

**RETURN DATE: JUNE 26, 2018** : **SUPERIOR COURT**  
**DANIEL REALE** : **J.D. OF WINDHAM**  
**VS** : **AT PUTNAM**  
**KEVIN SCARPATI** : **MAY 7, 2018**

### **COMPLAINT**

#### **COUNT ONE: DEPRIVATION OF RIGHTS UNDER COLOR OF LAW (42 USC §1983)**

1. The Plaintiff is a resident of Plainfield, Connecticut.

2. The Defendant is a resident of Meriden, Connecticut, and its mayor.

3. On Saturday April 27, 2018, at approximately 11 AM, the Plaintiff was circulating a ballot petition, with others, at the entrance of the annual Daffodil Festival in Meriden, held on public property and generally accessible to the public for no entry fee, for the purpose of placing Libertarian candidates on the statewide ballot, on a form prescribed by the Connecticut Secretary of State and so required by law. This constituted an act of freedom of speech and assembly. He was also wearing a hat and a tee shirt that both said, "Libertarian Party of Connecticut".

4. No access to the Festival was blocked or impeded, nor was any crime or disruption being committed. The entire interaction with the public and those who chose to sign or not sign was happy, pleasant and otherwise the part of an ordinary spring day with all enjoying sunny weather and a public park.

5. Upon learning of the petition being circulated for the Libertarian line, the Defendant issued an unlawful directive to the Chief of Police in Meriden to have the Plaintiff and other petitioners told to leave or be physically removed from the entrance to public property, and the Chief then directed a Lieutenant, under implied threat of deadly force or physical detention, to cause the directive to be made, and if necessary to effectuate the unlawful order, have the Plaintiff

removed. The Defendant did this to protect the Democratic and Republican Parties from competition on the ballot in the November 2018 general election, and the same two parties were present and exercising their rights as protected by the First and Fourteenth Amendments to the United States Constitution within the Festival itself.

6. The Plaintiff had a right to circulate a ballot petition as protected by the First and Fourteenth Amendments to the United States Constitution.

7. The Defendant's unlawful directive, made with the implied threat of physical and deadly force, caused the Plaintiff to leave public property and chilled the expression of his rights as protected by the First and Fourteenth Amendments to the United States Constitution.

8. Public places historically associated with the free exercise of expressive activities, such as streets, sidewalks and parks (such as the location of the Festival), are public forums, and the Defendant's unlawful order sought to restrict the content of the Plaintiff's exercise of his freedom of speech and assembly. The unlawful order had no basis in city ordinance, statute or otherwise codified local or state authority. In short, the unlawful order was arbitrary, capricious, oppressive and designed to thwart the Plaintiff's and others' attempts to place candidates on the statewide ballot for which every elector may choose to vote or not vote for.

9. Prior to leaving, the Plaintiff confirmed through the Lieutenant delivering and charged with effectuating the unlawful, oppressive order in addition to a second lieutenant in passing on the way out that, in fact, it did originate from the Defendant.

10. The Plaintiff, after leaving, called the Meriden Police Department to ask what would occur if he in fact returned to the Festival and petitioned. The

desk sergeant informed him he would be arrested for "first degree" criminal trespass, and otherwise be put at restriction of his liberty. CGS 53a-107 states, "A person is guilty of criminal trespass in the first degree when: (1) Knowing that such person is not licensed or privileged to do so, such person enters or remains in a building or any other premises after an order to leave or not to enter personally communicated to such person by the owner of the premises or other authorized person; or (2) such person enters or remains in a building or any other premises in violation of a restraining order issued pursuant to section 46b-15 or a protective order issued pursuant to section 46b-16a, 46b-38c, 54-1k or 54-82r by the Superior Court; or (3) such person enters or remains in a building or any other premises in violation of a foreign order of protection, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person; or (4) knowing that such person is not licensed or privileged to do so, such person enters or remains on public land after an order to leave or not to enter personally communicated to such person by an authorized official of the state or a municipality, as the case may be." In other words, the Plaintiff would have been kidnapped and unlawfully imprisoned, subject to deadly and any other force if necessary, and then falsely accused of a crime, if he returned to exercise his rights as protected by the First and Fourteenth Amendments to the United States Constitution.

11. The unlawful order constituted an act threatening kidnapping and violence chargeable under State law and punishable by imprisonment for more than one year, among other acts cognizable under 18 USC §1961.

## **COUNT TWO: GENERAL RECKLESSNESS**

1-11. Paragraphs 1-11 of Count One are reallaged.

12. The Defendant, in so acting as he did and also in failing to act to recall the unlawful order effectuating the threat of implied violence to chill and deny the Plaintiff the exercise of his rights as protected by the First and Fourteenth Amendments to the United States Constitution, was the cause of the damages sustained by the Plaintiff.


13. The Defendant knew that his unlawful order posed a serious risk to the safety of the Plaintiff and those around him.

14. The Defendant's unlawful order was a conscious choice to employ both threatened and actual dangerous and deadly force to any such degree was required for its effectuation.

WHEREFORE, the Plaintiff claims:

- A. Declaratory judgment that his rights as protected under the United States Constitution were violated
- B. Nominal damages
- C. Costs
- D. Other relief the Court deems fit and proper

THE PLAINTIFF:



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