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September 12, 2013

By electronic and first-class mail

Reuben F. Bradford, Commissioner
Connecticut State Department of Emergency Services and Public Protection
1111 Country Club Rd
Middletown, CT 06457
EM: Reuben.Bradford@ct.gov

Re: Eric Trent-State Police Threat of Arrest for Lawful Firearms Possession

Dear Comm. Bradford:

I am in receipt of a September 10, 2013, letter from department legal counsel in response to an issue first brought to your attention on June 20, 2013, regarding my client Eric Trent and a May 9, 2013, letter sent to him from your department informing Mr. Trent that he was ineligible to possess firearms and would be subject to felony arrest for criminal possession if he chose to ignore the warnings stated in the May 9, 2013, letter. Mr. Trent was never subject to felony arrest for possession of firearms.¹

I appreciate the representations by department legal counsel whom I must presume speaks on your behalf that because of my August 5, 2013, letter to The Honorable Harry Reid and the Honorable John A. Boehner the department has ceased the unlawful practice of informing individuals subject to *ex parte* restraining orders that possession of firearms subjects them to felony arrest for criminal conduct and that your department has established new policies to prevent recurrence in the future.

However, I am concerned that the letter omits any responsibility for making whole Mr. Trent and individuals similar to Mr. Trent who have been subject to dispossession of their firearms after threats made by the department that possession would result in felony arrest when in fact such individuals were not subject to arrest for firearms in their possession.

¹ Whether or not Mr. Trent was subject to civil contempt if he chose not to surrender his firearms pursuant to a civil *ex parte* restraining order is immaterial. A threat of felony arrest by law enforcement for possession of firearms is different in such manner and degree from a civil court order that may be challenged by a request for a civil hearing as to not require a response to department legal counsel's attempt to justify the criminal conduct that you engaged in and that Detective Barbara Mattson engaged in on May 9, 2013, by threatening Mr. Trent with arrest for possession of firearms when such conduct was not and would not have been criminal. See 18 U.S.C. §§ 241, 242.

I am extremely concerned that there is no recognition that in Mr. Trent's case he specifically asked a state police resident trooper for direction on compliance with the law after Mr. Trent had complied with the civil *ex parte* restraining order by placing the firearms with an eligible friend. This trooper told Mr. Trent that placing the firearms with an eligible friend was not sufficient and that the firearms needed to be transferred to a Federal Firearms Licensee or the state police. The same notice was provided in the May 9, 2013, letter from you and Detective Mattson. The resident state trooper directed Mr. Trent in accordance with your illegal policy and the illegal notice set forth in the May 9, 2013, letter. You cannot now disassociate yourself from a resident state trooper who followed department policy in informing Mr. Trent that he would be arrested if he did not place the firearms specifically with a FFL or the state police. Furthermore, the May 9, 2013, letter fails to notify individuals that any firearms now subject to the assault weapons ban, if transferred to a FFL, are prohibited from retransfer back to the individual. Firearms transferred to your department remain the property of the individual and as such may be returned to the individual whether or not subject to the ban. In the new procedures I expect that this inadequacy in the notices has been addressed.

At the close of your department counsel's September 10, 2013, letter there is an invitation to "feel free to contact this Department if you should have any further concerns." Unfortunately department counsel is correct that the "concerns" are held, not by the department, but by my client and other individuals who probably have no idea that they were threatened with arrest for no lawful basis and surrendered their firearms when they had a constitutional right to keep them. The department should be the party with the "concerns" given its conduct. But for my clients' expenditure of resources for legal representation the department would have continued its unlawful course of conduct. At the least Mr. Trent's firearms should be returned and he should be reimbursed for the public services he has rendered by (1) saving future firearms owners from the dispossession he has experienced and (2) teaching state law enforcement officers how to abide by the law.

Only when his firearms are returned and he is reimbursed will Mr. Trent begin the process of restoring his belief that we are a society governed by laws that apply to everyone equally, including the Commissioner and all members of the Department of Emergency Services and Public Protection.

Sincerely,



Rachel M. Baird, Attorney

Enclosure (27 pgs.)

c: The Honorable Harry Reid (w/ Enclosure)
United States Senate
522 Hart Senate Office Building
Washington, D.C. 20510

The Honorable John A. Boehner (w/ Enclosure)
United States House of Representatives
1011 Longworth House Office Building
Washington, D.C. 20515

The Honorable Chris Murphy (w/ Enclosure)
United States Senate
303 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Richard Blumenthal (w/ Enclosure)
United States Senate
724 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Dannel Malloy (w/ Enclosure)
Governor of Connecticut
State Capitol
210 Capitol Avenue
Hartford, Connecticut 06106

Kimberly K. Mertz, Special Agent in Charge (w/ Enclosure)
New Haven Division
Federal Bureau of Investigation
600 State St
New Haven, CT 06511