

App No. _____

**In The
Supreme Court of the United States**

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JO-ANN CONNELLY,

Applicant,

v.

**STATE OF CONNECTICUT EX REL. JEREMIAH DUNN,
CHIEF ANIMAL CONTROL OFFICER,**

Respondent.

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**On Application for an Extension of Time to File Petition for a Writ of
Certiorari to the Connecticut Appellate Court**
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Counsel for Applicant

March 7, 2025

Corporate Disclosure Statement

Pursuant to Supreme Court Rule 29.6, Applicant Jo-Ann Connelly states she is an individual person with no parent corporation or publicly held stock.

To the Honorable Sonia Sotomayor, as Circuit Justice for the United States Court of Appeals for the Second Circuit:

In accordance with this Court's Rules 13.5, 22, 30.2, and 30.3, Applicant Jo-Ann Connelly respectfully requests that the time to file her petition for a writ of certiorari be extended for 60 days, up to and including Friday, May 16, 2025. The Appellate Court of Connecticut issued its opinion on October 8, 2024 (Exhibit B), and the Connecticut Supreme Court denied her petition for certification on December 17, 2024 (Exhibit A). Absent an extension of time, the petition would be due on March 17, 2025. The jurisdiction of this Court is based on 28 U.S.C. 1257(a). This request is opposed.

Background

This case presents an important question on the application of the Fourth Amendment's Exclusionary Rule: Whether the government may use in forfeiture proceedings evidence seized in the warrantless search of a home where it claims the search was motivated reasons other than conducting a criminal prosecution. The views of the state and federal courts on this question run the gamut, from holding (as did the Appellate Court of Connecticut) below that when the government invokes protective welfare

instead of criminal investigation as the motive for a warrantless search, the exclusionary rule is inapplicable, to other courts that hold the government's motive in conducting the search is irrelevant in determining the rule's applicability.

Applicant Jo-Ann Connelly is a resident of Hebron, Connecticut who was using her home to shelter rescued animals pending Connecticut's approval of a separate facility she had procured for their housing and care. Respondent is the State of Connecticut, via its Chief Animal Control Officer, Jeremiah Dunn, who has authority under Conn. Gen. Stat. (Supp. 2022) § 22-329a to bring judicial actions to seize and take custody of animals he alleges are neglected or abused.

On March 23, 2022, law enforcement officials showed up at Connelly's home. The officers claimed the Department of Children & Families (with which Connelly was involved in other litigation) had an order to search the house and property, which they did not have. Connelly asked for a copy of the asserted "order," but was instead immediately handcuffed, and dragged down the stairs. Connelly told the officers they did not have permission to search the house or property, or to enter the property. The officers then proceeded to enter and search her home and the surrounding

property. Connelly repeatedly told the officials they were not allowed on her property, and ordered them to leave.

Based on their observations from that warrantless search, the officers sought and obtained a criminal search and seizure warrant the next day, March 24, 2022, for Connelly's home. The application asserted that evidence of Cruelty to Animals in violation of C.G.S. § 53-247 would be found at her home. The officers executed the warrant the next day, March 25, 2022, seizing the animals in her home.

The State charged her with three misdemeanor counts of animal cruelty in violation of Conn. Gen. Stat. § 53-247(a). The State instituted a separate *n rem* civil forfeiture proceeding seeking permanent ownership of the animals pursuant to Conn. Gen. Stat § 22-329a (b) and (c), and also filed *ex parte* for temporary care and custody of the animals.

Connelly moved to exclude the government's use of the evidence seized in the warrantless search, as well as the subsequent warrant obtained with that illegally obtained evidence. The trial court denied the motion, holding, "The exclusionary rule does not apply to civil cases."

On appeal, Connelly argued the exclusionary rule does apply to property forfeitures in quasi-criminal proceedings, citing (among other authorities) *One 1958 Plymouth Sedan v. Pennsylvania*, 380 U.S. 693

(1965). The Appellate Court denied the appeal, holding (1) where the government's claimed motive in an animal seizure proceeding is animal welfare, it is not a civil forfeiture to which the exclusionary rule applies under *Plymouth Sedan*; (2) the exclusionary rule does not apply to proceedings the government characterizes as animal welfare on the basis of quasi-criminality; and (3) the government's claimed interest in protecting animal welfare outweighs the exclusionary rule's intended deterrence of illegal searches by government officials. As noted, *supra*, the Connecticut Supreme Court declined Connelly's petition for certification of the Appellate Court's decision.

Reasons For Granting an Extension of Time

Undersigned counsel is the sole attorney on this case, and will be in the process of changing residences during the month of March. There is also the press of business on numerous other matters. Substantial commitments of counsel of record during the relevant time period include:

- A merits brief and appendix in the District of Columbia Court of Appeals in *10th & C Streets Associates v. District of Columbia*, No. 24-cv-0707, due March 20, 2025;
- A motion to dismiss reply brief in the United States District Court in the Eastern District of Virginia in *American Brotherhood for the Blind v. Young Americans for Liberty*, No. 1:24-cv-1866, due March 7, 2025, and discovery over the next three months;

- A summary judgment reply brief in the United States District Court in the Eastern District of Virginia in *Mistina v. Alexandria Capital, LLC*, No. 1:13-cv-692, due March 18, 2025, and discovery over the next three months;
- A mandamus brief to be filed in the Court of Appeals for the District of Columbia in *Gibson v. Washington Humane Society*, 2023-CAB-387 (D.C. Super. Ct) on March 31, 2025; and
- A complaint and preliminary injunction motion to be filed in the United States District Court for the Southern District of Mississippi, due in April 2025.

Conclusion

Applicant requests that the time to file a writ of certiorari in the above-captioned matter be extended 60 days to and including June 10, 2022.

Dated this 7th day of March 2025.

Respectfully submitted,



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