

KENNETH J. KRAYESKE v. STATE OF CONNECTICUT

CLAIMS COMMISSION FILE No. 22750

AN APPEAL TO THE
JUDICIARY COMMITTEE OF THE
CONNECTICUT GENERAL ASSEMBLY
FOR THE 2015 LEGISLATIVE SESSION:
ON THE EVENTS OF
GOVERNOR M. JODI RELL'S
INAUGURATION, JANUARY 3, 2007.



Attorney: **Jason A. Becker, Esq.**

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Old Saybrook, CT 06475

Tel: 860-227-3687

jason@jasonbeckerlaw.com

LAYOUT ARTIST

Kyrima Colon-Hopkins

www.kyrima.com

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The ancient doctrine of sovereign immunity posits the state cannot be sued. When a government of the people confronts its own police corruption, this doctrine must stand as an absurd relic, a leftover of the divine right of kings. Some legal scholars have suggested that sovereign immunity has no place at all in a republican form of democracy.

What happens when state actors - like police and attorneys - conspire to block the exercise and vindication of cherished American liberties: freedom of speech, freedom of assembly, and freedom from illegal search and seizure? Centuries ago, our heroes created civic institutions like the state of Connecticut to protect these rights.

Just as our forebears resisted violations of these sacred dignities, we must now show we, as a responsive community, admit our trespasses against ourselves. We must act swiftly when our neighbors and kin betray these aims, when those we have entrusted to safeguard liberties prove destructive of those ends. Ken Krayeske's story asks if Connecticut can do penance when state employees mislead and hide evidence to hide their crimes against freedom. The discrepancies highlighted in the following pages represent only the worst examples of official misconduct here; many more details did not merit inclusion.

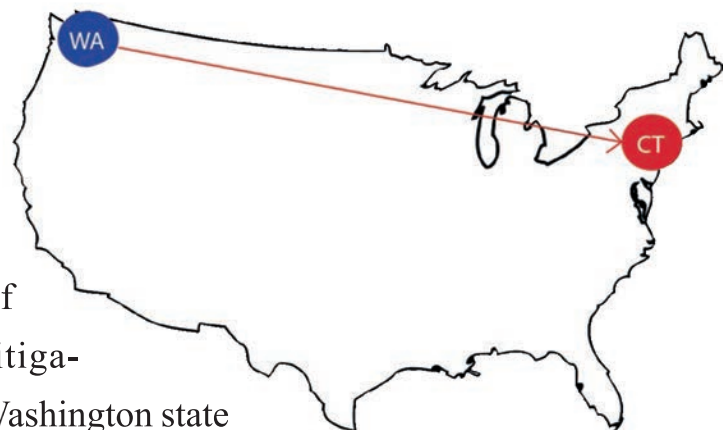
The tale revolves around the events of Gov. M. Jodi Rell's Inaugural Parade on January 3, 2007. At about 1:21 p.m., Connecticut State and Hartford police targeted activist and journalist Ken Krayeske to stop potential political protest. Krayeske was arrested on fraudulent charges and held hostage on \$75,000 bail for 13 hours.

Once the state dropped the fictional charges, Krayeske sued in federal court, claiming false arrest and free speech retaliation. Document destruction by the Connecticut State Police prevented Krayeske from winning a verdict. Despite the outcry of the press and citizenry in the immediate aftermath of the arrest, purposeful obfuscations by state actors dammed the flow of justice.



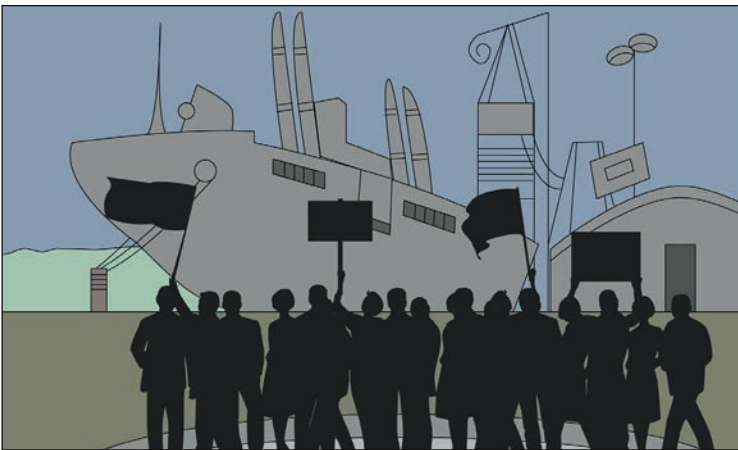
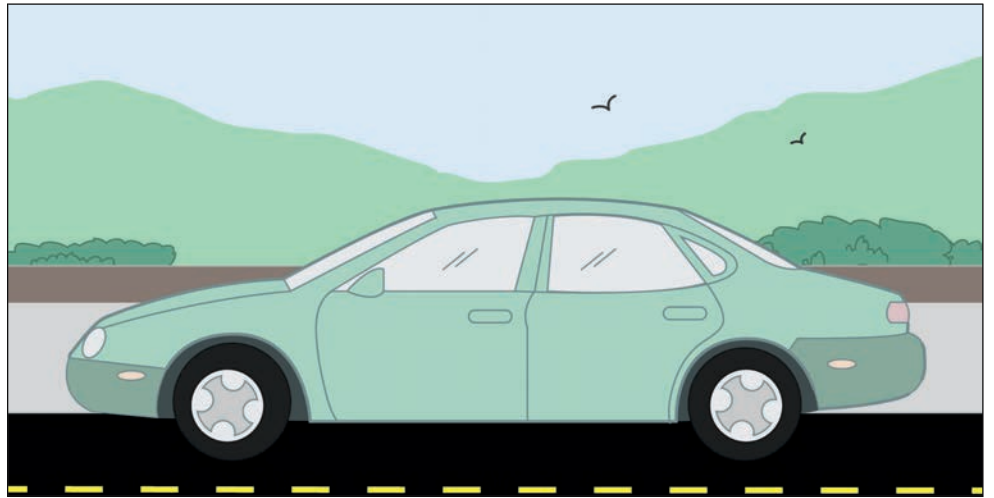
Mr. Krayeske now stands before the Judiciary Committee of the Connecticut General Assembly seeking to abrogate sovereign immunity, so that he can sue the state for its role in hiding the true nature of Krayeske’s arrest: preemptive kidnapping of a protestor to prevent free exercise of speech. On October 14, 2011, Mr. Krayeske lodged five claims with the Claims Commission. The four against the Department of Public Safety were Intentional Spoliation, Third-Party Intentional Spoliation, Fraudulent Misrepresentation, and Fraudulent Concealment and a fifth against the Office of the Attorney General for Fraudulent Concealment. The Claims Commissioner rejected these claims.

Should Krayeske not receive the ability to sue the state, in the alternative, Krayeske seeks damages and reimbursement of legal costs from eight years of litigation. The case of Phil Chinn in Washington state instructs as to what Mr. Krayeske may be entitled to.



MR. CHINN'S STORY...

EARLY AFTERNOON, MAY 6, 2007, PHIL CHINN, AGE 22, DROVE HIS GREEN FORD TAURUS WEST ON HIGHWAY 12 FROM OLYMPIA TO ABERDEEN, WASHINGTON.



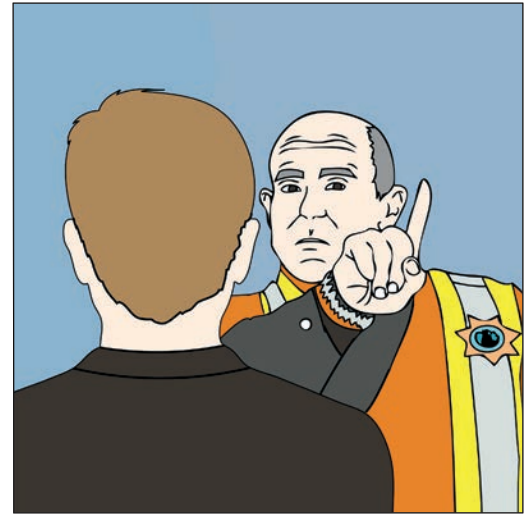
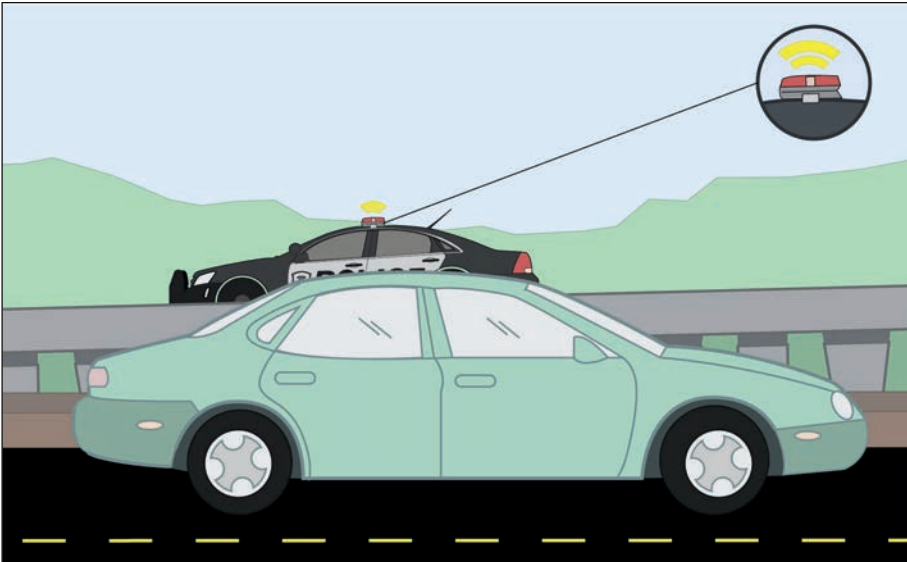
CHINN, A STUDENT AT EVERGREEN STATE COLLEGE, WAS WITH SOME FRIENDS ON THEIR WAY TO THE SECOND DAY OF PROTEST AT THE PORT OF OLYMPIA, CHALLENGING ITS USE AS A MILITARY FACILITY.

UNBEKNOWNST TO CHINN, STATE, COUNTY, AND LOCAL POLICE DEPARTMENTS COOPERATED TO SPY ON HIM AND ADD HIM TO A WATCH LIST.



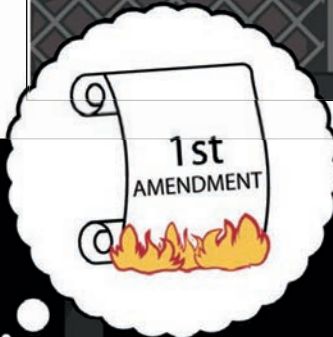
AN ABERDEEN DETECTIVE ALERTED TO CHINN'S PROTEST PUT OUT A "CALL TO LOCATE" HIM.

LAW ENFORCEMENT AGENCIES SPOTTED CHINN DRIVING ALONG THE HIGHWAY.



WASHINGTON STATE COP BEN BLANKENSHIP PULLED CHINN OVER FOR D. U. I.

CHINN WAS NOT DRUNK, BUT ARRESTED ON A PRETEXT. WHILE IN THE BACKSEAT OF THE COP CAR, HE SAW A PICTURE OF HIS FATHER'S JEEP CHEROKEE ON THE DASHBOARD. HE REALIZED HE WAS A TARGET.



THE COPS COLLABORATED TO SNATCH HIM, AND STOP HIS PLANNED PROTEST. THE STATE, REALIZING ITS ERROR, SOON DROPPED THE CRIMINAL CHARGES.

CHINN SUED IN FEDERAL COURT. IN 2010, WASHINGTON STATE AND LOCAL GOVERNMENTS SETTLED, PAYING CHINN MORE THAN \$400,000.00.

IN CT, THE STORY BEGINS WITH THE 2006 GOVERNOR'S RACE

Key Issues:
Free College
Mass Transit
End the failed War on Drugs
Living Wages
Single Payer Healthcare
Civil Marriage
Clean Elections
No Death Penalty
No war in Iraq

**For Democracy
For Social Justice
For the Environment**

Thornton/de Smet

Governor/Lt. Governor

Because Connecticut needs an ethical and financially responsible alternative to the two-party system.

Cliff Thornton & Jean de Smet

Vote Green! votethornton.com

Paid for by Thornton for Governor, Max Wentworth, Treasurer; Approved by Cliff Thornton
Info@votethornton.com phone: 860-995-5842, P.O. Box 1971, Manchester, CT 06045

Ken Krayeske served as the campaign director for Cliff Thornton for Governor, the Connecticut Green Party's candidate. Mr. Thornton, campaigning against drug prohibition, de-segregated the gubernatorial ballot.

However, being the first black man on the ballot did not give him access to all parts of the democratic process.

Gov. M. Jodi Rell and New Haven Mayor John DeStefano, the two major party candidates, denied Thornton entry in the debates. The Connecticut State Police (hereinafter "CSP") knew this, as the CSP kept close tabs on this election.

CT4 CT'06

**Clifford Thornton
for CT Governor**

Vote Green
votethornton.com

860-657-8438 • info@votethornton.com • Send Contributions to: Thornton for Governor, PO Box 1971, Manchester, CT 06045



Image sources: www.courant.com
www.ctpost.com

In fact, during the gubernatorial campaign, detective Linze Brown with the CSP's Central Criminal Intelligence Unit (CCIU) called Krayske to inquire about the Green Party's plans to protest one such Rell-DeStefano debate. This demonstrates CCIU knew how to reach Krayske if CCIU feared his protest.

CONNECTICUT STATE POLICE
CENTRAL CRIMINAL INTELLIGENCE UNIT
INVESTIGATION SUPPORT AND INTELLIGENCE SERVICES

A
B

INTAKE REPORT #: **15245** DATE OF REQUEST: **10/11/2006** PREPARED BY: **Det. Linze Brown**

REQUESTER: **Sgt. Cassista** AGENCY: **CCIU**

PHONE: **(203) 805-6460** FAX: **(203) 805-6661** CASE NUMBER: _____

SUBJECT: NAME: **Green Party, Connecticut** PHONE #: **(888) 877-9607**

DOB: _____ SSN: _____

LAST KNOWN ADDRESS: **P.O. Box 231214 Hartford, CT**

SID AND/OR FBI NUMBER(S) OR OTHER INFO _____

DESCRIBE SERVICE AND PURPOSE OF REQUEST:

Information was requested regarding the Green Party's intent to attend and/or protest the forthcoming Gubernatorial debate scheduled at the WVIT News Channel 30 studios in West Hartford on October 18, 2006 at 1900hrs..

POS	NEG	POS	NEG
<input type="checkbox"/>	<input type="checkbox"/> Metro Net	<input type="checkbox"/>	<input type="checkbox"/> DEPT. OF LABOR CHECK
<input type="checkbox"/>	<input type="checkbox"/> CORRECTIONS	<input type="checkbox"/>	<input type="checkbox"/> EPIC
<input type="checkbox"/>	<input type="checkbox"/> STATE CRIMINAL HISTORY	<input type="checkbox"/>	<input type="checkbox"/> IMMIGRATION
<input type="checkbox"/>	<input type="checkbox"/> MOTOR VEHICLE INFORMATION	<input type="checkbox"/>	<input type="checkbox"/> INTERPOL
<input type="checkbox"/>	<input type="checkbox"/> SPBI	<input type="checkbox"/>	<input type="checkbox"/> EXPERIAN CREDIT - emp
<input type="checkbox"/>	<input type="checkbox"/> SPIN	<input type="checkbox"/>	<input type="checkbox"/> NESPIN
<input type="checkbox"/>	<input type="checkbox"/> SPRAMIS	<input type="checkbox"/>	<input type="checkbox"/> NWCCC
<input type="checkbox"/>	<input type="checkbox"/> TRIPLE I	<input type="checkbox"/>	<input type="checkbox"/> POSTAL CHECK
<input type="checkbox"/>	<input type="checkbox"/> Accurint	<input type="checkbox"/>	<input type="checkbox"/> SEC. OF STATE CORP.
		<input type="checkbox"/>	<input type="checkbox"/> STATE TAX DEPT.
		<input type="checkbox"/>	<input type="checkbox"/> TELEPHONE INFORMATION
		<input type="checkbox"/>	<input type="checkbox"/> FACTS (MATRIX)
		<input type="checkbox"/>	<input type="checkbox"/> STATE DEPT.

CLASSIFICATION:
Event Intelligence

Date Completed: **10/19/2006**

If information supplied by FACTS assists in the successful conclusion of your investigation, please notify CCIU

Notes **On 10-11-06, at approximately 1100hrs. I spoke with Green Party Campaign Director Ken Krayske. Krayske stated the Green Party had no plans to attend the Gubernatorial debate at the News Channel 30 studios. That he was unaware the party's web site called for a gathering at 1730hrs. on the day of the debate. The web site did not name a location at which the gathering was to occur. (www.votethornton.com) Members of the Green Party including Gubernatorial candidate Cliff Thornton attended the Gubernatorial debate at the Garde Theatre in New London on October 9, 2006 to protest after Thornton was not allowed to participate in the debate.**

Thursday, October 19, 2006

Whenever Krayske saw Gov. Rell at a campaign event, he would ask her why she prevented Thornton from debating. At the Glastonbury Apple Harvest Parade in October 2006, Mr. Krayske saw Gov. Rell on an empty parade route, and inquired of her about

the debates. This hardball political style inadvertently angered State Trooper Jose Campos, a body guard for Gov. Rell. After the parade, another CSP body guard warned Thornton about Krayske. Campos waited until January 5, 2007 to document the incident.

002
CTS-07-0002291
CCIU USE: E

State of Connecticut
Department of Public Safety
Division of State Police

Statewide Police Intelligence Network (SPIN)
FIELD INTELLIGENCE REPORT

Agency Name: CT State Police / Governor's Security
Agency Phone: (860) 524-7307

Contributor Name: Trooper Jose Campos
Signature: [Signature]

Date of Event: 10-14-06
Modus Operandi: INTIMIDATION
Summary of Suspected Criminal Activity: SEE ATTACHED

January 5, 2007

On 10/14/2006, Governor Rell attended the Glastonbury Apple Festival in Glastonbury. I and Trooper Imbimbo were flanking the Governor as she walked the parade route. As we approached the parade, a white male, approx. 25-30 years old, approached from the sidewalk on the right and started talking with the Governor. At first the Governor appeared to be listening to the male in question. After about 20 seconds, I noticed that the Governor started to ignore the subject. I immediately approached the subject and could hear the subject debating the Governor on a political issue. The governor continued to ignore the subject and continued to wave at the spectators in the parade. I instructed the subject to disengage with the Governor. The subject ignored my instructions and got even closer to the Governor and started to raise his voice and appeared to get more aggressive. I identified myself as a state trooper and subsequently escorted the subject back to the sidewalk. I explained that his conversation with the Governor was over and that if he again engaged the Governor and got in her face that he risked being taken into custody. The subject started screaming that the Governor refused to debate CLIFF THORTON. Subject suddenly and without warning picked his backpack and took off running towards the end of the parade route. I immediately followed him and observe him stop by an older black male. I approached the black male and identified myself. The black male identified himself as CLIFF THORTON and explained that the subject in question, KENNETH KRAYESKE, was his campaign manager for Governor. (GREEN PARTY) I asked MR Thornton to please make sure that Mr. Krayske stayed clear of the Governor. Mr. Thornton said that he would compile with my instructions. Mr. Thornton then approached the Governor under our observation and shook her hand and stated that he was disappointed that he wouldn't be debating her.

Contributor Name: Jose Campos #1289
Signature: [Signature]

PRIMARY CRIMINAL ACTIVITIES (Check at least one - many)

<input type="checkbox"/> Arson	<input type="checkbox"/> Fraud Offense
<input type="checkbox"/> Assault	<input type="checkbox"/> Gambling
<input type="checkbox"/> Bad Checks	<input type="checkbox"/> Hate Crime
<input type="checkbox"/> Burglary/Breaking & Entering	<input type="checkbox"/> Hazardous
<input type="checkbox"/> Counterfeiting	<input type="checkbox"/> Homicide
<input type="checkbox"/> Criminal Mischief	<input type="checkbox"/> Immigration
<input type="checkbox"/> Criminal Trespass	<input type="checkbox"/> Impersonation
<input type="checkbox"/> Disorderly Conduct/Rioting	<input type="checkbox"/> Kidnapping
<input type="checkbox"/> Driving Under The Influence	<input type="checkbox"/> Larceny
<input type="checkbox"/> Drugs/Narcotics	<input type="checkbox"/> Liquor
<input type="checkbox"/> Embezzlement	<input type="checkbox"/> Loans
<input type="checkbox"/> Escape	<input type="checkbox"/> Money
<input type="checkbox"/> Espionage/Treason	<input type="checkbox"/> Motor
<input type="checkbox"/> Extortion/Blackmail	<input type="checkbox"/> Obscene
<input type="checkbox"/> Fugitive/Wanted Person	<input type="checkbox"/> Pass

SECONDARY CRIMINAL ACTIVITIES (Must have)

Attempts Conspiracy Gang Activity/Disorderly

The CSP not only tracked Kraveske and the Greens, but the CSP set up fake names like “Earl Williams” at phony email addresses like “eforpeace@hotmail.com” to monitor Democratic nominee DeStefano’s gatherings.

From: Earl Williams [eforpeace@hotmail.com]
Sent: Tuesday, October 03, 2006 9:47 AM
To: Chelso, Gregory
Subject: FW: [CentralPSA_Planning] Rell Debate/Rally

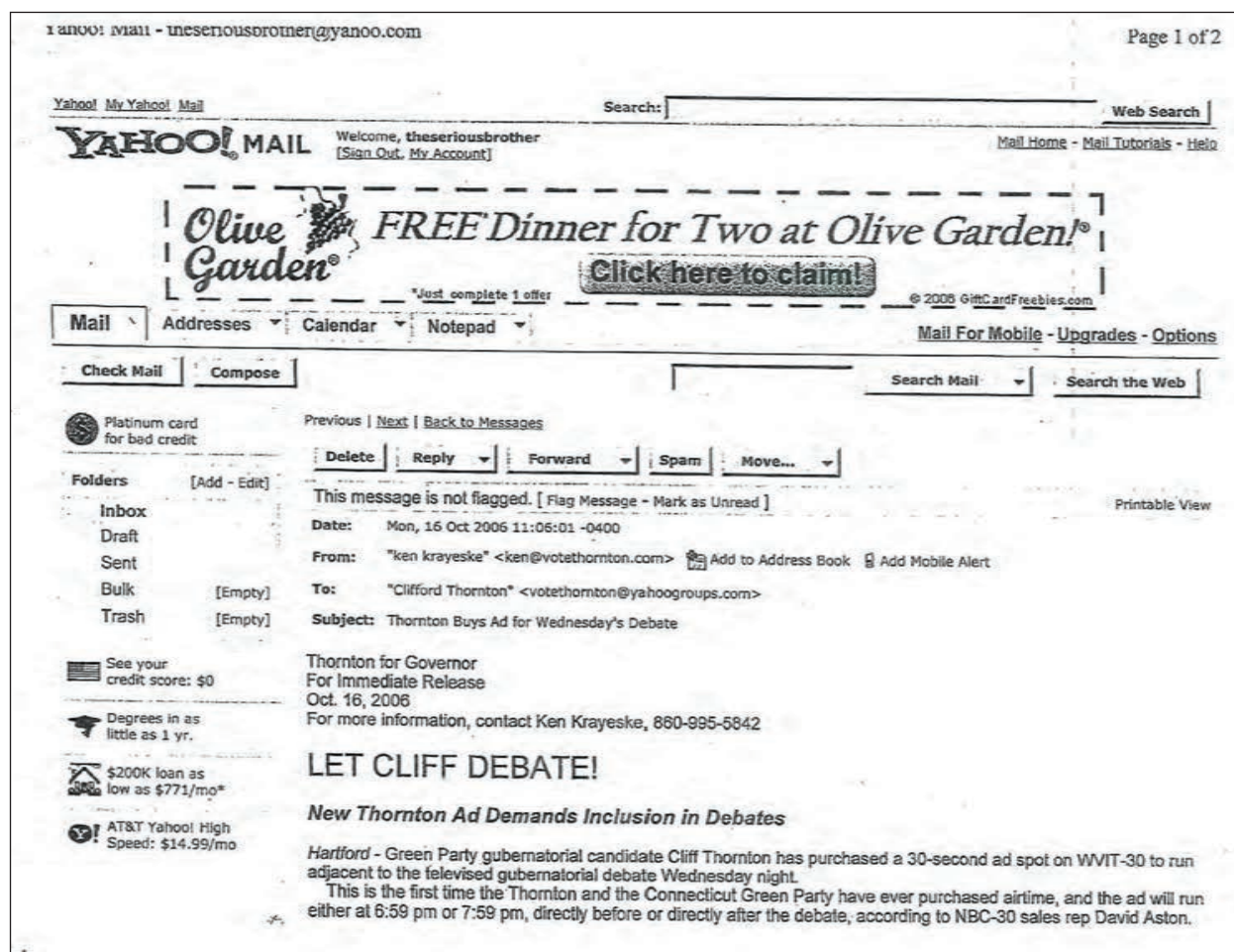
Attachments: pre-deabterally.pspimage.pdf


pre-deabterally.psp
image.pdf

>From: "~g." <gabriela224@yahoo.com>
>Reply-To: CentralPSA_Planning@yahoogroups.com
>To: "'Lumcmillan@aol.com'" <lumcmillan@aol.com>, 'Elvis Tejada'
><etejada6@aol.com>, 'evelyn mantilla' <evelynmantilla@sbcglobal.net>,
>"'hawkins123@earthlink.net'" <hawkins123@earthlink.net>, 'Ann or Ken
>Speyer' <akspeyer@comcast.net>, 'carmen colon'
><carmenidaliacoln@yahoo.com>
>CC: Dale Bernuca <birth@comcast.net>, Dan Piper
><dancetothepiper@gmail.com>, danielle albert <paperbagette@yahoo.com>,
>Danny Strahinich <dstrahinich@nehceu.org>, Dave McClusky
><ddmcc1@aol.com>, Dave Ianno <dianno@aol.com>, dave vita
><dvita@igc.org>, david blitz <blitz@ccsu.edu>, David Pudlin
><pudlind@djstrat.com>
>Subject: [CentralPSA_Planning] Rell Debate/Rally
>Date: Mon, 2 Oct 2006 12:28:13 -0700 (PDT)
>
>FINALLY 'our dearest gov.' has agreed to a debate
> lets show her how CT really feels about her at a pre-debate rally!
> Solidarity
> Gabriela
>
> st1\:*{behavior:url(#default#ieooui) } Flyer for
>rally attached.
>
> Shawn Matteson
> DeStefano for Connecticut
> www.deStefanoforct.com
> 203-752-0545 voice
> 203-752-0577 fax
>

Why did the CSP pry into the Democratic Party’s campaign activities? Was Mayor DeStefano a terrorist threat? At the time of this email, Gregory Chelso was a member of Gov. Rell’s CSP Security Detail with Jose Campos.

The CSP surveilled the Thornton for Governor campaign's e-mail Listserv from "theseriousbrother@yahoo.com". Despite intensive investigation in litigation discovery and Freedom of Information Act ("FOIA") requests, the identity of the CSP officers engaging in this covert operation has remained a secret.



The CSP has never provided the orders directing them to monitor the 2006 gubernatorial election. Gov. Rell won in a landslide. Cliff Thornton received less than one percent of the vote, yet we know today that his policy proposals for ending

the war on drugs have captured the public imagination.

Krayeske's job as campaign director ended, and he returned to his duties as a first semester law student and freelance journalist and blogger.

On December 14, 2006, the popular political blog CTLocalPolitics posted a story about the ethical troubles of Gov. Rell's Chief of Staff, Lisa Moody. Krayeske responded.

Connecticut Local Politics

CONNECTICUT POLITICS AND ELECTIONS: COVERAGE, ANALYSIS, MAPS AND COMMENTARY

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[CT History](#)

THURSDAY, DECEMBER 14, 2006

Moodygate Back from the Dead


From the *Courant*:


Gov. M. Jodi Rell's chief of staff, M. Lisa Moody, "misled" a legislative committee by giving sworn testimony that was "not credible" regarding a Rell fundraiser last year, according to a draft copy of a new legislative report.

The report, obtained Wednesday by The Courant, also says that state elections enforcement chief Jeffrey Garfield should face "some form of reprimand or censure" because he deleted important information from an investigative report and released the unedited version only after hearings were completed last spring. (Keating)

GOOGLE SEARCH/FEEDS

Web this site




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Click here for more information about Connecticut elections, from town council to Congress!

PREVIOUS POSTS

CGG
disgruntled_republican
Gabe

ELECTION MAPS
Governor 2006



Unbeknownst to Krayeske, those words would soon change his life forever.

25 COMMENTS:

ken krayeske said...

"Pony up, czarina."

If Cliff Thornton got into the debates, we had trained him to deliver that line with clarity and succinctness.

The other one was:

"Gov. Rell: Were you complicit or incompetent in regards to Gov. Rowland? I might guess complicity because of Lisa Moody, but it might be that you just didn't know. In either case, you're unfit to govern."

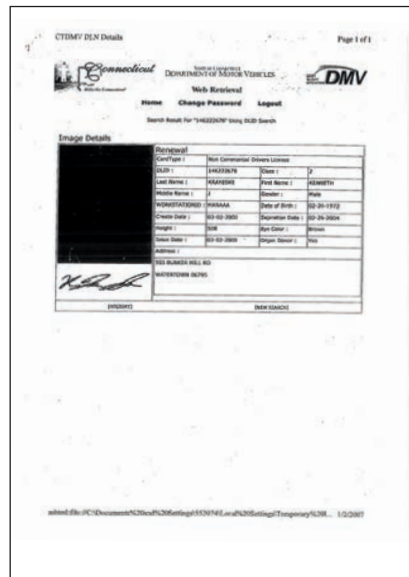
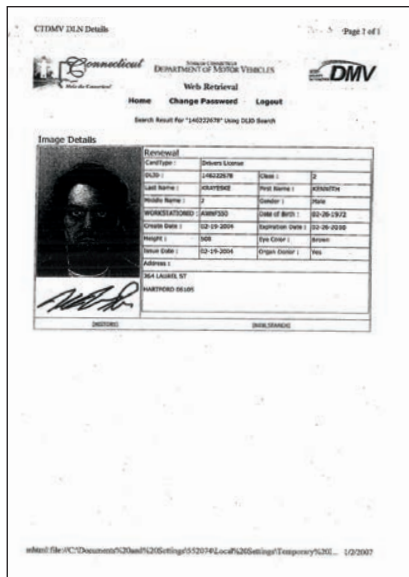
The Republicans accused the Dems of still running a campaign. I don't think it's a bad idea to maintain pressure on Gov. Rell.

Whose going to protest the inaugural ball Jan. 3 with me? No need to make nice after watching this documentary about CJTS:
<http://www.youthrightsmedia.org/cost.html>

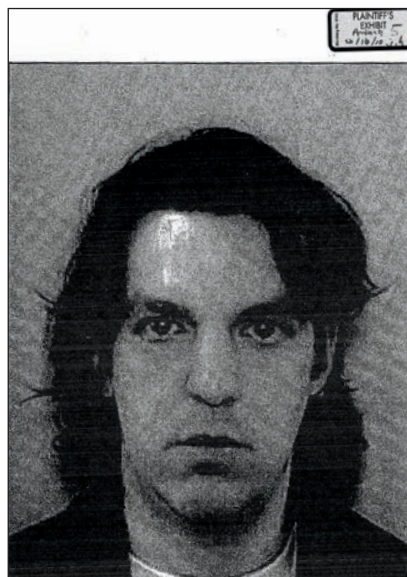
8:43 AM, DECEMBER 14, 2006

If you believe Pedro Rosado, a CSP trooper stationed in CCIU, his Google search for “Rell Inaugural Protest” on January 2, 2007 showed Krayeske’s call to protest from the CTLocalPolitics post. The words “no need to make nice” and the suggestion to peaceably assemble

alarmed Rosado. According to Rosado’s sworn testimony, he tracked down information on Krayeske, like his phone number, his history with the Greens, and previous civil disobedience arrests. Then he downloaded two of Krayeske’s license pictures from the DMV.



Then Rosado enlarged the worst of the two photos:



Then he shrank both and put them onto one page.




STATE OF CONNECTICUT
 DEPARTMENT OF PUBLIC SAFETY
 BUREAU OF CRIMINAL INTELLIGENCE
 CENTRAL CRIMINAL INTELLIGENCE UNIT
 Rowland Government Center
 55 West Main St, Suite 500, Waterbury CT, 06702
 Phone (203) 805-6460, Fax (203) 805-6661
 




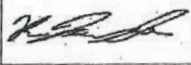
Image		Renewal		
	CardType	Drivers License		
	DLID	146222678	Class 2	
	Last Name	KRAYESKE	First Name KENNETH	
	Middle Name	J	Gender Male	
	WORKSTATIONID	AWHFS50	Date of Birth 02-26-1972	
	Create Date	02-19-2004	Expiration Date 02-26-2010	
	Height	508	Eye Color Brown	
	Issue Date	02-19-2004	Organ Donor Yes	
	Address			
	364 LAUREL ST HARTFORD 06105			
				

Image		Renewal		
	CardType	Non Commercial Drivers License		
	DLID	146222578	Class 2	
	Last Name	KRAYESKE	First Name KENNETH	
	Middle Name	J	Gender Male	
	WORKSTATIONID	MANAAA	Date of Birth 02-26-1972	
	Create Date	03-02-2000	Expiration Date 02-26-2004	
	Height	508	Eye Color Brown	
	Issue Date	03-02-2000	Organ Donor Yes	
	Address			
	955 BUNKER HILL RD WATERTOWN 06795			
				

On a second page, he compiled information about Krayske:

The above subject is the campaign Director for the Green Party in Connecticut. He had made an entry in the web page for "Connecticut Local Politics" asking, "Whose going to protest the inaugural ball with me".

- No one had responded to his request as of 1/2/07 @ 1600 hrs.
- The above subject has a 1999 Volkswagen Jetta, 4 door Sedan, Color green, CT Reg. 321-NJP, registered to him out of 364 Laurel Street Hartford, CT.
- Groton P.D. arrested the above subject in 2004 for Obstruction of free passage. During the launching of the USS Jimmy Carter Nuclear Submarine.

Rosado testified he made this two-page dossier for internal state police use only. Rosado showed the dossier to his boss, Sgt. Mark Cassista, who told him to condense it into a one-

page flyer and title it "Person Of Interest." Rosado did so. He gave the one page flyer to Cassita. Rosado testified he was too illiterate with computers to save a copy of the one-page flyer.

This One-Page “Person of Interest” Flyer is the heart of this claim.

Sgt. Cassista gave a pre-parade briefing to the CSP and Hartford police officers on the Inaugural Parade Route. He handed out the one-page flyer to all cops. Krayeske, who lived a mile away from the parade route, rode his bicycle, carrying \$5,000 in camera equipment.



FIRST PHOTO
TIMESTAMP
2007:01:03
14:21:01
1/500 SEC



Photo 2



Photo 3



Photo 6



Photo 4



Photo 5



Photo 7



Photo 8



Photo 9



Photo 10

He took 54 photos at the corner of Ann & Asylum streets. Upon realizing the Governor was not in his photos, Krayeske rode his bicycle to the corner of Pearl and Ford Street, and

dismounted. Photo 9, Krayeske’s first shot of Gov. Rell, shows his north view up Ford Street. Sgt. Cassista testified he was 100 yards behind Gov. Rell, but he is not visible in this photo.



Photo 11



Photo 12

As the parade marched south past Krayeske, his feet remained firmly planted on the median, taking all total 24 photos of the CT Air National Guard and Governor in 31 seconds.



Photo 13

The HPD officer in Photo 13 is Lt. John Horvath. He is wearing a radio. At his deposition in September 2013, he said he didn't know or he didn't remember at least 184 times. He could not recall what he saw here. 30 seconds is a long time to look.



Photo 14



Photo 15



Photo 16



Photo 17

Witnesses described officers massing behind Krayeske while Rell walked by.



Photo 18



Photo 19

PHOTO 24:
2007:01:03
14:21:32
1/400 SEC



Photo 20

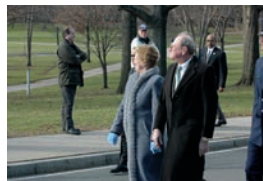


Photo 21



Photo 23

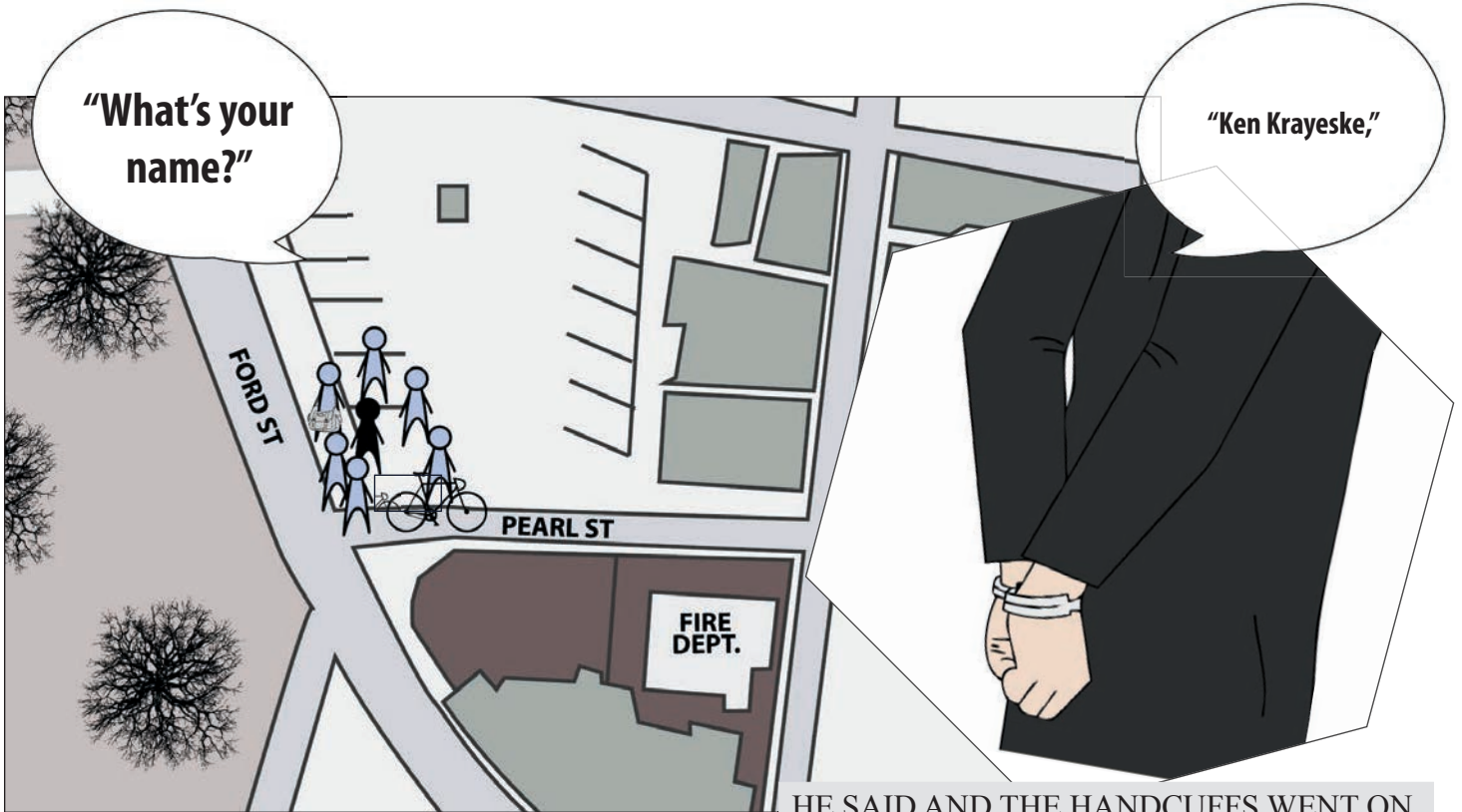


Photo 22



Photo 24

WHEN KRAYESKE FINISHED TAKING THOSE PHOTOS, HE TURNED AWAY FROM THE PARADE ROUTE AND SIX POLICE OFFICERS SURROUNDED HIM.

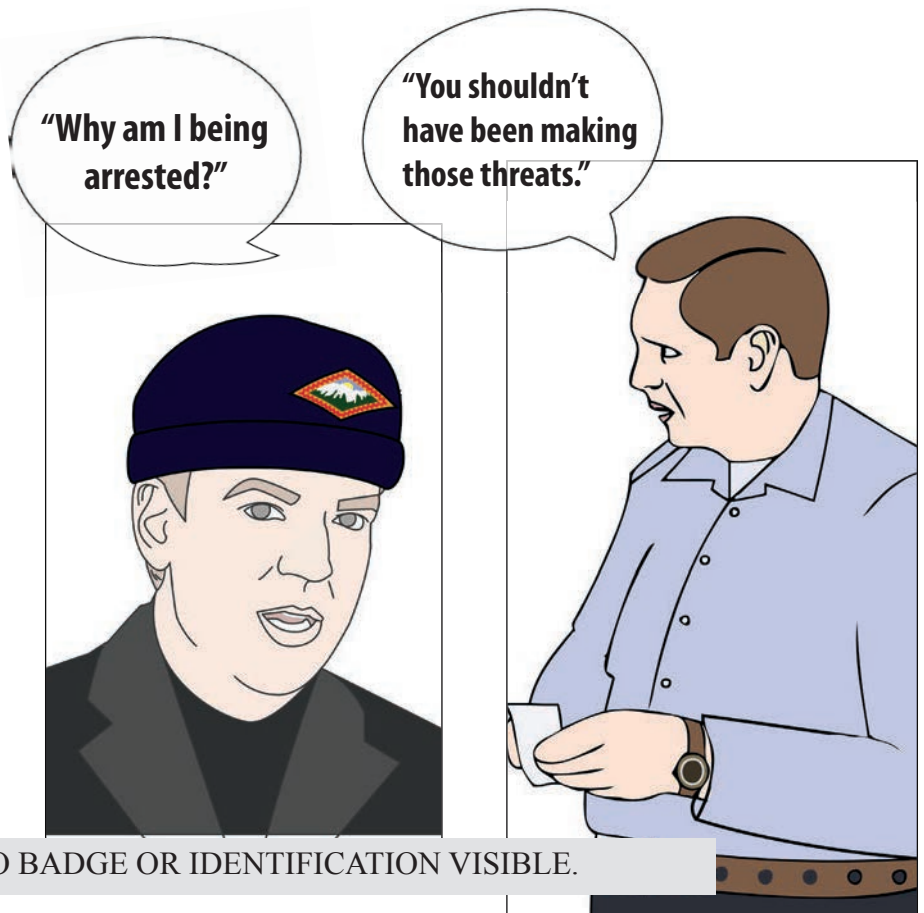


HE SAID AND THE HANDCUFFS WENT ON.

BEING PATTED DOWN IN A NEARBY PARKING LOT, KRAYESKE ASKED,



THE COP HAD NO BADGE OR IDENTIFICATION VISIBLE.



AND DOWN THE RABBIT HOLE KRAYESKE WENT. AS OFFICERS PERP-WALKED HIM TO THE FIRE STATION ON PEARL AND FORD, HE HEARD OFFICERS SAY,




IT SEEMED NOW THAT THEY NABBED THEIR PREY, THE COPS COULDN'T DECIDE TO SEND KRAYESKE TO THE STATE POLICE BARRACKS OR THE HPD. THE COMMAND MANUAL FOR THE PARADE MANDATED THE CAPITOL POLICE DEPARTMENT WOULD PROCESS ALL ARRESTS.

Governor's Inauguration
M. Jodi Rell

Wednesday January 03, 2007

CFS#06-00446045



Activity Code: 708

Function Code: 32576

Task Force Commander:
Major Peter R. Terenzi

Detail Commander:
Lt. Christopher Nolan

FILE

TO THIS DAY, NO POLICE OFFICER HAS EVER EXPLAINED WHY KRAYESKE WAS PROCESSED BY HPD IN CONTRAVENTION OF THE OPERATIONS MANUAL. THE CSP WAS DESIGNATED THE LEAD SECURITY AGENCY FOR THE INAUGURAL.

ANNEX C CONTINUED:

F. PRISONERS

1. All in-custody arrests shall be processed at the State Capitol Police Department processing area. In the event of overcrowding or mass arrests, processing will be conducted at Troop H.

G. COLOR GUARD

1. Personnel assigned to participate in the Inaugural Parade will report to the staging area 1200 hrs. They will also participate in the Swearing in at the LOB.

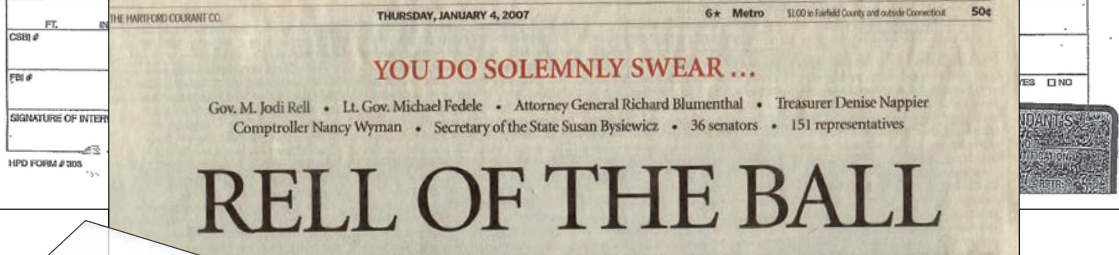
2. Personnel assigned to participate in the Inaugural Ball will report to the Connecticut Expo Center at 1800 hrs.

ORDERS FROM AN UNIDENTIFIED SUPERIOR INSTRUCTED OFFICERS TO BRING KRAYESKE TO JENNINGS ROAD. THERE, KRAYESKE LEARNED HE HAD A \$75,000 BOND FOR BREACH OF PEACE & INTERFERING WITH AN OFFICER. THE HPD OFFICER WHO SHOWED KRAYESKE THE UNIFORM BAIL FORM LOOKED AT THE BOND AND SAID TO HIM: "SOMETHING ELSE IS GOING ON HERE."

HARTFORD POLICE DEPARTMENT ARREST/BAIL REGISTER									
LAST NAME Krayeske		FIRST NAME Kenneth		MIDDLE NAME James	RACE W	SEX M	AGE 34	DATE OF BIRTH 02/16/72	TIME
ALIAS (1)		ALIAS (2)		NICKNAME(S)		BOOKING			
ADDRESS OF ACCUSED 364 Laurel St. #112				APT/FLOOR 1st	SOC. SEC. NO. 1 1	ARRESTING OFF. J. D. Tonia	OFF. CODE B-38	INTERVIEW	
DATE/TIME OF ARREST 01-01-07 1320		PLACE OF ARREST FOODS @ PERLS		PLACE OF OFFENSE		ARRESTING OFF.	OFF. CODE	PHONE CALL	
CHARGE(S) #1 BREACH OF PEACE	STATUTE #1 53a-188	STATUTE #2	STATUTE #3	CASE NO. 07-515	TRANSPORTED TO HOSPITAL		CITY OF HOSPITAL		
REMARKS / COMMENTS INTERFERING w/ POLICE 53a-179		STATUTE #1		STATUTE #2	STATUTE #3	TRANSPORTED TO HOSPITAL	IN FISCAL HOSPITAL		
REQUEST \$75,000.00 BOND PER				Sgt. HAWKINS		* IF RELEASED 53a-1033		277401 Sgt Hawkins	
REASON SENT TO HOSP.									
PRESENT EMPLOYER		HOW LONG	PREVIOUS EMPLOYER		OCCUPATION/TRADE	NEXT OF KIN (NAME & ADDRESS)			

PLAINTIFFS 27
 EXHIBIT
 ATTORNEY
 12/16/10 JKH

Sgt. Mack Hawkins testified he set the bond. Yet in the next memo by Lt. Horvath, dated January 22, 2007, Horvath took responsibility for ordering the outrageously high bail. Krayeske's lawyer, Norm Pattis, later said the HPD held Krayeske until the last glass of champagne was poured at the Inaugural Ball. At 2 a.m., the \$75k bond dropped to zero, and Krayeske was released on a promise to appear.



CITY OF HARTFORD

INTERDEPARTMENTAL MEMORANDUM

TO: DARYL K. ROBERTS
CHIEF OF POLICE

FROM: LIEUTENANT JOHN K. HORVATH
COMMANDER, INTELLIGENCE DIVISION

DATE: JANUARY 22, 2007

SUBJECT: GOVERNOR'S INAUGURAL PARADE:
ARREST OF KENNETH KRAYESKE

As a follow-up to our meeting with Matt Hennessey I have compiled the following points of interest for your review:

- Kenneth Krayeske, DOB 02/26/1972 was arrested for Breach of Peace – 2nd Degree, 53a-181 and Interfering with an Officer, 53a-167a, as a result of *his actions*, not the actions of the Hartford Police Department or the Connecticut State Police. Mr. Krayeske's apparent disregard for the orderliness of the parade procession was evident by his aggressive approach on a bicycle and subsequent movements into the parade route. The arrest of Mr. Krayeske was adequately detailed in the arrest report authored by Detective Jeffrey Antuna, under H.P.D. Case # 07-515.
- A "bond" in the State of Connecticut is defined as money or property given to the court for the temporary release of a defendant, to ensure that the defendant will return to court. The bond set for Mr. Krayeske was \$75,000.00 for the charges of Breach of Peace – 2nd Degree and Interfering with an Officer. This bond amount was set higher than normal at my direction due to the circumstances of the case. Bonds are set at a supervisor's discretion based on a case-by-case basis. To reinforce this point I conducted a review of bonds set for similar arrests over the past several months and the bond amounts vary depending upon the circumstances of the case. This incident took place during the Governor's Inaugural Parade, a State of Connecticut function that involved several dignitaries and numerous law enforcement entities. Mr. Krayeske's behavior during the incident and subsequent uncooperative behavior in discussing his intentions further reinforced the necessity for a higher than normal bond. The State of Connecticut has a bond review system in place that tasks a state-appointed bail commissioner the authority to review set bonds and adjust them as he or she sees fit. The bail commissioner reviewed the bond amount set for Mr. Krayeske and decided to issue a written promise to appear (WPTA). Based upon the circumstances of the case I would have been remiss in my duties as a policeman and public servant if I had requested a bond lower than the amount that was set.

At the time of the arrest, the City of Hartford Police Department instructed officers to adhere to the following bond-setting guidelines. According to the chart, Krayske was given a bond greater than a Class B felony, but was only charged with Class C Misdemeanors.

Case 3:07-cv-00827-SRU Document 126 Filed 05/06/10 Page 5 of 5

Gun Violations:

Carrying a Pistol w/o a Permit	2935
Poss. of a Firearm with altered/obscured Serial #	2636
Weapons in a M/V	2938
Carrying a Dangerous Weapon	53206
Poss. Of a Sawed Off Shotgun	53a211
Criminal use of a Firearm	53a216
Criminal Poss. of a Firearm (Convicted Felon)	53a217c
Improper Storage of a Firearm w/Minors	2937I
Negligent Storage of a Firearm	53a217a

Gun Violation Bonds:

Accused with minimal criminal history and no convictions = a minimum bond of two hundred-fifty thousand dollars (\$250,000.00)

Convicted Felons = a minimum bond of three hundred thousand dollars (\$300,000.00). Depending upon the additional charges and the severity of the accused criminal history the bond should be raised accordingly.

Bond Guidelines:

FELONIES		MISDOMEANORS	
Capitol	\$500,000	Class A	\$2,500
Class A Murder	\$250,000	Class B	\$1,000
Class A Other than Murder	\$100,000	Class C	\$ 500
Class B	\$ 50,000		
Class C	\$ 25,000		
Class D	\$ 10,000		

ADDITIONAL BOND GUIDELINES

Fugitive From Justice	\$100,000 and up
Possession of Narcotics	\$ 20,000 small amount / \$100,000 large amount
PWITS Narcotics	\$ 30,000 small amount / \$100,000 large amount
Drug Factory	\$100,000 and up
Poss. Controlled Sub.	\$ 10,000 under 1oz. To \$100,000 over 1oz.
PWITS Controlled Sub.	\$ 20,000 under 4oz. To \$100,000 over 4oz.
DOMESTIC ARRESTS	\$ 2,500 Minimum Court Allowed Bond
PROSTITUTION	\$ 10,000 Minimum Court Allowed Bond
PROMOTING PROSTITUTION	\$ 10,000 Minimum Court Allowed Bond
PATRONIZING A PROSTITUTE	\$ 10,000 Minimum Court Allowed Bond

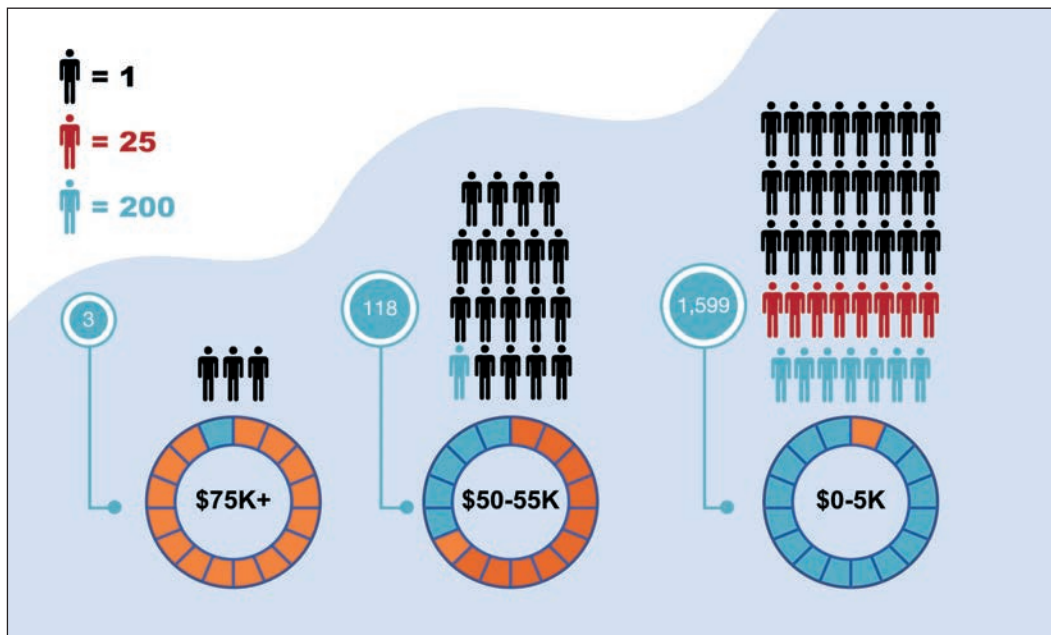
Since bail setting is a judicial function, police officers enjoy immunity for setting bail pursuant to Conn. Gen. Stat. §54-63c(a), even if that bail serves purposes other than guaranteeing a suspect's appearance in court. Thus no court has held any police officer to account for Krayske's laughable and unlawful bail.

From January 1, 2006 through December 31, 2007, state and local police across Connecticut arrested 1,721 people for charges identical to Krayske: breach of peace and interfering with an officer, according to data obtained from

FOIA requests.

The average bond for the 1,721 arrests was \$2,280.39. Exactly 1,599 people arrested or (93%) received bonds of less than \$5,000.

Of those 1,721 arrests, only three people besides Krayske had cash or non-surety bonds of greater than \$50,000 when they had the same two charges. All three people faced additional charges and had previous violent felony convictions. Krayske, a pacifist, had the worst bond out of 1,721 people.



Statistically speaking - the bond was impossible. One-in-a-million. On purpose. The officers who set it knew they had immunity for playing "bond games." They knew an army of lawyers would protect them. The cover-up started the moment HPD Detective Jeff Antuna arrested Krayske.

THE ARREST REPORT, OBTAINED JANUARY 4, 2007

HARTFORD POLICE DEPARTMENT INCIDENT REPORT												CASE # 07-515									
<input checked="" type="checkbox"/> PROSECUTOR REPORT (Comm. Court <input type="checkbox"/>)		<input type="checkbox"/> FAMILY VIOLENCE		<input type="checkbox"/> JUVENILE REFERRAL		RADIO SIGNAL: 71		DATE OF INCIDENT: 01/03/07		TIME OF INCIDENT: 1320		DATE REPORTED: 01/03/07		TIME REPORTED: 1320		UNIT: 576					
LOCATION OF INCIDENT: Ford Street @ Pearl Street				APT. / FLOOR: 2				<input type="checkbox"/> NOT APPLICABLE ON STREET		<input type="checkbox"/> RESIDENT SINGLE		<input type="checkbox"/> NON RESIDENT CITY PROPERTY		<input type="checkbox"/> ALLEY OR LOT		RELATED CASE 1					
DATE AND TIME OF RECOVERY:				LOCATION OF RECOVERY:				<input type="checkbox"/> CONTRIBUTING FACTORS		<input type="checkbox"/> ALCOHOL		<input type="checkbox"/> MENTAL PROBLEM		<input type="checkbox"/> WEATHER CONDITIONS		<input type="checkbox"/> RELATED CASE 2					
STATUS CODE: A - ACCUSED C - COMPLAINT J - JUVENILE S - SUSPECT M - MISSING V - VICTIM W - WITNESS I - INTERVIEWED X - ALIAS O - OTHER L - LOCATED B - BUSINESS												RACE: W - WHITE B - BLACK		H - HISPANIC O - OTHER		APT. - FLOOR:		TELEPHONE:			
STATUS: C		ON SIGHT										Hartford Police Dept. A37347		0405							
DATE OF ARREST: 1/3/2007		TIME OF ARREST: 1320		LOCATION OF ARREST: Ford Street @ Pearl Street				Hartford Police Dept. A37346		0024		H-33K.									
ARREST 1: Krayeske		Kenneth		J M W		1/3/07		34		364 Laurel St		Hartford Police Dept. A37345		0022							
CHARGE 1: Breach of Peace		53a-181		Interfering with Police		53a-167a															
SAFE KEEPING																					
PROPERTY CODE: A - ABANDONED E - EVIDENCE F - FOUND L - LOST R - RECOVERED S - STOLEN T - TOWED V - VEHICLE O - OTHER D - DAMAGED W - SUSPECT VEHICLE												BIKE 72C.									
R 1		Trex Mountain Bike																			
R 1		Nylon bag																			
R 1		Wallet containing \$62.00 U.S. Currency																			
M.O. <input checked="" type="checkbox"/> H11 RTO 1/4/07 KENNETH JAMES KRAYESKE												1/4/7									
SUSPECT LOCATION:																					
SUSPECT NAME:																					
SUSPECT IDENTIFICATION:																					
WITNESS TO CRIME:																					
SUSPECT DESCRIPTION:																					
WEAPONS DESCRIPTION:																					
EVIDENCE COLLECTED:																					
VEHICLE INFORMATION:																					
PROPERTY I.D. / LOCATED:																					
M.O. INFORMATION:																					
INVESTIGATING OFFICER: Detective Jeff Antuna												CODE B18		ASSISTING OFFICER:		CODE:		SUPERVISORY REVIEW:			
DISTRIBUTION: <input type="checkbox"/> MAJOR CRIMES <input type="checkbox"/> GUN TASK FORCE <input type="checkbox"/> JID <input type="checkbox"/> DISTRICT/ZONE C.O. <input type="checkbox"/> NARCOTICS <input type="checkbox"/> INTELLIGENCE <input type="checkbox"/> OTHER												PAGE 1 OF 2 PAGES		<input type="checkbox"/> Records		<input type="checkbox"/> States Attorney		<input type="checkbox"/> Investigative		<input type="checkbox"/> Officer	

Less than six hours after getting out of jail, Krayeske returned to the HPD at 7:30 am to retrieve his bicycle, camera and cell phone. The officer assigned to the evidence locker made him sign the arrest report.

Det. Jeff Antuna drafted three different arrest reports - all pure fiction - and he signed exactly none of them. Another complete anomaly.

In all three versions, Antuna said a

fusion center called the Connecticut Intelligence Center (CTIC), along with the CSP, gave out photos “on possible threats.” Antuna used the singular - “One of the photos” and “from the photograph provided by the State Police” to describe the information sheet received from the CSP, consistent with Cassista and Rosado’s testimony.

However, Antuna failed to attach the “one photo” he had to the arrest report.

To win a claim of free speech retaliation, Krayeske would need to prove Antuna saw both Krayeske's photo and text on the same piece of paper. Throughout four years of trial, Antuna maintained he got only the first page of the two-page dossier that Rosado claimed was for state police use only.

<input checked="" type="checkbox"/> PROSECUTOR REPORT (Conn. Court <input type="checkbox"/>)		<input type="checkbox"/> SUPPLEMENT		<input type="checkbox"/> JUVENILE REFERRAL		HARTFORD POLICE DEPARTMENT			CASE # 07-515				
DATE OF INCIDENT 01/03/07		TIME OF INCIDENT 1320		DATE REPORTED 01/03/07		LOCATION OF INCIDENT Ford Street @ Pearl Street			APT. FLOOR		RELATED CASE 1		
STATUS CODE: A - ACCUSED C - COMPLAINANT J - JUVENILE S - SUSPECT M - MISSING V - VICTIM W - WITNESS I - INTERVIEWED X - ALIAS O - OTHER L - LOCATED B - BUSINESS R - REFERRED JUVENILE P - PEDESTRIAN K - OWNER OF MV N - PASSENGER IN MV T - TICKETED Z - OPERATOR MV													
PERSONS	STATUS	LAST NAME	FIRST NAME	MI	SEX	RACE	DATE OF BIRTH	AGE	ADDRESS	APT. / FLOOR	TELEPHONE		
	ARREST												
	CHARGE 1	STATUTE	CHARGE 2	STATUTE	CHARGE 3	STATUTE							
VEHICLES	SUSPECT	SEX	RACE	AGE	HEIGHT	WEIGHT	HAIR COLOR	HAIR TYPE	COMPLEXION	DESCRIPTION / COMMENTS / DISTINCTIVE FEATURES			
	PROPERTY CODE: A - ABANDONED E - EVIDENCE F - FOUND L - LOST R - RECOVERED S - STOLEN T - TOWED V - VEHICLE O - OTHER D - DAMAGED W - SUSPECT VEHICLE	CODE	QTY.	YEAR	ITEM	(BRAND-MODEL)	STATE	REGISTRATION	COLOR	SERIAL OR VIN.	CHARACTERISTICS / CONDITION	EST VALUE	CLASS
												<input type="checkbox"/> FORM #JD-CR-18 COMPLETED	
<p>DETAILS</p> <p>As I exited my vehicle and ran towards the accused I observed State Police Detective Pedro Rosado approach the accused just as the accused was stepping off the curb into the parade route, toward the Governor. Detective Rosado had placed himself between the accused and the Governors path, I then grabbed the accused by his right arm and escorted him away from the Governor, and the Parade route, which he resisted by attempting to pull away from me. I asked the accused who he was and he told me that he was Kenneth Krayeske. I then handcuffed the accused and informed him that he was under arrest for Breach of Peace. The accused was then transported to the Intelligence Division at 50 Jennings Road where Hartford Police Sergeant Andrew Weaver attempted to interview him. The accused refused to be interviewed and asked for his Lawyer, so he was then taken to Booking charged with Breach of Peace and Interfering with Police. I informed the accused that the above listed items he had in his possession at the time of arrest were placed in the evidence room at 50 Jennings Road for safe keeping.</p>													
<div style="background-color: blue; color: white; padding: 10px; border: 1px solid black;"> <p>This narrative contains no mention of a camera, nor does it interview witnesses. Common sense holds that the photographer who took the pictures on pages 16 & 17 could not possibly have lunged at Gov. Rell as described here.</p> </div>													
DATE OF SUPPLEMENT		INVESTIGATING OFFICER Detective Jeff Antuna				CODE B18		ASSISTING OFFICER				CODE	
DISTRIBUTION:		<input type="checkbox"/> MAJOR CRIMES		<input type="checkbox"/> GUN TASK FORCE		<input type="checkbox"/> JID		<input type="checkbox"/> DISTRICT/ZONE CO		SUPERVISORY REVIEW		CODE	
<input type="checkbox"/> Records		<input type="checkbox"/> States Attorney		<input type="checkbox"/> Investigative		<input type="checkbox"/> Officer		AFFIDAVIT STATEMENT: Subscribed and sworn to before me this day (date)		SUPERVISOR (signed)		CODE	
PAGE 2 OF 2 PAGES													

Without the actual hard copy of the one-page flyer, Krayeske could never refute Antuna's story that he got a document that never left CCIU's offices on January 3, 2007. Without the one-page flyer, Antuna could claim he was not retaliating against Krayeske for his speech, because he never saw

Krayeske's speech. This cannot be true, but try proving it in court. Police had to have destroyed the one-page flyer almost immediately after Krayeske's arrest. A spoliation inference would have allowed Krayeske to claim the flyer contained information that would have helped him prove his case.

When Krayeske's case hit the media on Jan. 5, public opinion quickly swelled in his favor.

Hartford Courant

The Unbearable Rightness Of Krayeske

It was all in the world known, Krayeske was arrested by the Hartford police for the alleged obscenity involving the lawsuit parade for Gov. M. Jodi Bell last month. He was held for 12 hours on 1500 bed.

I would like to point out that I, too, was doing obscenity involving the fact that they had arrested some of the urban and subsequent attention towards Krayeske.

It was one of those Hartford parades where the marchers to watch her parade was very old. Lots of marchers, not many marchers. There were a few parents of high school marching band members, there to see those private cyberspace marching bands put to good use. There were hundreds of bored office workers, grabbing someone for a quick break.

This made it easy to spot Krayeske, who was taking pictures, which — you have to admit — was pretty suspicious. Taking pictures of a parade nobody cared about? What's up with that?

Krayeske would have been a lot easier to spot had he been in the Connecticut Statehouse and participating in the Connecticut Statehouse parade and parade as the Connecticut Statehouse parade and parade as the Connecticut Statehouse parade.

Monday, January 15, 2007

Krayeske Open Forum

A few days behind on developments on the Krayeske affair. Forgiveness is a link heavy post.

The Advocate

You must learn from jailed activist case

Editorial

The Issue: Bill might prevent another incident like the one that occurred in Hartford.

It is able to help him... to drop charges in... Krayeske himself that... new friends in high...

Police have a difficult job... Potential targets are out in the open... and crowds can provide cover for all... kinds of wrongdoers, including the... for threats and appropriate action is... the better defined.

Most important, people need to... know they can protect City 14... makers.

Tuesday, January 9, 2007

Arrest exposes state's threat list

Activist's rights trampled, Rel, state lawmakers say

By Gregory S. Hudry
Capital Bureau Chief

HARTFORD — Key Democratic lawmakers and Gov. M. Jodi Bell want explanations and said they plan to hold public hearings on the issue.

Rel's arrest at Bell's request to state Public Safety Commissioner Leonard Rayle, asking him to review the suspect and photograph were given to police before the parade. "In providing security and protection, we cannot permit the rights of individuals to be on a list of potential threats," put together by the FBI, state and local police.

"There was nothing about his (Krayeske's) history that indicates he was a danger to anyone," said state Rep. Michael F. Lawlor, D-East Haven, co-chair

This video shows Rep. Mike Lawlor and Ken Krayeske's attorney Norm Pat... speaking about the case. Hat Tip to Scarce and TrueblueCT for this one.

Be you Headlines

CT Local Politics

Interstates clogged

The streets were the crash... of the 1.4 billion 1-95 highway project... that will ultimately replace the... aging Pearl Harbor Memorial... bridge and upgrade miles of... highway.

See Traffic, A1

Tuesday, January 9, 2007

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"There was nothing about his (Krayeske's) history that indicates he was a danger to anyone," said state Rep. Michael F. Lawlor, D-East Haven, co-chair

New Haven Register

By January 7, 2007

Gov. Rell called for an investigation. Then-Hartford Mayor Eddie Perez ordered an administrative inquiry, too.

courant.com

<http://www.courant.com/news/local/hc-krayeske0109.artjan09,0,3834577.story?coll=hc-headlines-home>

Probe Urged After Arrest Of Activist At Rell Parade

State Police Say They Keep Files, But No Enemies List

By CHRISTOPHER KEATING
Capitol Bureau Chief

January 9 2007

Gov. M. Jodi Rell and top lawmakers on Monday called for inquiries into the arrest of a political activist and free-lance journalist during Rell's inaugural parade last week and the filing of criminal charges against him.

In a letter to the state commissioner of public safety, Rell said she was concerned after reading reports that the state police maintain a "list" of individuals who could be viewed as potential threats to the governor.

In asking Commissioner Leonard Boyle to investigate the arrest of Kenneth Krayeske, the governor said that even in an era of heightened security, "we cannot permit the rights of individuals to be trampled."

Krayeske, a law school student and vocal critic of Rell, had been identified by state police as a possible threat to the governor, according to a Hartford police report. He had been taking photos along the parade route Wednesday before he was arrested.

Several lawmakers said they were outraged, calling for legislative hearings and saying the incident reeks of a secret police force and should not be tolerated in Connecticut.

Boyle Monday denied the state police keep a list of political enemies, saying that the notion is "completely incorrect."

"We do not maintain such lists," he said.

Boyle said his department maintains "intelligence files" on individuals "who meet criteria set out in federal regulations." Boyle would not comment on whether Krayeske met those criteria or whether the state police had a file on him before the inaugural parade.

Rep. Michael Lawlor, co-chairman of the legislature's judiciary committee, said the incident reminded him of his own arrest in March 1980 while he was taking photographs, much as Krayeske was. The difference, Lawlor said, is that he was in Gdansk, Poland, which was under martial law.

A former state prosecutor, Lawlor said misdemeanor charges against Krayeske for breach of peace and interfering with police should be dropped.

"Ken Krayeske did not commit a crime," Lawlor said. "He wasn't protesting. He had done nothing to interfere with the parade. He was taking photos as a journalist for a blog."

Soon after that, the Public Safety Committee of the General Assembly called for a hearing. This event dominated Gov. Rell's first month in office.

To anyone paying attention, our security state overreached. Krayeske would have been happy with an official apology. Without one, he had no choice but to pursue accountability.

By January 19, 2007

The CSP claimed Cassista distributed the two-page “internal state police use only” dossier before the parade. What happened to the one-page flyer?

They destroyed it. We know this two-page document story is untrue. Cassista and Rosado under oath said they made and used had a one-page “Person of Interest” flyer the morning of the parade. The CSP manipulated the press, as seen here.

courant.com

<http://www.courant.com/news/politics/hc-ctkr>

Police Printed Flier Warning Of Activist

By JON LENDER And EDMUND H. MAHONY
Courant Staff Writers

January 19 2007

Hours before the controversial arrest of political blogger Kenneth Krayeske at Gov. M. Jodi Rell's Jan. 3 inaugural parade, state police distributed copies of a full-color, two-page document describing Krayeske as an activist who had invited people to join him in a protest outside Rell's inaugural ball that night.

The document, containing color prints of Krayeske's current and past driver's license photos, made it seem as if "Ken Krayeske was public enemy No. 1," said Rep. Michael P. Lawlor, a state legislative leader whose committee now plans to investigate.

Although the slightly built Krayeske had engaged only in nonviolent protest and activism, he was "lumped in with people who were actual physical threats" - and that is why the General Assembly must consider passing new laws this year to curb police excesses in a post-9/11 era of intensified security, said Lawlor, a Democrat and co-chairman of the legislative judiciary committee.

The security flier, Lawlor said, apparently led to an "overreaction" by Hartford police, who received the document at a pre-parade security briefing for police. Recognizing Krayeske from the photos, a Hartford officer arrested him at 1:20 p.m. as he photographed Rell along the parade route, said Lawlor, who was shown the flier by a police official.

Both the state and Hartford police have refused requests by The Courant to see the two-page Krayeske profile and other documents concerning individuals identified as potential threats.

Police defend their procedures as reasonable to protect a chief executive from public threats. But civil liberties advocates, locally and nationally, agree with Lawlor that it was "inexcusable" to arrest Krayeske and hold him on \$75,000 bail for more than 12 hours on charges of breach of peace and interfering with police.

Krayeske, a 34-year-old law student who runs a commentary website, The40yearplan.com, was finally released early Jan. 4 on a promise to appear in court Jan. 30. His lawyer has suggested that authorities kept him on ice until it was too late to get to Rell's inaugural ball.

Police deny that, but have failed to quell a furor that's attracted national notice, as well as vows by state lawmakers to conduct investigative hearings beginning next week. Two legislative committees in addition to Lawlor's are talking about investigative hearings. One, the public safety panel, has scheduled a hearing Tuesday.

Lawlor said the police should produce the Krayeske document for legislators.

Rell, meanwhile, has demanded a report from Leonard Boyle, the commissioner of the Department of Public Safety, which Boyle says is still in the works. And Mayor Eddie Perez has requested one from Hartford police.

Sources familiar with the Krayeske security flier said it had the driver's license pictures in color on the first page, and the second page had entries on episodes of Krayeske's past civil disobedience and political activism.

Those entries included Krayeske's past arrest at an anti-war protest, as well as a recent blog posting in which he suggested that others join him in a protest outside the inaugural ball of the governor, of whom

1 of 3

Krayeske has been sharply critical.

The security flier also referred to Krayeske's role as manager of Green Party candidate Cliff Thornton's 2006 gubernatorial campaign. However, it did not mention that in his Green Party role, Krayeske had confronted Rell and her Republican campaign staff over the governor's refusal to debate Thornton, Lawlor said.

Lawlor said he is troubled that a citizen can get onto a printed security alert - and be arrested and held for 12 hours - for exercising what he considers no more than nonviolent political speech and never threatening anyone.

Lawlor said his own research indicates that Krayeske may have been the only person pictured in color in security materials, which may have made him stand out as more of a potential problem than others.

A state police source who declined to be identified said that wasn't the case. Krayeske, the source said, was identified simply as someone for those working the parade to keep an eye out for, which is part of the normal routine for intelligence operations.

Others in addition to Krayeske were discussed as possible parade security concerns, the source said, but he would not say who they were or how many there were.

The report to Rell has not been completed, and the state police source discussed preliminary findings on the condition that he not be named.

The security assessment on the inaugural parade proceeded as would any assessment of a public event where security was a concern, the source said. One or more detectives assigned to the state police intelligence unit examined confidential intelligence files - their own and those maintained by the Connecticut Intelligence Center, the source said.

Neither Krayeske's name nor information on his activities turned up as a result of searches of the law enforcement data bases, the source said.

Consistent with the source's assertion, Boyle, the public safety commissioner, said: "We do not keep intelligence files on political activists or political enemies. We keep intelligence files consistent with the federal code of regulations."

The source said state police detectives next checked what the department calls "open source information."

"That includes letters, telephone calls, blogs, all that sort of stuff, anything that is out there publicly, to see if there is any person out there who might pose a threat to an individual or might want to disrupt the event," the source said. "If we find somebody like that, we make the cops who are responsible for the protection aware of it."

Krayeske's name surfaced there, the source said.

Once Krayeske's blog entry about the upcoming inaugural caught the attention of the state police detectives, it was brought to the attention of the governor's security detail - a state police unit assigned to Rell. The state police mentioned it in at least two briefings for security personnel assigned to the parade. Parade security was provided by the state police, the State Capitol Police and the Hartford police.

Rell spokesman Chris Cooper said the governor's office has not seen the two-page Krayeske document. He said Rell didn't know until hours later that Krayeske had been arrested at the parade.

Although a witness said Krayeske had just photographed her, smiling as she passed, a written report from a Hartford officer said he saw Krayeske dismount a bicycle and run toward the parade procession.

"I immediately recognized the accused ... from the photograph provided by the State Police," then grabbed him as he "was stepping off the curb ... toward the Governor," he wrote.

Krayeske once directed Metro Bridge, a former Courant program for young Hartford high school journalists. His lawyer, Norman Pattis, said that he had been unaware that a two-page document had been prepared in advance on his client. He said he would like to see it but will make no special effort to obtain it until he sees what happens in court Jan. 30.

"If justice prevails, the case will be dismissed that day," Pattis said. "If it doesn't, we'll start asking more questions."

Contact Jon Lender at jlender@courant.com.

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2of3


On January 23, 2007,

Leon Boyle, the commissioner of the state police, testified in the front of the General Assembly's Public Safety Committee.



Whether he knew it or not, Boyle fibbed. He talked only about the two-page dossier. He did not mention the one-page "Person of Interest" flyer. Boyle is now the Assistant Chief State's Attorney, the second-highest ranking prosecutor in Connecticut. Prosecutors have special relationships with police officers.

PS Committee Hearing Transcript for 01/23/2007 Page 1 of 91



PRESIDING CHAIRMAN: Senator Stillman
COMMITTEE MEMBERS PRESENT: (Attendance not taken)
SENATORS: Daily, Guglielmo
REPRESENTATIVES: Bacchiochi, Boukus, Caruso, Clemons, Dargan, DelGobbo, Esposito, Fahrbach, Gonzalez, Greene, Hewett, Jarmoc, Johnston, Kalinowski, Lewis, Mikutel, Orange, Reynolds, Shapiro, Witkos

SENATOR STILLMAN: --to make some remarks about both issues.

COMM. LEN BOYLE: Yes, Sir. And if I may, Representative Dargan, just for the benefit of everyone on the Committee,

PS Committee Hearing Transcript for 01/23/2007

Page 64 of 91

Major Steve Fields, who is the Commanding Officer of the Bureau of Criminal Investigations at the State Police, is here with me.

So at the briefing prior to the inaugural events our Intelligence Unit, in the person of a Sergeant Mark Casista, made a presentation to all the officers there.

And what he presented were photographs of people who had been identified through various means that perhaps, either presenting a risk to a person or an intent to disrupt the events.

One of them was the person who we had spoken about who was arrested that day. As I said, he was not part of the original briefing because this information came in after the initial briefing packet was put together.

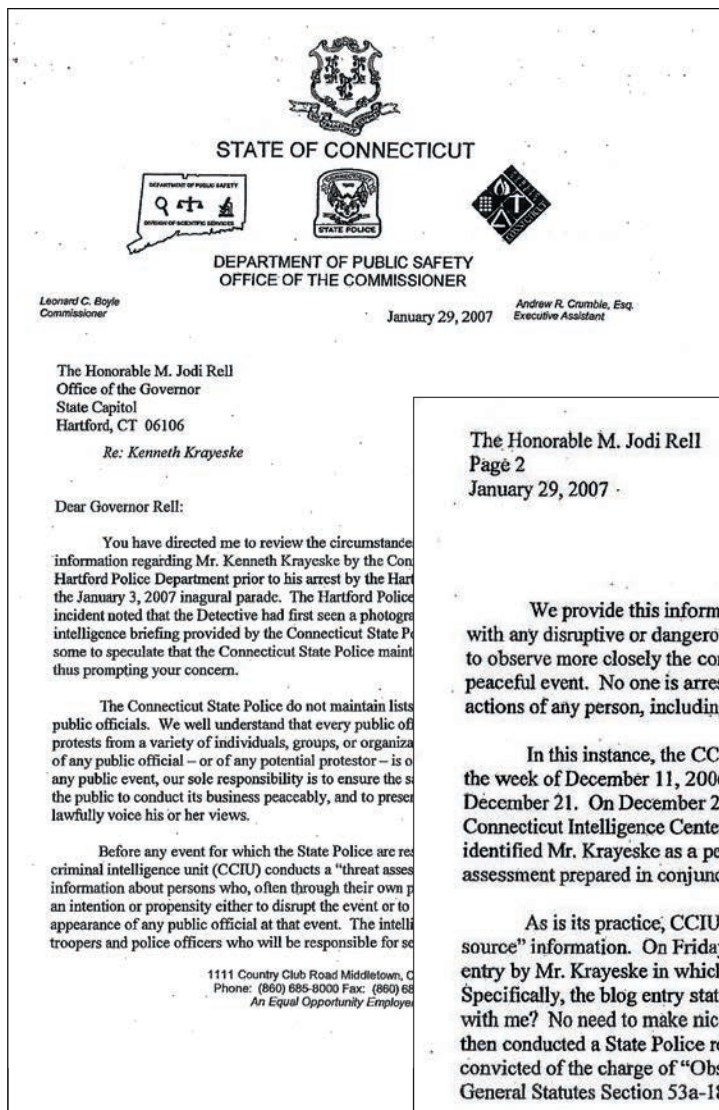
And so the Intelligence Unit put together a two-page document, the first page being two photographs, I believe from the Motor Vehicle Department, with biographical information and physical description.

The second page essentially saying that the gentleman had been, the Chairman I believe it was, of the Green Party, had posted a notice on his blog who's going to protest the inaugural with me, gave a description of his car, and stated that he had the prior arrest in Groton for unlawful protest.

This section of Boyle's testimony is false. If the one-page person of interest flyer was not important why did the state police disregard it in all of their public statements and communications less than three weeks after Krayske's arrest?

A one-page flyer was not even mentioned until Cassista's deposition on February 3, 2009. Yet Cassista and Rosado vetted Boyle's testimony here in 2007.

On January 29, 2007



Leon Boyle sent a letter to Gov. Rell outlining his investigation into the Krayske affair. He again described the two-page dossier, and again ignored the one-page flyer.

The Honorable M. Jodi Rell
Page 2
January 29, 2007

We provide this information only so the officers are better informed in dealing with any disruptive or dangerous situation that might arise. Officers are instructed only to observe more closely the conduct of such persons in order to ensure a safe and peaceful event. No one is arrested on sight, nor do officers interfere with the lawful actions of any person, including those identified during the briefing.

In this instance, the CCIU began its assessment for the Inaugural events during the week of December 11, 2006. The unit completed a first draft of the assessment on December 21. On December 28, 2006 the assessment was completed upon review by the Connecticut Intelligence Center (CTIC). At that point, CCIU had not learned of nor identified Mr. Krayske as a person of interest and his name was not included in the assessment prepared in conjunction with CTIC.

As is its practice, CCIU continued its threat assessment by monitoring "open source" information. On Friday, December 29, 2006 a CCIU detective observed a blog entry by Mr. Krayske in which he solicited others to protest the inaugural ball. Specifically, the blog entry stated: "Whose (sic) going to protest the inaugural ball Jan. 3 with me? No need to make nice after watching this documentary about CJTS" CCIU then conducted a State Police record check, which revealed that Mr. Krayske had been convicted of the charge of "Obstructing Free Passage," in violation of Connecticut General Statutes Section 53a-182a, on July 1, 2004 in Groton, Connecticut.

On the basis of this information, CCIU prepared a two-page document for distribution to Troopers and Officers assigned to security at the inaugural day events. The first page consists of two Connecticut Department of Motor Vehicles photographs as well as some biographical data and a physical description. The second page states, in its entirety:

The above subject is the campaign Director for the Green Party in Connecticut. He had made an entry in the web page for "Connecticut Local Politics" asking: "Whose going to protest the inaugural ball with me."

No one had responded to his request as of 1/2/07 @ 1600 hrs. The above subject has a 1999 Volkswagen Jetta, 4 door Sedan, Color green, CT Reg. 321-NJP, registered to him out of 364 Laurel Street Hartford, CT.

On January 18, 2007

This e-mail shows both Cassista and Rosado reviewed Boyle's letter to Rell, a day before Jon Lender's reporting on a two-page dossier (page 28, *supra*). The CSP controlled the message with a strategic leak, and made consistent public statements, ignoring the one-pager.

Boyle, Leonard

From: Steven Fields [stevenfields@comcast.net]
Sent: Thursday, January 18, 2007 3:19 PM
To: Boyle, Leonard
Subject: Fw: draft reportI

Hope this information is helpful. Steve

----- Original Message -----

From: "Sgt. Mark Cassista" <cciu.co@po.state.ct.us>
To: "Steven Fields" <stevenfields@comcast.net>
Sent: Thursday, January 18, 2007 12:45 PM
Subject: RE: draft reportI

APPROVED

Major,

The following personnel reviewed the draft and are in agreement with it's accuracy with suggestions.

Lt. Chelso
Sgt. Colangelo
Det. Rosado
Sgt. Cassista

Page #1 paragraph #1. Hartford Detective who made the arrest, we do not believe was at any of our briefings.

Page #2 paragraph #3. Arrest-date for Groton is 6/5/04, July 1 was the disposition date.

Page #2 paragraph #3. The last sentenced should be moved to page #3 paragraph #3. "At noon ... It was during this briefing that Governors Security informed us that they recognized Krayske from the photograph as someone who had approached the Governor at a public event in a manner that caused some alarm.

Page #3 paragraph #1. The Groton arrest was known at the time of the briefings as stated on page #2 paragraph #3.

Page #3 paragraph #2. Typo on "The Sergeant Cassista

Sir; Please call to confirm receipt.

Sergeant Mark Cassista
Commanding Officer
Connecticut State Police
Central Criminal Intelligence
55 West Main St., Suite 500
Waterbury CT., 06702
(203)805-6460 Fax (203)805-6661
cciu.sgt@po.state.ct.us

-----Original Message-----

From: Steven Fields [mailto:stevenfields@comcast.net]
Sent: Thursday, January 18, 2007 8:49 AM
To: cciiu.sgt@po.state.ct.us
Subject: Fw: draft reportI

Within two weeks of creating the one-page "Person of Interest" flyer, Cassista and Rosado and the CSP eliminated all traces of it. If Mike Lawlor thought the two-page dossier was repugnant, the one-page flyer must have been worse.

Mark,

I forwarded from my blackberry, but I want to ensure you got this draft to carefully review. Closely examine for accuracy, share with your involved personnel to ensure complete accuracy, then call me on my cell phone, I will be at a funeral in New London today. Kindly give this your highest priority this morning. Thank you. 013

----- Original Message -----

From: "Fields, Steven" <Steven.Fields@po.state.ct.us>

Come March 15, 2007

Legislators concerned with the police surveillance of Krayeske and the Green Party had submitted a number of bills, including one concerning legislative oversight of police monitoring of political parties. Leadership like Judiciary Chair Rep. Mike Lawlor, Government Administration and Elections chair Rep. Chris Caruso, Rep. Peter Tercyak and Rep. Diana Urban sponsored these bills and promoted them at press conference. The CSP monitored these bills, which never passed.

STATE OF CONNECTICUT

General Assembly **Raised Bill No. 7390**

January Session, 2007 LCO No. 5818

05818 _____ JUD

Referred to Committee on Judiciary

Introduced by:

(JUD)

AN ACT CONCERNING OVERSIGHT OF INTELLIGENCE GATHERING BY LAW ENFORCEMENT AGENCIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective October 1, 2007) (a) A law enforcement agency may collect and maintain criminal intelligence information concerning individuals and organizations for the purposes of (1) ensuring the safety and security of public officials, and (2) preventing the disturbance or disruption of, or the interference with, the performance by a public official of his or her official functions, powers or duties or with the meetings of a public agency.

(b) A law enforcement agency may collect and maintain criminal intelligence information concerning an individual or organization pursuant to subsection (a) of this section if:

(1) Such agency has a reasonable and articulable suspicion that such individual or organization is engaged in or will engage in criminal conduct or activity directed toward a public official or with respect to the performance by a public official of his or her official functions, powers or duties or with



Superior Court Judge David Gold dismissed the charges against Krayeske on March 21, 2007. Greg Chelso, the CSP lieutenant on Gov. Rell's security detail, emailed the news to other members of the detail.

From: Chelso, Gregory
Sent: Wednesday, March 21, 2007 12:13 PM
To: Colangelo, Mark; Ramirez, Wilson

Charges Dismissed Against Krayeske

By JON LENDER
Courant Staff Writer

March 21 2007, 11:59 AM EDT

Kenneth Krayeske, the political activist and blogger whose Jan. 3 arrest while taking pictures of Gov. M. Jodi Rell's inauguration parade raised concerns over civil rights issues and the actions of police, won dismissal Wednesday of the charges against him in Hartford Superior Court.

Three days later, at Hartford’s St. Patrick’s Day Parade, Gov. Rell saw Mr. Krayske and asked him “Would you like to take my picture?” Union organizer John Murphy happened to be standing right there with his camera, and captured the moment. Mr. Krayske was never a danger to Gov. Rell on January 3, 2007. The exercise of executive police power intentionally conflated dissent and danger. We crossed a line. The CSP and HPD kidnapped someone to stop the exercise of 1st Amendment rights.



Case 3:07-cv-00827-SRU Document 1 Filed 05/24/07 Page 1 of 5

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

KENNETH KRAYESKE, Plaintiff,	:	
	:	
v.	:	CV _____
	:	
CITY OF HARTFORD, JEFF ANTUNA, ANDREW WEAVER, ANDREW HAWKENS, JOHN DOE, Defendants.	:	MAY 24, 2007

COMPLAINT

1. This is an action for false arrest, unreasonable bond and denial of the rights to freedom of expression, freedom of the press and due process of law arising under the First, Fourth, Eighth and Fourteenth Amendments to the United States Constitution.
2. Jurisdiction of this court is invoked under the provisions of Sections 1331, 1343(3), 1367(a) and 2201(a) of Title 28 and, 42 U.S.C. Section 1983.
3. The plaintiff, Kenneth Krayske, was at all times relevant to this action an adult resident of the State of Connecticut.
4. The defendant City of Hartford is a municipal corporation organized and operating under the laws of the State of Connecticut. It is a final policymaker for the Hartford Police Department.
5. Defendant Jeff Antuna was at all times relevant to this action, and he remains, a police officer employed by the City of Hartford. He is sued in his individual capacity only.

Krayske filed a civil suit in federal court May 24, 2007, claiming false arrest, free speech retaliation and unreasonable bond.

Aside from Antuna, Krayske sued other officers. Andrew Weaver was HPD’s liaison to the fusion center. On Jan. 3, 2007, Weaver promised to tell Krayske why he was in jail in exchange for Krayske waiving his Miranda rights. Krayske’s commitment to silence was then a reason for the \$75,000 bail. Andrew Hawkins was later changed to Mack Hawkins, the HPD sergeant on the bail report. The “John Doe” was later amended to add Cassista and Rosado.

Discovery in the federal case showed how CSP scouted the Connecticut Green Party, an organization dedicated to peace and justice. Why scrutinize a party that can't get out of its own way? Frederick Douglas said power concedes nothing without a fight. Krayske and the Greens fought, and power reacted.

When deposed, Sgt. Cassista admitted the CCIU tracked a political party. He acknowledged the two-page dossier was not the document he used the morning of the parade to target Krayske. But without the hard-copy of the

one-page flyer, neither Krayske nor his lawyer at the time, Norm Pattis, nor Judge Underhill could reconcile the contradictory testimony between Cassista and Boyle. Cassista's is the only mention of the one-page flyer in hundreds of pages of discovery. Destroying it prevented it from damaging the CSP. When Krayske used the FOIA to catch the CSP hiding documents in discovery, Assistant Attorney General Stephen Sarnoski, representing Cassista and Rosado, wrote a letter producing all the missing documents. But he did not mention the one-pager he knew existed.

DEPOSITION OF MARK CASSISTA

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Taken before Cindy J. Carone, LSR 383, a Court Reporter and Notary Public, within and for the State of Connecticut, pursuant to Notice and the Federal Rules of Civil Procedure, at Connecticut State Police Headquarters, 1111 Country Club Road, Middletown, Connecticut, on February 13, 2009, commencing at 11:08 a.m.

Q So in the case of Mr. Krayske you were monitoring the Green Party?

A Yes. He was identified through this to our detectives. I'm only -- this is not my work. I can only assume what the detectives were doing.

To a normal police officer they probably wanted to know where he worked, what he does, who he affiliated with as far as the investigation.

Q What his political affiliations are?

A I could assume so; yes, sir.

Q If you know, you've told us that the document with the two photos of Mr. Krayske that we were just looking at was not the document that was handed out at the parade briefing?

A I don't believe so.

Q What document with Mr. Krayske's photo was handed out at the parade briefing?

A I believe a single photo with a brief narrative underneath.

Q Do you recall what the brief narrative

Falzarano Court Reporters

Sarnoski did let on he knew about the one-page flyer. On November 6, 2009, Judge Underhill held oral argument on Cassista and Rosado's motion for summary judgment. This legal maneuver would allow the CSP defendants to avoid trial. The transcript shows Sarnoski allowed Judge Underhill to misap-

prehend the facts. Judge Underhill understood Cassista and Rosado to have distributed the two-page dossier at the parade. AAG Sarnoski heard this, knew it was, but failed to correct the record. Sarnoski had a duty under the lawyer's code of professional ethics to correct the factual record when he knows it is wrong.

2 MR. SMITH: Your Honor, he was present at these,
3 at these -- Antuna is present at the briefings, and in his
4 police report which is written almost contemporaneously
5 with the arrest itself, he describes Mr. Krayske as
6 having been labeled a threat. So clearly that has been
7 put into his mind as a result of these briefings that he
8 received from the state police.

9 THE COURT: Why isn't it just as reasonable to
10 say Antuna sees these two pages, decides he's a threat and
11 says he's a threat? Why does it come from Casista and
12 Rosado?

13 MR. SMITH: Because that list was disseminated
14 to him at these briefings by Officers Casista and Rosado.

15 THE COURT: All right. If Casista and Rosado
16 put together a come-to-our-party brochure, Antuna
17 misunderstands what it means and draws some unfortunate
18 inference about it and then repeats it to somebody, are
19 Casista and Rosado responsible in some way?

Sarnoski did not fix the judge's misapprehension. Did he want to mislead? Correcting Judge Underhill here would undermine the CSP's story. The court held Krayske had no facts showing Cassista and Rosado were liable and

granted them summary judgment, with Weaver, Hawkins and the City. Discovery ended. Krayske moved for reconsideration and lost. Undaunted, Krayske used the FOIA to bolster his case against arresting officer Antuna.

In January 2011,

Krayeske won a rare motion to re-open discovery, based on new facts found in exhaustive FOIA requests. He took Rosado's deposition 1/7/2011.

1/7/2011 Krayeske v. City of Hartford Pedro Rosado

8 "This was not -- this was not the flier that
9 I prepared for Sergeant Cassista to bring to the
10 briefing. It was not."

6 Q -- to anyone else.
7 Okay. So this --
8 A This was not -- this was not the flier that
9 I prepared for Sergeant Cassista to bring to the
10 briefing. It was not.

1/7/2011 Krayeske v. City of Hartford Pedro Rosado

1 parade. The
2 Q O
3 briefings.
4 A C
5 Q B
6 Mr. Krayeske
7 briefing; is that correct?
8 A I prepared a flier for a person of
9 concern -- that the subject of that flier was
10 Mr. Krayeske -- which I handed to Sergeant Cassista.
11 What he did with the flier, I don't know. I
12 wasn't there. I prepared a flier and provided it to
13 him so that
14 whatever th
15 Q I
16 from you fo
17 A S
18 Q A
19 A C
20 Q --
21 A C
22 Q O
23 officers st.
24 A R
25 Q W

Rosado testified the two-page dossier was for state police use only. He said he made a one-page flyer for the parade. He did not remember reviewing Boyle's letter to Rell for accuracy. There were so many things going on about the incident, he said.

8 A I prepared a flier for a person of
9 concern -- that the subject of that flier was
10 Mr. Krayeske -- which I handed to Sergeant Cassista.
11 What he did with the flier, I don't know. I
12 wasn't there. I prepared a flier and provided it to
13 him so that he would have it for his functions,
14 whatever they were.
15 Q I'm just going to take these documents back
16 from you for a second.
17 A Sure.
18 Q And you said Exhibit 10 is not the one --
19 A Correct.
20 Q -- that you prepared.

really have a different

860-549-1850

Now armed with solid evidence of a missing one-page “Person of Interest” flyer, Krayeske moved Judge Underhill for spoliation sanctions against the CSP defendants. On February 3, 2011, Judge Underhill held a telephonic conference to hash out the arguments. AAG

Sarnoski here admitted they looked for the one-page flyer before Cassista’s deposition in February 2009, but could not find it. This shows he knew Judge Underhill had the facts wrong in November 2009. Who knew what that one-page flyer really said?

11 THE COURT: All right. Well, I just want to
12 make sure that we get all reasonable efforts taken to try
13 and locate this missing flyer.
14 MR. SARNOSKI: And, Your Honor -- this is Steve
15 Sarnoski again -- I have no problems with engaging the
16 state police to look one more time. However, it is clear
17 to me that they have looked carefully on multiple
18 occasions, both in preparation for Lieutenant Cassista's
19 deposition in response to discovery requests and now in
20 response to Detective Rosado's deposition and, again, have
21 consistently come up with the same result, that that
22 document simply isn't there. I don't mind looking --

In that same phone conference, Judge Underhill granted something even rarer: the deposition of a Connecticut Governor.

10 MS. MORGAN: If we're limited then to exactly
11 what she saw regarding him on that bicycle and what
12 happened, I think that is very relevant. She is a first
13 hand witness of those events and I believe that's
14 relevant. And if our deposition is then limited to that,
15 then so be it.
16 THE COURT: Okay. You can ask her -- you can
17 take a deposition of her by written question to describe
18 what she saw and remembers concerning the person on the
19 bicycle described in paragraph four of her affidavit.
20 MS. MORGAN: Certainly. Thank you, Your Honor.

Gov. Rell's deposition was just the fourth of a Connecticut governor in the past 40 or so years. But the court refused live questioning, and only permitted her to answer pre-approved questions. That the deposition happened was a significant victory for government accountability. She did not see any commotion, in contrast to the arrest report.



Krayeske continued to press Judge Underhill to force the CSP defendants, Cassista and Rosado, to compel production of the one-page flyer. On March 25, 2011, a few weeks before Defendant Antuna's trial, Judge Underhill held another conference to manage pre-

trial evidentiary issues. Judge Underhill here acknowledged the CSP stifled Krayeske in discovery over the one-page "Person of Interest" flyer, but he did not revisit his rulings based on that incorrect fact. Underhill recognized Krayeske may have a remedy for this.

1 motion, by order to compel production of documents, to
2 produce anything. And so they may have stifled you in
3 discovery, but I think they got away with it if they got
4 dismissed as a party. And your remedy, if you have one,
5 is something other than a Motion to Compel pursuant to the
6 request for production that was served and not responded
7 to while they were still a party.

In April 2011,

A federal jury ruled against Krayeske. With the game so rigged against him, he could not possibly have won.

The CSP should not have destroyed the flyer, pursuant to record retention schedules. But they did. The State Library's Office of Record Retention re-

fused to hold the CSP accountable for document destruction. Who does that office rely on for advice in interpreting statute and rules? The Attorney General.

So Krayeske filed a claim with the Claims Commission for permission to sue the state itself.

Kenneth James Krayeske, Esq.

*364 Laurel Street • Hartford, CT 06105 • CT Juris No. 431862
860-995-5842 • kenkrayeske@yahoo.com*

October 14, 2011

Commissioner J. Paul Vance, Jr.
Office of the Claims Commissioner
State of Connecticut
999 Asylum Avenue
Hartford, CT 06105

VIA CERTIFIED MAIL: 7008 3230 0002 1524 7765

Re: Claimant Kenneth James Krayeske

Dear Commissioner Vance:

Please consider this a concise statement of claims for submission under Chapter 53, Section 4-141, et seq. of the Connecticut General Statutes. Enclosed please find a check for \$250.00 representing \$50 per claim for each of the five claims listed. The claim is submitted in duplicate as required.

The Claimant is Kenneth James Krayeske, of 364 Laurel Street, Hartford, Connecticut, 06105.

BACKGROUND FACTS

1. Prior to the January 3, 2007 inauguration of Gov. M. Jodi Rell, Detective Pedro Rosado of the Connecticut Department of Public Safety ("CT DPS") was investigating potential protests and threats directed at Gov. Rell's inaugural festivities scheduled for January 3, 2007
2. Detective Rosado identified Claimant Kenneth J. Krayeske ("Claimant") through a written statement suggesting protest at the Inaugural Ball Claimant made on an internet web post on December 14, 2006.
3. On January 2, 2007, Detective Rosado drafted a two-page dossier about Claimant for internal CT DPS purposes only. The first page contained two photos of Claimant, and the

/Users/kenneth/Documents/Krayeske Law Offices/KJK/lt/claims commissioner 2011-09-30.doc

To the Claims Commission, Krayeske pled the following four causes of action against the CSP for destruction of documents and against the Attorney General's office for aid in covering it up.

Spoliation:

- 1) that the CSP knew of a pending or impending civil action involving the Claimant;
- 2) that CSP destroyed evidence;
- 3) that CSP destroyed this evidence in bad faith, that is, with intent to prevent the Claimant from moving his cause of action;
- 4) that Krayeske could not establish a prima facie case against CSP and its agents and employees without the spoliated evidence; and
- 5) Krayeske was damaged by the intentional destruction of evidence carried out by CSP.

Third-Party Spoliation:

The same as spoliation, except that the CSP knew of an impending civil action against a third party, and that the Krayeske could not prove his case against the third party because of destroyed evidence.

Fraudulent Misrepresentation:

- 1) the state and its agents made false

statements;

- 2) the state knew those statements to be untrue;
- 3) they knew people would rely on those statements, and
- 4) that Claimant relied on those statements to his detriment.

Fraudulent Concealment:

- 1) that the state knew of the facts necessary for Krayeske to establish claims of intentional spoliation , third party spoliation and fraudulent misrepresentation;
- 2) that the state acted to suppress and conceal this information preventing Krayeske from filing these claims;
- 3) that Krayeske was delayed from filing these claims because of the concealment and suppression; and
- 4) that Krayeske was harmed by this concealment.

Based on the documents and facts presented herein, Krayeske can state a claim and these elements. He only requires permission to abrogate sovereign immunity.

On July 3, 2012

Sarnoski finally filed a motion to dismiss for the CSP, and AAG Thomas J. Davis appeared for Sarnoski before the Claims Commission. They claimed Krayeske was time-barred from filing the claims because of Cassista's revelation in his deposition. Krayeske replied, but expected the Claims Commissioner to rule against him. In January 2013, Krayeske filed the same set of claims in Connecticut Superior Court against individual defendants, including Commissioner Boyle and AAG Sarnoski. See *Krayeske v. Boyle*, HHD-CV13-8785950-S.

RETURN DATE: JANUARY 29, 2013	:	SUPERIOR COURT
KENNETH J. KRAYESKE	:	JD OF HARTFORD
V.	:	AT HARTFORD
LEONARD C. BOYLE, ET AL	:	JANUARY 5, 2013

COMPLAINT

COUNT ONE: Negligent Misrepresentation as to Leonard C. Boyle

1. Plaintiff Kenneth J. Krayeske is an individual having an address of 364 Laurel Street, Hartford, Connecticut.
2. At all times relevant to this complaint, Plaintiff was a journalist, photographer, and political activist.
3. Defendant Mark Cassista is a police officer with the Connecticut Department of Emergency Services and Public Protection, formerly known as the Connecticut Department of Public Safety, ("CT DESPP", also "CT DPS" or "State Police") who is sued in his individual capacity.
4. Defendant Pedro Rosado is a police officer with the CT DESPP who is sued in his individual capacity.

The state Superior Court used statutory immunity to dismiss Boyle and Sarnoski. The individual officers from the City of Hartford won a motion to strike. Krayeske defaulted the City of Hartford for failing to plead. The claims against the City of Hartford and the individual CSP defendants - Christopher Nolan, Peter Terenzi, Mark Cassista and Pedro Rosado - seemingly await the outcome of this appeal.

In December 2013

Krayeske appeared to have a breakthrough. At a spoken-word festival at Hartford's Mark Twain House auditorium on December 5, hosted by WNPR personality Chion Wolf, entitled "I Fought the Law," Krayeske told this sordid tale before 200 people. A few moments later, HPD assistant chief Brian Foley apologized to Krayeske. Foley's words:

My name is Brian Foley and I have been with the police department for 19-plus years. I've worked in internal affairs. I'm one of the few police officers that you will ever meet that has made arrests of other police officers for genuine corruption.

I worked in internal affairs for four years and arrested a few cops. I'm not proud of it and it hurt, but it had to be done. I worked in homicide for the other majority of my career, I'm still there now. Some of the stories, I'll -- I'm going to do a few short ones here -- are completely totally rated G to me, to you, they will be a PG-13. If I went with some of the funny stories, you'll run me out of town and put me in an asylum for sure.

What I'm going to say to you is -- is something that's, uh, never been said before, probably difficult for a lot of cops to say: Ken, we're sorry.

I'm probably one of the 450 cops, uh, that was not named in the lawsuit and so it is easy for me to say that. (Audience laughing.) I was on that day.

I did hear your name, you got a raw deal. Yeah, they held you till -- over the, uh, Governor's Ball or something like that. I wasn't -- I wasn't tied in with it in any way, thank God. That being said, you got -- you kinda got a raw deal. I remember what happened, I was on that day.

It would appear that Foley did not know Krayeske still had litigation pending when he made this statement. When faced with the first apology to him from a uniformed officer, Krayeske had no choice but to depose Foley. On February 26, 2014, Foley had his gun in his holster when he sat down for the deposition. Cue the transcript, Krayeske questioning:

8	Q	December 6th. What is a "raw deal"?
9	A	Uh, the opposite of a great deal. Or it is a
10		great movie from the '80s with Arnold Schwarzenegger.

Another of Foley's "I Fought the Law" stories at the Twain House described life walking a beat. Foley explained how years ago, one night, some University of Hartford students gave him a hard time for being a cop and only making \$30,000 or so a year. The next night, he saw some students duck behind a building on Sisson Avenue. Foley's words:

[T]here's an old pizza place called Sal's right in the corner of Sisson and, I believe, Fales or something, a great place. I was there walking around. I see some kids duck around the alley. I walk around the alley and sure enough, peeing right on the building, there is a kid. And I go up and I shine my flashlight and I turn around and it is the kid who had just laid into me the night before out in front of Subway. And – well, isn't this a pisser.

Ken, I'm sorry. We played a little bond game with him. His parents had to come up from New Jersey, I'm sorry about that.

Under oath at the deposition, Foley forgot what a "bond game" was, multiple times. This, in practice, is the attempt to prevent police oversight at all costs.

18	Q	(By Mr. Krayeske) What is a "bond game"?
19	A	I have no idea.

On February 24, 2014

Claims Commissioner J. Paul Vance, Jr. granted, the state's Motion to Dismiss. Vance agreed with the state's argument that since Sgt. Cassista raised the issue of the one-page flyer in his deposition, the statute of limitations had expired on Krayeske's claims. Fraudulent concealment acts to toll the statute of limitations. The state has not used this timeliness argument in *Krayeske v. Boyle*.



And as this case has progressed, Krayeske has no expectations of any officers telling the truth. The wall of silence prevails here. Nor has Krayeske expected any quarter from Constitutional executive branch officials. Krayeske and his attorney Jason Becker met with Attorney General George Jepsen and his litigation director Perry Zinn-Rowthorn to

discuss *Krayeske v. Boyle* in September 2013. Jepsen explained that he had been in Russia years ago and got arrested, and Krayeske needed to “Get over it.” If it seems crazy that one person would spend eight years and countless thousands of dollars and hours pursuing justice, you have never been plucked off the street while standing there.

Russian writer Aleksandr Solzhenitsyn in the *Gulag Archipelago* said the true moment of cataclysm is when they come up behind you and hiss “You’re under arrest.” Should the legislature decline to abrogate sovereign immunity, and deny Mr. Kraveske, this report reads as the comprehensive investigation the legislature failed to demand.

Or it reads as an obituary for an idea. Almost 400 years after the king first chartered this little colony known as Connecticut, and almost 250 years after that little colony threw the king’s divine monarchy off its back, the resulting state has resurrected the worst excesses of that tyranny. Our failure to control those totalitarian urges lurking amongst us will undo this democracy.

If Washington state can acknowledge

its executive overreaction, Connecticut should do the same. But Kraveske has been stonewalled. After eight years, the General Assembly’s Judiciary Committee

is Kraveske’s last stop. Where else is there to turn for justice?

Once this book is in the state library and legislative history, future generations may find one reason why people lost faith in the institutions that once generated civic pride.

How can any criminal defendant feel confident about getting a fair shake knowing the Assistant Chief State’s Attorney can mislead the General Assembly and cover up for police officers without

consequence? Should the legislature turn this down, Kraveske has the satisfaction of correcting the record. Otherwise, history will not judge this event kindly. The state must make good now.



PERSON OF INTEREST

Apprehend and arrest on orders. Destroy this document after 1/3/7.



Kenneth J. Krayske • D.O.B. 2/26/72

- The above subject is a liberal trouble maker and Green Party activist.
- Arrested by HPD for illegal protest in 2003.
- Arrested by Southington PD for illegal protest in 2003.
- Arrested by Groton PD for illegal protest in 2004.
- CTSP Governor's Security Detail considers him dangerous.
- Subject may protest for the Inaugural Ball. This must not happen!

No responses to his call to protest as of 1/2/7 at 16:00 hrs.

- The above subject drives a 1999 Volkswagen Jetta, CT Reg 321-NJP.
- Report his appearance immediately by radio.