and whether or not this
4 matter is one of serious proportion that would
5 preclude somebody from benefitting from a period
6 of probation.

7 I think Miss. Harwe has kind of summed
8 everything up here. He's a doctor. Uses the
9 name doctor, the title doctor, uses the title
10 physician. While "do no harm" is the first tenet
11 of medicine, I don't know about chiropractic, but
12 it is the first tenet of medicine, she's a
13 hundred percent correct. He picked somebody who
14 he doesn't know, calls them repeatedly over a
15 period of several days leaving just horrendous
16 telephone calls mocking the fact that these
17 people have been hurt.

18 Now the Court has heard what Miss. Harwe's
19 injuries were. She suffered a stroke. She has
20 on-going life -- life problems including the fact
21 that she's no longer able to eat without
22 assistance from a tube. I don't know if the
23 defendant knew that at the time he made the calls
24 but he does know that these people were injured.
25 And what he did was exacerbate these injuries,
26 literally by mocking them and by simply saying,
27 I'm a doctor, I can do this. This is

1 arrogance --

2 MR. CIRELLO: Your Honor, my --

3 MR. DENISON: -- arrogance.

4 MR. CIRELLO: That's not a quote from my
5 client. I want the record to be clear. He says
6 my client said this and, as far as I know, my
7 client has never spoken to Mr. Denison.

8 THE COURT: Okay.

9 MR. DENISON: If -- if I may make my
10 remarks?

11 MR. CIRELLO: Sure.

12 MR. DENISON: This is just plain arrogance
13 on the part of this defendant. On the one hand
14 he wants to be doctor, physician, Dr. Steve to
15 all the -- all the police departments and other
16 folk.

17 And on the other hand he wants to be able to
18 engage in the practice of chiropractic with
19 impunity. And any one who takes an opposite
20 opinion of the practice of chiropractic or
21 anybody who speaks ill of it, well, they're just
22 fair game. This is horrendous behavior and
23 there's no doubt about it.

24 If the Court is inclined to grant
25 Accelerated Rehabilitation, it should be for the
26 full term of two years and the Court should, as a
27 condition, mandate through the Department of

1 Probation psychological evaluation and such
2 treatment as is necessary to ensure that this guy
3 doesn't re-offend and that he's made to
4 understand that one who is entitled to use the
5 term doctor, on the one hand, has great
6 responsibility to society in general and to those
7 who he treats on the other hand. Thank you,
8 Judge.

9 THE COURT: Okay. I read --

10 MR. CIRELLO: Your Honor --

11 THE COURT: -- I read the -- the packet of
12 letters that you gave me. I'm not going to go
13 through the entire list but counsel, on leaving
14 this morning, gave me a packet --

15 MR. CIRELLO: There are about a dozen
16 letters, your Honor.

17 THE COURT: Yeah, and, as I said, I did read
18 through all of them. And I'm going to hand them
19 back. And I had written -- made some notes on
20 there so I wouldn't mispronounce his name so --

21 MR. CIRELLO: Anything further, your Honor?

22 THE COURT: No, go ahead.

23 MR. CIRELLO: Okay. Your Honor, the accused
24 is standing next to me. This is a person who's
25 accused of certain crimes. There's been no proof
26 that he has committed these crimes to date. And
27 I think that -- I didn't want to interrupt the

1 alleged victim with her comments or the state
2 with their comments but not only did they portray
3 a lot of the accusations made in the affidavit,
4 the police affidavit, as fact but also added
5 additional allegations that I have never been
6 made aware of and that my client -- and others
7 that my client absolutely denies.

8 I think that we need to take into
9 consideration what the charges are and the facts
10 that are outlined in the police report with
11 regard to whether Accelerated Rehabilitation
12 should be granted.

13 Between June 5th and June 7th of 2007 the
14 victim allegedly received seven harassing phone
15 calls from the defendant, okay? There is no
16 mention of e-mails, there's no mention of him
17 getting other people to call, there's no mention
18 of anything about it at all.

19 On June 27th the victim called the
20 Wethersfield Police Department to report the
21 incident. On June 28th, 2007 an officer from the
22 Wethersfield Police Department, which has no
23 relation to my client, my client doesn't know and
24 my client doesn't do any business with the
25 Wethersfield Police Department, called my client
26 and told him not to call the hotline any longer.

27 Since that time my client has not called the

1 hotline. The -- at that point the victim was
2 dissatisfied with the Wetherfield Police
3 Department that my client wasn't arrested. So on
4 August 9th she contacted the New Haven Police
5 Department. And I don't know how she knows
6 conversations that she wasn't privy to with
7 regard to my client and the New Haven Police
8 Department or vice versa but they did what they
9 were supposed to do. They presented the case to
10 State's Attorney Dave Strollo and they said that
11 they were ceasing the investigation.

12 And then on January 15th brother counsel
13 presented the case to the police department. My
14 client -- there was a warrant out for his arrest.
15 He was notified of that and he turned himself in.
16 She makes some comments about -- with regard to
17 the seven phone calls, they were, other than the
18 one comment about the -- getting someone on the
19 phone who had a stroke, they were "Prince Albert
20 in the can" type comments. Phone calls, there
21 were seven phone calls. The total duration of
22 those phone calls was 100 seconds. It's a minute
23 and a half.

24 What were the adverse consequences to date
25 for the accused? As a result of the victim's
26 efforts to make this prosecution a media
27 spectacle, my client's name and sometimes picture

1 was depicted in the Hartford Courant, CBS News,
2 Fox 61, NBC Channel 30, News Channel 8 and
3 national -- and national cable news. Many of
4 these things were available on-line 24 hours a
5 day.

6 News Channel 8 was probably the most
7 egregious with a camera in the courtroom. Not
8 only did the show air that night but a slow
9 motion special effect shot of my client walking
10 out of this courtroom was depicted on the news
11 for two weeks during every one of their news
12 broadcasts promoting the news.

13 As a result of this -- Dr. Piserchia owns a
14 small business in town and it's affected his
15 business. Cameras were appearing in front of his
16 place of business. When the Knights of Columbus,
17 who was a major client of his, found out about
18 it, they dropped him as a provider just because
19 of the allegations that were set forth in the
20 news stories.

21 Additionally, just recently, he received
22 letters from two insurance carriers saying they
23 have suspended his ability to treat their
24 patients because of a news story that appeared in
25 March 6th of 2008.

26 Why all of this media attention? As the
27 victim stated, she's the sole member and owner of

1 a company called the Chiropractic Stroke
2 Awareness Group, LLC. The group's mission is to
3 attack the profession of chiropractic care
4 which -- which is commonly used by millions of
5 Americans. The group promotes their -- the
6 group, meaning the Chiropractic Stroke Awareness
7 Group, promotes their agenda through aggressive
8 advertising campaign which includes a website,
9 newspaper advertisements, television commercials,
10 bus advertising, an entire bus with her phone
11 number on it, a half-page Yellow Pages
12 advertisement, again with the victim's phone
13 number on it, public service announcements with
14 the victim's phone number listed; most notably, a
15 billboard on Route 95 in Bridgeport which is seen
16 by millions of commuters with her phone number on
17 it.

18 We're not trying to silence her from
19 standing on a mountaintop and shouting whatever
20 she wants through a megaphone. But if somebody
21 shouts back, I think that's -- that should be
22 expected to some degree. So one hundred seconds
23 of poor judgment by -- on my client's behalf
24 results in a firestorm of media attention to
25 promote the victim's cause.

26 Through A.R. my client's charges might be
27 dismissed but the damage to his reputation and

1 his business will not. Despite the relentless
2 media attack, he still is respected and trusted
3 by his patients, other businessmen, and other
4 healthcare providers as the 12 letters that
5 you've read indicate. And I don't want to read
6 them on the record for -- I don't wish to waste
7 the Court's time.

8 When Dr. Steve called me and told me that he
9 was charged with these crimes, I agreed to
10 represent him pro bono. I'm not taking a fee for
11 this case, your Honor. That's how much I respect
12 this man. Also, I'm a client. And I've treated
13 with him in the past and had the same neck
14 manipulation that the victim has had. And if I
15 was in pain again I would have him do it again.

16 The relief we're seeking is that the
17 Program of Accelerated Pre-trial Rehabilitation
18 be granted. It's appropriate in this case. My
19 client has no previous criminal record. The
20 charges are misdemeanor. The accused is unlikely
21 to offend in the future. And -- and that is
22 evidenced by the fact that the last time he made
23 a phone call, allegedly, was June 7th and since
24 that time my client has told me that he has not
25 made any phone calls or contacted the victim in
26 any way.

27 Additionally, the accused has suffered

1 damage to his reputation and his business
2 standing in the community, especially with the
3 insurance companies preventing him from earning
4 income for treating their patients. The
5 insurance companies are asking how this case
6 resolves in order to see if he may be re-
7 instated. If there's a two year period of
8 probation we won't know how this case resolves
9 for two years. And as a result, he may lose
10 these -- these providers forever. For the
11 foregoing reasons, the accused asks the Court to
12 grant the Accelerated Rehabilitation Program and
13 dismiss the charges today.

14 About the state's request that a mental
15 health evaluation be ordered of my client, I
16 don't see that anywhere in the Accelerated
17 Rehabilitation statute. There is a section that
18 says you can have a mental health screening if
19 the crime involves cruelty to animals. So,
20 therefore, the legislature contemplated in what
21 cases do we need a mental health evaluation and
22 they decided that in the case of cruelty to
23 animals, yes, that would be appropriate but it's
24 silent to a Harassment in the 2nd Degree charge.

25 The victim claims that my client's more
26 concerned about the bottom line and not the care
27 of -- of patients. I think the letters

1 contradict that statement. And with regard to
2 him not apologizing to her, the Court's well
3 aware that any statements that my client makes
4 after he's been charged with a crime can be used
5 against him and, therefore, he has the right to
6 remain silent.

7 THE COURT: Certainly -- certainly, the fact
8 that he's not apologized has absolutely no
9 bearing on the Court, whatever decision the Court
10 makes.

11 MR. CIRELLO: Thank you very much, your
12 Honor. Your Honor --

13 THE COURT: As a matter of fact, this Court
14 doesn't order letters of apology. This Court
15 feels that if people want to apologize, they
16 should do it on their own, not because they're
17 ordered to apologize. You know, I find that
18 rather ridiculous, to be honest with you.

19 MR. CIRILLLO: Thank you, your Honor. I
20 have nothing further to say, your Honor.

21 THE COURT: Okay. Anything else?

22 MR. PISERCHIA: Your Honor, I am truly
23 sorry. I never did this for fortune, fame or
24 greed. It was a silly act but I have suffered
25 dearly as a result of it. And I was never given
26 the ability to apologize because I was told by
27 the Wethersfield Police that cease and desist

1 means no further contact.

2 THE COURT: Yeah, I'm not -- I'm not
3 concerned about the apology. I understand the
4 reasons, the legal reasons for that.

5 Well, you know, firstly, there's a --
6 there's a couple of things that should be noted
7 and you know, we did have some pre-trial
8 discussions and the discussions out here do not
9 reflect the pre-trial discussions that we had.
10 The -- you know, the representations that were
11 made in chambers are different than what occurred
12 in this courtroom this morning. And,
13 nevertheless, what occurred, occurred, and so,
14 obviously, the Court has to deal with that.

15 You know, regarding the remarks of the
16 victim in this case, you know, I think that many
17 of the remarks were extremely poignant and
18 extremely important. I think some of them, you
19 know, regarding the number of people that have
20 been injured by chiropractors, I really don't
21 think that has anything to do with this
22 particular case.

23 I think what we're looking at here is a
24 professional chiropractor who made phone calls to
25 a group. I mean, I think he has a right to
26 resist the group. I think he has a right to
27 lobby against the group just as the group has a

1 right to lobby for what it wants. I mean,
2 that's -- that's what this is all about.

3 So -- so the real issue here is -- you know,
4 the statute says the Court has to, one, find that
5 it's not of such a serious nature, the crime
6 itself. And, secondly, that he's not likely to
7 offend again in the -- in the future.

8 You know, whatever the Court does, you know,
9 this is not a win/lose situation. This is not,
10 you know, the defendant wins or the victim wins
11 and the defendant loses and, you know, the -- the
12 Court has to look at the conduct. Now it was
13 also mentioned -- so so that addresses the
14 victim's, you know, view of the situation.

15 I -- I think that the -- you know, there are
16 rights to resist. There's nothing wrong with
17 that but the question is, is what he did too much
18 for the Accelerated Rehabilitation.

19 As far as, you know, counsel's remarks
20 regarding these charges not being proved, well, I
21 mean Accelerated Rehabilitation obviously
22 contemplates the Court looking at the facts that
23 were presented and making a decision on the facts
24 that were presented. Now these facts may turn
25 out, I mean, who knows? It may turn out that a
26 nurse from his office made these phone calls.
27 The question is, I have to decide whether if he

1 made these phone calls whether that's too serious
2 an offense or whether or not he's likely to
3 offend again. So I have to assume that these
4 things occurred the way that -- that they are
5 said to have occurred. This is not an
6 innocent -- a guilty type situation.

7 You know, regarding what the news has done,
8 I'm sure that that does reflect, you know, some
9 punishment that he's received then. But, you
10 know, in todays day and age, you know, the -- the
11 media can -- can hurt someone and can be
12 judgmental and -- I didn't read the articles
13 pertaining to this case. I don't know anything
14 about this case except for what I've heard in the
15 chambers and what I've read in the police report.
16 I obviously made it a point not to look at
17 anything that had to do anything with this case.

18 Yet the Court -- you know, there's something
19 that's wrong here. There's something that just
20 doesn't sit right. Why would a doctor pick up a
21 telephone over a three day period, make seven
22 phone calls to somebody and -- and -- and -- and
23 some of them were mocking. Some of them were
24 degrading. And it's hard to get -- it's hard to
25 get past that.

26 And this is truly one of those cases, you
27 know, it's again, you know, one of these cases

1 that's -- that's on the fence and -- and , you
2 know, difficult to decide. I think that some of
3 the things that the victim said are, as I said,
4 reflect what the Court feels. A number of phone
5 calls over a period of time but I don't want to
6 get sidetracked by the poor victims of -- of
7 some -- of anybody, any profession; doctors,
8 chiropractors. People get hurt, people get
9 injured. You know, I -- I don't want to punish
10 the doctor for those reasons either.

11 But, you know, for -- for a physician, for a
12 doctor to pick up a telephone and -- and over
13 three days make these calls to a specific group
14 that has suffered as a result of these injuries,
15 is something that the Court is unsure as to
16 whether or not it can address through the
17 Accelerated Rehabilitation Program.

18 And finally, you know, this has nothing to
19 do with whether I'm going to do this or not do
20 this but, regarding any psychological counseling,
21 you know, I think this Court has the authority to
22 demand psychological counseling if that's what it
23 thinks is appropriate in this particular case.

24 So, having said those things, obviously as I
25 said to you when we had these in-court,
26 in-chamber discussions, the -- the presentation
27 changed somewhat when we came out here. And so

1 the Court has digested the remarks that have been
2 made and -- can I see the content of the -- the
3 transcript of -- of the call -- of the calls?
4 Can I see that?

5 MR. DENISON: We don't have a transcript, I
6 don't believe, at this point.

7 MR. CIRELLO: I -- I have a transcript.

8 MR. DENISON: You have the transcript? Oh,
9 yes, I do.

10 THE COURT: Yeah, you have it. We talked
11 about it this morning.

12 MR. CIRELLO: Let the record reflect that
13 Crystal Haynes from News Channel 8 is in the
14 courtroom.

15 THE COURT: Why does that matter?

16 MR. CIRELLO: I think that media has a lot
17 to do with this case. It was a large part of my
18 argument.

19 THE COURT: Okay. All right, we'll pass
20 this for a few minutes and we'll get back to it
21 in a little bit.

22 (THE MATTER IS PASSED AND LATER RECALLED.)

23 MR. DENISON: Is the Court prepared to take
24 up --

25 THE COURT: Yeah.

26 MR. DENISON: -- Piserchia matter?

27 Recalling number 71, the matter of Stephen

1 Piserchia.

2 MR. CIRELLO: John Cirello, once again for
3 the defendant, your Honor.

4 THE COURT: All right. All right, the
5 record should note that the victim is still in
6 the courtroom and the Court has taken about an
7 hour or so after hearing the arguments.

8 As I said earlier, you know, there -- there
9 was a -- an initial indication this -- this might
10 have been an agreed to situation, however, that
11 changed and that's -- the Court has no problem
12 with that. It just wanted to digest everything
13 and all its reasons that it -- that it had on its
14 mind regarding this particular offense.

15 You know, I start the day every day by
16 saying that there are numerous programs available
17 that have the effect of dismissing the particular
18 charge against you if you qualify and if you do
19 as you're directed to do with these programs.
20 And, you know, there's -- there's a program, you
21 know, for drunk driving where it ends up in a
22 dismissal of the charges. There -- there's
23 possessions of narcotics that carry seven years
24 and \$50,000 that end up in dismissals. You know,
25 there's family violence offenses that are violent
26 that sometimes -- and those end up in dismissals.

27 So the -- so the question is, is there some

1 way to address concerns and -- and go along with
2 the statutory criteria that have been set out by
3 the legislature. So the first thing is, is the
4 Doctor likely to offend again in the future. You
5 know, that's -- that's a question that -- that,
6 you know, you almost have to guess at but he
7 comes before the Court, let's say, over 40 years
8 old, and have no -- without -- without any kind
9 of criminal record. So, obviously, any one who
10 applies for this program has to be in that
11 position.

12 You know these -- these phone calls, when
13 you -- when you read them and look at them
14 they -- they almost look like they were made by a
15 child. And I think that that's part of the
16 reason, you know, why the Court has wanted to
17 make sure it thought this out totally, hearing
18 from the victim and seeing the nature of the
19 offense and -- and the type of situation.

20 You know, it's hard to sit up here and say
21 that any offense is not serious because every
22 offense is serious as it -- as it relates to a
23 particular individual. You know, someone that
24 committed a Larceny 6 and stole someone's
25 property, you know, in the total scheme of things
26 is it that serious? Well, no, but it's certainly
27 serious to -- to the person to whom that -- you

1 know, who the victim was. I mean, it might have
2 involved a minor -- a minor keepsake that's --
3 that's worth ten bucks but just -- just the --
4 the value of it to somebody, you know, could --
5 could be something that's extremely serious to
6 them.

7 So, you know, the question really becomes is
8 the nature of the offense so serious that it
9 would -- it -- it shouldn't -- you know, that
10 this program shouldn't be used. And, as I said,
11 we know, we give programs for -- for drunk
12 driving incidents and -- and incidents more
13 serious than this.

14 Obviously, there's a little different light
15 on this because, you know, I think someone who is
16 a professional is held to a -- a standard that --
17 that we don't expect this. I mean, if you read
18 these phone calls and said who made these phone
19 calls, I -- I'm guessing everyone would say
20 someone under the age of 18 years old. And, you
21 know, for that reason I think it's what brings
22 the attention to -- to this situation.

23 You know, as I said, I think the -- the
24 victim has her right to demand that doctors do
25 certain things based on her experience. I think
26 the doctor has a right to resist it legally. Not
27 in this manner, however, obviously.

1 So the question is can the Court address the
2 concerns and is this program appropriate. I'm
3 going to find that -- that he's not likely to
4 offend again in the future and that, you know,
5 although it's -- I can't find the right word.
6 I -- I want to say extremely immature,
7 accomplishing no purpose, stupid, should be
8 ashamed of what you did, ashamed of it. Let
9 alone apoogize. I don't order apologies because
10 I don't think that that's appropriate but you
11 should genuinely be ashamed.

12 I am, however, going to find that the
13 offense is not so serious that it shouldn't be
14 given A.R. I'm going to give the A.R. period for
15 a period of two years. I'm going to order that
16 you make a \$2,500 charitable contribution. I'm
17 going to order that you do 250 hours of community
18 service. And I'm going to order that you get any
19 psychological evaluation that's deemed necessary
20 by probation. You pay the fees in the clerk's
21 office on the second floor. You see probation on
22 the second floor. Once you do that, then you're
23 free to leave. And, obviously, you must
24 cooperate with this program.

25 I would note for the record that the charge
26 with which he's charged is a misdemeanor that
27 carries 90 days in prison and a \$500 fine. It is

1 the least serious type of misdemeanor that one
2 could commit. And the Court, as I said, took so
3 much time not -- not because of the nature of the
4 charge, we grant A.R. on harassment charges every
5 single day, but it's your position and the people
6 that you called and the way that you acted that
7 had the Court on the verge of not granting it.

8 However, in thinking it all over, you know,
9 I don't want to -- I think you should be punished
10 for the act that you did. I think that what I'm
11 giving you as a punishment is sufficient
12 punishment for what you did and, obviously, the
13 collateral consequences is your problem. You
14 created it in the first place by making the phone
15 call and this Court has no sympathy for that. As
16 I said, you should be ashamed, you should be
17 looked upon as you -- as you're looked upon for
18 doing this act but I do think that the program is
19 not inappropriate, the Accelerated -- with --
20 with the severe conditions that the Court has put
21 on. Okay. Go see probation. Go pay the fees.

22 MR. DENISON: Thank you, your Honor.

23 THE COURT: You're welcome.

N23N-CR080077420S : SUPERIOR COURT
STATE OF CONNECTICUT : NEW HAVEN JUDICIAL DISTRICT
VS. : AT NEW HAVEN G.A. 23
STEPHEN PISERCHIA : MAY 8, 2008

CERTIFICATION

I hereby certify that the following is a true and accurate transcript of the above-entitled case as heard and recorded in the Superior Court, Geographical Area 23 of New Haven, New Haven, Connecticut before the Honorable Judge Philip Scarpellino.

This certificate does not apply to photocopies which do not contain my original signature.

Signed and dated this 24th day of June, 2008.



Janet Lasken
Court Recording Monitor