

N23N-CR080077420S : SUPERIOR COURT
STATE OF CONNECTICUT : NEW HAVEN JUDICIAL DISTRICT
VS. : AT NEW HAVEN G.A. 23
STEPHEN PISERCHIA : MAY 8, 2008

BEFORE THE HONORABLE: PHILIP SCARPELLINO, JUDGE

A P P E A R A N C E S

FOR THE STATE: MICHAEL DENISON, ESQUIRE
ASSISTANT STATE'S ATTORNEY

FOR THE DEFENSE: JOHN CIRELLO, ESQUIRE
ATTORNEY AT LAW

JANET LASKEN
COURT RECORDING MONITOR

1 MR. DENISON: Good morning, Judge. Michael
2 Denison for the state.

3 THE COURT: Good morning.

4 MR. DENISON: And on your A Docket, number
5 71, the matter of Stephen Piserchia.

6 MR. CIRELLO: Good morning, your Honor.
7 John Cirello for the defendant who's approaching.
8 I have notice of the A.R. application and the
9 green card from the victim.

10 MR. DENISON: I know that the victim is in
11 court today, your Honor.

12 THE COURT: Britt Marie Horrер (sic),
13 H-A-W-R-E. Harwe.

14 MR. DENISON: Harwe.

15 THE COURT: I apologize if I mispronounced
16 it. Is that you, Miss? Come on up. How do you
17 pronounce it, ma'am?

18 MS. HARWE: Harwe, H-A-R-W-E. Harwe.

19 THE COURT: Harwe. The -- the W sounds like
20 a V? All right. Record should reflect that
21 Miss. Harwe's received notice and she is actually
22 present in court.

23 Now I'm sure the prosecutor, ma'am, has
24 informed you that, you know, this is an
25 application for a particular program. This
26 program, firstly, is available only to persons
27 with absolutely no prior criminal involvement.

1 It's a program you can use one time in your life.
2 It's a program where the Court can put -- put the
3 defendant on a probation for up to two years with
4 any conditions the Court thinks is appropriate.

5 And, you know, whenever -- before this
6 program is granted there's a statute that says
7 the victim must be notified so that the victim
8 can come and give their views to the Court. I
9 always try to tell the victims that there's
10 really two things the Court would like to hear,
11 other than, you know, what you want to say
12 anyway, but what -- what the Court would like to
13 know, you know, on the one hand if you're opposed
14 to the program in the first place, and on
15 the -- if you are, then a -- a second thing the
16 Court would want to hear is, even though you're
17 opposed, if the Court were to grant the
18 accelerated rehabilitation, even over your
19 opposition, what conditions would you like to see
20 on it.

21 So -- so those are -- aside from any remarks
22 you'd like to make besides that -- I'm not -- I'm
23 not limiting your remarks to that but those are
24 the two issues that -- that the Court would want
25 to address or want you to address so that -- you
26 know, as I said, even though, you know, a victim
27 may come in, a victim may object, the Court may

1 grant it over the victim's objection, the Court
2 may not grant it over the victim's objection. I
3 don't know what I'm going to do.

4 I had a conversation with counsel this
5 morning. I did read some letters on behalf of
6 the defendant to save some time when I came out
7 in court. I did listen to both attorneys speak
8 to me. And I indicated that I would listen to
9 everybody and if I had some problem I would just
10 continue it for awhile to -- to decide what I
11 wanted to do. Or, if I could make a decision
12 today, obviously, I would do it today. So that's
13 where we stand. Now having said all that, are
14 you ready at this point to address the Court?

15 MS. HARWE: Yes.

16 THE COURT: Do you feel comfortable? Okay,
17 very good then. Go ahead, ma'am.

18 MS. HARWE: Okay.

19 THE COURT: Just state your name for the
20 record.

21 MS. HARWE: My name is Britt Harwe. I just
22 want to let you know I have a paralyzed vocal
23 cord so I'm sometimes hard to understand.

24 THE COURT: Okay. Can you hear that okay
25 through the microphone?

26 THE MONITOR: Yes.

27 THE COURT: All right.

1 MS. HARWE: I'm the one that received Dr.
2 Piserchia's harrassing phone calls. I'm here to
3 say that I do not think Dr. Piserchia should be
4 able to get accelerated rehabilitation and have
5 the possibility of his record erased.

6 I do not believe for a minute that he will
7 not harass again. He is a health care provider
8 who has the priviledge of using the title doctor
9 which makes his behavior all that more -- much
10 more reprehensible.

11 This was not a one-time occurrence or lapse
12 in judgment. Over a period of three days he
13 called seven times. Each time leaving a message
14 harrassing, singing songs, belching and making
15 fun of stroke victims. He admitted he made these
16 calls but only to voice his opinion. Yet not
17 once in any of these seven messages he left did
18 he express any opinion at all. He also sent me
19 e-mails as far back as January 2006 poking fun
20 and that he was going to adjust 45 necks that
21 day.

22 I'm the co-founder of a group of victims
23 called The Chiropractic Stroke Awareness Group.
24 We consist of hundreds of members who have
25 suffered a stroke as a result of a chiropractic
26 adjustment. Our group is working alongside
27 another group called VOCA which is Victims of

1 Chiropractic Abuse. It is working to getting
2 laws passed here in the state of Connecticut that
3 chiropractors would have to adhere to.

4 One of the bills is about giving informed
5 consent to patients before a chiropractor does a
6 minipular treatment on a patient he must first
7 discuss the risks which include permanent
8 disability, stroke and even death.

9 Dr. Piserchia as well as other chiropractors
10 in the state do not want this bill to become law
11 because they feel patients may not want to have
12 manipulations done if they knew there were risks.
13 All chiropractors seem to be concerned about is
14 their bottom line instead of the health of their
15 patients.

16 My group feels that since the risks may
17 include such devastating injuries as permanent
18 disability and death, people have the right to
19 know so they can make their own informed decision
20 about whether they should proceed with this
21 health care treatment.

22 Chiropractors have long advertised that
23 manipulations or adjustments, especially cervical
24 adjustments, were safe. But this is not the
25 case. I can personally attest to that. In 1993
26 I went to a chiropractor for a pinched nerve in
27 my shoulder and the chiropractor crushed an