

January 28, 2010

**VIA FACSIMILE (203.789.7871) ONLY**

Office of the State's Attorney  
G.A. 23 at New Haven  
121 Elm Street  
New Haven, CT 06510

**Re: State vs. Anne Higonnet, Docket No. N23N-CR10-0101616 S**  
**Court Date: January 29, 2010**

Dear Friends,

I am filing my Appearance on behalf of the **victim** in the above-referenced matter. ( A copy is enclosed.) My client's name is Stephanie Brooks. The defendant, **Anne Higonnet**, is currently charged with disorderly conduct. Her first court date is **Friday, January 29, 2010**.

I am writing to advise you that my client **objects** to any final disposition of this case on the first court date, either by way of a *nolle*, a referral to Community Mediation, or any other pre-trial diversion program. I am also sending a copy of this letter to the Victim Advocate, Mark Margolis.

Prior to any disposition of this case, I am requesting that your office thoroughly review the facts and circumstances. Based on what I know of the incident, it appears to me that more serious charges should be lodged against Ms. Higonnet, including risk of injury and reckless endangerment. I find it difficult to understand *why* the police officer charged her *only* with disorderly conduct, given what allegedly occurred.

Based on my review of the incident with Ms. Brooks, it appears this is what occurred: Ms. Brooks was late taking her two daughters to the Worthington Hooker Elementary and Middle Schools on January 15<sup>th</sup>, a Friday morning. Although she usually drops her older daughter off at the corner of Everit Street and Cold Spring Street, on that morning she drove down Everit Street to the gate of the new Worthington Hooker school because it was already 8:40 a.m. My client double-parked next to the gate and her eleven-year old daughter Chelsea then exited the vehicle.

As soon as Chelsea was on the sidewalk, Ms. Brooks began pulling away from the curb. Her five-year old daughter, Paige, was in the car with her. They were en route to the Worthington Hooker Elementary School on Canner Street.

As soon as my client began driving, she heard a loud banging on her driver's side window, which distracted her. She saw a woman banging on the window and shouting at her. Ms. Brooks continued to drive, albeit at a very slow rate of speed. The defendant, Ms. Higonnet, then pulled open the driver's side door of my client's moving vehicle. My client, who was quite scared at that moment, tried to keep her car door closed. Her young daughter became very upset and starting asking her mother "what's wrong with that lady?" Seeing that Ms. Higonnet would not let go of the car door, Ms. Brooks then stopped her car and got out. She began yelling at Ms. Higonnet asking her what was wrong with her. Ms. Higonnet then reached out and put her hand on my client's shoulder, as if to grab her.

By that time, a crowd had begun to gather and the school principal, Dr. Rifenberg, and the school security guard had arrived on the scene. I believe one of them called the New Haven Police Department.

When the police officer arrived, my client indicated she wanted to press charges against Ms. Higonnet. The police officer told my client that Ms. Higonnet "wants to apologize." My client was not interested in an apology at that moment because the actions of Ms. Higonnet had endangered her own life and the lives of her two minor children.

When the police officer eventually decided to write a citation for Ms. Higonnet, my client asked him what she was being charged with. He responded that she was being charged with the misdemeanor crime of "disorderly conduct." At that point, my client, who is African-American, was very upset and told the officer that she believed that if the situation had been reversed, she would have been charged with risk of injury to a child, reckless endangerment, assault, and would have been taken downtown to the lock-up. I must say I tend to agree with her assessment, given my own experience representing many individuals who are charged with risk of injury simply because children are present at the time police officers come to arrest someone for another crime.

In this case, the actions of Ms. Higonnet, if proved, clearly put both children at risk. The older child, who had just been dropped off, witnessed the entire incident and was very upset. The younger child was in the car while Ms. Higonnet was pulling open the driver's side door of a moving vehicle. Moreover, opening the door of a moving car is the very essence of reckless endangerment and also would constitute an assault under Connecticut law.

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My client is a social worker employed by the State of Connecticut. If she committed a parking violation, it would have been appropriate to give her a ticket. However, it is totally inappropriate for citizens to take the law into their own hands and dole out "vigilante justice" when they object to a parent stopping in their neighborhood to drop off a child at school.

Fortunately, this situation ended without any injuries and without an automobile accident. However, the actions of Ms. Higonnet could certainly have resulted in significant injuries to my client and her young daughter.

Your obligation is to make sure that the laws of the State are enforced in an even-handed and neutral fashion so that individuals who live on Everit Street are treated the same as individuals who live on Dixwell Avenue when their actions are the same. For all of those reasons, I would request that this matter be continued for a reasonable period of time so that the Office of the State's Attorney can review the facts and consider filing additional criminal charges.

I would appreciate hearing from a member of the State's Attorney's office following your review of the charges against the defendant. All communication with Ms. Brooks should be made through my office.

Sincerely,

DIANE POLAN

DP/dsv

cc: Mr. Mark Margolis, Victim Advocate (via facsimile 203.773.6786 only)  
Ms. Stephanie Brooks