

CHAIT DIGITAL REPORTING

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

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	:	
JAMES LAWRENCE,	:	
	:	
Plaintiff,	:	Civil Action
vs.	:	Case No.
	:	3:20-cv-00200-MPS
HEARST COMMUNICATIONS,	:	
	:	
Defendant.	:	
----- x	:	

Deposition of JAMES SULLIVAN, taken pursuant to the Federal Rules of Civil Procedure, via Zoom videoconferencing pursuant to Executive Order 7(Q) issued by the State of Connecticut, before Janet C. Phillips, CSR No. 124, a Registered Professional Reporter and Notary Public in and for the State of Connecticut, on Monday, February 22, 2021, at 12:21 p.m.

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A P P E A R A N C E S

JAMES LAWRENCE, Pro Se Plaintiff

[REDACTED]  
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[REDACTED] [REDACTED]  
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1 THE REPORTER: Pursuant to Executive  
 2 Order 7(Q) issued on March 30, 2020, by  
 3 Governor Ned Lamont, this deposition is being  
 4 reported remotely. All counsel participating  
 5 in this deposition proceeding acknowledge that  
 6 I am not present in the deposition room, and  
 7 further acknowledge that in lieu of an  
 8 in-person administration of the oath, it will  
 9 be administered remotely. The parties and all  
 10 counsel consent to this arrangement and waive  
 11 any objections to this method of reporting.

12 Counsel, please voice your agreement,  
 13 stating your name and agreement on the record.

14 MR. LAWRENCE: James Lawrence, plaintiff.

15 THE WITNESS: James Sullivan. I agree.

16 MR. DRISCOLL: Ryan Driscoll,  
 17 Mr. Sullivan's attorney. We agree.

18 MR. YUHAN: Stephen Yuhan, counsel for  
 19 defendants. We agree.

20 MR. LAWRENCE: James Lawrence. I agree.

21 J A M E S S U L L I V A N,  
 22 called as a witness, having first been duly sworn  
 23 by Janet C. Phillips, a Notary Public in and for  
 24 the State of Connecticut, was examined and  
 25 testified as follows:

1                   MR. LAWRENCE: Just a quick statement. I  
2                   want this to be efficient. This is not  
3                   intended for any kind of antagonistic way.

4                   My experience with the court is that  
5                   there are certain facts that are not  
6                   clarified. Judges have a hard time sometimes.

7                   So the questions are just basically going  
8                   to be very simple. I have three areas. And  
9                   there will be a few introductory questions to  
10                  the actual question. And it should roll  
11                  really quickly.

12                  I just want to say that we're here  
13                  basically to find out or find out how the  
14                  police define second-degree breach of peace,  
15                  stalking, and harassing, how they define it,  
16                  and how they use these words in their police  
17                  reports, and really not anything else.

18                  There will be a few other maybe related  
19                  side topics, but the witness,  
20                  Officer Sullivan, is basically an authority on  
21                  police procedures, and in this particular case  
22                  of the second-degree breach of peace.

23                  So I'm hoping that we stick to that and  
24                  we don't deviate into things that he's not an  
25                  authority on.

1 DIRECT EXAMINATION

2 BY MR. LAWRENCE:

3 Okay. With that said, I will just start off  
4 with an introductory question. This is the only  
5 hypothetical. Feel free to answer it or not. It's  
6 common sense. There will be four very quick questions,  
7 and they'll be yes or no. And then I'll proceed into  
8 more questioning.

9 All right. The first question,  
10 Officer Sullivan, if you wrote a warrant for petty theft  
11 from one particular location with a \$5,000 bond, and  
12 your warrant was reported on as a threatening armed  
13 robbery of many different locations, would that be fair  
14 or accurate?

15 MR. YUHAN: Objection to form.

16 MR. DRISCOLL: Mr. Lawrence, I'm going to  
17 object too.

18 And just so you understand why I'm  
19 objecting is that -- and I assume Mr. Yuhan is  
20 the same -- but Officer Sullivan is not an  
21 expert witness, so he's not supposed to be  
22 answering hypothetical questions.

23 I'm more than happy to have him answer  
24 questions about his actual interaction with  
25 you or whatever the case may be, but as a fact

1 witness -- I understand your question, but  
2 he's not supposed to opine as to hypothetical  
3 circumstances, because he's not an expert  
4 witness in the trial.

5 MR. LAWRENCE: Like I said, it seems to  
6 be like one of those one plus one equal two  
7 questions. And I just wanted to establish it.  
8 But it's up to you. If you don't want him to  
9 answer that, that's fine. I understand that.

10 The rest of the questions are not so  
11 hypothetical. The rest of the questions are  
12 all related to the arrest and what's  
13 happening.

14 MR. DRISCOLL: If you ask it in the  
15 context of your arrest or your case and it's  
16 based on facts, I'm sure he can answer -- he  
17 may be able to answer your question. But he's  
18 not supposed to be answering hypothetical or  
19 speculative questions.

20 MR. LAWRENCE: Okay. We'll move on.

21 (Discussion off the record.)

22 MR. LAWRENCE: So these are just  
23 basically establishing facts for the reader  
24 for the other questions I ask, which is  
25 relevant to why I brought the officer here.

1 Q. Are you aware, Officer Sullivan, that News 12  
2 reported that I was arrested for stalking women, and  
3 then took down their coverage after one day on  
4 March 14th, 2018?

5 MR. YUHAN: Objection to form.

6 MR. DRISCOLL: If you understand it, you  
7 can answer it.

8 A. I'm aware of the news media putting it out  
9 there. I wasn't aware of any charges. I just knew it  
10 was out in the media. I didn't know what they were  
11 talking about as far as what they said about you.

12 Q. I'll just say it again.

13 Are you aware that News 12 reported that I was  
14 arrested for stalking women, and then took down the  
15 coverage after one day?

16 A. No. I'm aware they put it out there. I'm not  
17 aware of the charge they represented.

18 Q. All right. The second question: Are you  
19 aware that The Westport News reported on me nine days  
20 later for saying that police -- man harassed women for  
21 years on March 23rd, 2018, and has yet to take down  
22 their coverage?

23 MR. YUHAN: Objection to form.

24 A. I'm actually not aware of that one.

25 Q. You're not aware of the article that is out

1     there right now?

2             A.    No.

3             Q.    Okay.  Within the warrant, Officer Sullivan,  
4     you wrote for one count of second-degree breach of  
5     peace, is the word "stalk" in the arrest warrant when  
6     describing me?

7             A.    No.

8             Q.    Within the warrant that you wrote for the one  
9     count of second-degree breach of peace, is the word  
10    "harassment" in the warrant when describing me?

11            A.    I don't believe so.  No.  No.

12                   MR. YUHAN:  Just so the record is clear,  
13     it appears that Mr. Sullivan is reviewing a  
14     document.  Can we just get some identification  
15     of what that document is?

16                   MR. DRISCOLL:  Sure.  Stephen, I believe  
17     it's the arrest warrant, which I think was  
18     your Exhibit A.

19                   MR. YUHAN:  Okay.

20                   MR. DRISCOLL:  I handed it to him to  
21     review.

22                   MR. LAWRENCE:  Okay.  So that's a no on  
23     Officer Sullivan using the word "harassment"  
24     in the arrest warrant when describing me.

25             Q.    Okay.  Did you, Officer Sullivan, arrest me

1 for third-degree stalking?

2 MR. YUHAN: Objection to form.

3 MR. DRISCOLL: If you understand it, you  
4 can answer.

5 A. No.

6 Q. All right. These are just basic common sense  
7 questions that I'm just trying to get to. Okay.

8 Did you arrest me for second-degree  
9 harassment?

10 A. No.

11 Q. Did you arrest me for second-degree  
12 threatening?

13 A. No.

14 Q. Okay.

15 MR. LAWRENCE: Now, for the record, I  
16 want to submit now a cover page from two  
17 incident reports not related to  
18 Officer Sullivan.

19 Q. After the media treatment of me in March of  
20 2018 from the arrest, on February 6, 2019, I was  
21 arrested by another officer for second-degree harassment  
22 involving one email from September 18th, 2018. I now  
23 want to refer to the incident report of that arrest.

24 MR. LAWRENCE: And that would be for you,  
25 Court Reporter -- should I describe this for

1           you?

2                   THE REPORTER: Yes, please.

3                   MR. LAWRENCE: Okay. It's an incident  
4 report. And you'll see there's green writing  
5 on this incident report. It says "Police  
6 report, email harassment, clean copy." And  
7 the report number on the upper right-hand  
8 corner would be 2018-019908. And the report  
9 date would be on 9/17/2018.

10                   Once again, this is not related to  
11 Officer Sullivan's arrest. I just want him to  
12 read this and recite something from it.

13                   (Incident Report No. 2018-019908 deemed  
14 marked Plaintiff's Exhibit 1 for  
15 identification.)

16                   MR. DRISCOLL: Mr. Lawrence, is that a  
17 question for him?

18                   MR. LAWRENCE: Well, here's the question.  
19 Are you ready for the question?

20                   MR. DRISCOLL: I wasn't sure if that was  
21 just a question you asked. I just want to be  
22 clear.

23                   MR. LAWRENCE: No. I'm helping the court  
24 reporter identify it for the record.

25                   MR. DRISCOLL: That's fine.

1 MR. LAWRENCE: Okay. Great. Very  
2 simple. Like I said, this is just common  
3 sense stuff. There should be no problems at  
4 all with 99 percent of the stuff I'm going to  
5 present.

6 Q. Okay. On the first page, the brief  
7 description of this incident report resulting in the  
8 arrest for a second-degree harassment is harassment,  
9 correct?

10 A. Yes.

11 Q. Okay. I now want to refer you,  
12 Officer Sullivan, to an incident report for a rejected  
13 warrant for second-degree stalking submitted by the same  
14 officer around the same time as the former second-degree  
15 harassment warrant.

16 MR. LAWRENCE: This, for the court  
17 reporter, incident report, you'll see in the  
18 upper right-hand corner it would be  
19 2018-020668.

20 Q. Do you see that?

21 MR. LAWRENCE: And for counsel, it's  
22 basically -- you'll see there is a statute  
23 description in it. I highlighted it in red.  
24 This does not have green marking. Have we  
25 identified the document? We've identified

1 document? Yes?

2 MR. DRISCOLL: We have.

3 (Incident Report No. 2018-020668 deemed  
4 marked Plaintiff's Exhibit 2 for  
5 identification.)

6 Q. So, Officer Sullivan, on the first page of  
7 this incident report, the brief description of this  
8 incident report alleging stalking is harassment; is that  
9 correct?

10 A. Yes.

11 Q. Okay. Now I direct you -- okay. I have one  
12 other question before I go on.

13 Given that harassment is a brief description  
14 of the second-degree stalking law, and stalking laws are  
15 course of conduct behaviors, is it logical,  
16 Officer Sullivan, that harassment is considered also a  
17 course of conduct behavior?

18 MR. YUHAN: Objection to form.

19 A. I didn't understand the question.

20 Q. We have here basically a stalking incident  
21 report, where it's being described as harassment, and we  
22 have a harassment incident report, okay, that's being  
23 described as harassment. So I'm seeing the logic of how  
24 police define things within these brief descriptions of  
25 incident reports.

1           And so my question -- and it seems logical --  
2   is that given that harassment is a brief description of  
3   the second-degree stalking law, okay, and stalking laws  
4   are course of conduct behaviors, it is logical to say  
5   that harassment was considered a course of conduct  
6   behavior also, meaning that these acts are, like  
7   third-degree stalking, are basically repeated towards  
8   someone, meaning that it would be more than one act  
9   towards someone? For example, your second-degree breach  
10   of peace was one contact with someone, okay? And we'll  
11   get to that.

12           So my question is basically it seems common  
13   sense to me within police procedures, the way that they  
14   label, the way they define their brief description in  
15   their incident reports that if harassment is the brief  
16   description of a second-degree stalking law, is it  
17   logical to say that harassment is considered a course of  
18   conduct behavior to you, Officer Sullivan?

19           MR. YUHAN: Objection to form.

20           MR. DRISCOLL: I'm going to object to it.  
21           If he understands what you're asking, he can  
22   answer it, but --

23           A.   If I think I understand what you're saying,  
24   the brief description of the report is actually done by  
25   dispatch. The statute that's written in the offense is

1 then done by the officer after he's conducted his  
2 investigation. So they could be different, if I  
3 understand you right.

4 Q. I will move on. Let's go to the next  
5 question.

6 So now I bring you to the next incident  
7 report. In the upper right-hand corner, it's  
8 2017-022937. This is the incident report of your  
9 arrest. Okay?

10 A. Yes.

11 (Incident Report No. 2017-022937 deemed  
12 marked Plaintiff's Exhibit 3 for  
13 identification.)

14 Q. All right. So I will now ask you about the  
15 brief description within this incident report of your  
16 one count second-degree breach of peace of me.

17 What is the brief description of the incident  
18 report from your arrest for one count of second-degree  
19 breach of peace?

20 A. Suspicious person.

21 Q. Exactly. Okay. We're moving along. Now, you  
22 have read past incident reports of me for your  
23 investigation; is that correct?

24 A. Yes.

25 Q. Okay. Now, from your research, are you aware

1 that any past incident report of mine fully  
2 investigated, resulting in no arrest, no probable cause  
3 for arrest, with the cases all closed, all have brief  
4 the description of either suspicious person or police  
5 general service, and not one incident report has the  
6 brief description of harassment. Did you read this  
7 fact?

8 MR. YUHAN: Objection to form.

9 MR. DRISCOLL: I'll object too. If you  
10 understand his question, you can answer it.

11 A. I mean, I wouldn't know off the top of my  
12 head.

13 Q. It's very important, Officer, because what we  
14 have here is incident reports, and we have a certain  
15 kind of pattern of the way incident reports are reported  
16 on.

17 So I can literally submit every incident  
18 report and show that, yes, every incident report that  
19 resulted in no arrest has this suspicious person or  
20 police general service, and not one has this label of  
21 harassment.

22 And all I'm asking you, just so we save time,  
23 is that if you could verify this, because if not, then  
24 I'm going to have to submit all of these --

25 MR. DRISCOLL: Is your question whether

1 he knows that every incident report involving  
2 you prior to his arrest of you identified the  
3 description of the incident as suspicious  
4 person? Is that what you're asking him?

5 MR. LAWRENCE: Yes. Either suspicious  
6 person or just very simply that it never had  
7 the description of harassment.

8 MR. DRISCOLL: All right. So put another  
9 way, your question is does he know whether any  
10 prior incident reports describe the  
11 description of the incident involving  
12 harassment, if he knows that as he sits here  
13 today?

14 MR. LAWRENCE: Well, he's studied this  
15 stuff, and he's read this stuff, so it seems  
16 to me it's something easily verified if he has  
17 all the incident reports in front of him.

18 MR. DRISCOLL: I'm trying to get an  
19 accurate answer for you. If your question is  
20 whether he knows that as he sits here today, I  
21 think he can give you an answer on that.

22 A. And you are correct in that assumption.

23 Q. Okay. So that harassment was never part of  
24 any incident report. Okay. Thank you, Officer.

25 MR. YUHAN: Objection to form.

1 MR. DRISCOLL: He's answered the  
2 question.

3 Q. It is logical to say that each incident report  
4 has its own particular details and set of circumstances.

5 So for the record, are the time periods of my  
6 incident reports, either from the year 2017 or prior to  
7 the year of 2007, given I was living in California 2007  
8 to 2017, is this something that you can verify for the  
9 court right now, that all the incident reports that you  
10 researched are either from the year 2017 or prior to  
11 2007?

12 MR. YUHAN: Objection to form.

13 MR. DRISCOLL: If you can recall.

14 A. Yes.

15 Q. Okay. Thank you. Now, given the statute of  
16 limitations and the fact that I never saw any of these  
17 people from the past incident reports again, can an  
18 officer now prove any second-degree breach of peace from  
19 any past decades' old incident report that was already  
20 investigated, let alone prove any stalking or  
21 harassment?

22 MR. YUHAN: I'm going to object to the  
23 form.

24 MR. DRISCOLL: Again, he's not -- is the  
25 question --

1 MR. LAWRENCE: It's common sense.

2 MR. DRISCOLL: Are you asking him to  
3 offer an opinion as to whether the underlying  
4 facts meet a standard of probable cause?

5 MR. LAWRENCE: No. No. It's basically  
6 just within the statute of limitations. The  
7 statute of limitations is 10<sup>2</sup> years from a  
8 particular complaint. Now, if you've never  
9 seen one after that, there's no way that you  
10 can ever begin to write up an investigation or  
11 an incident report.

12 So my question is very simple. Given the  
13 statute of limitations and the fact that I  
14 never saw any of these people from these  
15 decades' old incident reports, can any  
16 officer, him or anyone else, now prove any  
17 kind of second-degree breach of peace from  
18 these decades' old incident reports or let  
19 alone stalking and harassment. Just a common  
20 sense question for the officer.

21 MR. YUHAN: Object to the form.

22 MR. DRISCOLL: I understand you think  
23 it's common sense. You're asking him for a  
24 legal conclusion, and he's a fact witness. So  
25 you need to ask him questions about facts and

1 not legal conclusions, 'cause that's not his  
2 job here.

3 Q. What's the statute of limitations for  
4 arresting someone for second-degree breach of peace?

5 MR. DRISCOLL: If you know.

6 A. I don't know off the top of my head.

7 Q. Okay. What's the statute of limitations for  
8 arresting someone for stalking or harassment?

9 A. I don't know off the top of my head.

10 Q. All right. I'll just move on. It's just  
11 common sense, but I'll move on.

12 Okay. In regards to the arrest for one count  
13 of second-degree breach of peace, the warrant shows  
14 there were no words spoken between myself and the woman,  
15 and it was her boyfriend who called the police as shown  
16 on the dispatch tapes. Is this true?

17 MR. YUHAN: Objection to form.

18 MR. DRISCOLL: If you understand what  
19 he's asking, you can answer it.

20 A. I understand. But, I mean, I don't remember  
21 if her boyfriend called it in or she did.

22 MR. DRISCOLL: If you want to read the  
23 warrant, you can.

24 Your question is whether his warrant says  
25 that the boyfriend called in the report?

1 MR. LAWRENCE: No.

2 Q. The warrant clearly said that there was no  
3 words spoken between me and the woman. I just walked up  
4 to the car and she drove away. So there was no words  
5 inside of the market and there was no words -- I checked  
6 out first. And then I approached her car in the parking  
7 lot, in the first row of the parking lot, and then she  
8 drove away.

9 And so then what happened is she called her  
10 boyfriend, who called, and all the dispatch tapes verify  
11 this. I didn't want to have to bring in the dispatch  
12 tapes.

13 MR. DRISCOLL: Listen, you're asking a  
14 question that has multiple -- it's a compound  
15 question. So we're trying to figure out  
16 whether you're asking him did you interact  
17 verbally with him or did the boyfriend call  
18 the police, or are you asking both of those  
19 questions? I just want to make sure you get a  
20 clear answer.

21 MR. LAWRENCE: It's very simple.

22 Q. The warrant shows that there were no words  
23 spoken between myself and the woman, true?

24 MR. YUHAN: Objection to form.

25 A. Yes.

1 Q. Okay. So there were no verbal warnings  
2 directed at me by this woman, true?

3 MR. YUHAN: Objection to form.

4 MR. DRISCOLL: If you know.

5 A. Yes.

6 Q. Thank you. All right. So we got through the  
7 first half. That wasn't so hard.

8 Just going over facts 'cause, like I said,  
9 when you put stuff together, judges are getting stuff  
10 from all different angles, and they can have a hard time  
11 and they can make mistakes.

12 MR. LAWRENCE: So I want to get to the  
13 second half of this deposition. I want to get  
14 into the issue of the second-degree breach of  
15 peace statute, to which the officer certainly  
16 would have knowledge of since he arrested me  
17 for that.

18 Q. After the media slander and libel, I was  
19 arrested on February 16<sup>th</sup>, 2019, for a second-degree  
20 harassment charge, as I've already mentioned, based on  
21 one email from September 18, 2018.

22 Now, this is the Custodial Arrest Synopsis,  
23 a/k/a, also known as the official police press release  
24 of the second-degree harassment arrest. I want to  
25 introduce this into the record.

1 MR. LAWRENCE: So for the court reporter,  
2 it would be called the Westport Custodial  
3 Arrest Synopsis. And you'll see that the  
4 charge is Harassment 2nd, and it will say  
5 "Non-threatening." Do we all see that?

6 MR. DRISCOLL: Yes.

7 MR. YUHAN: I'm going to object to the  
8 predicate, but I see the document.

9 (Westport Custodial Arrest Synopsis for  
10 Case No. 2018-019908 deemed marked Plaintiff's  
11 Exhibit 4 for identification.)

12 Q. Okay. So, Officer Sullivan, you see the  
13 document. This is -- now I'm trying to understand this  
14 Westport Custodial Arrest Synopsis. This is an official  
15 police press release. We're going to get to your  
16 official police press release.

17 But on this, can you just verify, does it --  
18 it seems to distinguish the arrest as threatening or  
19 non-threatening. And this is an actual harassment  
20 charge. What does this arrest say? Is it threatening  
21 or non-threatening?

22 MR. DRISCOLL: Objection. I'm going to  
23 object because I don't think this is --

24 MR. LAWRENCE: He's reading the police's  
25 own document just to verify.

1 MR. DRISCOLL: I'll just object that the  
2 document speaks for itself. If you want him  
3 to read what it says on the paper, he can  
4 confirm that.

5 MR. LAWRENCE: Yes. That's all I want.

6 MR. YUHAN: Objection to form.

7 A. In looking at this document, it does say  
8 "Harassment 2nd, non-threatening."

9 Q. Thank you. Okay. Now I want to move on to --  
10 now, is it correct that someone arrested for  
11 second-degree threatening would have an official police  
12 press release signifying threatening?

13 MR. YUHAN: Objection to form.

14 MR. DRISCOLL: If you know.

15 A. That stuff's all above my pay grade. I have  
16 no involvement with press releases. So I don't know how  
17 that would be done.

18 Q. Well, I mean, if it says "threatening," then  
19 that means that it probably would have -- all right.

20 But, Officer, police do take threatening very  
21 seriously, yes?

22 A. Yes.

23 Q. Okay. And so you're aware of what the  
24 complainant said on the dispatch tapes for your arrest  
25 of the one count of second-degree breach of peace, yes?

1 MR. YUHAN: Objection to form.

2 A. Yes.

3 Q. Okay. Now, this is the official police press  
4 release for the one count of second-degree breach of  
5 peace. I want to enter this into the record.

6 MR. LAWRENCE: You'll see, Court  
7 Reporter, it's Westport Custodial Arrest, and  
8 it will say "Charge, breach of peace. Bond  
9 \$5,000."

10 A. Yes.

11 MR. DRISCOLL: For the record, it's the  
12 PDF labeled Official Press Release 1.

13 (Westport Custodial Arrest Synopsis for  
14 Case No. 2017-022937 deemed marked Plaintiff's  
15 Exhibit 5 for identification.)

16 MR. LAWRENCE: And at the top of the  
17 document, it's Westport Custodial Arrest, and  
18 the arrest date would be 3/5/2018. It's from  
19 the arrest of when Officer Sullivan and I met  
20 each other.

21 MR. YUHAN: Can we go off the record for  
22 one second?

23 (Discussion off the record.)

24 Q. Officer Sullivan, do you see any reference to  
25 threatening in the official police press release of your

1 arrest of me for one count second-degree breach of peace  
2 in this document, Westport Custodial Arrest Synopsis,  
3 the official police press release?

4 MR. YUHAN: Objection to form.

5 A. No.

6 Q. Okay. Thank you. Now, in reviewing the  
7 Connecticut second-degree breach of peace statute, since  
8 the March 5th, 2018, booking of me for one count of  
9 second-degree breach of peace, I've had one conversation  
10 with you, a recorded conversation that was on or around  
11 February 12th, 2021, calling you to ask you a question;  
12 is that correct?

13 A. Yes.

14 Q. Okay. This conversation was about which part  
15 of this one count of second-degree breach of peace  
16 statute you arrested me for or which part of the breach  
17 of peace statute your warrant's actual wording was  
18 referring to, the wording of following and getting into  
19 personal space; is that correct?

20 A. Yes.

21 Q. Okay. There are six parts of the  
22 second-degree breach of peace statute, Officer. Which  
23 part of this one count of second-degree breach of peace  
24 did you arrest me for? Did it fit under section 1, 2,  
25 3, 4, 5, or 6?

1 MR. YUHAN: Objection to form.

2 A. It was being referenced to part 6.

3 Q. Thank you. Okay. Just for the record, do you  
4 have any video recordings from any market ever, let  
5 alone any signifying harassment? I mean, do you have  
6 any video recordings from a market ever?

7 MR. DRISCOLL: Him personally?

8 MR. LAWRENCE: The police.

9 A. I don't know about the police, but me  
10 personally, no.

11 Q. Okay. 'Cause you mentioned in your warrant  
12 you didn't have one for the arrest.

13 Now, I want to refer you to a -- we can do  
14 this very quickly. I want to refer you to the statute,  
15 53a-181a. It's a subdivision of the second-degree  
16 breach of peace. It's called "Creating a public  
17 disturbance." It's a noncriminal infraction.

18 So my question to you is during your research  
19 into my past, did you find any noncriminal infractions  
20 of creating a public disturbance in your own search in  
21 relation to the incident?

22 MR. DRISCOLL: Objection to form.

23 A. I'm not sure I understand the question.

24 Q. Well, it's basically there were mentions in  
25 the warrant of past arrests, but they didn't distinguish

1 the convictions.

2 Now, I don't know when you do your criminal  
3 background checks if you see stuff that is  
4 noncriminal -- like, for example, this particular  
5 statute is an infraction. It doesn't show up on a  
6 criminal background check, Officer. And so it's kind of  
7 like a traffic violation. So seeing that I was never  
8 arrested before, I think it's common sense, but I can  
9 move on if you want to move on.

10 MR. DRISCOLL: Do you understand what  
11 he's asking?

12 THE WITNESS: Not really.

13 MR. DRISCOLL: Are you asking if he's  
14 aware of whether you were ever charged with  
15 creating a public disturbance or if that was  
16 revealed in his research, or are you asking  
17 whether that would show in a criminal history  
18 check or both?

19 MR. LAWRENCE: You know, I probably  
20 shouldn't even ask this question because I was  
21 never arrested before in Connecticut.

22 Q. Can we establish that? Is that true?

23 MR. YUHAN: Objection.

24 MR. DRISCOLL: Are you asking him if he  
25 knows if you were ever arrested in Connecticut

1 prior to 2017?

2 MR. LAWRENCE: Yes.

3 MR. YUHAN: Objection to form.

4 MR. LAWRENCE: Prior to the arrest that  
5 he made, was I never arrested in Connecticut.

6 A. No. Not that I know.

7 Q. Well, I mean, that's what it said in the  
8 warrant, that I didn't have any criminal background.

9 Now, there's one interesting statute. It's  
10 called 53a-40d.

11 MR. LAWRENCE: Now, Court Reporter, were  
12 you able to find these two documents that I  
13 mentioned that I was talking about?

14 THE REPORTER: I have no ability to go  
15 back and reference things during the  
16 deposition. I'm reporting the proceedings.

17 MR. LAWRENCE: So the next thing I want  
18 to just introduce to the officer, I just want  
19 his professional opinion as an officer. He is  
20 someone who looks at laws and has to interpret  
21 these to see if it fits a particular behavior  
22 or a particular investigation.

23 So I want to refer him to this  
24 Connecticut General Statutes, 53a-40d,  
25 Persistent offenders of crimes involving

1 assault, stalking, trespass, threatening,  
2 harassment, criminal violation of a protective  
3 order, criminal violation of a standing  
4 criminal protective order.

5 (Copy of Connecticut General Statute  
6 53a-181 deemed marked Plaintiff's Exhibit 6  
7 identification.)

8 (Copy of Connecticut General Statute  
9 53a-40d deemed marked Plaintiff's Exhibit 7  
10 identification.)

11 Q. Do we see this document?

12 A. Yes.

13 Q. Okay. Great. Why do you think that  
14 second-degree breach of peace is not part of this  
15 statute?

16 MR. YUHAN: Object to the form.

17 MR. DRISCOLL: I'm going to object and  
18 direct him not to answer those questions.

19 He's not an expert. He's not a lawyer  
20 who drafts legislation. He's a police officer  
21 and he's a fact witness.

22 MR. LAWRENCE: Well, if he's a police  
23 officer, and let's say he sees people  
24 have past -- as a police officer, he sees that  
25 someone might have a past one or two

1 second-degree breach of peace convictions, and  
2 he is investigating another case, I would say  
3 that this is something that's right up his  
4 alley.

5 MR. DRISCOLL: He's a fact witness in  
6 your case. He's not an expert. He's not been  
7 disclosed to give expert opinions.

8 So I'm going to tell him not to answer  
9 questions that ask for expert opinions because  
10 that's not his role here.

11 MR. LAWRENCE: Well, it's a policeman's  
12 job. This is something that would be part of  
13 his everyday --

14 MR. DRISCOLL: I'm not going to tell you  
15 how to prosecute or pursue your case, but his  
16 role as a fact witness relative to your  
17 claims, he can testify about facts or  
18 questions that pertain to facts. He's not to  
19 give expert opinions.

20 MR. LAWRENCE: Great. Okay.

21 Q. My next question is why did you not charge me  
22 with third-degree stalking for the one and only arrest?

23 MR. YUHAN: Objection to form.

24 MR. DRISCOLL: If you understand it, you  
25 can answer.

1           A.    The check that I did in your history, I  
2    went -- in looking over all the charges, I went with the  
3    breach of peace because it was the closest that fit what  
4    you had done, your actions.

5           Q.    Okay. Thank you. What would I have had to  
6    have done to be charged with third-degree stalking?  
7    Even if you wanted to arrest me for third-degree  
8    stalking, what would I have had to do behavior-wise?

9                   MR. YUHAN: Object to the form.

10                  MR. DRISCOLL: I'm going to object to the  
11                   form. But if he understands the question,  
12                   I'll let him answer it.

13           A.    My understanding of the law itself would have  
14    meant you would have had to have repeatedly stalked or  
15    harassed the same victim --

16           Q.    Okay.

17           A.    -- over and over again.

18           Q.    All right. And if you were investigating  
19    someone for stalking or harassing someone already known,  
20    all right, someone is known, would I be described as a  
21    suspicious person if I was already known by the person  
22    making the complaint?

23                   MR. YUHAN: Objection to form.

24                  MR. DRISCOLL: I'm going to object to  
25                   form.

1                   If you understand what he's asking, you  
2                   can answer it.

3                   THE WITNESS: I think I do.

4                   A. Probably not. But again, we wouldn't put the  
5                   brief description on that form. It would have been done  
6                   by somebody else. It would have been done by one of the  
7                   dispatchers, not me.

8                   Q. All right. There's one last incident report.  
9                   It's an actual incident report. Just give me one  
10                  minute. All right. I have two more questions before I  
11                  do this.

12                 Is it true that police must carefully choose  
13                 their words and not use words that would signify or  
14                 describe other unrelated crimes?

15                 MR. YUHAN: Objection to form.

16                 A. I really didn't hear you.

17                 Q. Officer Sullivan, is it true that police  
18                 carefully choose their words and do not use words that  
19                 can signify or describe or label another unrelated  
20                 crime?

21                 MR. YUHAN: Object to the form.

22                 MR. DRISCOLL: I'll object to the form.

23                 But if you understand it.

24                 A. I honestly don't understand the question.

25                 MR. DRISCOLL: He said he doesn't

1 understand the question.

2 MR. LAWRENCE: I'll try it one more time.

3 Q. Is it true that police carefully choose their  
4 words and don't use words that could signify or describe  
5 another unrelated crime?

6 MR. YUHAN: Objection to form.

7 MR. DRISCOLL: If you understand what  
8 he's asking, you can answer.

9 THE WITNESS: Really, I'm not --

10 MR. DRISCOLL: We can hear you clearly,  
11 but he's not understanding what you're asking  
12 him.

13 THE WITNESS: I'm not really sure what  
14 he's looking for.

15 Q. Okay. For example -- all right. We'll move  
16 on.

17 All right. How about this? Okay. We're  
18 going to move on. Is it accurate to say,  
19 Officer Sullivan, that you consciously avoided using  
20 words -- since you did not use the words "stalk" or  
21 "harass" in the warrant, that you consciously avoided  
22 using these terms, because these are actual crimes of  
23 course of conduct behavior, as you've just described,  
24 with their own statutes?

25 MR. YUHAN: Objection to form.

1 MR. DRISCOLL: Objection. If you  
2 understand, you can answer.

3 A. I didn't actively avoid using those terms, if  
4 I understand you correctly. I didn't actively avoid  
5 them. I didn't consciously avoid them. They just  
6 didn't come up.

7 Q. Okay. Officer Sullivan, is it fair for the  
8 news to mention past arrests in ways that insinuate  
9 these arrests resulted in convictions?

10 MR. YUHAN: Objection to form.

11 MR. DRISCOLL: Object to form.

12 But if you understand the question --

13 A. You're going to have to ask that one again. I  
14 didn't get that.

15 Q. Okay. Once again, Officer Sullivan, in your  
16 warrant, you mention past arrests. Now, the warrant was  
17 not distinguishing if any of these were convictions, for  
18 example, the 1995 stalking in California, where that  
19 case was dismissed.

20 In fact, the only conviction I had when you  
21 arrested me was for a -- and the FBI shows that the only  
22 conviction I have is a domestic violence related to  
23 California. Okay?

24 So any of these other arrests that we  
25 mentioned, including the avoiding police in Florida in

1 1987, were dismissed.

2 Now, just for your own sake -- 'cause I know  
3 that 99 percent of the time warrants aren't seized and  
4 you don't have inexperienced journalists, 22-year-old  
5 journalists combing through warrants and trying to make  
6 sense of stuff that is presented in a very simple, like  
7 not detailed way.

8 In your own opinion, is it fair for news to  
9 mention past arrests in ways that insinuate these  
10 arrests resulted in convictions?

11 MR. YUHAN: Objection to form.

12 MR. DRISCOLL: I'm going to object. But  
13 if he understands it, he can answer.

14 Q. In your warrant, would you want -- if someone  
15 was arrested for something, Officer Sullivan, but he was  
16 never convicted of it, would you want the press  
17 presenting it in the way Hearst news, Westport News  
18 reporter presented the arrest, saying that he, quote,  
19 doesn't have an arrest record in Connecticut, but he was  
20 arrested in California for stalking and in Florida for  
21 evading police?

22 Now, that's where she stops. She doesn't go  
23 anywhere else and leaves the reader to imagine, wow, but  
24 he was arrested, so he probably was convicted.

25 So I'm asking you, Officer Sullivan, if you're

1 writing an arrest warrant for someone, would you not  
2 expect the people writing about any kind of criminal  
3 background check or arrest record to at least  
4 distinguish whether the arrest resulted in a conviction?

5 Is it fair for the news to mention past  
6 arrests in ways that insinuate these arrests resulted in  
7 convictions?

8 MR. YUHAN: Objection to form.

9 MR. DRISCOLL: I'll object too.

10 But you can answer if you understand it.

11 A. I mean, even if I understand it, I have no  
12 control of what the media does with an arrest warrant or  
13 with that information.

14 Q. Would you want your information of saying that  
15 someone was arrested for something, but you didn't say  
16 that they were convicted, would you want the news to  
17 insinuate that he was convicted of something that you're  
18 just saying that he was arrested for?

19 Like I said, this is stuff that can blow back  
20 at an officer, and I'm just trying to get an opinion  
21 from you. What do you think is proper procedure for  
22 having your warrant reported on?

23 MR. YUHAN: Objection to form.

24 MR. DRISCOLL: I'll object. He's a  
25 police officer. He's not a media expert. So

1 he can't comment on the proper procedure for  
2 media outlets.

3 Q. Okay. So I just have one last exhibit. And I  
4 will leave it to these last questions that I have right  
5 here.

6 Okay. Officer Sullivan, do you recall a  
7 conversation with me during the booking procedure about  
8 not going to jail over this?

9 A. I do not.

10 Q. Okay. Did you submit the dispatch tape to the  
11 prosecutor?

12 A. I did not.

13 Q. Why not?

14 A. It's not my job.

15 Q. Whose job is it?

16 A. I honestly don't know. Probably our media  
17 person, I would imagine.

18 Q. But as part of your investigation, it's the  
19 actual woman in her own words. Why would you not submit  
20 that to the prosecutor?

21 A. I actually never listened to the tape myself.  
22 It's saved, it's used, but it's not something I used. I  
23 physically spoke to the woman herself and got all my  
24 information.

25 Q. Okay. Did the woman from your arrest make a

1 sworn written statement?

2 MR. YUHAN: Objection to form.

3 MR. DRISCOLL: If you recall.

4 A. I don't believe she did.

5 Q. Okay. Do you know why there were no booking  
6 tapes at all with the booking officer, meaning that  
7 there was no booking tapes submitted to the prosecutor?  
8 And I got the dispatch tapes via a Freedom of  
9 Information Act request, and I tried to get the booking  
10 taped via Freedom of Information, but they said there  
11 was never any booking tapes. Do you know why there was  
12 no booking tapes of the arrest?

13 MR. DRISCOLL: If you know.

14 A. I don't know. I honestly don't know. As far  
15 as I know, every time I'm down there, we're being taped.  
16 If it wasn't working, I have no idea.

17 Q. Okay. Now, do you have any recorded proof of  
18 the woman -- let me put it this way: You take threats  
19 of retaliation serious, right?

20 A. Yes.

21 Q. Now, I'm just trying to be very delicate with  
22 this one. Are subjective fears evidence of any crime?

23 MR. YUHAN: Object to the form.

24 MR. DRISCOLL: Object to the form.

25 Q. Let's go back. You take threats of

1 retaliation very seriously. Is there an incident  
2 report, Officer Sullivan, that is part of your research,  
3 sir, that documents any threat of retaliation?

4 MR. YUHAN: Objection to form.

5 MR. DRISCOLL: I'll join. If you  
6 understand what he's asking --

7 THE WITNESS: I think I understand.

8 A. And I'm going to have to say no to that.

9 Q. Okay. Good. There wasn't. There was no  
10 threats of retaliation.

11 Now, also, in any of the incident reports --  
12 or I'll put it this way: Is there any incident report,  
13 any incident report denying any claim -- and I have them  
14 all right here -- that documents any fear of retaliation  
15 to give a sworn written statement that is from your  
16 warrant? Let me just quote your warrant really quickly.  
17 And then I'll ask the question and then we'll be done.

18 Okay. Section 13 of the warrant, "And in this  
19 case, the complainant would not provide a sworn written  
20 statement for fear that Lawrence would be able to find  
21 out who she was and then be able to retaliate against  
22 her. I also learned that in all the nine other cases  
23 that the complainants all felt the same way, that they  
24 all feared for their safety, and because of this, they  
25 were reluctant to provide statements."

1           Okay. Officer, this is it, and we'll be done.  
2    Like I said, I'm just trying to deal with facts because  
3    we have a life on the line here, and I'm trying to just  
4    have everyone, not just the judge, but Hearst to  
5    understand your warrant in the most detailed way  
6    possible so we can come to a nice resolution.

7           So my question to you, Officer, with that  
8    statement that you made in section 13 of your arrest  
9    warrant, is there any incident report that documents any  
10   fear of retaliation to give a sworn written statement  
11   that you write about?

12           MR. YUHAN: Objection to form.

13           Q. You've read all of them. This is your  
14   research. You wrote in the arrest warrant that all  
15   nine -- a number which is questionable, which I can go  
16   into, but I'm not ready to go into that quite yet -- all  
17   nine did not give a sworn written statement out of fear  
18   of retaliation. And I'm asking you does any incident  
19   report document this?

20           MR. YUHAN: Objection to form.

21           MR. DRISCOLL: Other than his own?

22           MR. LAWRENCE: Excuse me?

23           MR. DRISCOLL: Other than his own

24           reports?

25           MR. LAWRENCE: Yes. Other than his own.

1           He's reading the incident reports that he  
2           is -- because I'm trying to --

3           Q.   All right.  How about this?  If it's not in an  
4   incident report -- which it's not, I'm saving time --  
5   it's actually only in one incident report, and that had  
6   to do with a scuffle between me and a man.  Okay?

7           Now, that's the only time that there was any  
8   kind of phrase or mention of any kind of fear to give a  
9   statement out of fear of retaliation.

10           But let me put it this way:  If you're to  
11   write this on an arrest warrant, Officer, where are you  
12   getting this information?  If it's not in an incident  
13   report -- we're looking at decades' old incident  
14   reports.  They go back to 2002, 2003, 2004.  I lived in  
15   San Francisco from 2007 to 2017.

16           So I really want first to understand that --  
17   look, I'm not trying to come down on anyone.  I'm not  
18   trying to sue the police or anything.  But when someone  
19   reads this, it should be true.

20           And as an investigator, I'm trying to think,  
21   the only other way that you could know is either through  
22   what?  How else would you know if it's not in an  
23   incident report of some kind of past fear?  It's a  
24   generalistic language that you use that you learned that  
25   in all nine cases that the complainants all felt the

1 same way, all felt the same way, that they all feared  
2 for their safety, and because of this were reluctant to  
3 give statements. And where did you get this?

4 MR. YUHAN: Objection to form.

5 MR. DRISCOLL: I'm going to join that.

6 But your question is where he got the  
7 information contained in paragraph 13 of his  
8 warrant?

9 MR. LAWRENCE: Exactly.

10 A. Okay. If I understand you correctly, all  
11 right, I agree with you that that statement was not in  
12 any of the reports. But what I had done between the  
13 time of my report and writing this warrant was actually  
14 speak to the officers.

15 And I can't attest that every single officer,  
16 but every officer that I did talk to that conducted  
17 those other investigations, I asked them if they had  
18 gotten a statement from their complainant, and they all  
19 said the same thing, no, 'cause they were afraid for  
20 retaliation. That's where that came from.

21 Q. All right. So basically this is coming from  
22 hearsay within the police department?

23 MR. YUHAN: Objection to form.

24 MR. LAWRENCE: Well, no, that's basically  
25 what it is because, yes, he could be speaking

1 to other officers and they could mention stuff  
2 like that, all nine.

3 Q. But all nine -- do all nine officers still  
4 work there from all the incident reports, Officer?

5 A. I'd have to check. I'm not sure off the top  
6 of my head.

7 Q. All right. Did you call these complainants?

8 A. No. I don't believe so.

9 Q. So you didn't call them. Basically this  
10 section of the warrant, 13, is based on hearsay. It's a  
11 very strong section of the warrant because it really is  
12 giving people the idea, and it was reported that there  
13 were some kind of threats. And every case had their own  
14 particular circumstances.

15 And I will now end this by just referring to  
16 one incident report, the first incident report of 2002.

17 MR. LAWRENCE: Court Reporter, it's the  
18 incident report, report number 2002-002662.

19 This is the first one.

20 (Incident Report No. 2002-002662 deemed  
21 marked Plaintiff's Exhibit 8 for  
22 identification.)

23 Q. You can actually read this thing. It's not a  
24 very long incident report. It's one paragraph, which  
25 once again has that suspicious person brief description.

1 And when you read it, it doesn't say that anyone was in  
2 fear of retaliation. And it doesn't say -- doesn't use  
3 the word "stalk," doesn't use the word "harass." And it  
4 also showed that it was, like in tune with what were you  
5 were talking about, it was one time. I never saw this  
6 person again.

7 MR. LAWRENCE: So I'll end this right now  
8 and just say that for the record what I'm  
9 entering in is just an example of what  
10 Officer Sullivan has confirmed is that there's  
11 not one incident report, any document, any  
12 kind of hard evidence about section 13 of his  
13 warrant.

14 MR. LAWRENCE: I'm done.

15 MR. DRISCOLL: I'm not sure if that was a  
16 question. But I don't think it was.

17 MR. LAWRENCE: No, it wasn't. He's  
18 already answered the question that no incident  
19 report documents anything --

20 MR. DRISCOLL: Just making sure he didn't  
21 have to answer that.

22 MR. LAWRENCE: Like I said, this is  
23 not -- I'm doing what I have to do. I'm  
24 not -- I haven't sued the police.

25 MR. DRISCOLL: I think Mr. Yuhan might

1 have a couple questions. It's his time.

2 Right?

3 MR. YUHAN: I do.

4 Now, Mr. Sullivan, I know we've been  
5 going for about an hour. Would you rather  
6 take a break for just a couple of minutes or  
7 do you want to just go forward?

8 I think my -- you know, it's always a  
9 challenge to guess, but I would venture to  
10 guess I have maybe 20 minutes or so of  
11 questions.

12 THE WITNESS: I'm good to keep going.

13 CROSS-EXAMINATION

14 BY MR. YUHAN:

15 Q. Mr. Sullivan, my name is Stephen Yuhan. I  
16 represent the defendant Hearst Communications, Inc. in  
17 this matter. And I appreciate you taking the time to  
18 speak with us today. I know it's not always a  
19 particularly pleasant way to spend your day off, so I do  
20 appreciate that. I'll try to keep this brief.

21 Let me just start with this: Mr. Sullivan,  
22 have you and I spoken before?

23 A. No.

24 Q. Have we communicated in any way before?

25 A. No.

1 Q. Prior to our introduction just before the  
2 deposition, did you have any idea that I was  
3 representing Hearst in this matter?

4 A. No.

5 Q. Have you reviewed the complaint filed by  
6 Mr. Lawrence against Hearst in this matter?

7 A. No.

8 Q. Aside from what you may have gleaned either  
9 from your own counsel or from Mr. Lawrence during this  
10 deposition, do you have any idea what the substance of  
11 the claims or defenses in this matter are?

12 A. No.

13 Q. Okay. I want to put before you --

14 MR. YUHAN: Mr. Driscoll, if you could  
15 help me out.

16 Q. -- I want to put before you the document that  
17 was circulated to counsel as Exhibit A.

18 MR. DRISCOLL: He has a copy in front of  
19 him, and we have it pulled up on my screen as  
20 well.

21 MR. YUHAN: Great.

22 (Arrest Warrant Application deemed marked  
23 Defendant's Exhibit A for identification.)

24 MR. YUHAN: Now, for the record, this is  
25 a document that is an arrest warrant

1 application. At the top of the page is a  
2 header case number 3:18-cv-01927, Document  
3 39-4. It's a 12 page document.

4 Q. Mr. Sullivan, do you recognize this document?

5 A. Yes.

6 Q. And what is this document?

7 A. It's my arrest warrant application for James  
8 Lawrence.

9 Q. Okay. And is that your signature at the  
10 bottom of the first page?

11 A. Yes.

12 Q. And I see a numeral sign and it looks to be  
13 the numerals 4358. What's the significance of that  
14 number?

15 A. That's my badge number.

16 Q. Okay. And what is your understanding of the  
17 role that this document, the arrest application, plays  
18 in the course of a criminal proceeding?

19 A. It contains all the information and  
20 circumstances of an event that I know about and are  
21 compiled to show that I have probable cause to believe  
22 that the person mentioned is guilty of the specific  
23 charge, and in this case breach of peace.

24 Q. And an Arrest Warrant Application contains  
25 your statements made under oath; is that correct?

1 A. Yes.

2 Q. And that was true for this document,  
3 Exhibit A, correct?

4 A. Yes.

5 Q. You made those statements under oath  
6 indicating that at the time that you made them, to the  
7 best of your knowledge, information, and belief, those  
8 statements were true; is that right?

9 A. Yes.

10 Q. And this relates to an incident that took  
11 place on or about November 5, 2017; is that correct?

12 A. Yes.

13 Q. And that was the incident in the parking lot  
14 of the Fresh Market involving Mr. Lawrence, correct?

15 A. Yes.

16 Q. And do you know whether or not an arrest  
17 warrant was actually issued relating to this incident?

18 A. Yes.

19 Q. Was an arrest warrant issued relating to this  
20 incident?

21 A. Yes.

22 Q. And it was on the basis of your application,  
23 correct?

24 A. Yes.

25 Q. And that application included the statements

1 contained in paragraph 2, correct?

2 A. Yes.

3 Q. It included the statements made in paragraph 4  
4 identifying Mr. Lawrence?

5 A. Yes.

6 Q. Turning to the next page, in paragraph 7 at  
7 the end of the paragraph, do you see the sentence that  
8 says "Lawrence was advised that it was his behavior and  
9 the fact that he allowed the complainant" -- or sorry --  
10 strike that.

11 Do you see the sentence at the end of  
12 paragraph 7 beginning with "Lawrence was advised that it  
13 was his behavior"?

14 A. Yes.

15 Q. And that statement was true at the time that  
16 you submitted this affidavit to the best of your  
17 knowledge, information, and belief, right?

18 A. Yes.

19 Q. In paragraph 10, at the end of that paragraph,  
20 do you see the sentence that says "In checking this file  
21 later, I learned that there is still a protective order  
22 in effect against Lawrence"?

23 A. Yes.

24 Q. And again, when you filed this affidavit, that  
25 sentence was true to the best of your knowledge,

1 information, and belief; is that right?

2 A. Yes.

3 Q. And could you take a moment and review  
4 paragraph 11 for me, please? You don't have to read it  
5 aloud. You can review it to yourself. Just let me know  
6 when you're done.

7 (Pause in the proceedings.)

8 A. Okay. I'm done.

9 Q. And those statements were true at the time  
10 that you filed this affidavit to the best of your  
11 knowledge, information, and belief, correct?

12 A. Yes.

13 Q. I have the same questions for paragraphs 12,  
14 13, and 14. So if you could read those paragraphs to  
15 yourself and let me know when you're finished.

16 (Pause in the proceedings.)

17 A. I'm finished.

18 Q. At the time that you filed this affidavit, the  
19 statements contained in paragraphs, 12, 13, and 14 were  
20 true to the best of your knowledge, information, and  
21 belief; is that right?

22 A. Yes.

23 Q. Now, the document that we've just gone over,  
24 one, two, three pages, that's a record that is  
25 maintained by the Westport Police in the normal course

1 of its business; is that right?

2 A. Yes.

3 Q. And it was a document that was actually filed  
4 in the Superior Court in Connecticut; is that correct?

5 A. Yes.

6 Q. Okay. If I could ask you to turn to the next  
7 page, this is an incident report. It's a little hard to  
8 tell, but it's report number 2017-022937.

9 MR. DRISCOLL: -937?

10 MR. YUHAN: Yes. Yes.

11 A. Yes.

12 Q. The report date is 11/05/2017, right?

13 A. Yes.

14 Q. And have you seen this document before?

15 A. Yes.

16 Q. And can you describe what this is?

17 A. It's my report from the incident at the Fresh  
18 Market.

19 Q. Okay. The same incident that was discussed in  
20 the Arrest Warrant Application we just reviewed,  
21 correct?

22 A. Yes.

23 Q. And is this a document that is maintained in  
24 the normal course of business by the Westport Police  
25 Department?

1 A. Yes.

2 Q. And if you look, we're now on page 4 of 7 of  
3 the incident report. It says "Additional Narrative" at  
4 the top. Do you see that?

5 A. Yes.

6 Q. And can you describe for me what is the --  
7 strike that.

8 Actually, I'm finished with this document.  
9 You can put that to the side. If I could ask you to put  
10 in front of you Exhibit B.

11 MR. DRISCOLL: I didn't get a chance to  
12 print that, so give me one second.

13 MR. YUHAN: Sure. No problem. My  
14 apologies. I didn't realize until too late  
15 that I had not originally attached that.

16 MR. DRISCOLL: Okay. We have it up on  
17 the screen.

18 MR. YUHAN: Okay. Now hang on. Let me  
19 just make sure that I'm working off the same  
20 document.

21 (Incident Report No. 2018-019908 deemed  
22 marked Defendant's Exhibit B for  
23 identification.)

24 MR. YUHAN: Okay. Exhibit B is a  
25 document entitled Incident Report bearing

1 report number 2018-019908. And there's a  
2 legend, a header at the top of that document,  
3 Case number 3:18-cv-01927, Document 39-8.

4 MR. DRISCOLL: We have it.

5 Q. Okay. Now, Mr. Sullivan, is this a document  
6 that you have seen before?

7 A. Not until today.

8 Q. Not till today. And in fact, if you look at  
9 the bottom of the first page of that document, under  
10 Reporting Officer, that's Mark Grasso, correct?

11 A. Yes.

12 Q. And do you know who Mark Grasso is?

13 A. Yes, I do.

14 Q. Okay. Are you familiar with the incident  
15 described in this incident report? Are you personally  
16 familiar with that incident?

17 A. I've had discussions with Officer Grasso, yes.

18 Q. Okay. Now, do you have any reason to doubt  
19 that the statements set forth in the incident report by  
20 Mr. Grasso were true at the time to the best of his  
21 knowledge, information, and belief?

22 MR. LAWRENCE: I would like to object  
23 because basically my objection is based on the  
24 fact that they're talking about an arrest, as  
25 I've already mentioned, an incident report

1           that is after the arrest with  
2           Officer Sullivan.

3                     His knowledge of this case is next to  
4           nothing, and he's not an authority on this  
5           particular case.  It's established that I was  
6           arrested for second-degree harassment.

7                     However, many of my complaints and the  
8           points of my complaint against Hearst have to  
9           do with issues prior to this arrest, and the  
10          way that Hearst reported on this arrest  
11          actually contributed to this false arrest and  
12          the arrest, attempted arrest for second-degree  
13          stalking that was rejected by the prosecutor.

14                    So I don't know where defense is going on  
15          this.  I'm just going to say that I object  
16          because Officer Grasso -- Officer Sullivan is  
17          not an authority on this -- if  
18          Officer Sullivan is not an authority on past  
19          incident reports, how is he an authority on  
20          someone else's case?  It doesn't make sense.

21                    MR. DRISCOLL:  All right.  So the  
22          question was whether he has any reason to  
23          doubt that Officer Grasso accurately reflected  
24          his knowledge of events in his report, right?

25                    MR. YUHAN:  That is correct.

1 MR. DRISCOLL: If you understand, you can  
2 answer.

3 A. I believe he is accurate, yes.

4 Q. Okay. Now, if you look at page 4 of this  
5 exhibit, it is entitled Additional Narrative. Do you  
6 see that?

7 A. Yes.

8 Q. And do you know -- do you see -- let's see --  
9 three lines down, at the end of that line, there is a  
10 reference to you, "who was arrested by Officer Sullivan  
11 in March 2018." Do you see that?

12 A. Yes.

13 Q. And after that, the line continues, "had  
14 returned to Westport from Europe yesterday for a court  
15 appearance in Norwalk today." Do you see that line?

16 A. Yes.

17 Q. And do you know whether or not that court  
18 appearance was in relation to the arrest that you had  
19 made?

20 A. Yes. I believe it was.

21 Q. And does that indicate to you that as of the  
22 time of this incident report, that matter was still  
23 pending?

24 A. Yes.

25 Q. Okay. To your knowledge, this incident that

1 Mr. Grasso was involved in for the crime of harassment  
2 in the second degree, do you know whether or not that  
3 case is still pending?

4 A. I believe it is still pending.

5 Q. And again, this incident report, this is a  
6 document that is maintained by the Westport Police  
7 Department in the regular course of its business, is it  
8 not?

9 A. Yes.

10 Q. Okay. Just a couple more questions,  
11 Mr. Sullivan, and then I'll be finished with my  
12 examination.

13 Are you currently employed?

14 A. Yes.

15 Q. It's not a trick question. I'm just asking.

16 A. I thought you were going to keep going there.  
17 Yes.

18 Q. Are you currently employed?

19 A. Yes.

20 Q. Who is your employer?

21 A. Westport Police Department.

22 Q. And what is your title with the Westport  
23 Police Department?

24 A. Police officer.

25 Q. And have you been a police officer with the

1 Westport Police Department since about March 7, 2016?

2 A. Yes.

3 Q. Are you aware of any reason why sitting here  
4 today the testimony you've given in this deposition  
5 could not be the -- strike that. That was terrible.

6 Is there any reason, sir, that the testimony  
7 you've given today is not your best recollection and  
8 true to the best of your knowledge, information, and  
9 belief?

10 A. No.

11 MR. YUHAN: Subject to any further  
12 examination by Mr. Lawrence, I have no further  
13 questions. Thank you so much.

14 MR. LAWRENCE: I just have one question  
15 in regards to the warrant that you're talking  
16 about, the second-degree breach of peace.

17 I want to direct Officer Sullivan and his  
18 attorney to section 20 of that warrant. This  
19 is the second-degree harassment arrest,  
20 February 6, 2019, arrest that happened one  
21 year after Officer Sullivan's arrest.

22 MR. DRISCOLL: Are you talking about  
23 Officer Grasso's report?

24 MR. LAWRENCE: Yes. His warrant, the  
25 actual warrant.

1 THE WITNESS: Grasso's warrant or my  
2 warrant?

3 MR. LAWRENCE: Grasso's. Section 20,  
4 please.

5 THE WITNESS: I'm just not sure.

6 MR. DRISCOLL: I don't think we have  
7 Grasso's warrant. We have his incident  
8 report.

9 MR. LAWRENCE: Okay. I guess that's  
10 something I'll have to submit.

11 MR. LAWRENCE: All right. So I think  
12 we're pretty much done here, I think.

13 REDIRECT EXAMINATION

14 BY MR. LAWRENCE:

15 Q. I just have one last question. Did the woman  
16 use the word "harass" on the dispatch tapes, so I don't  
17 have to bring out the dispatch tapes?

18 MR. DRISCOLL: The woman in the incident  
19 that he did the arrest warrant for?

20 MR. LAWRENCE: Yes.

21 Q. Officer Sullivan, in regards to your arrest,  
22 did the woman use the word "stalk" or "harass" in the  
23 dispatch tapes?

24 MR. YUHAN: Objection to form.

25 A. I never listened to the dispatch tapes.

1 Again, I got all my information from her directly.

2 Q. But she was recorded on the dispatch tapes --

3 A. Absolutely.

4 Q. -- from the initial call? The initial call  
5 was in her own words?

6 MR. DRISCOLL: He said he didn't listen  
7 to those.

8 A. I'm told by the dispatcher themselves what's  
9 going on with the call, not by listening to the actual  
10 tape.

11 Q. Okay.

12 MR. LAWRENCE: I'm wondering if this  
13 phrase that he used -- I find it to be a very  
14 proper choice of words, "follow and get into  
15 personal space," meaning the idiom "get into  
16 personal space," it's actually an idiom in the  
17 dictionary that it's usually violate personal  
18 space.

19 Q. But are you aware that that is a phrase in the  
20 dictionary?

21 A. No. Not really.

22 Q. Okay. I think we're done.

23 MR. LAWRENCE: I want to thank everyone.  
24 I don't see anything else. Since you don't  
25 have Grasso's warrant, I'm not looking to ask

1           any other questions. I want to keep it  
2           simple.

3           MR. YUHAN: No further questions.

4           THE REPORTER: Do you want the witness to  
5           read and sign?

6           MR. DRISCOLL: No.

7           THE REPORTER: Do you both need a copy of  
8           this transcript?

9           MR. YUHAN: Yes.

10          MR. LAWRENCE: I told Michael that I need  
11          it to be expedited, if I could have it by like  
12          Wednesday.

13          THE REPORTER: Attorney Yuhan, do you  
14          need a copy of the transcript?

15          MR. YUHAN: Yes, please, on the same  
16          basis.

17          THE REPORTER: Is a PDF email acceptable  
18          or paper copy?

19          MR. YUHAN: PDF is fine for me.

20          MR. LAWRENCE: PDF would be great.

21                   (Time noted: 1:47 p.m.)

22                   (Signature waived by agreement.)

23

24

25

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25 (Counsel retained their own exhibits.)

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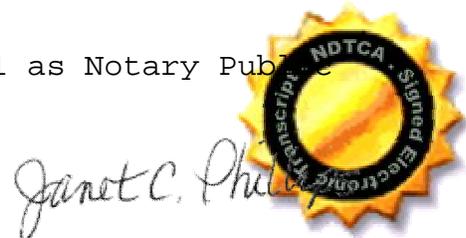
C E R T I F I C A T E

I hereby certify that I am a Notary Public, in and for the State of Connecticut, duly commissioned and qualified to administer oaths.

I further certify that the deponent named in the foregoing deposition was by me duly sworn, and thereupon testified as appears in the foregoing deposition; that said deposition was taken by me stenographically remotely via videoconferencing and reduced to typewriting under my direction, and the foregoing is a true and accurate transcript of the testimony.

I further certify that I am neither of counsel nor attorney to either of the parties to said suit, nor am I an employee of either party to said suit, nor of either counsel in said suit, nor am I interested in the outcome of said cause.

Witness my hand and seal as Notary Public  
this 23rd day of February 2021.



Janet C. Phillips  
Notary Public  
CSR No. 124

My Commission expires:  
October 31, 2021