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Life

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Joshua Komisarjevsky - News File images



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CONNECTICUT, February 25, 2014 — For most of Joshua Komisarjevsky's life, he had been a career criminal. Yet in May of 2007, the newly paroled Komisarjevsky strolled into New Britain Family Court wearing a GPS monitoring bracelet and obtained sole custody of his 5-year old child with the help of Connecticut's Department of Corrections. Two months later, Komisarjevsky was arrested for his part in brutal triple slayings of Hayley Petit, 17, Michaela Petit, 11, and their mother, Jennifer Petit.

The State of Connecticut was aware that Komisarjevsky had targeted the girls in his own family for years. The State not only failed to press criminal charges against him before he became one of the most infamous killers in Connecticut history, it also handed him custody of his daughter.

Even after the high profile case of Komisarjevsky, the State's Judicial Branch has made few changes to rectify horrifying lapses.

"Cold, Calculated Predator" or Responsible Father?

Komisarjevsky first appeared on the State's case rolls as a child victim of violent crimes. Later, the State classified him as both a dangerous offender and a "responsible father."

The transformation first began in a Bristol, Connecticut courtroom in 2002, where Komisarjevsky had just pled guilty to nighttime burglary. In the hearing, Komisarjevsky admitted he broke into homes wearing night vision goggles when he knew the residents would be home.

Court transcripts show that Jennifer Norton, Komisarjevsky's **16-year-old girlfriend**, brought their newborn baby to Komisarjevsky's sentencing hearing.



During the sentencing, authorities laid out Komisarjevsky's extensive criminal history, which included dozens of burglaries, arson, theft, drugs, and rape, some of which had never been criminally prosecuted.

On the other hand, a friend of the couple's who did not wish to be identified on the record described Josh as a mild mannered "sweetheart" who was likely unaware of Jennifer's real age (15) at the time they began dating. The friend said Josh was never violent and good to Jennifer, but that both young parents struggled with drug addiction.

Komisarjevsky apparently wanted to show Bristol Superior Court his positive side, telling the court his reason for cooperating with law enforcement before the hearing:

"...the only reason why I did it was because my daughter was supposed to be born within the week, and I wanted a chance to start over and to start a new leaf, I guess you could say...I only pray that I have the opportunity to be able to raise my daughter in the love and the faith that now has new meaning to my life."

Defense attorney William Gerace **argued** for leniency, noting that Komisarjevsky had been on the radar of the Department of Children and Families as both a child victim and a child predator. As a child, Komisarjevsky and his sister had allegedly been repeatedly raped and assaulted by their foster brother, now a sex offender convicted for the rapes of other child victims. DCF records show Komisarjevsky later sexually assault other children, including **his own sister**.

The mental injuries from Komisarjevsky's troubled childhood were very real and disabling, but not readily apparent to the naked eye. Komisarjevsky's parents not only denied him treatment, they blamed their injured

son for his inability to **pray his medical conditions away**, and over time those wounds festered.

The Court did not accept Gerace's tale or Komisarjevsky's fatherhood redemption story. Instead, Judge Bentivegna said:

"You don't seem to be somebody that's, in terms of committing burglaries, an addict just trying to get the money for a quick fix...What you do seem like is somebody who is a predator, a calculated, cold-blooded predator that decided that nighttime residential burglaries was your way to make money."

Judge Bentivegna **recorded** serious concerns about the danger the offender father posed to society. Bentivegna then sentenced Komisarjevsky to at least nine years in prison. Some of the conditions of Komisarjevsky's eventual release included that he have no contact with his victims, pay child support, attend school, and finally that he undergo the mental health evaluation and treatment. Unfortunately, however, the State never enforced the requirement for mental health evaluation and treatment.

Komisarjevsky was ordered to pay child support despite the fact that the State had not legally confirmed that Jennifer's daughter was Komisarjevsky's child. It was not until August 2003 when Komisarjevsky signed **the paternity acknowledgement** from his jail cell, establishing his legal status as the child's father.

Based on the paternity acknowledgement, Komisarjevsky was now a troubled father with child support debts that would begin mounting the second he was released. The only way to escape child support requirements – the only debt one can be jailed for not paying – would be to reconcile with Jennifer or to gain custody, which would require that Jennifer pay Komisarjevsky child support.

Offender Friendly Programs Help Offender Get Custody, Control of Victims

From the time Komisarjevsky's daughter was born, the State consistently demonstrated a lack of understanding that Komisarjevsky could not be both a cold, calculated, mentally ill convicted predator and a fit parent.

The child support order did not include an investigation of whether Komisarjevsky had conceived his daughter while violating the State's **statutory rape laws**. It did, however, effectively sentence two young girls to 18 years of contact with the "cold calculated predator."

At the age of 16, Jennifer's teenage life was anything but typical, even for a teen mom. Although Jennifer was barely old enough to buy a gun and hadn't yet graduated high school, she may have had more hands on experience practicing law than many law school graduates preparing for the bar exam.

"We were not on good terms. He's been fighting ever since [our daughter] was born for

her to be with him,” Jennifer told the Hartford Courant in 2007. “I did not want him with her at all. I wouldn’t take her to prison to visit him. ... I didn’t want her with a dangerous criminal.”

Court records show that Komisarjevsky began filing motions from his jail cell in 2005 to sue for custody and control of Jennifer’s child. As an incarcerated offender, Komisarjevsky was eligible for state sponsored assistance with his court cases. Jennifer received no such assistance. While incarcerated, Komisarjevsky was shuttled back and forth from the prison to the family courts in shackles as he successfully petitioned for custody and visitation.

Despite her lack of education and world experience, Jennifer hung on to sole custody until September 2005, when Judge James Graham awarded the prisoner joint custody. Upon Komisarjevsky’s release, Graham’s orders forced Jennifer to drop her toddler off with Komisarjevsky and his parents every other weekend in a quasi-supervised visitation arrangement.

By 2007, Komisarjevsky was placed on work release and was living in a halfway house where he met Steven Hayes, his co-conspirator in the Petit murders. Parole records show that parole officer Abigail Cintron fitted Komisarjevsky with an electronic monitoring bracelet so that he could begin working a construction job. Not long after, Komisarjevsky began leading Narcotics Anonymous meetings at the Institute of Living. He spent much of his free time with his new teenage girlfriend, Caroline Mesel.

“We went to the mall a lot, or we’d just drive around and go to my house or his as he had to wear an ankle bracelet,” said Caroline.

Now that Komisarjevsky was free and earning a paycheck, he had to comply with the child support payment requirements of his release. Court records show that in 2007, the State Bureau of Child Support filed motions to garnish Komisarjevsky’s wages. At approximately the same time, Komisarjevsky increased his efforts to gain sole custody of his daughter.

Parole records show that in order to bolster his chances of prevailing on his custody claims in family court, Komisarjevsky concealed his mental illness and refused to comply with the terms of his parole which ordered

him to undergo mental health evaluation and treatment. But since Komisarjevsky's parole officer never brought the violation before the parole board, the dangers posed to his daughter and the public by his untreated mental illness were not a barrier to his release and access to victims.

In fact, **parole records** show that almost every meeting Komisarjevsky had with his parole officer in 2007 centered around gaining support for his custody fight. Far from raising alarms about Komisarjevsky's dangerous past, **his parole officers encouraged him** to sue Jennifer for custody and offered referrals to help him with his family court case as a reward for compliance with the terms of his release.

Parole records show that by May 2007, Komisarjevsky was living with his parents and had received the legal support he needed to file an *ex parte* motion for sole custody with the help of an unnamed attorney. Komisarjevsky told his friends and the court that he was concerned that Jennifer's alleged drug use was affecting her ability to care for their child, and she was alienating him from his daughter. Jennifer later told **the Courant** that at the time of the custody hearing, she was hospitalized with a medication issue and was not present to defend herself.

Despite the fact that the new parolee wore a GPS monitor on his ankle to the hearing, Judge Barry Pinkus granted Komisarjevsky's motion for sole custody. Consequently, the child was forced to live with the father she had never known outside of State custody, and the parents he blamed for his crimes in 2002. The next hearing was not scheduled until June. In the meantime, to retain visitation with her daughter, Jennifer signed an agreement which granted her joint custody, but required her child to alternate spending every other night between her home and the Komisarjevsky's.

With the Department of Corrections asleep at the wheel, the court wasn't buying Jennifer's argument that Komisarjevsky was a dangerous criminal who was focused on carrying out a vendetta against her rather than bonding with his daughter.

In June, the Judicial Branch's **family relations counselors** who work in the Court Support Services Division (CSSD) screened Komisarjevsky's custody case and determined that he and Norton were appropriate candidates for an ill-fated "conflict resolution conference" in August of 2007. The State failed to seize this opportunity to force Komisarjevsky to get help, which proved fatal for the Petits.

The Petit Murders

On the night of July 22, Komisarjevsky kissed his daughter goodnight and then went out to resume a life of crime with Steven Hayes. Komisarjevsky's mother, Jude, who was home babysitting her grandchild, later testified she knew her son was "**up to no good**" because he was wearing the type of hooded sweatshirt he had typically worn to carry out burglaries in the past. Despite this premonition, Mrs. Komisarjevsky failed to stop her son from going out.

The pair of parolees broke in to the home of Dr. William Petit, who they tied up in the basement and beat brutally. They then tied his wife, Jennifer Hawke-Petit, and his two young daughters to their beds upstairs.

Hayes raped Jennifer and Komisarjevsky raped 11-year-old Michaela. At some point, Komisarjevsky drove Jennifer Petit to the bank and **forced her to withdraw \$15,000**—the exact amount he believed he needed to carry out his dream of buying the truck that he hoped to use to steal young Caroline Mesel away from her family who had recently moved to Arkansas.

Dr. Petit escaped and went to get help, but it was too late for his family. The convicts strangled Jennifer to death, then burned the house down with Dr. Petit's daughters still tied to their beds inside. Both Michaela and Haley were cremated in their beds.

At Komisarjevsky's sentencing **hearing in 2011**, he once again blamed the parents he had appointed to raise his child for his heinous crimes, while at the same time invoking the "fatherhood defense" to escape punishment. In a shameless attempt to save his own skin from the death penalty, his attorneys called upon the nine year old to **testify on her father's behalf**. Despite the child's testimony, and Komisarjevsky was sentenced to death.

BUSINESS AS USUAL AT CT COURTS

Since the Petit and Mills family murders, there have been no notable major changes in CSSD leadership or the way the courts screen "high conflict" cases.

In December of 2013, **John Louis Lynn**, a repeat violent offender with a long criminal history, walked into his ex-girlfriend Brittany Mill's Manchester, Connecticut apartment upset over the outcome of court hearings pertaining to the support and custody of the couple's 13-month old child. Gunshots erupted, and police arrived to find Lynn standing in the parking lot of Mills' apartment complex holding their son in one hand and a gun in the other. Authorities say Lynn killed Mills, 28, her cousins Kamesha Mills, 23, and Artara Benson, 46. Surrounded by law enforcement, Lynn placed the child on the ground before turning the gun on himself.

In January 2014, over **80 parents** testified before a legislative task force alleging that the court's programs and services do not work for consumers. In some cases, the Court has shut these consumers out of their own children's lives while allowing pedophiles and murderers to access their kids. Parents said **corruption**, questionable billing, and conflicts of interest are rife in Connecticut's family courts.

Between the time Komisarjevsky was imprisoned in 2002 and until his arrest for murder, he enjoyed **more than 55 visits** with his daughter. His rights contrast with statements by many of the parents at the hearing, like **Sunny Kelley** and Jerry Mastrangelo, who testified that they had not been allowed to see their children in years, despite the fact that they had no criminal histories and were never found to have maltreated their children.

Perhaps Connecticut's legislators can't mandate morality, but they can shut off public money to those agencies employing the same court industry professionals poaching a living off the backs of the State's most troubled families.

Some of these families are literally dying for custody.



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Anne Stevenson

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