

# Law Office of Rachel M. Baird

Old Post Office Square  
8 Church St Ste 3B  
Torrington CT 06790-5247

Rachel M. Baird, Attorney

Patricia A. Tartaglino, Office Manager  
Edward A. Peruta, Legal Investigator

Tel: 860.626.9991

Fax: 860.626.9992

Site: [www.rachelbairdlaw.com](http://www.rachelbairdlaw.com)  
Email: [info@rachelbairdlaw.com](mailto:info@rachelbairdlaw.com)

July 15, 2013

Reuben F. Bradford, Commissioner  
Department of Emergency Services and Public Protection  
1111 Country Club Rd  
Middletown CT 06057  
Email: [reuben.bradford@ct.gov](mailto:reuben.bradford@ct.gov)

Christine Plourde, Attorney  
Legal Affairs Unit  
Department of Emergency Services and Public Protection  
1111 Country Club Rd  
Middletown CT 06057  
Email: [Christine.Plourde@ct.gov](mailto:Christine.Plourde@ct.gov)

**Re: DESPP Misrepresentation of State and Federal Laws to Deprive Owner of Firearms Demand (Second) for the DESPP's Facilitation of the Transfer of Three Firearms**

**Response to Letter from Attorney Plourde dated July 8, 2013**

Dear Attorney Plourde:

This letter responds to your letter dated July 8, 2013, received today on July 15, 2013.

Your letter responding to my letter dated June 20, 2013, states incorrectly I was unaware that Mr. Trent was subject to an "Order of Protection" on May 9, 2013, when he received notice from the DESPP to surrender his firearms.

I was aware and stated so in my letter that Mr. Trent was subject to an *Ex parte* Restraining Order issued on May 7, 2013. See Letter dated June 20, 2013 ("By informing Mr. Trent on May 9, 2013, that he was ineligible to possess firearms, the DESPP misrepresented state and federal laws for the specific purpose of depriving Mr. Trent of his property. The May 7, 2013, order was *ex parte* which by definition means the absence of notice and an opportunity to be heard. Mr. Trent was never ineligible to possess firearms.")(emphasis in underline added).

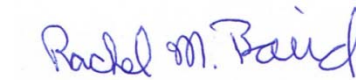
DESPP SLFU Detective Barbara Mattson sent a letter to Mr. Trent dated May 9, 2013, threatening Mr. Trent with the crime of Criminal Possession of a Firearm if Mr. Trent did not surrender his firearms. However, an *Ex parte* Restraining Order does not subject an individual to arrest for Criminal Possession of a Firearm. Only a Restraining Order issued after Notice and

Opportunity to be heard subjects an individual to arrest for Criminal Possession of a Firearm if firearms are then found in the possession of such individual. While the *Ex parte* Restraining Order included an order that Mr. Trent surrender his firearms, Mr. Trent's failure to do so only would have subjected him to civil contempt for violation of a court order, not Criminal Possession of a Firearm.

I recommend that you review this matter further, perhaps with Lt. Cooke whom you have provided a copy of your letter. My letter does cite statutes and is quite complex but it is well worth the effort to understand it as you must agree it is a matter of grave concern that individuals in your department are threatening arrest with no basis in the law and even more of a concern that an attorney is condoning such practices. While you are familiarizing yourself with the law and reviewing my letter to confirm that I did reference the May 7, 2013, *Ex parte* Restraining Order, I will confirm with Mr. Trent conversations he had with DESPP representatives after May 7, 2013, which further support our position that Mr. Trent was threatened, without basis in the law, with arrest for Criminal Possession of a Firearm and not advised of the consequences of transferring his firearms to an FFL rather than the DESPP.

The key to understanding this issue is the difference between an *Ex parte* Restraining Order and a Restraining Order.

Sincerely,



Rachel M. Baird, Attorney