

GA11 – DANIELSON
120 SCHOOL STREET, DANIELSON, CT 06239

*** MOTION DOCKET ***

05/01/2023

10:00AM

Pursuant to Practice Book 42-49A Sealing or Limiting Disclosure of Documents in
Criminal Cases

RODEHEFFER DONNA WWM-CR16-0158925-T DAVIS

MOTION TO SEAL RECORDS IN SENTENCING MEMORANDUM

CR16-158925

* JUDICIAL DISTRICT OF WINDHAM

STATE OF CONNECTICUT

* AT DANIELSON

v.

*

DONNA RODEHEFFER

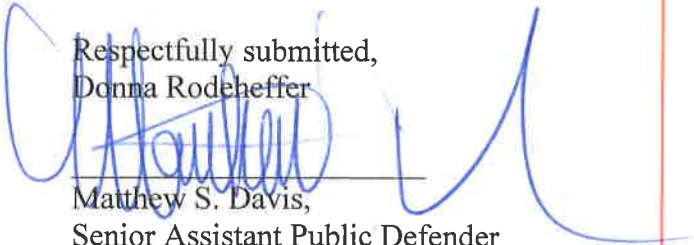
* APRIL 13, 2023

MOTION TO SEAL RECORDS IN SENTENCING MEMORANDUM

DATED MARCH 24, 2023

Pursuant to Connecticut Practice Book Section 7-4B, and Connecticut Practice Book Sec.42-49A, the defendant hereby requests that the records attached to the Defendant's Sentencing Memorandum be sealed from public inspection, and further disclosure of the same to the public be prohibited. In support of her Motion, the defendant submits that the records contained in the Sentencing Memorandum are confidential and /or privileged, and as such the court is justified in sealing them from additional disclosure.

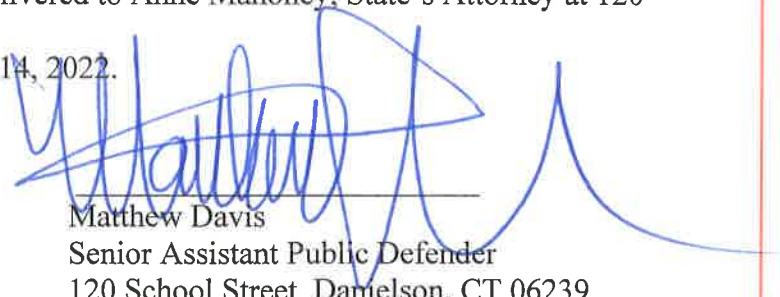
Respectfully submitted,
Donna Rodeheffer


Matthew S. Davis,
Senior Assistant Public Defender
120 School Street, Danielson, CT

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DANIELSON, CT

CERTIFICATION

I hereby certify that a copy of the foregoing Motion to Seal Records and Supporting Memorandum was hand -delivered to Anne Mahoney, State's Attorney at 120 School Street, Danielson, CT, on April 14, 2022.



Matthew Davis
Senior Assistant Public Defender
120 School Street, Danielson, CT 06239

ORDER

The foregoing Motion to Seal Records having been heard, it is hereby ordered :

GRANTED\DENIED

BY THE COURT (SHAY, J.)

MEMORANDUM OF LAW IN SUPPORT OF THE DEFENDANT'S MOTION
TO SEAL THE RECORDS WITHIN THE DEFENDANT'S SENTENCING
MEMORANDUM

The defendant filed a Sentencing Memorandum dated March 24, 2023 in the case herein. Each of the records submitted concern the defendant's medical, legal, and psychological records, as well as DCF records. The DCF record also contains information regarding the alleged victims in the case. Thus, each record submitted is either privileged and/or confidential to the subject of the record. As such, disclosure of the same is prohibited without the consent of the defendant, unless otherwise provided by law.

In the instant case, the defendant submitted the records as relevant and mitigating information for the Court to consider in relation to her sentencing. Notwithstanding, the records remain confidential and privileged to her, and additional disclosure is otherwise prohibited without her consent, unless otherwise provided for by law. Please see CGS 52-146o (Disclosure of Patient communication by Doctor prohibited); CGS 52-146q (Disclosure of confidential communications between social worker and person consulting with a social worker prohibited); CGS 52-146s (Disclosure of confidential information between professional counselor and person consulting such professional counselor prohibited); CGS 52-146d (Privileged communications between psychiatrist and patient); CGS 17a-28 (DCF records maintained shall be confidential and shall not be disclosed).

Connecticut Practice Book 42-49A is entitled Sealing or limiting Disclosure of Documents in Criminal Cases, and specifies a presumption in favor of public disclosure

of documents filed with the Court. However, that rule is not absolute, in that the Court can limit disclosure (1) when disclosure of those documents is otherwise prohibited by law (CPB 42-49 A (b)), and (2) when the order is necessary to preserve an interest which is determined to override the public's interest in viewing such materials. CPB 42-49 A (c).

The defendant submits that the records at issue herein are, in fact, protected from disclosure by law. The fact that the defendant would like the Court to consider the materials herein should not require her to disclose the same to the public. Otherwise, the defendant is placed in the untenable position of either asserting her privacy rights under the statutes (which prohibit disclosure), or choose disclosure and forfeit those statutory rights in order to assert her rights to a defense, and the due process concerns attached thereto. Without a court order limiting disclosure, the statutory protections against disclosure would effectively terminate with any limited disclosure to the Court. The defendant submits that such a result is not intended by law, and that result would not further the interests of justice.

Further, the defendant submits that sealing these particular documents would be necessary to preserve her privacy interests, and the privacy interests of the minor victims. Moreover, those privacy interests far outweigh the public interest in knowing what is already statutorily protected information. Limited disclosure of these records to the Court should not result in elimination of statutory protections already in place. The rights of privacy, confidentiality and privilege outweigh the public interest in disclosure.



Matthew Davis
Senior Assistant Public Defender