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Judge finds enough evidence to prosecute Brown in Mallove murder case

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Judge Hillary B. Strackbein ruled Friday that the state has enough evidence to prosecute 40-year-old Mozzelle Brown for the 2004 beating death of physicist Eugene Mallove in Norwich.

Strackbein read her finding from the bench in New London Superior Court after listening to testimony from three Norwich police officers and one of Brown's two co-defendants, Candace Foster, at a probable cause hearing that began last month and concluded Friday.

Mallove, 56, a prominent scientist who had grown up locally and graduated from Norwich Free Academy, was beaten to death on May 14, 2004. He had returned to Norwich to clean out the family home on Salem Turnpike owned by his mother, and prepare it for rental after the latest tenants were evicted.

Police allege Brown and his cousin, Chad M. Schaffer, attacked Mallove because he was throwing out items that belonged to Schaffer's parents, who recently had been evicted from the home. The police say the two men left the critically injured Mallove and returned later with Schaffer's girlfriend, Foster, who says Schaffer forced her to partake in the continued beating of Mallove as he begged for help.

Norwich police retrieved Brown from a federal prison in Ohio late last year to face charges of murder, felony murder, first-degree robbery and conspiracy to commit murder in connection with Mallove's death. He is serving a 15-year federal sentence for drug and firearm offenses.

Upon hearing the judge's finding of probable cause, defense attorney Richard Marquette entered a "not guilty" plea on Brown's behalf. Marquette will begin a discussing possible resolution of the case with the state's attorney and the judge on April 25, when Brown is scheduled to return to court. Senior Assistant State's Attorneys Paul J. Narducci and Thomas DeLillo are prosecuting.

Schaffer pleaded guilty to a reduced charge of manslaughter in the midst of his trial two years ago and is serving a 16-year prison sentence. Foster, who is charged with Mallove's murder but continues to cooperate with the state with the hope of leniency, remains incarcerated at the Janet S. York Correctional Institution.

In her probable cause finding, Judge Strackbein acknowledged Foster, the one witness who places Brown at the crime scene, has credibility issues. Testifying at several hearings in the case, Foster has admitted she lied to police on numerous occasions during the investigation before finally implicating herself in the crime. She had entered into a witness protection program with her and Schaffer's two children in 2009, a year before she was arrested.

"When she finally told the truth as to what happened it was to her detriment," the judge said. "She testified today that she was 'tired,' which the court interprets to mean she was tired of

lying.”

Foster’s description of the crime was corroborated by the physical evidence, the judge said. Foster said Brown and Schaffer had beat and kicked Mallove in the head and an autopsy report indicates he had suffered multiple trauma to the face and head.

Keishon Dullivan, who was living with Schaffer and Foster after the incident, had testified during Schaffer’s trial that Brown came to their apartment one night, started throwing air punches and air kicks and used a well-known acronym to describe how they had beaten Mallove “beyond recognition.”

Dullivan had also testified that Schaffer’s parents’ belongings were not the main motive for the confrontation with Mallove. He said Brown had “work,” or crack cocaine, stashed at the house.

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