

DBD-FA14-4018720-S

: SUPERIOR COURT

CYNTHIA LAYDEN

: JUDICIAL DISTRICT
OF DANBURY

v.

: AT DANBURY, CONNECTICUT

CHARLES LAKE

: NOVEMBER 4, 2022

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE HEIDI G. WINSLOW, JUDGE TRIAL REFEREE

A P P E A R A N C E S:

Representing the Defendant:

CHARLES LAKE
Self-Represented Party

Recorded and Transcribed By:
Angela Fiorello
Court Recording Monitor
146 White Street
Danbury, CT 06810

1 THE COURT: Well, I appreciate the patience
2 shown by the parties in the matter of Lake and
3 Layden, and I'll invite you to approach if you're
4 here. And, let's identify who is here today.

5 MR. LAKE: Hi.

6 THE COURT: Good morning. Your name, sir?

7 MR. LAKE: Good morning, my name is Charles
8 Lake.

9 THE COURT: Thank you.

10 ATTY. WONG: And, Your Honor, Mee Wong with the
11 Attorney General's Office for the state's interest.

12 THE COURT: Thank you. I anticipate we'll be
13 taking evidence this morning. Let's swear in both
14 parties, please.

15 THE CLERK: Please raise your right hands. Do
16 you solemnly swear or solemnly and sincerely affirm,
17 as the case may be, that the evidence you shall give
18 concerning this case shall be the truth, the whole
19 truth and nothing but the truth so help you God or
20 upon penalty of perjury?

21 MR. LAKE: I do.

22 ATTY. WONG: I do.

23 THE CLERK: Please state your name and address,
24 for the record, sir.

25 MR. LAKE: Charles Lake.

26 THE CLERK: And, your address?

27 MR. LAKE: 72 Old Route 23, Cairo, New York,

1 12413.

2 THE CLERK: Thank you.

3 ATTY. WONG: And, Your Honor, Mee Wong the
4 Attorney --

5 THE COURT: Your business address, of course.

6 ATTY. WONG: -- I believe it's 165 Capital
7 Avenue in Hartford.

8 THE COURT: Thank you. You're both welcome to
9 be seated.

10 ATTY. WONG: Thank you, Your Honor.

11 THE COURT: I'm sorry, what was the town in New
12 York where you are, sir?

13 MR. LAKE: Cairo, C-a-i-r-o.

14 THE COURT: Thank you.

15 MR. LAKE: No problem (indiscernible).

16 THE COURT: Cairo, got it. Got it.

17 MR. LAKE: They -- they say it a little
18 different than Cairo so, you know, they gotta be
19 different.

20 THE COURT: I understand.

21 ATTY. WONG: And, Your Honor, if I could just
22 mention to the Court that I do have a jurisdictional
23 argument, initially, with regard to following the
24 mandates of the statute that allows this appeal to
25 be taken. I wasn't sure if the Court wanted to hear
26 that first or go right into -

27 THE COURT: Well, I'll, certainly, hear what

1 the issue is. Whether we then take evidence on it
2 first or not, I'm not sure.

3 ATTY. WONG: Okay.

4 THE COURT: What is that, please?

5 ATTY. WONG: Your Honor, the -- taking an
6 appeal from the magistrate's decision is governed by
7 Connecticut General Statute 46b-231n, and I reviewed
8 the gentleman's appeal papers. The statute does
9 require that the gentleman certify that he's served
10 all parties. It also indicates that when there's a
11 IV-D agency involved they are supposed to be
12 certified, as well, in terms of service. The other
13 way to accomplish service for the IV-D agency is to
14 send a certified copy of the appeal papers to the
15 Attorney General's Office. And, I wanted to
16 represent to the Court that we never received that.

17 In addition, the statute --

18 THE COURT: You never received any --

19 ATTY. WONG: -- a copy of the - anything. An -
20 - the appeal papers, certification, we haven't
21 received any - and I also would note for the Court,
22 if the Court does review the -- the appeal papers,
23 the certification area is blank. It doesn't list
24 any of the parties, the IV-D agency or the Attorney
25 General's Office.

26 In addition, Your Honor, the -- the statute
27 does require that the appeal be taken in -- in order

1 for it to be timely it has to be taken within 14
2 days of the magistrate's decision, and if the Court
3 looks at the dates, the magistrate's decision was
4 entered on August 3rd. The appeal was filed 15 days
5 later. The statute is clear that it's to be filed
6 within 14 days, Your Honor.

7 THE COURT: All right. Well, let me just take
8 a quick look at that statute -

9 ATTY. WONG: Certainly.

10 THE COURT: -- and then, I'll hear from Mr.
11 Lake on these issues.

12 ATTY. WONG: And, Your Honor, I do have a
13 courtesy copy. I did copy the statute book. I
14 don't know if the Court would like me to hand that
15 up?

16 THE COURT: Why don't you give it to Mr. Lake
17 since you have that courtesy copy --

18 ATTY. WONG: Do you think -

19 THE COURT: -- because I have the statute so, I
20 can look at that.

21 ATTY. WONG: I'll do (indiscernible).

22 MS. LAKE: Do you have your glasses?

23 MR. LAKE: No, I forgot them. Can I borrow
24 your pen?

25 ATTY. WONG: Sure.

26 THE COURT: Reading glasses?

27 MS. LAKE: Yes.

1 THE COURT: You have some that he can use?

2 MS. LAKE: Well, we'll see if he can use mine.

3 That's what I'm --

4 THE COURT: All right. If you are not able to
5 use hers then, I can get you some of the generic
6 type.

7 MS. LAKE: You're good?

8 MR. LAKE: Yeah.

9 THE COURT: Okay. Thank you, ma'am. So, we'll
10 both look at it separately, but at the same time,
11 Mr. Lake. Have you had a chance to look that over,
12 Mr. Lake?

13 MR. LAKE: Yeah. Yes. Yes, Your Honor.

14 THE COURT: Certainly, I'm going to give you an
15 opportunity to respond to the -- the two claims
16 raised by Attorney Wong. Her first claim is that in
17 the filing of the appeal there was a lack of notice
18 given as required in the statute to --

19 MR. LAKE: I had -- I had a problem with the --
20 the marshal's office. I had sent an -- I was told
21 to get a hold of somebody up in Hartford to serve
22 the -- the Attorney General's Office, which I did,
23 and he told me to email the paperwork and I can't
24 remember the name he wanted me to use. I sent all
25 this to the -- to the clerk's office downstairs --
26 the Pat -- at the clerk's office, Pat Perez, because
27 when I -- when -- when they -- the -- the marshal

1 turned around and never delivered the -- the message
2 to the Attorney General, but sent it back to the
3 court and the court lost it and -- just like they
4 did with my -- my brief and exhibits that I dropped
5 off in May. So, I -- I had no idea they weren't
6 served. I asked for them to be served. I -- I've
7 got the emails. I mean, I didn't know I needed
8 them. So, I --

9 THE COURT: Well, what you must do is, in the
10 filing of the petition for the appeal, you must have
11 a certification that you have served the Attorney
12 General, as well as, any other --

13 MR. LAKE: There's nobody. Cynthia is dead.
14 She -- she died in 87.

15 THE COURT: Okay. And, that's one matter.
16 That would be Ms. -

17 MR. LAKE: Layden.

18 THE COURT: -- Layden. Okay. How about Ms. -

19 MR. LAKE: Lake.

20 THE COURT: -- Lake?

21 MR. LAKE: That's my mother. She's 95. She
22 don't come out of the house.

23 THE COURT: But you didn't send a certification
24 to her?

25 MR. LAKE: She said she didn't want it. We
26 haven't spoke in years.

27 THE COURT: Then how could you have heard from

1 her that she didn't want it?

2 MR. LAKE: My sister Robin.

3 THE COURT: So, she didn't tell you she didn't
4 want it. She told somebody else.

5 MR. LAKE: She don't talk hardly at all. She
6 don't know who she is.

7 THE COURT: All right. So, there is -- does
8 seem to be a problem here. Now, what's the second
9 part of this that is raised by Attorney Wong? She
10 says that since the statute requires that the appeal
11 be filed within 14 days, isn't it problematic that
12 you filed it on the 15th day?

13 MR. LAKE: I had no idea I could file an appeal
14 until I got talking to somebody and I did it as fast
15 as possible. Coming down -- because I had to file
16 with the court -- I had -- I'm -- I live over two
17 and a half hours away. I'm on disability. I only
18 get \$800.00 a month. My wife is retired now so, I
19 don't have her income. She don't collect social
20 security, yet. She -- in fact, she's leaving
21 tomorrow for California for a job. You know, I've
22 been trying to -- to bend over backwards to do
23 everything the right way with -- with -- with the
24 State of Connecticut. And, I have been pummeled the
25 whole way. Nobody will look at my documentation
26 that comes from the State of Connecticut, and just
27 tell me, pay the damned bill. Well, I paid the bill

1 once. I don't need to pay it again.

2 THE COURT: Well, we're restricting ourselves
3 to the issue of jurisdiction, at this point.

4 MR. LAKE: Yes. I'm trying to -- trying to be
5 -- it's very frustrating for me, though. It -- I
6 mean, I've had -- I've got two kids that won't even
7 speak to me because of -- of what they've been tol -
8 - told about, you know, that I -- I'm like. I've
9 got another child, Steven, who I'm going to pick up
10 after court here who was raised by his grandparents
11 who was beaten and -- and -- and he -- he's -- he's
12 a challenge. He's forty something years old. He's
13 been in prison. He -- he -- he's an amputee, and
14 he's like that because of the way he was raised, and
15 the state wouldn't even let me see him, but they
16 gave me custody of his -- his sister. And, that was
17 all because of the way that they were abandoned by
18 their mother. This -- the -- the son was allowed to
19 go to the grandparent's house so, she abandoned him
20 at the grandparent's house, her parents and
21 abandoned my daughter in her apartment and they
22 didn't find her for several days later.

23 I was an over the road trucker. So, I would
24 come home every two to three months. Back in
25 December of the year before --

26 THE COURT: Can -- can we interrupt for a
27 moment? Is - is that your - a relative of yours?

1 MR. LAKE: Oh, my wife. She's got stomach
2 problems. We don't, usually, eat out.

3 THE COURT: I see.

4 MR. LAKE: We had to eat out this morning
5 because we had to leave --

6 THE COURT: It looked as though somebody came
7 in to fetch her.

8 THE CLERK: Attorney Bowser, he doesn't work
9 here. I don't know what case he's here for today,
10 but I imagine something happened.

11 THE COURT: Are -- is she here for something
12 else today or --

13 MR. LAKE: No. She -- she, probably, went to
14 the restroom.

15 THE CLERK: Yeah. I - I think they just left
16 at the same time.

17 THE COURT: Oh, just a coincidence?

18 THE CLERK: Yeah.

19 THE COURT: Oh. I see.

20 MR. LAKE: Yeah.

21 THE COURT: Okay.

22 MR. LAKE: Because we -- we don't, usually, eat
23 out and we ate out and both of us are feeling kind
24 of lousy.

25 THE COURT: I see. All right. Well, I -- I
26 just wanted to make sure there was no, like, third
27 person who came with you today that might have --

1 MR. LAKE: No, no, no, no.

2 THE COURT: -- been having a problem.

3 MR. LAKE: No, no.

4 THE COURT: Okay.

5 MR. LAKE: So, --

6 THE COURT: I'm going to do this today, Mr.
7 Lake. I'm going to tell you right up front that the
8 issues raised by Attorney Wong, on behalf of the
9 assistant Attorney -- well, on behalf of the
10 Attorney General's Office, are legitimate
11 jurisdictional claims with regard to the processing
12 of an appeal. So, hear me out for a minute. I'm --
13 I'm going to deny the appeal based on the
14 jurisdictional issues, that is, the appeal was not
15 filed in a timely fashion and the necessary service
16 upon other parties, including the State, was not
17 effectuated.

18 Now, having said that and I -- I will tell you
19 a couple of things. First of all, you have a right
20 to appeal my decision to the Appellate Court if you
21 feel that legally I have made an incorrect decision.
22 That must be done --

23 MR. LAKE: Can I ask you a question?

24 THE COURT: -- within a limited period of time.
25 It's up to you to check. But it would be limited to
26 the issue of whether I ruled correctly on this issue
27 of jurisdiction. The number two thing I want to say

1 to you is that despite the fact that I'm ruling
2 against you, I'm going to allow you to make a record
3 --

4 MR. LAKE: Okay.

5 THE COURT: -- of the things that you want to
6 say today so that should the Court be incorrect
7 about jurisdictional ruling that you would be able
8 to, in your appeal if you took one to the Appellate
9 Court, you could say, okay, I -- I want to say,
10 here's what I would have said if I'd been given the
11 opportunity by the judge to say it.

12 Now, let's turn to that next. Okay. So, one
13 of the things when you are appealing the decision
14 from the magistrate is that -- I do have the
15 transcript. You did order that or somebody ordered
16 it --

17 MR. LAKE: Yes.

18 THE COURT: -- which I have read. It's not,
19 perfectly, clear to me from the transcript, exactly,
20 what you were seeking to modify when you --

21 MR. LAKE: Okay.

22 THE COURT: -- were in front of the magistrate.
23 What ruling of the court, and I need to have the
24 specific date of that court ruling that you were
25 seeking to modify, and -- and there may have been
26 because there are two cases involved here, --

27 MR. LAKE: Yes, there is.

1 THE COURT: -- more than one date.

2 MR. LAKE: Right. Now, --

3 THE COURT: So, if you could clarify, it's one
4 of the things that wasn't, particularly, clear to me
5 from the transcript, exactly, what you were seeking
6 to modify, what order of the magistrate's court and
7 the date and the ruling that you were seeking to
8 modify. Could you give me that information?

9 MR. LAKE: I don't -- well, in 2014 and 15 my
10 congressman told me to come back to court, that they
11 had things straightened out here in Connecticut in
12 the family courts.

13 THE COURT: I don't think you're answering my
14 question. I need to know what you were in fron --

15 MR. LAKE: So, I don't know the exact last date
16 --

17 THE COURT: Well, you need to tell me. That's
18 important. I need to know --

19 MR. LAKE: -- that I seen --

20 THE COURT: -- what you're seeking to modify
21 and that means I need to know what court order -
22 what is the court order that you're seeking to
23 modify?

24 MS. LAKE: Do you have something in that
25 (indiscernible).

26 THE COURT: Yeah, your -- you don't get to
27 prompt him, ma'am.

1 MS. LAKE: I'm -- I'm sorry.

2 MR. LAKE: In 2015, I was in --

3 THE COURT: You think there was an order in
4 2015?

5 MR. LAKE: -- two thousand fourteen and fifteen
6 we -- it was 15 the last time I was in court before
7 this here, about --

8 THE COURT: So, I should be looking for an
9 order in the file from 2015 --

10 MR. LAKE: -- fifteen.

11 THE COURT: -- that you're seeking to modify?

12 MR. LAKE: Yes.

13 THE COURT: That you sought to modify in front
14 of the magistrate?

15 MR. LAKE: Right.

16 THE COURT: All right. Let me take -- let me
17 see if I can find it. I wonder if I have the full
18 file here.?

19 MR. LAKE: It's been shifted around.

20 THE COURT: Yeah, I guess I do. Okay, bear
21 with just a moment, please. All right, there's a
22 ruling in 2014. It looks as though it's from Oct -
23 no, I'm sorry, from September, September 24, 2014.
24 I'm looking at the file in the matter of Lake and
25 Lake. And, on that date there was a finding of an
26 arrearage as of September 22nd, 2014, of \$17,182.00.
27 Now, is that the order that you were seeking to

1 modify?

2 MR. LAKE: Yes. Yes.

3 THE COURT: All right, and that's in the Lake
4 versus Lake.

5 MR. LAKE: Yes.

6 THE COURT: Now, was a -- the same date --

7 MR. LAKE: Would be for the other one.

8 THE COURT: -- for the other one.

9 MR. LAKE: For the -- for the same deal.

10 THE COURT: All right, so, let me find that
11 order, also. What I'm seeing in the other one is an
12 order from July 23, 2014.

13 MR. LAKE: Oh. I don't know. He heard them
14 both --

15 THE COURT: That's the same -- that's --

16 MR. LAKE: -- on the same day.

17 THE COURT: -- that's the -- that's that other
18 case, too. That's -

19 MR. LAKE: Lake versus Layden.

20 ATTY. WONG: Your Honor, if I may?

21 THE COURT: Yeah.

22 ATTY. WONG: Whenever the gentleman was before
23 the magistrate court, both fi -- he would file the
24 same or similar motion in both files so, they were
25 always heard on the same day and if there was a
26 continuance they would be continued on the same day.
27 And, then, it is true that the final decision for

1 the 2014 motion, it is on the same day. The final
2 decision was July 23rd, 2014, for both cases.

3 THE COURT: Yeah, I -- that's what I was just
4 going to say. I see another order of the same
5 arrearage, \$17,182.00 was entered on July 23, 2014,
6 so, there appeared to have been two rulings by the
7 magistrate. This -- the last one --

8 MR. LAKE: Yeah, but the other one should have
9 been for four thousand -

10 THE COURT: -- but that's on the -- that's on
11 the Lake file.

12 MR. LAKE: Four thou - no, on the Layden one,
13 it should be around four thousand one hundred and --

14 THE COURT: That's what I'm looking for. So, --

15 MR. LAKE: -- but --

16 ATTY. WONG: I believe --

17 THE COURT: -- give me just a moment.

18 MR. LAKE: Yeah.

19 ATTY. WONG: -- it may be marked, Your Honor,
20 as entry number 108 for the Cynthia Layden case.

21 THE COURT: Right. I see 106, 108, got it, I
22 think. Just a moment, please.

23 MR. LAKE: I'm sorry for the aggravation.

24 THE COURT: No, no. Well, you know, since you
25 couldn't give me the exact dates, I've got to find,
26 exactly, what it is. All right. So, yes, seven --
27 that's July 22, 2014, \$4,166.81 found to be an

1 arrearage at that date. And, that's in the Layden -

2 -

3 MR. LAKE: Yes, Your Honor.

4 THE COURT: -- case. Now, if Mrs. Layden -- if
5 Ms. Layden, excuse me, is deceased, to whom are you
6 paying the child support?

7 MR. LAKE: That's what I'd like to know.

8 ATTY. WONG: It's -- it's a state arrearage,
9 Your Honor.

10 THE COURT: Oh, it's a state arrearage.

11 MR. LAKE: But, --

12 ATTY. WONG: Yes.

13 MR. LAKE: -- but --

14 THE COURT: I see. Okay.

15 MR. LAKE: -- Your Honor, the child --

16 ATTY. WONG: There -- there was public
17 assistance.

18 MR. LAKE: -- child support never stopped.
19 That's the problem I have.

20 THE COURT: Well, I -- I don't --

21 MR. LAKE: I'll explain --

22 THE COURT: -- that's not the -- the appeal --
23 that's not what you're going back to and trying to
24 change, though. What you're trying to change are
25 the orders that were made, if I understood you
26 correctly, in 2014.

27 MR. LAKE: Yes, by showing that I didn't owe

1 that in 2014.

2 THE COURT: But Mr. Lake --

3 MR. LAKE: I was double --

4 THE COURT: -- wait a minute. Did you take an
5 appeal of that decision?

6 MR. LAKE: I -- I was told I couldn't by -- by
7 Michelle Lockwood. She came over to my wife and I
8 when we were outside the courthouse -- outside the
9 courtroom.

10 THE COURT: Is she your lawyer? I don't know
11 who Michelle Lockwood is.

12 MR. LAKE: She was the person for child support
13 enforcement.

14 ATTY. WONG: Your Honor, --

15 THE COURT: All right, but you didn't get any
16 legal advice?

17 MR. LAKE: I tried to. I'm disabled and I'm --
18 I'm on Social Security and everybody wants \$300.00
19 an hour and that would -- I -- I would -- wouldn't
20 be able to do it and I couldn't find nobody to take
21 it --

22 THE COURT: All right. So, here's the problem.

23 MR. LAKE: -- pro bono.

24 THE COURT: Here's the problem. I -- it's --
25 it's not possible to modify a finding of an
26 arrearage. It's possible to only to appeal a
27 finding of an arrearage. It's saying that there was

1 an error made by --

2 MR. LAKE: That's -- that --

3 THE COURT: -- the magistrate --

4 MR. LAKE: -- that -- that --

5 THE COURT: -- but if you don't file that
6 appeal within 14 days then, it's a done deal. You
7 don't get to modify a finding of an arrearage. It
8 just can't be done.

9 MR. LAKE: I've been trying to show that in
10 1994 the last day -- bill I got, and all my children
11 were emancipated was \$860.35 for both accounts.
12 And, on the Layden's --

13 THE COURT: But you see, here's the problem,
14 Mr. Lake, that what you're trying to say that the
15 magistrate made a mistake back in 2014. If a
16 magistrate makes a mistake, your remedy is to appeal
17 that decision. You cannot, under the law, modify
18 that decision after the appeal has gone by. So, --

19 MR. LAKE: But, --

20 THE COURT: -- just as you have a problem today
21 with the fact that the appeal wasn't taken within 14
22 days, so also, in any attempt to change these
23 arrearage amounts, your window of opportunity went
24 by back in 2014. Now, I've given you the legal
25 ruling on that, which is what the magistrate did, as
26 well, by the way, but I did say that I would let you
27 be heard.

1 MR. LAKE: Okay.

2 THE COURT: And, I'm going to let you be heard.

3 MR. LAKE: Thank you.

4 THE COURT: So, go ahead.

5 MR. LAKE: Okay, in 1994 I receive -- received
6 this --

7 ATTY. WONG: Your Honor, --

8 MR. LAKE: -- bill for -- for \$860.00 for both
9 accounts.

10 ATTY. WONG: -- Your Honor, I have to object.
11 The appeals that are taken from the magistrate
12 court, they're based on what the record is at the
13 time of the hearing. And, if there was any
14 additional evidence that's supposed to be -- that
15 the gentleman wants to submit during arguments,
16 according to the statute, he's supposed to make a
17 motion to the court that he intends to -- to submit
18 additional evidence and I don't believe that there's
19 any motion before the court. And, it had to be
20 prior to this court hearing.

21 THE COURT: It's quite clear from the
22 transcript that Mr. Lake wanted to present documents
23 and evidence to the magistrate and the magistrate
24 made his ruling just as I've explained it, that if a
25 timely appeal wasn't taken Mr. Lake had forfeited
26 the right to raise a question about the arrearages,
27 but I did say at the beginning that I was going to

1 allow Mr. Lake to be heard. And, frankly, it's as a
2 courtesy, at this point. Legally, he is on very
3 shaky ground, as he would have to understand from
4 what I've said that since no appeal was taken the
5 magistrate ruled correctly, and that is when -- when
6 the hearing was held on August 3rd, but that's a
7 secondary issue to the fact that I've already
8 indicated that the appeal can't go forward for
9 jurisdictional reasons.

10 That having been said, nobody is here at this
11 point. Mr. Lake wants the court's attention and I'm
12 going to give him my attention.

13 ATTY. WONG: Very well, Your Honor.

14 THE COURT: All right. So, the document you
15 want to put forward is handed up to the clerk?

16 MR. LAKE: Is -- is -- is -- yeah. And, it's
17 for both accounts. You can see it is five hundred
18 and something for one and three hundred and
19 something for -- for the Layden account.

20 THE COURT: Now, this is dated 1994.

21 MR. LAKE: Yeah.

22 THE COURT: I see.

23 MR. LAKE: And, that was after all my children
24 were emancipated. My daughter was emancipated. The
25 thirteenth or the sixteenth? (Indiscernible).

26 MS. LAKE: Thirteenth.

27 MR. LAKE: Thirteenth, my granddaughter is the

1 sixteenth. I get them confused. I've had a few
2 strokes. Sorry. And, then, I've been getting
3 bills and it went up to \$524.00 for the Laydens in
4 2004 and, again, in 2004 it stayed the same price.
5 And, then, in -- in 2006 it went up to \$4,394.00.
6 Now, my son had been adopted in 1990 -- 1989, and --

7 THE COURT: Well, you need to be at a --

8 MR. LAKE: -- here's the last one.

9 THE COURT: -- yeah, be at a microphone when
10 you talk. Okay.

11 MR. LAKE: Oh, okay. My -- my son was adopted
12 in 89 by his grandparents that had him since 92 when
13 he was abandoned by his mother -- since 82, sorry.
14 And, I hired a lawyer back then because I was
15 working, and as you can see, I was billed to 1991
16 for a child that was adopted in 89. So, that
17 \$300.00 that they said I owed, I really didn't owe
18 because that overpayment, actually, took care of
19 most of the \$800.00 if not all of it for the whole
20 bill.

21 THE COURT: There -- as I understand it, there
22 might be two different tracks maintained by the
23 state. One is that, if a child is receiving
24 financial assistance, cash assistance particularly,
25 from the state then, everything that is paid by the
26 state is the responsibility, ultimately, of the
27 parents however, you're put on a payment schedule

1 then --

2 MR. LAKE: I --

3 THE COURT: -- that may not reflect all of the
4 money that's owed to the state and so, when you get
5 a notice from the state that you're behind in your
6 payments, they are sending you a notice that says
7 you're behind on the payment schedule of repaying to
8 us what is owed, but this isn't the full amount
9 that's owed. This is the payment schedule that
10 you're behind. So, it's not clear to me from the
11 document that you have presented whether these
12 notices from the state are saying that you're behind
13 in your payment -- repayment schedule or that this
14 is the full amount that's owed. It doesn't appear
15 to me, for example, --

16 MR. LAKE: Well, it says full amount owed on
17 there. I don't know.

18 THE COURT: Well, I'm not sure it says that.

19 MR. LAKE: Does it --

20 THE COURT: It's -- I -- it says, you -- the
21 entire balance of your account --

22 MR. LAKE: Yeah, the entire balance. That's
23 the full amount, right?

24 THE COURT: -- yeah, but this -- this is
25 probably the account -- the payments that you're
26 supposed to be making towards the account that is --
27 that is failure to be paid at that point. So, the

1 document itself, I admit to you, is somewhat
2 ambiguous. It does not necessarily reflect the full
3 amount that the state was claiming was owed, but
4 rather the repayment schedule, and they're saying
5 that you're delinquent in the repayment schedule.

6 MR. LAKE: I was very good at paying my -- my
7 child support, Your Honor, but in 94 --

8 THE COURT: Well, no, but it's not your child
9 support that we're talking about. It's the state's
10 claim that the child was on welfare and that's why
11 the money is owed to the state. It's not owed to
12 these ladies. It's -- because it wasn't that you
13 were behind in child support.

14 MR. LAKE: I always paid my child support to
15 the state. I never paid it to them. I always -- in
16 fact, my wife --

17 THE COURT: Right.

18 MR. LAKE: -- she was --

19 THE COURT: So, you're paying two things,
20 though.

21 MR. LAKE: -- yeah. So, I --

22 THE COURT: You're paying two things when you
23 pay that.

24 MR. LAKE: I am paying two things.

25 THE COURT: Yeah. One, you're paying child
26 support while the children are minors. The second
27 thing you're paying is the amount of welfare that

1 was provided to the children when they were minors
2 and that's provided by the state, which is not the
3 same as the child support.

4 MR. LAKE: The state wouldn't even let me see
5 my children.

6 THE COURT: Yeah, that doesn't mean you don't
7 have to pay for them, though. The -- it -- it's
8 hard to explain.

9 MR. LAKE: I could have raised them.

10 THE COURT: Yeah, no. I know. What I'm trying
11 to explain is --

12 MR. LAKE: I mean they never did a custody
13 study. They never did -- even though it was court
14 ordered they never did a custody study.

15 THE COURT: Yeah. It -- it's not -- it's not
16 an issue of whether you see the children or not.
17 That's not really part of it. Child support is owed
18 to the -- to the parents, maybe a parent of the
19 children, but that is a separate obligation -- a
20 separate obligation from the money owed to the state
21 of Connecticut for the welfare that the children
22 were receiving. So, the state is seeking and still
23 seeking, I guess, and has you under a payment
24 schedule for the money that was put forward as
25 welfare for the children not the child support
26 element which would have been payable to the ladies,
27 but that's not what you're doing. You're paying --

1 repaying the State of Connecticut for its welfare
2 provision to the children. And, so, they put you --
3 the state put you on a schedule of repayment, which
4 I don't know what it was. I -- you know, \$50.00 a -
5 - I don't know what it was, but that's -- that's
6 long since --

7 MR. LAKE: My child support was \$25.00 per
8 child for the two -- Edna's two and it was \$10.00 a
9 week --

10 THE COURT: To the state.

11 MR. LAKE: -- for Steven, to the state.

12 THE COURT: There's the problem because that
13 \$10.00 a week was not the total -- that -- you may
14 have fallen behind in making the \$10.00 payments,
15 that's what --

16 MR. LAKE: No, I didn't.

17 THE COURT: -- that's what some of these claims
18 are, but it was never -- the full amount that was
19 owed wasn't \$10.00 a week. The state was paying a
20 lot more of that -- than that for Steven.

21 MR. LAKE: Well, I don't -- I don't know why
22 they were paying money to -- to the Laydens because
23 they -- I mean, they -- they're the ones that took
24 the child from me. I mean, I was on the road when
25 the kid was -- in December I had the same problem,
26 the year before. I came in off the road. I went to
27 her house to go see my -- my son and my daughter.

1 THE COURT: You're saying December of what year
2 you're talking?

3 MR. LAKE: December of 81.

4 THE COURT: Okay.

5 MR. LAKE: I look in the window and my son
6 Steven is carrying a tray of cocaine around. I'm
7 beating on the door, and nobody answers. I break
8 into the house, there's nobody there. My daughter's
9 in the crib upstairs. She's what, three months old,
10 four months old. And, my -- so, I sat there and
11 waited for her -- it was, like, six o'clock in the
12 morning I got there. It was after seven o'clock at
13 night when she finally came home. She had me
14 arrested because I smacked her on top of the head
15 and her father came in and kicked me with steel toed
16 shoes. I wear a knot on my spine to this day. And,
17 -- but nothing happened about the kids. A couple
18 months lat -- I was told, you come from the projects
19 'cause I -- I grew up down at the gardens -- Laurel
20 Gardens, 385 Main Street.

21 THE COURT: Yeah. So, a lot of people come
22 from the projects, yeah.

23 MR. LAKE: Yeah, well, they used to hold it
24 against us because they -- people there were pretty
25 nasty at the time. And, -- it didn't mean I was,
26 but, you know, --

27 THE COURT: I've got to tell you, I know a lot

1 of people that lived over there back in 81 and --

2 MR. LAKE: A lot of good people lived over
3 there.

4 THE COURT: Good people. Good people.

5 MR. LAKE: There were a lot of idiots, too.

6 THE COURT: Yeah. I'm gonna return these to
7 Mr. Lake.

8 MR. LAKE: But --

9 THE COURT: Yeah.

10 MR. LAKE: -- now, and -- then, I was told
11 that oh, you're trash. You come from the gardens.
12 You're this that and the other thing. You can't
13 have -- so, they gave her a restraining order.
14 February, I -- I had gotten hurt on the job, but in
15 -- I got hurt in January. In February I find out
16 that --

17 THE COURT: Are we still in 81?

18 MR. LAKE: Eighty-two.

19 THE COURT: Eighty-two.

20 MR. LAKE: That she abandoned my son at her
21 parent's house, and she abandoned the daughter at
22 her house because the daughter wasn't allowed at the
23 parent's house for some reason. I don't know. And,
24 that's why they got to keep my son. I fought and
25 got custody of my daughter, and a month lat -- a
26 month and a half later I went for my divorce from my
27 first wife, which my mother had my kids. I show --

1 showed the judge all my documentation showing how I
2 got custody of my one daughter. He -- he said in
3 the divorce that I should have had custody of my --
4 my -- Charles and Rebecca and with a custody study.
5 Leslie Rader (phonetic) -- Officer Leslie Rader was
6 in the courtroom that day, said she'd take care of
7 it. I kept hounding her and hounding her and
8 hounding her to do the custody study, but I lived in
9 New York. She told me she don't trust nobody from
10 New York to do the custody study. In 88, I,
11 finally, got to visit my kids, brung (sic) them up
12 to the house. We had them all summer and I decided,
13 well, if they don't want to do the custody study to
14 hell with them. I'll just keep them. That -- that
15 wasn't a very good decision.

16 THE COURT: No.

17 MR. LAKE: Leslie Rader had me back down there,
18 told me if I said anything other than, yes, Your
19 Honor, that I was going to -- to be put in prison.
20 I would never see my daughter that I got from --
21 from the state or I wouldn't see my step-kill --
22 children. So, that's how that went, and -- but the
23 judge did order that I have custody but the state
24 just, kind of, like, eh court orders don't mean
25 nothing. And, I -- the -- the -- the -- the divorce
26 documents I have given to child support enforcement
27 I don't know how many -- in 2005 I had to go get a

1 copy. I gave it to Mr. Rodriguez who sit -- who
2 used to sit in -- in Ms. Lockwood's desk at child
3 enforcement. Then, I gave it to -- to Mrs. -- when
4 we got in court in 2014, oh they made a big deal out
5 -- all of -- so much money I handed them the -- we
6 don't have that. Well, I gave it to -- I gave it to
7 Mr. Rodriguez. I gave it to -- I -- they --
8 Congressman -- I can't remember Congress -- Murphy
9 back -- back -- he -- he wrote a letter to the state
10 and -- and -- you're Judge Winslow, right?

11 THE COURT: Yes.

12 MR. LAKE: Yes. Okay. He -- he wrote a -- in
13 2009, he wrote a letter to the state and everything
14 and I was supposed to be in front of you and you
15 wouldn't hear the case. It -- you said it was too
16 old.

17 THE COURT: I think you children were fully
18 grown at that time.

19 MR. LAKE: They -- they're still grown.

20 THE COURT: Yes, but I mean in 2009 they were
21 adults and -- and we -- you couldn't modify your
22 child support at that point.

23 MR. LAKE: Okay.

24 THE COURT: I do remember that.

25 MR. LAKE: Yeah.

26 THE COURT: Yeah.

27 MR. LAKE: And, -- and, you know, --

1 THE COURT: But -- but -- okay.

2 MR. LAKE: -- I -- I gave it to the head honcho
3 up in Hartford.

4 THE COURT: I'm sorry. You couldn't -- you
5 couldn't modify your child custody at that point.
6 That was the issue.

7 MR. LAKE: No, I didn't to do that.

8 THE COURT: Yeah.

9 MR. LAKE: Because I knew I couldn't.

10 THE COURT: Yeah.

11 MR. LAKE: I mean, they're living on their own.
12 They wouldn't --

13 THE COURT: Yeah.

14 MR. LAKE: -- I mean, you know, but --

15 THE COURT: I -- yeah, I -- I -- you're right.
16 I didn't allow you to go forward, but, you know, --

17 MR. LAKE: -- you know, I've been try -- I've
18 been trying to take care -- because this is -- I
19 mean, I -- I could take care of my own kids. I
20 mean, I never had a custody, I mean I even -- the --
21 the woman that did the custody took 18 months. Jan
22 Quinlan, the -- the child support investigator, she
23 came investigated me and my -- and my wife and I
24 would not get married until after we -- we got
25 custody of the kids because we were not getting
26 married over kids. She got married over her first
27 child. I got married over my first child. That

1 wasn't happening again. The second marriage was
2 gonna happen right and so, I fought for my daughter.
3 I got my daughter on my own. And, the -- the reason
4 why her parents wouldn't take the child was because
5 the child had disabilities. And, you know, I fought
6 with her and my wife fought with her and she's a --
7 she's -- she works in a bank doing -- doing loans
8 now. And, you know, she --

9 THE COURT: It doesn't sound like she's
10 disabled now.

11 MR. LAKE: She -- no, we fought with her. And,
12 we got anoth -- I've got a stepdaughter which we're
13 still fighting with, but, you know, we gotta get
14 them through it. You know, you got -- you gotta --
15 you gotta have a way in life and you got -- I'm
16 doing the same thing with Steven because he -- he --
17 he was raised really wrong.

18 THE COURT: Yeah.

19 MR. LAKE: The State did not do him any favors.
20 And just because his grandparents have a lot of
21 money and things like that don't -- I mean, their
22 daughter committed suicide because of what she went
23 through in that house and -- and he -- I mean, he's
24 an amputee and everything else now because he just -
25 - but he --

26 THE COURT: Why -- why is he an amputee? I
27 don't understand. What's that got to do --

1 MR. LAKE: He got mad and crashed his car and -

2 -

3 THE COURT: Oh. Oh, well. Okay.

4 MR. LAKE: And his grandparents didn't believe
5 in -- in -- in counseling. Now, he's been in
6 counseling for over a year now and we've been
7 talking since 2015.

8 THE COURT: Okay.

9 MR. LAKE: And, you know, he -- first he was
10 gonna come over and half kill me and then he figured
11 out that, hey, you know, you ain't as bad as what
12 everybody says you are. And, --

13 THE COURT: I think that's really the way you
14 have to approach all of this at this point, Mr.
15 Lake, that you really have to go forward because the
16 problem with --

17 MR. LAKE: The problem --

18 THE COURT: -- undoing or modifying these
19 orders is that it it's impossible to do it. So, you
20 know, you're beating your head against a wall trying
21 to change these --

22 MR. LAKE: The problem is I don't have enough
23 money for my medication.

24 THE COURT: I -- there -- there's, absolutely,
25 --

26 MR. LAKE: I mean, --

27 THE COURT: -- really nothing that can be done

1 about --

2 MR. LAKE: -- there's nothing I did wrong. I
3 mean, I did nothing wrong for the State of
4 Connecticut to give my kids to somebody. And, --
5 and --

6 THE COURT: What you can do, and I'm not going
7 to give you legal advice here, but if you can show
8 that your budget is constrained by the repayment
9 schedule that's been set up that you -- that your
10 circumstances are such that it is putting a hardship
11 on your health situation or something --

12 MR. LAKE: Well, if -- if you're --

13 THE COURT: You may -- just a moment, -- you
14 may seek to modify the rate at which you make
15 repayment to the state. That is different from
16 seeking to change the amount of the arrearage, which
17 you can't do, but you may, if you can prove that
18 your circumstances are as strained as you're -- as
19 you're explaining, you might be able to prevail upon
20 the magistrate to do something to modify something,
21 but else, and that is the dollar amounts that are
22 being extracted by the state. If you can show that
23 you're having difficulty making ends meet with
24 regard to your health and so forth. That is -- I'm
25 just giving you a little bit of a -- a ray of hope
26 or leaving the door open a crack, but you should
27 concentrate on showing the hardship that you're

1 suffering now with regard to the repayment schedule
2 and put aside complicating the situation in front of
3 the magistrate by asserting that the dollar amount
4 that's owed is incorrect because you -- that's,
5 absolutely, hopeless, absolutely, hopeless. So,
6 concentrate on what you can possibly change, which
7 is what you're telling me now is your real hardship
8 is that you are having trouble making ends meet with
9 your medication and so forth. That's an entirely
10 different situation and if you were to file a motion
11 to modify before the magistrate's court on that
12 basis and show that your circumstances are strained
13 then there might be some possibility of a
14 modification. Do you understand what I'm saying?

15 MR. LAKE: Would I have to show up in court
16 because my --

17 THE COURT: Yes, you would.

18 MR. LAKE: -- my -- my wife is moving me to
19 California because I have asbestosis.

20 THE COURT: Yeah, I hear you.

21 MR. LAKE: Because I used to be a long-haul
22 trucker and we used to haul asbestos out of --

23 THE COURT: How soon are you going?

24 MR. LAKE: -- asbestos Quebec and then backhaul
25 food.

26 THE COURT: I can't hear from you ma'am. How
27 soon do you plan to leave?

1 MR. LAKE: We think the closing of her house is
2 on the 30th.

3 THE COURT: Of this month?

4 MR. LAKE: Of this month.

5 THE COURT: Is Steven here?

6 MR. LAKE: Excuse me?

7 THE COURT: Would you be coming back to
8 Connecticut?

9 MR. LAKE: No. Steven's even thinking about
10 moving out with us.

11 THE COURT: Well, I can only make one
12 suggestion that might help there, and I don't know
13 whether I'm speaking out of turn, but because the
14 magistrate's court now has the ability to conduct a
15 hearing over the internet, when you move to
16 California, if you file your motion to modify before
17 you leave, get it served properly upon --

18 MR. LAKE: Okay. Well, that wasn't my fault. I
19 -- I did -- did the -- the --

20 THE COURT: Yeah, it's the state that is the
21 other party here.

22 MR. LAKE: -- marshal said that he was gonna --
23 and -- and that they -- they said that they were
24 gonna take care of that marshal.

25 THE COURT: Well, but, you know, it doesn't do
26 you any good to say it's not my fault. You're
27 supposed to follow the rules like everybody else and

1 -- and don't take advice --

2 MR. LAKE: No, I did but -- but he never got
3 back to me. He -- he never sent me an email back
4 saying he wasn't gonna serve it. He just never got
5 back to me.

6 THE COURT: We're going forward now. We're not
7 looking back.

8 MR. LAKE: Okay.

9 THE COURT: All right. so, it's possible that
10 a magistrate may agree to hold a hearing remotely
11 since it really involves only the state and not
12 other people, that you could possibly, but you would
13 have to be able to provide your documentation to the
14 magistrate in advance of any hearing. And, it --
15 you can't just waive it in front of a camera --

16 MR. LAKE: No, no.

17 THE COURT: -- from home. You'd have to send
18 it in --

19 MR. LAKE: Yeah, send it in with -- with the --

20 THE COURT: -- in advance for the -- for the
21 magistrate to see. So, --

22 MR. LAKE: Well, I -- I brung in -- I -- I
23 would send the copy of my -- my social security
24 stuff with the form anyway.

25 THE COURT: Yes, but it's -- that's not just
26 what you're based on. You're -- you're basing your
27 claim on the -- the fact that your expenses and your

1 income don't match up.

2 MR. LAKE: Right.

3 THE COURT: And, that you want to reduce. Now,
4 you're not probably going to be able to reduce to
5 zero in any case, but you might be able to get a
6 little bit of help. I'm not guaranteeing you
7 anything at all, but it's the only way that you
8 could possibly address your problem at this point.
9 You cannot change the arrearage. Are we -- I hope
10 my message is clear. I know your wife is listening
11 carefully, too. And, -- and I wish you luck in the
12 future, but that's it for today.

13 MR. LAKE: I just figured that because they're
14 -- that these were -- were marked so low and then,
15 all of a sudden, they went up and the state was --

16 THE COURT: Yeah, but I tried to --

17 MR. LAKE: -- under federal corruption charges
18 because of -- of some of this stuff. And, I was,
19 like, --

20 THE COURT: -- I've tried to explain how those
21 things are possibly misleading, and I can understand
22 that you might have been misled by them, but I'm
23 not. So, I -- I can't say that they helped your
24 cause. And, in any case, you can't appeal the
25 arrearage finding after 14 days. So, you know a
26 hint I've given you as to what you might possibly do
27 in the future.

1 MR. LAKE: Can -- when you -- when you give us
2 the -- your answer --

3 THE COURT: Well, I've given it to you. I -- I
4 don't know what you mean by, when I give you my
5 answer.

6 MR. LAKE: Well, I, usually, get a mailing of
7 what your --

8 THE COURT: Oh, you'll get a notice from the
9 court as to what I've ruled today, but it's -- it's
10 done.

11 MR. LAKE: Okay. I've had a few strokes so, --

12 THE COURT: TIA's you mean, sort of, or --

13 MR. LAKE: -- my memory is pretty well shot.

14 THE COURT: Well, we'll send you the notice.

15 MR. LAKE: And, --

16 THE COURT: Fortunately, your wife is here.
17 She got it all upstairs?

18 MS. LAKE: Yes.

19 THE COURT: So, I think she's heard me, too.
20 And, it's been a pleasure talking with you. I wish
21 -- I wish you well in the future. Look to the
22 future.

23 MR. LAKE: Well, --

24 THE COURT: Look to the future. We're going to
25 recess at this time.

26 (The matter is concluded.)

27

DBD-FA14-4018720-S

: SUPERIOR COURT

CYNTHIA LAYDEN

: JUDICIAL DISTRICT
OF DANBURY

v.

: AT DANBURY, CONNECTICUT

CHARLES LAKE

: NOVEMBER 4, 2022

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Danbury, Danbury, Connecticut, before the Honorable Heidi G. Winslow, Judge Trial Referee on the 4th day of November, 2022.

Dated this 23rd day of December, 2022 in Danbury, Connecticut.


Angela Fiorello
Court Recording Monitor