

No. NNH-CV20-5048430

LEROYA MOORE

V.

JAZMIN SANTIAGO

Judicial District of New Haven
SUPERIOR COURT
FILED

JUN 05 2024

CHIEF CLERK'S OFFICE

SUPERIOR COURT

JUDICIAL DISTRICT OF NEW HAVEN

AT NEW HAVEN

JUNE 5, 2024

MEMORANDUM OF DECISION

The plaintiff has filed this action seeking damages and the return of funds that the plaintiff alleges the defendant illegally converted for her own use. A trial was held on May 22, 2024 at which the plaintiff was self-represented and the defendant was represented by counsel. The only witnesses at trial were the plaintiff and the defendant. In her complaint, the plaintiff asserts three claims: (1) the defendant withdrew \$11,053.13 from the plaintiff's bank accounts and improperly used the money for the defendant's own use; (2) the defendant illegally converted to herself the proceeds from the sale by the defendant of various items of personal property of the plaintiff; and (3) the defendant improperly denied the plaintiff access to her own email and Facebook accounts. The defendant denies the plaintiff's allegations. She asserts that the plaintiff gifted to her the funds in the plaintiff's bank accounts. The defendant further denies that she sold any of the plaintiff's property or prevented the plaintiff from accessing her online accounts.

Based on the evidence presented, I find the following facts. On June 2, 2015, the East Haven police responded to the plaintiff's home in response to a 911 call. The plaintiff was present at the scene. Upon entering the plaintiff's residence, the police discovered the bodies of the plaintiff's two young children. The plaintiff was ultimately convicted by a three-judge panel of murdering her children and sentenced to one hundred and twenty years in prison. See *State v. Moore*, No. CR15157986, 2019 WL 2306674 (Conn. Super. Ct., March 29, 2019), *aff'd sub nom. State v. Leroya M.*, 340 Conn. 590 (2021).

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The plaintiff and the defendant had known each other for eighteen years and were close friends. On June 2, 2015, the day the police arrived at the plaintiff's home, the defendant received a letter postmarked May 29, 2015 from the plaintiff in the mail. The letter contained two debit cards for accounts held by the plaintiff at the Bank of America and Sikorsky Credit Union. In the letter, the plaintiff stated: "Please take care of the kids [sic] tuition as much as you can. I love you both as much as any person ever could. Make sure you take the [money] out and use it for your kids. My mom is my beneficiary for everything. I did what I could for as long as I could. I'll love you always."

That same day, the plaintiff was taken to Yale-New Haven Hospital and ultimately to Yale Psychiatric Institute (YPI). On June 10, 2015, the defendant visited the plaintiff at YPI where the plaintiff and the defendant signed a document granting a power of attorney to the defendant. The precise parameters of the power of attorney are unknown as the document cannot presently be located. The plaintiff was also arrested that day for the murder of her children. On June 22, 2015, the defendant withdrew \$8,000 from the plaintiff's Bank of America account and \$1,703.51 from the plaintiff's Sikorsky Credit Union account. The defendant withdrew an additional \$1,343.13 from the defendant's Bank of America account on June 29, 2015.

The plaintiff admitted at trial that she initially sent the two debit cards to the defendant as a gift and that the defendant could do what she wanted with them. She testified that she did so because she had planned on committing suicide and therefore would not need the funds. She further testified that she subsequently changed her mind and that the defendant agreed to manage her finances for the plaintiff's benefit at their meeting on June 10, 2015 at YPI. Specifically, the plaintiff testified that the defendant orally agreed that the defendant would send her money every month, establish a scholarship fund in the name of her children and give a substantial donation to

a t-ball league. The plaintiff also testified that the defendant agreed to rent or sell the plaintiff's home in East Haven and sell or pawn her household furnishings to provide funds for the plaintiff. The defendant in her testimony expressly denied that the plaintiff told her that she had changed her mind regarding the gift of the debit cards and the related funds. Rather, she testified that the plaintiff reiterated at their meeting on June 10 that the funds from the two bank accounts were a gift to the defendant. She also denied that she orally agreed to send the plaintiff monthly funds, establish a scholarship or make a donation. The defendant testified that she was given power of attorney in order to manage the plaintiff's 401K account and to rent or sell the East Haven house, both of which she ultimately never did. The defendant also testified that, although she did on a few occasions deposit sums in the plaintiff's prison account and make a small donation to a baseball league, she did so "out of the goodness of her heart."

It is undisputed that the plaintiff initially gifted the funds in her two bank accounts to the defendant for her own use. I do not credit the plaintiff's testimony that she and the defendant subsequently entered into an agreement that the funds would be used for the benefit of the plaintiff. I do credit the testimony of the defendant that no such agreement ever existed.

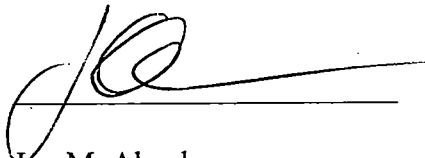
The plaintiff also claims that the defendant took various items, including appliances, televisions, and furniture from her home in East Haven and either sold or pawned them. The plaintiff seeks damages for the value of the items taken. As support for her claim, the plaintiff submitted a letter dated July 28, 2015 to her from the defendant in which the defendant suggested that they sell some of the items in the plaintiff's house because the plaintiff may need additional funds. The plaintiff also testified that the defendant admitted to her that she had taken the items. The letter does not establish that the defendant in fact sold any items. I do not credit the plaintiff's testimony that she did so. I do credit the defendant's testimony that she never took any

items from the plaintiff's home and never pawned or sold any items.

Finally, the plaintiff also alleges in her complaint that the defendant denied the plaintiff access to the plaintiff's email and Facebook accounts which caused the plaintiff harm because she was subsequently unable to use them. The defendant testified that the plaintiff asked her to close the plaintiff's Facebook account due to the media attention surrounding the murder of her children. The plaintiff did not want the media to have access to the information and photos on Facebook. The defendant testified that she attempted to close the Facebook account but was unable to do so. I credit the defendant's testimony. No evidence was provided by the plaintiff that the defendant took any steps regarding the plaintiff's email accounts. The plaintiff also failed to provide any evidence of damages related to this claim.

For the foregoing reasons, the plaintiff has not met her burden of proving her claims by a preponderance of the evidence and judgment shall enter in favor of the defendant as to all claims.

BY THE COURT

A handwritten signature in black ink, appearing to be 'JA', written over a horizontal line.

Jon M. Alander
Judge Trial Referee