

Lawyer for bail bond firm claims client's disappearance is national security matter

By Justin Kloczko Journal Inquirer | Posted: Tuesday, September 23, 2014 11:13 am

MANCHESTER — A lawyer for a bail bond firm that's asking to be released from having to pay the \$300,000 bond for a client who disappeared on Monday cited national security in a bid to keep documents sealed.

Ryan Barry, the lawyer for Capitol Bail Bonds, asked that his motion be sealed because it has an attached FBI document pertaining to the case.

But a prosecutor said the document may not relate to the missing man, Haidar Mustafa Abushaqra, who is facing larceny charges in a used-car scheme.

Abushaqra has been missing since Dec. 7, 2011, after his family said he went to a business meeting at 369 Main St.

"He hasn't been seen. He never met up with them," Capt. Christopher Davis said.

Barry sought Monday in Superior Court to have evidence on the motion sealed from public view. Barry told Judge Laura Baldini that one of the documents attached to the memo is an FBI document pertaining to the case.

A letter from the chief state's attorney's office, addressed to Barry, says the FBI document is a national security matter that is not to be disclosed outside of law enforcement.

"In this particular case, I think there are a number of countervailing interests that outweigh the public's interest in viewing the documents attached to the memorandum," Barry said.

If the document is to be sealed it would have to meet certain requirements, such as an overriding interest being protected that a judge must cite, Baldini said.

Barry said, "There's a national security interest."

Barry suggested that Baldini look at the documents herself in camera, a procedure where the judge verifies such material in private.

But Assistant State's Attorney Christopher Malany, who is pursuing the bond forfeiture for the state, said Barry is essentially asking the court to take him on his word.

"I have not seen the motion. I do not know the contents of the memorandum," Malany said.

He said Abushaqra was involved in a scam where he sold borrowed cars, kept profits, and never repaid lenders.

"What we're looking at is a used-car salesman, and as it turns out, a used-car thief," he said.

Malany said the documents Barry is alleging refers to someone with the last name Abushaqra generated by a random algorithm and not the actual defendant. The FBI can neither confirm nor deny that Abushaqra is the subject of any federal interest, he said.

“The public is going to be in the dark on why \$300,000 is being asked to go away,” Malany said.

Baldini asked that if the documents are sensitive to national security, then why did Barry have them?

“I believe they were given to me inadvertently,” he said.

Baldini said the contents might be looked at in camera to see if anything is protected by statute. She set a date for Oct. 20 to rule on the motion to seal, delaying a Sept. 29 date to rule on a motion to release of bond.

An Appellate Court ruling released this month dismissed a writ of error filed by Barry with the state Supreme Court challenging a denial of his motion to seal in Superior Court.

The ruling sided with the state, saying the writ should be dismissed because Barry did not seek review of the court's denial of its motion for release.

By [John Penney](#) The Bulletin

Print Page

September 16, 2015 12:17PM

Plainfield dog hearing continued as privacy issues are disputed

HARTFORD — A state hearing officer Wednesday continued the case of two Plainfield dogs slated for euthanasia in an effort to give opposing attorneys time to reach a compromise on disputed privacy issues.

Bruce Sherman, director of regulations and inspections for the Department of Agriculture, continued the hearing centering on two Rottweilers police said attacked and scarred a Canterbury woman in December to Oct. 1.

For nearly two hours Wednesday morning, attorneys representing the town of Plainfield argued that the hearing, which took place in a conference room inside a Capitol Avenue building, should be held in private.

Attorney Kristan Maccini said an open hearing would jeopardize a pending criminal case against dog owner Jenna Allen and her boyfriend, Corey Beakey, who were arrested Monday in connection with the attack. But Maccini did not specify how information disclosed at the hearing would affect the criminal proceedings.

“There is a potential criminal prosecution and the testimony here may be prejudicial,” she said, noting that Windham County prosecutors have also asked that the hearing be closed. “And the testimony of officers will describe horrific injuries that shouldn’t be open to public access.”

Lawyers representing Denning, who was not at Wednesday’s hearing, objected to showing any graphic evidence, including pictures or medical records, that might violate their client’s privacy rights, but were not adamant the hearing be closed.

Allen’s lawyer, Anthony Spinella, the hearing’s purpose was narrow.

“To determine what dogs did what and when,” he said. “The public has a legitimate interest in the disclosure of evidence, including what the police did and how.”

On Dec. 3, the day of the attack, Lynne Denning said she was working as a home health care aide at the Allens’ home on Putnam Road. At about 11 a.m., Denning said she was sitting with a patient in the living room when one of the Allens’ six dogs, a 130-pound male Rottweiler named Phoenix, attacked her, knocking her down.

During the attack, Denning had her upper right cheek, parts of both lips, left eyelid and her entire nose torn away, she said. She also had numerous cuts and bites on her breasts, shoulder, arms and legs. The day after the attack, Plainfield police ordered all the dogs in the house — five Rottweilers owned by Jenna Allen and a Labrador retriever owned by Richard Allen — to be euthanized, saying it was impossible to know which of the dogs had attacked Denning.

Four of the dogs last month were released back to the Allens after police said they could only prove two of the animals, Phoenix and Malaki, took part in the attack. The hearing will determine if the town’s decision to euthanize the two dogs will stand.

Allen and Beakey, both of 379 Putnam Road in Wauregan, turned themselves in to Plainfield police on Monday. Allen was charged with second-degree reckless endangerment, two counts possession of a nuisance dog and five counts failure to comply with dog license requirements. Beakey was charged with second-degree reckless endangerment. Both were released on bonds and are due in Danielson Superior Court on Sept. 28.

Before continuing the hearing, Sherman encouraged all the lawyers in the room to meet and “find some middle ground” before the hearing reconvenes next month.

“Having these hearings public makes sure they are fair,” Spinella said. “And the police investigation is done. Any concerns about testimony affecting the criminal case are pure speculation.”



Bruce Sherman, of the state Department of Agriculture, on Wednesday continued a hearing to decide whether two Plainfield dogs will be euthanized for their role in a 2014 attack on a Canterbury woman.