

Dismissals Sought For Ex-teacher

Her Lawyer Attacks The Constitutionality Of Law Defining Sexual Assault

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The lawyer for a former Manchester parochial school teacher accused of engaging in a sexual relationship with a 16-year-old female student has asked a judge to dismiss two of the second-degree sexual assault charges against his client arguing they are unconstitutionally broad.

Thankful Meo-Burt, 24, a former chorus teacher at East Catholic High School, faces second-degree sexual assault charges in three jurisdictions -- Manchester, Hartford and West Hartford -- in connection with the relationship that court documents say began in November 2001 and continued through the school year. The student, an 11th-grader at the time, described the sexual relationship as consensual.

In a motion filed Wednesday in Hartford Superior Court, Meo-Burt's lawyer Salvatore Bonanno asked for the charges in Hartford and West Hartford to be dismissed, contending the statute that governs the charges opens the door to arbitrary enforcement and makes constitutionally protected conduct illegal. ``The motion addresses the overbreadth of the statute," Bonanno said Wednesday. ``It impacts a number of people that clearly could not have been contemplated as offenders under the statute. It violates people's right to associate with others."

Bonanno said that while Meo-Burt might fit the statute, that is of no consequence when making an argument that a law is excessively broad and unconstitutional, since a person cannot be prosecuted under an unconstitutional law.

The motion is scheduled to be argued in Hartford Superior Court on Dec. 5. Bonanno plans to file a similar motion in Manchester Superior Court at a later date.

Hartford State's Attorney James Thomas said he had not seen the motion and declined to comment.

Meo-Burt was charged with two counts of second-degree sexual assault when Manchester police arrested her in July. The following month, West Hartford police charged her with one count of second-degree sexual assault for an alleged incident there. Last week, Meo-Burt turned herself in to Hartford police on another charge of second-degree sexual assault in connection with an alleged incident at the Hastings Hotel. All of the charges were in connection with incidents that occurred between April and June 2002, according to court documents.

The law governing the charges against Meo-Burt says a person is guilty of

second-degree sexual assault when a school employee engages in sexual intercourse with a student enrolled in a school where the employee works or under the jurisdiction of the employee's local or regional board of education.

Bonanno cited several examples in his motion that he contends would violate the law but include constitutionally protected rights. For instance, a 32-year-old kindergarten teacher who has a consensual relationship with a 34-year-old person, who unknown to her, is a night student at a local high school.

``Under the statute these people would be in violation of the law and could find themselves facing felony charges that carry up to 15 years of incarceration," the motion states. ``Without the checks and balances that only the court can provide, the statute will continue to prohibit constitutionally protected activities. Additionally, the overbroad statute will inevitably cloud the responsibilities of law enforcement."