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**Connecticut Supreme Court**  
SC230284. Entered 2/27/2024.

**SUPREME COURT**  
**STATE OF CONNECTICUT**  
**PSC-230284**  
**J. G.**  
**v.**  
**JEREMIAH CURTIS-SHANLEY**

**ORDER ON PETITION FOR CERTIFICATION TO  
APPEAL**

The defendant's petition for certification to appeal from the Appellate Court, 223 Conn. App. 149 (AC 46371), is denied.

By the Court,  
*/s/*  
Cory M. Daige  
Assistant Clerk - Appellate

Hon. William Holden  
Clerk, Superior Court, FBT-CV23-5051039-S  
Clerk, Appellate Court  
Reporter of Judicial Decisions  
Staff Attorneys' Office  
Counsel of Record

**Connecticut Appellate Court**  
AC46371. Entered 12/21/2023.

**J. G. v. JEREMIAH CURTIS-SHANLEY\***  
(AC 46371)  
Moll, Seeley and Harper, Js.

Opinion PER CURIAM. The self-represented defendant appeals from the judgment of the trial court granting the application for a civil protection order filed by the plaintiff, J. G., pursuant to General Statutes § 46b-16a.1 Because the defendant failed to show cause as to why his appeal should not be dismissed for his unilaterally terminating his attendance at oral argument, we dismiss the appeal. The record reflects the following facts and procedural history. On February 27, 2023, pursuant to § 46b-16a, the plaintiff filed an application for a civil protection order. In her application and the personal affidavit attached thereto, the plaintiff alleged that the defendant was stalking her and causing her to fear for her safety. On that same day, the court, T. Welch, J., issued an ex parte civil protection order. On March 8, 2023, the court, Hon. William Holden, judge trial referee, conducted an evidentiary hearing on the application. At the conclusion of the hearing, the court granted the application for protection. This appeal followed. On September 28, 2023, the defendant requested permission to attend oral argument before this court from a remote location. On October 3, 2023, the court granted the defendant permission to appear remotely at oral argument, specifically, by video conference. When the defendant appeared at the scheduled argument on October 19, 2023,

however, he connected from a remote location by way of audio only. Following what was the defendant's obvious falsehood to court staff concerning his ability to appear by video, as described in footnote 4 of this opinion, the court then opened the session, confirmed that the defendant was able to hear the court, and provided the defendant with a few preliminary instructions concerning, *inter alia*, safeguards to protect the identity of the protected party and the defendant's claims regarding his appearing by audio only. While the court was addressing the defendant, the defendant unilaterally terminated his attendance by ending the call. The defendant neither reappeared nor otherwise contacted the court as of the conclusion of the court's docket. Nor did the defendant submit, prior to the issuance of the order to show cause, any filing providing an explanation for unilaterally terminating his attendance at oral argument. On November 17, 2023, this court ordered the defendant to show cause as to why his appeal should not be dismissed as a result of his unilaterally terminating his attendance at oral argument. See Practice Book §§ 85-2 and 85-3; see also *In re Shanice P.*, 64 Conn. App. 78, 79, 779 A.2d 151 (2001). In the show cause order, we required that the defendant "submit a response . . . on or before December 8, 2023." (Footnote omitted.) On December 8, 2023, the defendant filed a response, which we have considered. In light of the foregoing, pursuant to Practice Book §§ 85-2 and 85-3, we conclude that the sanction of dismissal is warranted. Accordingly, we dismiss the appeal; the order of protection remains in full effect. The appeal is

dismissed. \* In accordance with federal law; see 18 U.S.C. § 2265 (d) (3) (2018), as amended by the Violence Against Women Act Reauthorization Act of 2022, Pub. L. No. 117-103, § 106, 136 Stat. 49, 851; we decline to identify any person protected or sought to be protected under a protection order, a protective order, or a restraining order that was issued or applied for, or others through whom that person's identity may be ascertained

**Judicial District Of Fairfield**  
FBTCV235051039S. Entered 3/8/2023.

THE COURT: The motion denied. Next.

THE COURT: I've done that. I've done that. In the matter of the motion to dismiss, based upon what you offered to the Court, it's denied.

MR. CURTIS-SHANLEY: Okay. This is what I want to ask. I want to ask whether or not, in any of these documents, she has ever received a threat to her physical safety or to her family members, any kind of – you know – actual threats?

THE COURT: That is not a test for a civil protective order. That's not a test. Physical safety is not a test. Do not threaten, harass, assault, abuse, interfere with, or stalk, the individual. Stay away from the home of the person. Don't contact the person by any means or manner.

MR. CURTIS-SHANLEY: Those are remedies.

THE COURT: Electronic –

MR. CURTIS-SHANLEY: Right.

THE COURT: Electronic means, any means. Her home, here or school, her workplace. No contact. Don't come within 100 yards of her residence. There is no imminent threat of danger involved here. None whatsoever.

MR. CURTIS-SHANLEY: Yes. In the statute, there is.

THE COURT: The word may be harassment. And that's the word. Harassment. Now, look at that and define that. What are you asking the Court not to do?

MR. CURTIS-SHANLEY: It seems like that I'm probably going to have to do an appeal in this case.

THE COURT: You have a right to do whatever you need to do, legally. That is up to you.

MR. CURTIS-SHANLEY: I can't, because of notice. I have to – if I –

THE COURT: Anything further? We've discussed that. Anything further? She's here. Right now. You're here.

MR. CURTIS-SHANLEY: Right.

THE COURT: I've heard the evidence.

MR. CURTIS-SHANLEY: Right.

THE COURT: Evidence is supported, in this Court's view –

MR. CURTIS-SHANLEY: Right.

THE COURT: - to grant – to continue the ex parte order. And I intend to do that. And I urge you to comply. And as you comply, you can do whatever you like, appellate wise, that is up to you.

MR. CURTIS-SHANLEY: But, in order to use the appellate division, I –

THE COURT: You can take an appeal.

MR. CURTIS-SHANLEY: - have to serve them with it.

THE COURT: No. No. No. Why are you interrupting – don't.

MR. CURTIS-SHANLEY: Sorry.

THE COURT: That is not an issue. That is not an issue. You're making that an issue. It is not.

MR. CURTIS-SHANLEY: Okay.

THE COURT: My concern is your harassing this

young lady. And it appears, from what I've heard, it has continued. I hope you stop. I hope. The order is entered. If I can order anything else, I will. I can't.

No contact by you, or anyone on your behalf. Leave alone.

MR. CURTIS-SHANLEY: How do I serve papers?

THE COURT: No. If you keep talking, I will hold you in contempt.

MR. CURTIS-SHANLEY: Okay.

THE COURT: Leave her alone, from this day forward. The ex parte order is continued. I have heard sufficient evidence. And I don't take this lightly. I – you've got to be aware of what goes on in our society. And this effort – this – this – this conduct can lead, if escalated, to unwanted – an unwanted result. ... But, this order is in effect today, and continues for one year. So ordered. Thank you. It's over. You'll receive a copy of the order.

MR. CURTIS-SHANLEY: Where do I order the transcript from?

Sec. 46b-16a. Issuance of civil protection order on behalf of person who has been victim of sexual abuse, sexual assault or stalking. Application. Hearing. Court orders. Duration. Notice. Other remedies. (a) Any person who has been the victim of sexual abuse, sexual assault or stalking may make an application to the Superior Court for relief under this section, provided such person has not obtained any other court order of protection arising out of such abuse, assault or stalking and does not qualify to seek relief under section 46b-15. As used in this section, "stalking" means two or more wilful acts, performed in a threatening, predatory or disturbing manner of: Harassing, following, lying in wait for, surveilling, monitoring or sending unwanted gifts or messages to another person directly, indirectly or through a third person, by any method, device or other means, that causes such person to reasonably fear for his or her physical safety.

(b) The application shall be accompanied by an affidavit made by the applicant under oath that includes a statement of the specific facts that form the basis for relief. If the applicant attests that disclosure of the applicant's location information would jeopardize the health, safety or liberty of the applicant or the applicant's children, the applicant may request, on a form prescribed by the Chief Court Administrator, that his or her location information not be disclosed. Upon receipt of the application, if the allegations set forth in the affidavit meet the requirements of subsection (a) of this section, the court shall schedule a hearing not later than fourteen days from the date of the

application. If a postponement of a hearing on the application is requested by either party, no ex parte order shall be continued except upon agreement of the parties or by order of the court for good cause shown. If the court is closed on the scheduled hearing date, the hearing shall be held on the next day the court is open and any ex parte order that was issued shall remain in effect until the date of such hearing. If the applicant is under eighteen years of age, a parent, guardian or responsible adult who brings the application as next friend of the applicant may not speak on the applicant's behalf at such hearing unless there is good cause shown as to why the applicant is unable to speak on his or her own behalf, except that nothing in this subsection shall preclude such parent, guardian or responsible adult from testifying as a witness at such hearing. If the court finds that there are reasonable grounds to believe that the respondent has committed acts constituting grounds for issuance of an order under this section and will continue to commit such acts, or acts designed to intimidate or retaliate against the applicant, the court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant. If the court finds that there are reasonable grounds to believe that an imminent danger exists to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. In making such orders, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site. Such orders may include, but are not limited to, an

order enjoining the respondent from: (1) Imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; and (3) entering the dwelling of the applicant.

(c) No order of the court shall exceed one year, except that an order may be extended by the court upon proper motion of the applicant, provided a copy of the motion has been served by a proper officer on the respondent, no other order of protection based on the same facts and circumstances is in place and the need for protection, consistent with subsection (a) of this section, still exists.

(d) The applicant shall cause notice of the hearing pursuant to subsection (b) of this section and a copy of the application and the applicant's affidavit and of any ex parte order issued pursuant to subsection (b) of this section to be served by a proper officer on the respondent not less than five days before the hearing. The cost of such service, including mileage pursuant to section 52-261, shall be paid for by the Judicial Branch. Upon the granting of an ex parte order, the clerk of the court shall provide two copies of the order to the applicant. No officer or person shall be entitled to a fee for service pursuant to this section if timely return of service is not received by the court, absent a court order authorizing such fee. For the purposes of this subsection, timely return includes, but is not limited to, transmitting by facsimile or other means, a copy of the return of service to the court prior to the hearing followed by the delivery of the original return to the court within a

reasonable time after the hearing. Upon the granting of an order after notice and hearing, the clerk of the court shall provide two copies of the order to the applicant and a copy to the respondent. Every order of the court made in accordance with this section after notice and hearing shall be accompanied by a notification that is consistent with the full faith and credit provisions set forth in 18 USC 2265(a), as amended from time to time. Immediately after making service on the respondent, the proper officer shall (1) send or cause to be sent, by facsimile or other means, a copy of the application, or the information contained in such application, stating the date and time the respondent was served, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, and (2) as soon as possible, but not later than two hours after the time that service is executed, input into the Judicial Branch's Internet-based service tracking system the date, time and method of service. If, prior to the date of the scheduled hearing, service has not been executed, the proper officer shall input into such service tracking system that service was unsuccessful. The clerk of the court shall send, by facsimile or other means, a copy of any ex parte order and of any order after notice and hearing, or the information contained in any such order, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, not later than forty-eight hours after

the issuance of such order, and immediately to the Commissioner of Emergency Services and Public Protection. If the applicant is enrolled in a public or private elementary or secondary school, including a technical education and career school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the applicant, send, by facsimile or other means, a copy of such ex parte order or of any order after notice and hearing, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the applicant is enrolled and the special police force established pursuant to section 10a-142, if any, at the institution of higher education at which the applicant is enrolled, if the applicant provides the clerk with the name and address of such school or institution of higher education.

(e) If the court issues an ex parte order pursuant to subsection (b) of this section and service has not been made on the respondent in conformance with subsection (d) of this section, upon request of the applicant, the court shall, based on the information contained in the original application, extend any ex parte order for an additional period not to exceed fourteen days from the originally scheduled hearing date. The clerk of the court shall prepare a new order of hearing and notice containing the new hearing date, which shall be served upon the respondent in accordance with the provisions of subsection (d) of this section.

(f) An action under this section shall not preclude the applicant from subsequently seeking any other civil or criminal relief based on the same facts and circumstances.

(P.A. 14-217, S. 186; P.A. 16-34, S. 6; 16-105, S. 6; P.A. 17-99, S. 1; 17-163, S. 2; 17-237, S. 113; P.A. 21-104, S. 17; P.A. 22-26, S. 63; 22-37, S. 24.)

To establish the element of fear, which is necessary for issuance of a civil protection order, the plaintiff must establish that she subjectively feared for her personal safety and such fear was reasonable. 341 C. 483.

Use of the term "and" is disjunctive, otherwise reference to Sec. 53a-181d would be superfluous, thus an applicant for a civil protection order on the basis of stalking is required to prove only that there are reasonable grounds to believe that defendant stalked and will continue to stalk, as described in Secs. 53a-181c, 53a-181d or 53a-181e. 163 CA 493. In order to obtain an extension of a civil protection order, Subsecs. (a) and (c) provide that a victim of sexual assault present evidence that the need for protection still exists. 176 CA 730. Section does not require prior threats or instances of physical violence for party to reasonably fear for party's physical safety. 201 CA 734.i

**Article IV**

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

US Bill of Rights

**Amendment I**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

**Amendment IV**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Amendment XIV**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.