

S.221; Extreme Risk Protection Orders

Connecticut Firearms Removal Cases Interpreting “Clear and Convincing” Standard

Case	Clear and Convincing Evidence Found	Clear and Convincing Evidence Not Found	Notes
<p><i>Hope v. State</i>, 133 A.3d 519 (Ct. App. 2016)</p>	<p>-Plaintiff exhibited delusional behavior and called the police twice regarding burglaries that the police determined did not happen.</p> <p>-On one occasion, the plaintiff responded to his delusion by drawing a firearm, which concerned his wife.</p> <p>-Police responded to a third call by the plaintiff's daughter who expressed concern about his increasingly erratic behavior and confrontations with his neighbors.</p>		
<p><i>In re Nesbitt</i>, 5 A.3d 518 (Ct. App. 2010)</p>	<p>Respondent attempted suicide the prior week.</p> <p>Respondent displayed erratic behavior and fled police barracks.</p> <p>Respondent was hospitalized and tried to starve herself while there.</p> <p>Respondent did not sought treatment upon her discharge from the hospital.</p>		
<p><i>In re Nardelli</i>, 918 A.2d 1081 (Ct. Super. Ct. 2007)</p>		<p>-No incidence of harm, threat of harm, or general hostility displayed by the defendant.</p> <p>-Defendant never engaged in any self-help other than outfitting his residence with security measures.</p> <p>-Defendant's normal course of action, when he felt threatened, was always to call the police.</p> <p>-Defendant has no criminal record or record of reckless firearm use or misuse. He possessed a permit for the guns and they were found in a locked safe when the officers executed the warrant.</p> <p>-Although the state raises concerns regarding the defendant's mental health, no medical testimony offered to support this assertion.</p>	

<p><i>State v. Mergen</i>, 2012 WL 2335234 (Ct. Super. Ct. 2012)</p>		<p>-No evidence that defendant has exhibited violent or threatening behavior.</p> <p>-Defendant has no criminal record.</p> <p>-No documentation of any alleged mental illness or disorders was offered despite the fact that the defendant was hospitalized against his will for eight days for psychiatric evaluations.</p> <p>One set of medical records offered by the state only contained the medical treatment rendered to the defendant for physical injuries at emergency room. The only references in those records to suicidal threats or tendencies were attributed to the defendant's daughter, who was the sole informant. No such statements were made by the defendant to the treating physicians.</p>	
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