

# ConnecticutLawTribune

COMMENTARY

## Incest inevitably involves sexual grooming: Implications for attorneys

Elisa M. Reiter and Daniel Pollack | January 11, 2023



A recent Connecticut case, [\*State v. Hector M.\*](#), (Superior Court of Connecticut, Judicial District of Waterbury, Decided November 25, 2022, Filed UWY-CR10-0390108-T), demonstrates the rare but graphic and insidious nature of grooming and incest. The reader should be advised that the facts underlying this case, discussed below, are horrifying.

## **Underlying case and appeal**

Hector M. and his daughter, “Y”, began living together in 2008 when the girl was 13. Hector told his daughter that he purportedly had a good friend, Estephan Elson, with whom he claimed he had served in the armed forces, and that Mr. Elson had a sexual relationship with his 16-year-old daughter. Email communications ensued between Hector M. and Y, and also between Y and Hector M., under the guises of Estephan Elson and the illusory Elizabeth Elson. Approximately 14 months later, the grooming intensified, with Hector telling his daughter, directly, and through his gaslit creations, Estephan and Elizabeth, that Y was created to “be the woman of his life. . . taking care of him, and also having sexual intercourse with him.”

Threats via email followed with “Estephan Elson” and “Elizabeth Elson” emailing and “antagonizing” Y, telling her that her father and sister would die, as would Estephan. Moreover, Estephan claimed to have consulted with his priest “about Y’s destiny.” Given this divine backing, Y came to believe that she was indeed destined to be “her father’s woman.” Estephan and Elizabeth (pseudonyms for the defendant, Hector M), advised Y that in order to fulfill her destiny, she was obliged to engage in “‘rubbing’ private parts” with the defendant. Specifics included instructions to strip to her underwear, as should her father, and that he was to “lay his penis on his stomach, and I had to lay on the side of him, and he had to . . . rub . . . my clitoris until I was to get wet and then I had to go on top of him and rub until we both had an orgasm.”

Almost a year after the grooming intensified, on December 29, 2009, with Y still under the age of 16, Hector brought Y and his other daughter to Coco Keys in Waterbury, a hotel and water park. Hector stopped en

route to pick up Smirnoff green apple and strawberry liquor. After allowing the girls to play at the waterpark and putting his younger daughter to bed, Hector offered Y some of the Smirnoff. Y had a few sips of the liquor, but then demurred. Y put on a new outfit she had received for her birthday, posing for pictures in that new ensemble for her father in the hotel bathroom. Hector then advised Y “well, it’s getting late, and let’s do this already. . .”

Hector and Y stripped down to underwear. Hector asked Y if she was ready. Y said “no.” Hector then told his daughter “well, we have to do this,” and then placed his hands between her labia majora, and began to rub her clitoris. Y described her father grabbing “his penis, laid it right on his stomach, and [Y] got on top and [they] just started rubbing.” Y described her father’s penis as touching “her ‘clitoris and ...between [her labia majora].” Y’s father removed her panties, and “just stuck it in . . . at least two times” until Y pushed her father off of her.” Hector ejaculated while touching his own member while rubbing his daughter’s clitoris. The following morning, Hector told his daughter “you saved us, baby, you saved us.”

Hector was convicted by the trial court. He appealed his conviction to the appellate court, which affirmed the trial court’s judgment. State v. Hector M., 148 Conn. App. 378, 85 A 3d 1188, cert. Denied, 311 Conn. 936, 88 A.3d 550 (2014). Hector was convicted of two counts of sexual assault in the second degree, two counts of sexual assault in the third degree, two counts of risk of injury to a child, and one count of risk of injury to a child. On December 3, 2011, Hector was sentenced by the court to “a total effective sentence of 26 years incarceration, execution suspended after 14 years, with a 25 year probationary period.” Hector appealed his

sentence to the Superior Court of Connecticut, Judicial District of Waterbury.

Hector argued that the appellate court should consider his military service as a mitigating factor for his sentence; that his military service caused him to suffer post traumatic stress disorder; work reviews, noting that he received “good” and “excellent” reviews while incarcerated; his completion of a program called Embracing Fatherhood; and supportive letters from family members.

The appellate court concluded that it:...”cannot ignore the uniquely abhorrent nature of the defendant’s crimes. Specifically, his victim was his own biological daughter, whom he not only methodically convinced possessed a ‘destiny’ to have sex with the defendant, but also that his life . . . depended on such a sexual encounter occurring.”

In dicta, Justice Preleski also opined that “the defendant could have abandoned his plan at any point during his grooming of the victim.” Hector failed to abandon the plan – instead ghosting his own child to accomplish his objective of engaging in sexual intercourse with his own child. Justice Preleski quotes Judge Cremins’ comments at sentencing: “Family should be a place of refuge; you turned it into an environment of abuse. It should be a place of safety; you turned it into a place of abuse.”

## **Implications for attorneys**

The 29th edition of the Child Maltreatment Report issued by the United States Department of Health and Human Services, Administration for Children & Families, indicates that “60.8 percent of victims were neglected, 10.7 percent were physically abused and 7.0 percent were

sexually abused.” Of those who are sexually abused, how big a problem is incest? Estimates vary and potential discrepancies in the data exist. It is certainly widely acknowledged that incest is one of the most under-counted and under-reported crimes.

Incest occurs behind closed doors, in the most private of places. If revealed contemporaneously with the incestuous behavior, the first hints of it will often be divulged by the victim himself or herself, or by family members. The primary recipient of that information will rarely be an attorney. It is more likely to be a health or education professional. Alternatively, such professionals may get a blip on their radar that something is just not right with a child.

Often, the revelation may be by an adult, years after the incestuous behavior occurred. Whether the victim divulges contemporaneously or after many years, how should an attorney respond? Here are some things to do and not to do:

#### Do:

- Go slow. Be patient.
- Learn what resources are available.
- Be trustworthy. This will help the survivor to trust again.
- Provide a safe, caring environment so the survivor is comfortable sharing their feelings freely.

#### Don't:

- Blame the victim/survivor.
- Coax the survivor to talk if they don't wish to.
- Minimize the courage it took the survivor to finally reveal their abuse.
- Intimate that the survivor will “get over” their feelings. One day, they may be able to manage them, but they will not be erased. That's the nature of incest and sexual grooming.

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