

U04W CR21-495162-S
STATE OF CONNECTICUT
V.
SEAN-PAUL REYS

SUPERIOR COURT
JUDICIAL DISTRICT
OF WATERBURY
August 27, 2021

STATE'S OBJECTION TO THE DEFENDANT'S
MOPTION TO DISMISS

The defendant was arrested in the City of Waterbury by the Waterbury Police Department on May 19, 2021 for the charge of Criminal Trespass in The First Degree in violation of C.G.S 53a-107 at the Waterbury Post Office, 235 Grand Street, Waterbury, CT.

1. The defendant claims that the Court lacks subject matter jurisdiction in this matter because the Waterbury Police Department does not have law enforcement jurisdiction on federal property. Per 39CFR 232.1 (q) (2), local postmasters and installation heads may, pursuant to 40 U.S.C 1315 (d)(3) and with the approval of the chief postal inspector or his designee, enter into agreements with State and local enforcement agencies to insure that these rules and regulations are enforced in a manner that will protect Postal Service property. This is a result of the fact that Postal Service facilities may not be in close proximity to a Postal Inspection Service Office, so when a postal crime is committed, local law enforcement agencies may respond more quickly than the Postal Inspection Service. In fact, inspectors instruct Postal Service managers and employees to first telephone their

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local police about a postal crime. As a result of these agreements local police departments have been given authority by the United States Postal Service to conduct law enforcement activities on United States Postal property.

2. The defendant's next claim is that on an unknown date he spoke with an unknown service manager at the United States Post Office in Waterbury. He claims that "he had every right to film in the lobby of the post office. 39 CFR 232.1(i) states "except as prohibited by official signs or the directions of security force personnel or other authorized personnel, or a Federal Court order or rule, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meeting. Other photographs may be taken only with the permission of the local post master or installation head." The defendant claims to be a "videographer". The statute is clear that only certain areas of the public areas of the post office, entrances, lobbies, foyers, corridors, or auditoriums, may be photographed for news purposes when those areas are used for public meetings. There was no public meeting at the time of the photographing and there was no news purpose for the photographs. Not only was there no public meeting or purpose for photographing the Post Office, the defendant was expressly forbidden from photographing a second area. Even if there was a public meeting which allowed the photographing of the lobby area, it is alleged by one of the complaining witnesses that the defendant photographed Post Office personnel who were located behind the counter of the post office. As he was photographing the personnel behind the counter he was photographing the restricted area behind the counter which included postal equipment and other

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postal procedures which were in place, an area not allowed to photograph without postal official's permission.

The defendant claims that subsequent to the arrest he was told that he "had every right to film in the lobby". On May 19, 2021, Daianna Rodriguez, a Post Office supervisor advised the police that the advised the defendant to stop videoing the property and to leave the property 3 times which he ignored and continued to videotape the interior of the Post Office. 39 CFR 231.2 states that the postmaster or a supervisor designated by the postmaster shall act as Security Control Officer for each post office. The Security Control Officer shall be responsible for the general security of the post office, its stations and branches, in accordance with rules and regulations issued by the Chief Postal Inspector. Ms. Rodriguez, as a supervisor for the Post Office had the authority and duty to control and/or give permission to photograph the Post Office. As such she also had the authority to refuse permission to photograph the Post Office. She clearly requested that the defendant discontinue photographing the Post Office and to leave the property, to which he refuse both orders.

For the foregoing reasons, the State of Connecticut requests this Court to deny the defendant's motion to dismiss.

RESPECTFULLY SUBMITTED

BY 
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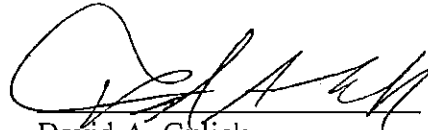
The forgoing motion having been heard, it is hereby ordered:

GRANTED/DENIED

By the Court

Judge

This is to certify that a copy of the forgoing was delivered this 27th day of August, 2021 to Sean-Paul Reyes, via email @ seanpaulreyes91@gmail.com as provided by the defendant.



David A. Gulick
Senior Assistant State's Attorney