

**STATE OF CONNECTICUT
GEOGRAPHICAL AREA NO. 19 AT ROCKVILLE**

TSR-CV24-5001865-S

MICHELLE TROCONIS

V.

COMMISSIONER OF CORRECTION

MAY 22, 2025

REVISED PETITION FOR A WRIT OF HABEAS – CORRECTED

NATURE OF THE PROCEEDINGS

- (1) This case is a habeas corpus proceeding brought pursuant to Conn. Gen. Stat. §§ 52-466 and 52-470.
- (2) The petitioner challenges the judgment of conviction in *State of Connecticut v. Michelle Troconis*, obtained under docket number FST-CR20-0241178-T, which was consolidated for trial with docket numbers FST-CR19-0167364-T, FST-CR20-0241178-T, which had previously been consolidated.
- (3) The petitioner was convicted in the Superior Court, Judicial District of Stamford at Stamford On March 1, 2024, after a jury trial before *Randolph, J.*, and found guilty of conspiracy to commit murder, in violation of Conn. Gen. Stat. §§ 53a-48 & 53a-54a; conspiracy to commit tampering with physical evidence, in violation of Conn. Gen. Stat. §§ 53a-48 & 53a-155; two counts of tampering with physical evidence in violation of Conn. Gen. Stat. § 53a-155; and, hindering prosecution in the second degree, in violation of Conn. Gen. Stat. 53a-166.

- (4) The petitioner is in custody pursuant to the Judgment entered on May 31, 2024, when the court, *Randolph, J.*, sentenced the petitioner to a total effective sentence of twenty years of incarceration, execution suspended after fourteen and a half years, followed by five years' probation.
- (5) The claims in this case concern the petitioner being deprived of her rights to due process of law and to the effective assistance of counsel under the Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States and under Article First, §§ 8 and 9, of the Connecticut Constitution.
- (6) (a) The State objected to the petitioner's efforts to present evidence and litigate her claims regarding her representation by Attorney Andrew Bowman in the trial court; the trial court denied the petitioner a full evidentiary hearing to develop and prove the matters pleaded herein, directing her to do so by way of a petition for the writ of habeas corpus.
- (b) An evidentiary hearing of the claims raised herein is proper as they cannot be raised in the petitioner's pending appeal pursuant to *State v. Leecan*, 198 Conn. 517, 541, 504 A.2d 480 (1986).
- (7) The issues raised herein do not concern the petitioner's trial counsel but, rather, trial counsel's predecessor, Attorney Andrew Bowman (hereafter "counsel" or "petitioner's counsel"), who did not represent the petitioner at the eventual trial of the consolidated cases against her.

INTRODUCTION

- (8) The petitioner was prosecuted for conspiring with Fotis Dulos to murder his wife, Jennifer Dulos and with helping Fotis dispose of and prevent the police from

obtaining evidence to prove facts surrounding the death of the victim.

- (9) The petitioner was arrested three times, each resulting in a separate docket number, each for conduct by the petitioner allegedly undertaken to assist Fotis Dulos in committing and covering the crimes of kidnapping, assault, murder and felony murder he was separately charged with committing against his wife.

Fotis's wife, Jennifer Dulos, was reported missing on May 24, 2019.

- (10) On June 1, 2019, a Saturday, a warrant issued for the petitioner's arrest on the charges of tampering with physical evidence and hindering in the first degree, taking place in Hartford, CT on May 24, 2019, brought under docket number FST-CR19-0148553. These charges arose from evidence police believed showed the petitioner assisting Fotis in disposing of direct evidence that he had assaulted and killed his wife.

- (11) The petitioner was subjected to a custodial police interrogation by the two lead detectives starting in the early morning hours of the next day, June 2, 2019. The acts and omissions of her counsel in connection with that interrogation are at issue here.

- (12) The second interrogation took place days later, on June 6, 2019, at the office of petitioner's counsel. Counsel arranged this taped interview in response to learning from the investigating team that they did not believe what the petitioner had said in the first interview. This interview was attended and conducted by an additional detective, the sergeant in charge of the investigation and the Stamford Chief State's attorney, in addition to the investigating detectives.

- (13) In addition to continuing to talk to the prosecution and corresponding with the

Stamford State's Attorney, the Petitioner's counsel arranged a third opportunity for the State to interview the petitioner, that took place August 13, 2019, at Troop G in Bridgeport.

- (14) On September 4, 2019, the petitioner was arrested on a warrant accusing her of committing tampering with physical evidence in the town of Avon, CT, a charge prosecuted under docket FST-CR19-0167364. The charge concerned taking a vehicle to a carwash in Avon, allegedly destroying evidence of Fotis's crimes.
- (15) On January 7, 2020, the petitioner was arrested under a warrant charging her with conspiring with Fotis and other persons to commit the murder of Jennifer Dulos with an overt act of Fotis assaulting his wife in her New Canaan home, on May 24, 2019, with the intent to restrain and kill her. This is the same day Fotis was charged with murder.
- (16) On January 28, 2020, Fotis was due in court and found in his garage unconscious from carbon monoxide poisoning. He died on January 30, 2020. The victim's husband committed suicide after he was arrested but before he could be held to trial. The petitioner is the only person thus far tried in connection with the disappearance and presumed death of Jennifer Dulos.

FACTS AND PROCEDURAL HISTORY

- (17) In 2016, the petitioner lived in Miami, Florida with her daughter and near her parents, in a condominium she owned with her former husband.
- (18) The petitioner prioritized raising her daughter including supporting her daughter's ambition to become an Olympic skier. The petitioner travelled with her daughter inside the U.S. and abroad to provide her daughter support during her rigorous

training and competition schedule. The petitioner provided the schooling and academic supports to allow her daughter to remain on track with her peers when she was able to attend school in person.

- (19) The petitioner had begun working on a plan to move to Colorado full time to support her daughter's advancing in her training and competition.
- (20) On April 23, 2016, the petitioner met Fotis Dulos at the Greater Miami Ski Club, a private, family-oriented water-skiing club located in Doral, Florida. Fotis began to frequent that club, where they socialized when he came to the Miami area. When the petitioner met him, Fotis Dulos was with the woman who was his girlfriend, Elena G.
- (21) The petitioner soon heard from Fotis that he was separated from his wife, Jennifer, and had been separated for approximately five years. He told the petitioner that Elena was not his girlfriend and that he and Jennifer lived separately in the same 15,000 square foot family home. Fotis informed the petitioner that, in order to maintain stability for their five children, Fotis had separate living quarters on the third floor of the residence.
- (22) On or about June 10, 2016, the petitioner and her daughter first met Fotis's children when he brought them to the Greater Miami Ski Club. Fotis courted the petitioner and the two grew closer through the second half of 2016. The petitioner's daughter became friends with the Dulos children.
- (23) Fotis portrayed himself as a devoted, loving father and a successful businessman. Fotis eventually convinced the petitioner to move to Connecticut instead of moving to Colorado.

- (24) In December 2016, when the Dulos parents and children were on a ski vacation in Colorado, Fotis alerted the petitioner who then saw postings by Jennifer Dulos on social media from which the petitioner understood Fotis and Jennifer were not separated. The petitioner blocked Fotis on social media. Fotis continued to text the petitioner to convince her to go forward with making their relationship official.
- (25) The petitioner spent January to the end of February or beginning of March 2017 in Colorado with her daughter, who was training and competing in downhill and other competitive snow skiing events. As part of her plan to move to Colorado, the petitioner registered her daughter for school in Vail, where she had been accepted to the training program at Ski Club Vail.
- (26) When the petitioner returned to Miami in late February or early March of 2017, she saw Fotis and his children, meeting the children's nanny who was with them.
- (27) While Fotis was in Miami, Fotis told the petitioner that he and Jennifer had agreed to divorce and that the children and Jennifer were moving to New Canaan, Connecticut. Fotis asked the petitioner to not mention this to his children because he and Jennifer had agreed to delay telling the children they were divorcing until after the end of their school year.
- (28) Fotis provided the petitioner with documents to confirm the plans for Jennifer and the children to move to New Canaan. Fotis also was clear that the separation had already occurred and that the two of them—Jennifer and Fotis—were living separate lives. Fotis wanted the petitioner to accept him back, to become his girlfriend, and move to Connecticut.
- (29) The petitioner was again convinced by Fotis to move to Connecticut instead of

moving to Colorado.

- (30) The petitioner saw Fotis at the ski club in Miami every few weeks and did not observe anything to make her doubt that Fotis was accurately describing his separation from Jennifer.
- (31) In June 2017, Jennifer and the children moved out of the Farmington house and subsequently moved into a house in New Canaan.
- (32) The petitioner came to Connecticut to stay with Fotis in the house at 4 Jefferson Crossing in Farmington, on September 9, 2017. After spending the summer with her father in Argentina, the petitioner's daughter joined her and began school in Connecticut in the fall of 2017.
- (33) Despite being convinced by Fotis to come and stay with him in Connecticut, the petitioner did not sever her personal or economic ties to Miami, Florida and Vail, Colorado. The petitioner did not obtain a Connecticut driver's license when she came to Connecticut, nor did she change her banking provider.
- (34) In 2017 through all of 2018, the petitioner maintained her usual schedule of activities and travel. This included when she and her daughter spent months in Colorado for the daughter's ski training and competitions. They spent time in Vermont for the ski training and competitions. When her daughter was in Argentina with her father, training and participating in skiing competitions during her summer school break, the petitioner went there, as well.
- (35) In 2018, the petitioner travelled to Miami a number of times, usually with her daughter, to spend time with family. The petitioner continued to take steps to start her own small business, which she eventually registered in Miami, and to

build a clientele for her sales, in Colorado.

- (36) The petitioner travelled domestically and internationally to engage in income-producing business activities for the present and future. The petitioner did not receive any monetary support from Fotis during their relationship.
- (37) When the petitioner first came to Connecticut, it appeared to the petitioner, from what she heard from Fotis, that things were cordial between Fotis and Jennifer.
- (38) The petitioner never met Jennifer other than a single interaction where both Jennifer and the petitioner were in their respective vehicles and the petitioner drove past Jennifer.
- (39) In 2017 and 2018, the petitioner was consistently told by Fotis, by his lawyer, and other professionals involved in the divorce proceedings, that things were going well, and the divorce was proceeding toward a peaceful resolution. Fotis provided the petitioner with little to no details of the divorce proceedings.
- (40) In 2018, the petitioner became aware that the divorce was more contentious than Fotis had previously indicated; as the hostility in the divorce proceedings began to intensify, petitioner began to learn the true situation. Fotis told the petitioner he was going to court for the divorce multiple times during the week.
- (41) At one point in the autumn of 2018, the petitioner returned from a trip to learn from Fotis that he was not allowed to see his children except on supervised visits either with a professional present, or in a public place. Despite his apparent distress, Fotis continued to tell the petitioner that things were heading towards a positive resolution—including fully shared custody of the children—in the divorce.
- (42) The petitioner's daughter was disappointed and sometimes lonely during the

period of time that Fotis's access to the children was restricted, having expected that the move to Connecticut would mean she would get to spend time with Fotis's children to whom she felt close from their time together in Miami.

- (43) Having decided to resume her plan to move to Colorado, in September 2018, the petitioner listed for sale the Miami condo she owned with her ex-husband. The petitioner's Miami condo sold in October 2018.
- (44) With the assistance of an agent, the petitioner searched for and found a condominium in Vail, CO, that was purchased on November 9, 2018.
- (45) During a trip to Miami in mid-December 2018, the petitioner solidified the viability of her business plan for Colorado in a meeting with the wholesaler of goods she would be selling.
- (46) In January 2019, the petitioner and her daughter went to Colorado for the daughter's three-month ski training and competition season.
- (47) Also in January 2019, the petitioner informed Fotis that she was going to move with her daughter to Colorado to pursue her daughter's skiing career full-time, at the end of her school year.
- (48) The petitioner's decision to leave Connecticut was based on her experience that Fotis's divorce was not as he had represented it would be, and the petitioner felt her life in Connecticut was not as Fotis had promised the petitioner it would be when she agreed to move here and be his girlfriend.
- (49) When Fotis visited the petitioner in Colorado in March 2019, the petitioner discovered that he was texting with another woman.
- (50) In April 2019, Fotis, the lawyers, and other professionals appointed by the court

involved in the divorce proceedings had expressed to the petitioner that the proceedings were going well for Fotis and that the proceeding was headed to a favorable resolution for Fotis.

- (51) Starting in April 2019, the petitioner was provided with extensive information from Fotis, his lawyers, and professionals involved as experts in the Dulos divorce litigation, some of which cast Jennifer in a negative light.
- (52) The information that the petitioner had been provided about Jennifer through discussions of the divorce proceedings included information:
 - (A) about a court ordered psychiatric evaluation of Jennifer,
 - (B) about a prior incident where Jennifer had disappeared abruptly after having a dispute with her family in the late 1990s that resulted in Jennifer not communicating with her family for four years extending into the early 2000s, shortly before Jennifer met Fotis;
 - (C) about Jennifer temporarily changing her name and involving herself with Scientology;
 - (D) about an incident the day after Father's Day 2017 when Jennifer had abruptly cut off contact with Fotis and took the children with her to New York City;
 - (E) and other assorted information that led the petitioner to believe that Jennifer was prone to unusual behavior.
- (53) On May 24, 2019, at approximately 7 P.M. Jennifer was reported missing.
- (54) During a subsequent check of Jennifer's New Canaan residence on the evening of May 24, 2019, law enforcement discovered evidence to suggest that foul play

had been involved in the disappearance of Jennifer.

- (55) At around 8:30 p.m. on May 24, 2019, police officers came to the Farmington home at 4 Jefferson Crossing and spoke to Fotis.
- (56) After police left 4 Jefferson, Fotis informed the petitioner that police had just informed Fotis that Jennifer was reported missing.
- (57) During this conversation Fotis implied that this was likely another example of Jennifer behaving unusually, as the petitioner had been told she did in the past.
- (58) Believing what she had been told about Jennifer by Fotis and others, the petitioner did not at first think that Jennifer was dead or that Fotis could be responsible for any foul play; she relied on Fotis's assurances that Jennifer had behaved similarly in the past.
- (59) As Jennifer's estranged husband, Fotis was quickly identified by law enforcement as a person of interest in her disappearance.
- (60) The petitioner became known to law enforcement as the girlfriend of Fotis early on in the investigation.
- (61) Police seized Fotis's cell phone on May 25, 2019.
- (62) On May 25, 2019, an attorney who otherwise represented Fotis recommended Attorney Andrew Bowman to Fotis as a criminal defense attorney.
- (63) When, on May 28, 2019, Fotis told the petitioner that he had arranged for her to meet with an attorney, the petitioner expressed confusion about the need for such a meeting. The petitioner had no reason to believe she would need a criminal defense attorney. Fotis insisted that his attorney had told him that he, the petitioner and Pawel Gumienny all needed criminal defense counsel.

- (64) Fotis arranged for the petitioner to meet with Bowman on May 29, 2019, about representing her in regard to the police investigation into the disappearance of Jennifer.
- (65) On May 29, 2019, Fotis met privately with counsel, before the petitioner met with Bowman. Fotis privately provided Bowman \$5,000.00 to secure his services in representing the petitioner. Bowman later returned to Fotis his check from this meeting.
- (66) During the petitioner's initial meeting with Bowman, the conversation was general; Bowman did not seek in-depth information from the petitioner. When Bowman inquired about the petitioner's activities on May 24th, the petitioner gave Bowman a timeline she had drafted in response to a May 25th request from Fotis's attorney, Jacob Pyetranker, to write down what she did in the morning and early afternoon of May 24, 2019.
- (67) At their initial meeting, Bowman requested, and the petitioner provided him with a timeline of her phone calls on May 24, 2019.
- (68) On May 31, 2019, Connecticut State Police escorted the petitioner and Fotis as they drove from 4 Jefferson Crossing in Farmington to CSP Western District Headquarters / Troop L in Litchfield, for purposes of executing a search warrant of the person of the petitioner. Counsel knew that there was a warrant for the petitioner's person and communicated mid-day on May 31, 2019 about how she should handle the execution of that warrant. At approximately 6:15 and 6:32 p.m. the petitioner advised Bowman she was with the police and asked him to call her.
- (69) The petitioner was arrested under a warrant issued June 1, 2019, charging her

with tampering with evidence and hindering prosecution related to the disappearance of Jennifer Dulos, in *State of Connecticut v. Michelle Troconis*, S20N-CR19-0148553-S.

(70) State police arrested the petitioner taking her into custody at approximately 11:15 p.m. on Saturday June 1, 2019, at the Residence Inn Hotel in Avon.

(A) The petitioner was placed in a police vehicle and driven to the New Canaan police department, where she was held, at the direction of the then Stamford State's Attorney.

(B) On the ride to New Canaan in a police vehicle, Connecticut State Police Sgt. Hazen sat in the back seat and spoke to the petitioner, encouraging her to waive her right to an attorney and talk. The petitioner told Hazen that she would talk to them, but only if she could have her attorney. Hazen said repeatedly told the petitioner that she could talk to the police if she would clearly tell them that she wanted to do so. He later testified that when he repeatedly told her she could talk to police if she was clear that she did not want her lawyer he was ensuring that she knew she had the option to talk to police without a lawyer.

(C) Hazen made a phone call during the ride telling someone that the petitioner did not want to talk to police; Hazen later testified that he did not remember who was on the other side of the call.

(71) The petitioner arrived at New Canaan police headquarters shortly after midnight, on June 2, 2019. The petitioner was booked and retained in custody. The warrant issued and executed on Saturday June 1, 2019, specified that the petitioner was

denied access to bail before being arraigned.

- (72) Law enforcement repeated their efforts to interrogate the petitioner who continued to decline to speak without her lawyer.
- (73) The State Police Sergeant in charge of the case, Ventresca, has testified that after midnight, early on June 2nd, he received a phone call from his detectives notifying him that counsel was expected to be at the New Canaan police department to meet with the petitioner.
- (74) Petitioner's counsel went to New Canaan police department three times on June 2, 2019.
- (A) After each of two morning meetings with the petitioner, counsel informed police that the Petitioner would not talk to them and left the police department.
- (B) At approximately 2:10 p.m., the Petitioner again met with counsel. At approximately 2:35 p.m., counsel and the State Police case leads Kimball and Clabby, entered the interrogation room. Counsel informed the petitioner that the detectives would give her an advice of rights form, which was a formality he would go over with her. Kimball reminded her the detectives had read the petitioner her rights the previous night and that they were assisting New Canaan in investigating the disappearance of Jennifer.
- (75) In his discussions with petitioner after this arrest, counsel relayed to her threats that had been made by State's Attorney Richard Colangelo that if the petitioner did not speak with police about Jennifer's disappearance, the petitioner would be charged with accessory to murder and would never see her child again.

- (76) At the time of these discussions, counsel had not obtained and had not read the arrest warrant affidavit that was the basis for the petitioner's arrest, and therefore did not learn important details that were necessary to properly advising and representing the petitioner.
- (77) Counsel provided no meaningful professional advice to the petitioner about whether to talk to the police including advice about the potential downside of speaking to police, the plausibility of Colangelo's threats and whether the State would be able to successfully prosecute the petitioner if she did not speak to the police.
- (78) Counsel's insistence that the petitioner speak to the police about Jennifer's disappearance came without any explicit written agreement in place with the State either in the form of a proffer agreement or a cooperation agreement.
- (79) Counsel made no attempt to gauge the State's level of interest in the limited information that the petitioner had, in part because Bowman had not discussed what information the petitioner had about the disappearance of Jennifer.
- (80) Counsel made no attempt to gather information from the petitioner that was centrally relevant to understanding the petitioner's state of mind at the time of Jennifer's disappearance and in the days that followed, including at the time of her arrest.
- (81) Counsel did not learn why law enforcement thought she would have information of interest to them nor did he learn from the petitioner what she believed about Jennifer's disappearance. Counsel did not learn that the source of the petitioner's information or misinformation about Jennifer was what Fotis had provided to her

about Jennifer, her past behavior, and the outlook of the pending divorce proceedings.

- (82) This information would have allowed counsel to advocate for the petitioner in advance of and during the police interview that took place on June 2, 2019, at his insistence. Counsel did not discuss with his client and obtain information to show that she relied on and trusted Fotis and why she lacked concern that Jennifer may have been harmed, and why the petitioner lack of memory of details of the time around Jennifer's disappearance that law enforcement believed that the petitioner should have been able to remember.
- (83) This information would have also allowed counsel to advocate for the petitioner in that it would have allowed him to understand the degree to which Fotis had manipulated the petitioner.
- (84) Counsel failed to learn from the petitioner information to distinguish the petitioner from Fotis—that she had no animus towards Jennifer; that the petitioner had a pre-existing life plan in place that would allow her to leave Fotis, leave Connecticut and move to Colorado. It would demonstrate that the petitioner had been misled by Fotis about his family circumstances and was not going to stay with him.
- (85) Beginning at 2:35 p.m. on June 2, 2019, and lasting until approximately 5:30 p.m., the petitioner spoke with Detectives John Kimball and Corey Clabby in the presence of counsel at the New Canaan Police Department.
- (86) At the time of this interview:
 - (A) the petitioner had not discussed her life history or her relationship with

Fotis, Jennifer or their family with counsel;

- (B) the petitioner had not slept in more than 24 hours, and had not eaten regular food in more than 12 hours;
 - (C) the petitioner was unaware of what the investigators believed had happened to Jennifer, except as they posited during the interrogation;
 - (D) the petitioner was not familiar with the criminal justice system; and
 - (E) the petitioner spoke English as a second language and while she was able to communicate in English, she was not comfortable speaking in English about important matters that would be subject to scrutiny.
- (87) Bowman did not meaningfully advocate for the petitioner during the June 2, 2019, interview, and at times joined the efforts of law enforcement in pressuring the petitioner to provide additional information that the petitioner insisted that she did not have.
- (88) The petitioner made reference to the timelines that she had drafted on May 25, 2019, at the request of and according to the directions given by Fotis's lawyer and provided to Bowman at the May 29, 2019, meeting.
- (89) Bowman did not produce those timelines during the June 2, 2019, interview.
- (90) The police discovered copies of the petitioner's timeline at 4 Jefferson on June 3, 2019, and these timelines would become incorrectly but prejudicially known by the State as the "alibi script".
- (91) After the first interview, counsel made representations to the petitioner about his conversations with Colangelo and Colangelo's desire to use the petitioner as a witness against Fotis.

- (92) Counsel made no reasonable effort to understand or assess the pertinent information about the petitioner's relationship with Fotis and her understanding of the proceedings involving Jennifer, before advising the petitioner whether to continue speaking with the police about Jennifer's disappearance.
- (93) Counsel advised the petitioner to continue speaking with law enforcement without clearly advising the petitioner about the potential pitfalls of sitting with law enforcement for additional interviews.
- (94) The petitioner agreed, based upon counsel's representations about Colangelo's desire for the petitioner to be a witness for the State, to speak with the police again on June 6, 2019.
- (95) Members of law enforcement and the prosecuting authority had indicated to counsel that the police did not believe that the petitioner had told the truth during the June 2, 2019, interview.
- (96) Counsel did not inform the petitioner that the police believed that she had been untruthful during the June 2, 2019, interview.
- (97) Despite those indications from law enforcement and the prosecuting authority that they did not believe the petitioner, counsel still advised the petitioner that it was appropriate to speak to the police again, even without any formal agreement in place.
- (98) Counsel did not meaningfully advocate for the petitioner during the June 6, 2019, interview. The deficiencies included:
- (A) counsel left the room while the petitioner was being questioned
 - (B) and at times joined the efforts of law enforcement in pressuring the

petitioner to provide additional information that the petitioner insisted that she did not have.

- (99) During the June 6, 2019, interview the petitioner indicated to police that she had given counsel the timeline previously and Bowman simply looked at his paper file and did not produce the document.
- (100) The petitioner sat for a third and final interview with the police on August 13, 2019, again without any protection or guidance from counsel nor with any explicit protections agreed to by law enforcement and/or prosecuting officials, related to speaking to the police again.
- (101) On September 5, 2019, the petitioner was arrested in a second matter, *State of Connecticut v. Michelle Troconis*, FST-CR19-0167364-T, and charged with tampering with evidence.
- (102) On January 7, 2020, the petitioner was charged in a third matter, *State of Connecticut v. Michelle Troconis*, FST-CR20-0241178-T, on a warrant charging of conspiracy to commit murder.
- (103) On March 19, 2021, *Blawie, J.*, granted the State's motion for joinder of the three matters, with the controlling file remaining as *State of Connecticut v. Michelle Troconis*, FST-CR20-0241178-T.
- (104) On October 5, 2023, the State filed a long form Information charging the petitioner with:
- (A) conspiracy to commit murder;
 - (B) conspiracy to commit tampering with physical evidence;
 - (C) tampering with physical evidence;

- (D) conspiracy to commit tampering with physical evidence;
 - (E) tampering with physical evidence;
 - (F) hindering prosecution in the second degree.
- (105) The petitioner's trial counsel, Jon Schoenhorn, filed a motion to suppress the petitioner's statements to police, claiming, *inter alia*, that the interviews with the petitioner should be suppressed because they came as the result of the denial of the effective assistance of counsel.
- (106) The State objected to the petitioner's pursuit of issues of ineffective assistance of counsel being litigated through a motion to suppress on the basis that since Bowman was not an agent of the State and therefore his actions could not be a basis for suppression.
- (107) At the hearing on the petitioner's motion to suppress her statements, the trial court declined to address the petitioner's claim that the statements should be suppressed due to Bowman's deficient performance and the fact that Bowman had abandoned the petitioner such that she was denied any meaningful representation during the interrogations.
- (108) The trial court denied the petitioner a full and fair hearing and declined to adjudicate the claims raised in this petition, ruling that they could and should be addressed by way of Writ of Habeas Corpus
- (109) On March 1, 2024, after a jury trial before *Randolph, J.*, a jury found the petitioner guilty of:
- (A) conspiracy to commit murder, in violation of Conn. Gen. Stat. §§ 53a-48 & 53a-54a;

- (B) conspiracy to commit tampering with physical evidence, in violation of Conn. Gen. Stat. §§ 53a-48 & 53a-155;
- (C) two counts of tampering with physical evidence in violation of Conn. Gen. Stat. § 53a-155; and,
- (D) hindering prosecution in the second degree, in violation of Conn. Gen. Stat. 53a-166.

(110) On May 31, 2024, the court, *Randolph, J.*, sentenced the petitioner to a total effective sentence of twenty years of incarceration, execution suspended after fourteen and a half years, followed by five years' probation.

(111) On June 20, 2024, the petitioner appealed from the judgment in *State of Connecticut v. Michelle Troconis*, FST-CR20-0241178-T to the Connecticut Appellate Court, where it was docketed as *State of Connecticut v. Michelle Troconis*, AC 47734, and remains pending.

COUNT ONE: THE PETITIONER WAS DENIED THE EFFECTIVE ASSISTANCE OF COUNSEL IN CONNECTION WITH THE CUSTODIAL INTERROGATION THAT TOOK PLACE JUNE 2, 2019

(112) Paragraphs (1) through (111) of this petition for a writ of habeas corpus are hereby incorporated by reference.

(113) The petitioner was denied the opportunity to present this claim when it was attempted to be raised at trial.

(114) The petitioner was denied her right to counsel and to the effective assistance of counsel in connection with the custodial interrogations following her arrest on June 1, 2019 and at the New Canaan police department on June 2, 2019, in violation of her constitutional rights under the due process clauses of the

Fourteenth Amendment to the constitution of the United States and Article First, §§ 8 and 9, of the Connecticut constitution.

(115) Attorney Andrew Bowman's acts and omissions in representing the petitioner in deciding whether to submit to the June 2, 2019, custodial interrogation and during the interrogation fell below the standard of reasonably competent counsel under the facts and circumstances that existed.

(A) Counsel failed to ensure that the petitioner understood the advantages and disadvantages of speaking to the police about Jennifer's disappearance. He did not obtain sufficient information from law enforcement about their intended interrogation, did not consult with the petitioner on her ability to provide information to the police and, therefore, did not adequately inform and advise the petitioner on the potential consequences of deciding whether to remain silent or to cooperate.

(B) Counsel failed to advise the petitioner not to speak to the police or the State unless there were safeguards in place to ensure that her attempts to cooperate would not be used against her.

(C) Counsel failed to instruct the petitioner to decline further interrogation by the police once they made it clear that they did not believe the petitioner's version of events offered during the initial interview.

(116) The petitioner was prejudiced by the deficient performance of counsel in connection with the June 2, 2019, custodial interrogation in that

(A) The petitioner's statements of June 2, 2019, were a central focus of the State's case against her at the trial of the three criminal dockets

consolidated and joined for trial resulting in her convictions in *State of Connecticut v. Michelle Troconis*, FST-CR20-0241178-T.

- (B) The petitioner's statements of June 2, 2019, were used against her in the course of the State's continued investigation and subsequent interrogations of the petitioner. Absent the individual and collective deficiencies in counsel's performance, the State would not have been able to argue to the jury that the petitioner had repeatedly lied to law enforcement, that the fact that she was inconsistent was proof of intentional falsity and that, in turn, was proof that she committed all of the offenses charged.
 - (C) Absent counsel's failure to advise the petitioner to stop talking to the State once it became clear the police did not believe statements she made in the custodial interrogation, the State would not have been able to use her statements of June 2, 2019, as the basis to argue to the jury that they should convict based on the petitioner's telling lies to the police.
 - (D) Absent counsel's failure to advise the petitioner to remain silent unless she had safeguards to prevent the State's using her answers against her, the State would not have been able to use her statements of June 2, 2019, as the basis argue to the jury that they should convict based on her telling lies to the police.
- (117) There is a reasonable probability that but for Bowman's deficient performance, the outcome of the criminal proceedings against the petitioner would have been different and more favorable to the petitioner.

(118) Counsel's abandonment of his duty of loyalty to the petitioner deprived her of her fifth amendment due process right to counsel in connection with the custodial interrogation of June 2, 2019. When counsel acted as an advocate for the State in its effort to get the petitioner to waive her right to remain silent and eventually wore her down, the petitioner was effectively denied counsel in connection with the decision about whether or not to waive her right to remain silent, such that prejudice need not be proved.

COUNT TWO: THE PETITIONER'S SIXTH AMENDMENT CONSTITUTIONAL RIGHT TO THE EFFECTIVE ASSISTANCE OF COUNSEL WAS VIOLATED WHEN HER COUNSEL HAD HER SUBMIT TO POLICE QUESTIONING ON JUNE 6 AND AUGUST 13, 2019.

(118) Paragraphs (1) – (117) of this revised petition for a writ of habeas corpus are hereby incorporated by reference.

(119) The petitioner did not raise this claim in any prior proceedings.

(120) The petitioner did not have an opportunity to raise this claim in any prior proceedings.

(121) On June 6 and August 13, 2019, the petitioner had the right to counsel on the charges pending against her in FST-CR19-0148553, tampering with physical evidence and hindering in the first degree, alleged to have been committed in Hartford on May 24, 2019.

(122) At the time of his acts and omissions in setting up the petitioner's continuing interviews with police, counsel knew that the State police and Colangelo wanted her to tell them information they could use to prove Fotis murdered his wife.

(123) Reasonably competent counsel representing a client on the charges pending

against the petitioner would not permit her to be questioned about a more serious offense without advising her about the serious risks associated with talking about such a serious offense.

- (124) Reasonably competent counsel representing a client on the charges pending against the petitioner would not permit her to be questioned again without ensuring that her answers could not be used against her in any criminal prosecution.
- (125) Reasonably competent counsel representing a client on the charges pending against the petitioner would not permit her to be questioned in connection with a murder investigation once he knew the police did not believe what she previously had told them, at least not without ensuring that her responses could not be used against her in a criminal prosecution.
- (126) Attorney Andrew Bowman's acts and omissions in representing the petitioner in advising her to continue to submit to questioning and setting up the June 6, 2019, and August 13, 2019, non-custodial law enforcement questioning fell below the standard of reasonably competent counsel under the facts and circumstances that existed.
 - (A) Counsel failed to ensure that the petitioner understood the advantages and disadvantages of continuing to speaking to the police about Jennifer's disappearance. He did not adequately inform and advise the petitioner on the potential consequences of deciding whether to remain silent or to cooperate.
 - (B) Counsel failed to advise the petitioner not to speak to the police or the

State unless there were safeguards in place to ensure that her attempts to cooperate would not be used against her.

- (C) Counsel failed to instruct the petitioner to decline further interrogation by the police once they made it clear that they did not believe the petitioner's version of events offered during the initial interview.

(127) The petitioner was prejudiced by the deficient performance of counsel in advising the petitioner to submit to further police interrogation in that

- (A) The petitioner's later statements and their inconsistencies with the statements of June 2, 2019, were a central focus of the State's case against her at the trial of the three criminal dockets consolidated and joined for trial resulting in her convictions in *State of Connecticut v. Michelle Troconis*, FST-CR20-0241178-T.
- (B) The petitioner's later statements used the June 2, 2019, statements and were compared with them in a manner that, absent the individual and collective deficiencies in counsel's performance, the State would not have been able to argue to the jury that the petitioner had repeatedly lied to law enforcement, that the fact that she was inconsistent was proof of intentional falsity and that, in turn, was proof that she committed all of the offenses charged.
- (C) Absent counsel's failure to advise the petitioner to stop talking to the State once it became clear the police did not believe statements she made in the custodial interrogation, the State would not have been able to use these and her statements of June 2, 2019, as the basis to argue to the jury

that they should convict based on the petitioner's telling lies to the police.

- (D) Absent counsel's failure to advise the petitioner to remain silent unless she had safeguards to prevent the State's using her answers against her, the State would not have been able to use her statements of June 6 and August 13, 2019, as the basis argue to the jury that they should convict based on her telling lies to the police.

- (128) There is a reasonable probability that but for Bowman's deficient performance, the outcome of the criminal proceedings against the petitioner would have been different and more favorable to the petitioner.

REQUEST FOR RELIEF

The petitioner respectfully requests that this Court issue a writ of habeas corpus:

- (1) directing the sentencing court to vacate the judgment in *State of Connecticut v. Michelle Troconis*, FST-CR20-0241178-T within 90 days or some other certain and reasonable period of time;
- (2) directing the respondent to release the petitioner from confinement unless the sentencing court in *State of Connecticut v. Michelle Troconis*, FST-CR20-0241178-T vacates the judgment within 90 days or some other certain and reasonable period of time; and,
- (3) ordering any other relief that law and justice requires.

Respectfully submitted,
Michelle Troconis
The Petitioner

By 

Adele V. Patterson
Michael W. Brown
Brown & Patterson LLP
1233 Silas Deane Hwy, 2d Fl.
Wethersfield, CT 06109
Tel (860) 703-5920
Fax (860) 270-0543
adele@brownpatterson.com
Juris No. 446396

CERTIFICATION

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on May 22, 2025, to all counsel of record.

Counsel of Record
Attorney Joanne Sulik
Joanne.Sulik@ct.gov
Attorney Russell C. Zentner
Russell.zentner@ct.gov

Office of the Chief State's Attorney
Civil Litigation Unit
300 Corporate Place
Rocky Hill, CT 06067



Adele V. Patterson