

DOCKET NO: HHDCV246188464S

SUPERIOR COURT

NORTHEASTERN CONNECTICUT  
COUNCIL OF GOVERNMENTS AN  
V.  
DONOVAN, TRACY Et Al

JUDICIAL DISTRICT OF HARTFORD  
AT HARTFORD

8/14/2024

ORDER

All Counsel Present. All Parties Present.

The following order is entered in the above matter:

**ORDER:**

At the commencement of the hearing of August 5, 2024, counsel for the defendant made an oral motion to suppress, claiming that the subject search and seizure warrant was invalid. In doing so, defense counsel cited and relied upon *State v. Brown*, 198 Conn. 348 (1986), but acknowledged that the issue addressed thereby was not the same issue presented in this case. On August 6, 2024, the plaintiff filed its response to the oral motion to suppress. On August 7, 2024, the defendant filed a memorandum of law in support of her oral motion to suppress, again citing the *Brown* case: "In case of *State v. Brown*, 198 Conn. 348 (1986) the Court did not address the specific question presented here because the Court found that there was no reasonable expectation in a garage. Respondents counsel has not found a Connecticut case that answers the precise question left open by *State v. Brown*." *State v. Brown* has since been abrogated by the Connecticut Supreme Court in *State v. Kono*, 324 Conn. 80 (2016).

The defendant takes issue with an animal control officer looking through a window of a building located on property in Woodstock, Connecticut, and making certain observations of the dogs seen therein. The only witness called by the defendant in support of her motion was animal control officer, Jeremy DePietro. The animal control officer (the "ACO") was present on the subject property to conduct a welfare check given the existence of complaints surrounding the condition of animals located thereon. Upon his arrival, the ACO observed that the property was in an unsanitary state, and the building emitted an overwhelming odor of urine and feces detectable from approximately 50 feet away. Upon knocking on the front door, the ACO could hear approximately 20 to 30 dogs barking, some sounding distressed, for several minutes. After knocking at both the front and back doors, no one responded or came to the doors.

A window to the building provided visual access of the interior from the property. The ACO did not require any assistance, such as a ladder, to see the interior through the window. The ACO observed numerous small dogs in cages and crates, together with several dogs running about the building. The dogs appeared to be underweight and extremely dirty and matted. These observations served as the basis for paragraph 8 of the affidavit submitted in support of the warrant. The defendant claims that the observations made through the window constitute an illegal search by the ACO. On that basis, the defendant argues that the warrant is not valid, and any evidence obtained thereby should be suppressed by the court. The court reserved ruling on the oral motion and proceeded with the evidentiary hearing on the plaintiff's petition.

The court hereby finds that the ACO was not within the building or its curtilage at the time of his observations, which were made in plain sight of the ACO. Therefore, the subject warrant is valid. Accordingly, the defendant's oral motion to suppress is hereby DENIED.

Judicial Notice (JDNO) was sent regarding this order.

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Judge: SCOTT R CHADWICK

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