

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA : CRIMINAL NO. 3:10CR120(VLB)  
 :  
 v. :  
 :  
 ANGELO REYES : MARCH 29, 2013

GOVERNMENT’S MOTION TO REVOKE BOND  
AND FOR A PROTECTIVE ORDER PURSUANT TO 18 U.S.C. § 1514

On March 26, 2013, on two occasions, the defendant, Angelo Reyes (“Reyes”), drove slowly past the home and personal residence of a disclosed government witness who is the lead New Haven fire investigator in this case, where Reyes made intimidating gestures towards the witness’s minor children, aged 14 and 5, who were outside. This is not the first time the government has raised witness tampering and obstruction concerns while the defendant has been on pre-trial release in this case. See, e.g., Government’s Motion to Revoke Bond dated January 28, 2011 (Docket No. 71), which is incorporated by reference herein.

In light of this most recent and deeply troubling incident, the government hereby moves, pursuant to 18 U.S.C. §3148(b), that Reyes’ order of release be revoked and that he be detained pending trial. The government also moves, pursuant to 18 U.S.C. § 1514(b)(1) for a protective order prohibiting Reyes – or anyone under his direction or control – from further harassing, threatening or intimidating this particular witness or his family; and prohibiting Reyes or anyone under his direction or control from having any contact with prospective

government witnesses in this case, except through and with the participation of his defense counsel.

Because 18 U.S.C. § 1514(b)(1) states that the “United States district court, on motion of the attorney for the Government . . . shall issue a protective order prohibiting harassment of a victim or witness in a Federal criminal case or investigation if the court, after a hearing, finds by a preponderance of the evidence that harassment of an identified victim or witness in a Federal criminal case or investigation exists or that such order is necessary to prevent and restrain an [obstruction offense],” the Government also moves for an immediate evidentiary hearing before Judge Bryant as soon as the Court’s schedule permits, so Judge Bryant may hear from the witness and consider this motion to revoke bond and for a protective order.<sup>1</sup>

Finally, because the Court recently disqualified Reyes’ most recent defense counsel and Reyes has appealed that order, the government respectfully requests, in the event that Reyes has not yet retained new counsel, that in the interim, the Court appoint CJA counsel for Reyes for the limited purpose of representing him in connection with this motion, as the government respectfully submits that witness safety concerns, and allegations of harassment and

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<sup>1</sup> The government makes this motion and its request for a hearing directly to Judge Bryant because it appears, under the plain language of 18 U.S.C. § 1514, that a motion for a protective order and proceedings pursuant to that statute are properly made to the presiding United States District Judge.

intimidation of a government witness and his family, must be dealt with expeditiously.<sup>2</sup>

**I. FACTUAL BACKGROUND**

On January 10, 2012, a federal grand jury returned a third superseding indictment against Angelo Reyes (“Reyes”) charging him with orchestrating the July 2009 arson of his People’s Laundromat at 83 Lombard Street in New Haven; the March 2005 arson of a property he then owned at 42 Lombard Street; the October 2, 2008 arson of a property located at 238 Poplar Street that he subsequently acquired and developed; and the September 19, 2002 arson of a property located at 139 Lloyd Street, which he subsequently acquired and developed. In short, the government alleges that Reyes orchestrated numerous arsons over many years at properties in the Fair Haven section of New Haven in an effort to collect insurance proceeds, to get out of debt and/or to further his commercial and real estate development plans.

The witness involved in the instant motion was one of the primary fire investigators for the New Haven Fire Department who investigated the July 2009 arson of Reyes’ People’s Laundromat at 83 Lombard Street in New Haven; he interviewed Reyes in connection with that alleged arson; he has assisted with the investigation of Reyes in connection with the various other alleged arsons, both

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<sup>2</sup> The Federal Public Defenders previously represented a co-defendant in this case. Reyes was provided an appointed, CJA attorney as standby counsel at the October 2012 *Curcio* hearing held by the Court.

charged and uncharged, that are at issue in this case; he has prepared or compiled reports and other discovery material from the New Haven Fire Department that the government has disclosed in this case; his name appears in various discovery materials disclosed in the case; and he was disclosed as an anticipated government trial witness. Simply put, he is the functional equivalent of a case agent witness from the New Haven Fire Department. He was also specifically named in the government's anticipated witness list filed with the Court on August 27, 2012 in advance of a then-anticipated October 2012 trial. According to the witness, Reyes knows him and his New Haven Fire Department vehicle by sight, and knows at least his older, 14 year old son as well.

The witness lives with his wife and children in a single family home, on a one-way street in New Haven, Connecticut, where they have lived for approximately the past eight years. According to the witness, at the time of the March 26, 2013 incident, his New Haven Fire Department vehicle was parked on the street, in front of his home, from approximately 4:05 p.m. until sometime after dark when it was moved into the driveway.

According to the witness, on March 26, 2013, at approximately 5:10 p.m., the witness was outside in his driveway when he heard someone yell "Huh, huh." The witness looked and saw the defendant Reyes aggressively leaning his head out of the open driver's side window of a maroon minivan, which bore Reyes' People's Laundromat logo. Reyes was gesturing and staring at the witness's two children, ages 5 and 14, who were standing on the sidewalk, at the end of the

driveway, with their bicycles. Reyes was driving very slowly – almost stopped – as he slowly passed the house. The witness went down the driveway towards his children after hearing and seeing the defendant Reyes drive slowly past his personal residence in this manner. The witness looked up and down the street and observed that Reyes's minivan was the only vehicle on the street. The witness's two sons were the only people in front of the house on either side of the street.

The witness asked his 14 year old son about what had happened. The witness's son stated that Reyes was staring at him and his younger brother as Reyes drove up the street. Reyes then lunged out the window of the minivan and screamed at them when he was next to them. Reyes then continued to stare them down as he drove past their home.

The 14 year old son recounted to the witness that, prior to Reyes' arrival, the witness's sons had gone up the street, on their bicycles, and gone to a nearby store. After returning from the store the two children stopped outside the witness's home to divide up what they had purchased. When Reyes had approached the witness's home, the two boys were standing with their bicycles on the sidewalk.

After the witness's 14 year old son recounted the incident, he stated that this was the second time that day that Reyes had driven by the house and stared them down. According to the witness's 14 year old son, Reyes had driven slowly past the house while both boys were outside on the sidewalk earlier that

afternoon as well. According to the 14 year old son, during this prior pass, Reyes had also stared at him and his younger brother, he looked the house up and down, and then went back to staring at the two children again. (The witness did not personally witness this first incident with Reyes). The witness's son told the witness that he felt scared and intimidated by Reyes' actions. According to the witness, his 14 year old son was visibly shaken by the incidents when he was recounting them to his father.

On March 27, 2013, the witness's 14 year old son was interviewed by the FBI case agent in this case. Because he is a minor, the witness's father was also present during the interview, but he did not intervene or provide any information. The witness's son corroborated much of what the witness had already provided.

According to the 14 year old son, he knows Reyes from the New Haven area and, historically, he has previously been present when his mother has spoken with Reyes on a couple occasions.

According to the 14 year old son, on March 26, 2013 he saw Reyes on two occasions. Both times the son was standing outside the family home with his five year old younger brother. According to the 14 year old son, it was unusual to see Reyes himself driving a People's Laundromat van, because, in the son's experience, he had typically seen one of the laundromat employees driving the van.

According to the 14 year old son, at approximately 4:00 p.m., he saw Reyes driving a purple People's Laundromat minivan on his street. The son explained

that his street is a one-way road and his house was on the same side as the driver's side window of the vehicle as it passed the house. The son and his young brother were standing, with their bicycles, on the sidewalk in front of their family's home when Reyes slowed the vehicle down and stared at him and his brother as he passed. During this first pass, Reyes did not say anything or make any gestures towards the boys, but he just stared at them and then back at the house. The son and his brother did not say anything to Reyes or make any gestures towards him. Reyes was not following another vehicle and there wasn't any vehicle behind Reyes as he went up the street. According to the son, this first incident made him feel uncomfortable and he took his younger brother and their bicycles back behind their house. The two boys stayed behind the house long enough for Reyes to be out of the area.

When the boys went back out in front of their home they went up the street. After riding their bicycles with some neighborhood kids, the two boys went to a neighborhood store.

The two boys subsequently rode their bicycles back to their home and were stopped outside the front, dividing up their purchases, when the older son saw Reyes approach a second time in the same People's Laundromat van. According to the 14 year old son, Reyes approached in the vehicle very slowly, and he (the son) was scared. According to the son, the driver's side window was down and as Reyes got close to him and his young brother, Reyes leaned out the window and yelled "Whoaa. Whoaa." According to the son, his father was on the

side of their house and he came down the driveway when this happened. The son did not believe that Reyes saw their father. The son did not see where Reyes went after passing their house for this second time.

The 14 year old son stated that he was shocked and scared after this second incident of Reyes slowly driving by their house in this manner. The son then took his younger brother and their bicycles to the back of their house because he didn't want to be out front anymore. According to the son, he was also nervous about going out the following day (the day he was interviewed) because he was afraid things might get worse with Reyes.

According to the witness, Reyes knows where the witness lives. The witness has previously seen Reyes drive past the witness's house while the witness was outside raking leaves, and Reyes slowed down to stare at the witness.

According to the witness, since approximately 2009 or 2010, and in light of his involvement in this case, he has recused himself from any inspections of Reyes' properties in his capacity as a fire inspector for the City of New Haven. According to the witness neither he, nor his sons have been involved in any altercations with Reyes, and they did not do anything to provoke or retaliate against Reyes as he passed their home.

According to the witness, after Reyes was arrested in this case, Reyes has "stared down" the witness on multiple occasions.

The witness reported the March 26, 2013 incident to the FBI case agent in this case, as well as the New Haven Police Department, with whom he also filed a formal complaint.<sup>3</sup> According to the witness, his wife was also very upset and distraught over the incident and expressed grave concern that the situation could escalate.

## **II. LEGAL FRAMEWORK**

Title 18, United States Code, Section 3148(b) provides, in pertinent part:

**Revocation of release. – The attorney for the Government may initiate a proceeding for revocation of an order of release by filing a motion with the district court. A judicial officer may issue a warrant for the arrest of a person charged with violating a condition of release, and the person shall be brought before a judicial officer in the district in which such person’s arrest was ordered for a proceeding in accordance with this section . . . . The judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer –**

**(1) finds that there is –**

**(A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or**

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<sup>3</sup> It is the government’s understanding that, in response to the witness’s formal complaint, the New Haven Police Department contacted Reyes. It is the government’s understanding that Reyes admitted to having been in the area, but stated that he was in the neighborhood to pick up and/or drop off a client. Reyes otherwise denied any of the conduct set forth above.

**(B) clear and convincing evidence that the person has violated any other condition of release; and**

**(2) finds that –**

**(A) based on the factors set forth in section 3142(g) of this title, there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; or**

**(B) the person is unlikely to abide by any condition or combination of conditions of release.**

**If there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community . . . .**

**18 U.S.C. § 3148(b).**

**Here, at a minimum, there is probable cause to believe that Reyes has violated 18 U.S.C. § 1512 while subject to the Court's order of pre-trial release. Specifically, there is probable cause to believe that Reyes has engaged in witness tampering and obstruction – which goes to the very heart of the integrity and truth-seeking function of the judicial process. The facts set forth above, and which the government would intend to elicit at an evidentiary hearing through the witness, are sufficient in and of themselves to warrant revocation. This most**

recent incident of witness tampering and obstruction is far from an isolated and aberrational incident, however, and is instead part of a bigger picture that has emerged in which Reyes, when he faces a legal problem – whether a threatened lawsuit, criminal investigation or criminal case – has sought to obstruct justice by pressuring, intimidating or threatening witnesses. See, e.g., Government’s Motion to Revoke Bond dated January 28, 2011 (Docket No. 71), which is incorporated by reference herein. Because of these ongoing obstruction and witness tampering concerns – which have now been brazenly visited directly upon the home, family, and children of an important fire investigator and government witness in this case – the government submits that there are no conditions or combination of conditions that can reasonably ensure that Reyes will not pose a danger to the safety of any other person or the community, including trial witnesses. In order to ensure that Reyes’ efforts to obstruct and tamper with witnesses are deterred and do not succeed; in order to ensure the safety of the community including those witnesses who have summoned the courage to speak up about Reyes’ alleged crimes; and in order to ensure the integrity of the judicial process and to ensure that the allegations in Reyes’ criminal cases are heard on the merits in a fair proceeding with untainted witnesses, the government submits that revocation is appropriate and Reyes should be detained pending trial.

For much the same reason, the government also moves, pursuant to 18 U.S.C. § 1514, for an evidentiary hearing and a subsequent protective order to

prevent Reyes – or anyone acting under his direction or control if the Court revokes his bond – from further harassing, threatening or intimidating this particular witness or his family; and prohibiting Reyes or anyone under his direction or control from harassing, threatening or intimidating any prospective government witness, or having any contact with prospective government witnesses in this case, except through and with the participation of his defense counsel. Title 18, United States Code, Section 1514 provides, in pertinent part:

(b)(1) A United States district court, upon motion of the attorney for the Government . . . shall issue a protective order prohibiting harassment of a victim or witness in a Federal criminal case or investigation if the court, after a hearing, finds by a preponderance of the evidence that harassment of an identified victim or witness in a Federal criminal case or investigation exists or that such order is necessary to prevent and restrain an offense under section 1512 of this title . . . .

(3) At the hearing referred to in paragraph (1) of this subsection, any adverse party . . . shall have the right to present evidence and cross-examine witnesses.

(4) A protective order shall set forth the reasons for the issuance of such order, be specific in terms, describe in reasonable detail the act or acts being restrained.

(5) The court shall set the duration of effect of the protective order for such period as the court determines necessary to prevent

harassment of the victim or witness but in no case for a period in excess of three years from the date of such order's issuance. The attorney for the Government may, at any time within ninety days before the expiration of such order, apply for a new protective order under this section . . .

(c) Whoever knowingly and intentionally violates or attempts to violate an order issued under this section shall be fined under this title, imprisoned not more than 5 years, or both.

(d)(1) As used in this section--

(A) the term "course of conduct" means a series of acts over a period of time, however short, indicating a continuity of purpose;

(B) the term "harassment" means a serious act or course of conduct directed at a specific person that –

(i) causes substantial emotional distress in such person; and

(ii) serves no legitimate purpose;

(C) the term "immediate family member" has the meaning given that term in section 115 and includes grandchildren;

(D) the term "intimidation" means a serious act or course of conduct directed at a specific person that –

(i) causes fear or apprehension in such person; and

(ii) serves no legitimate purpose;

.....

**(F) the term “serious act” means a single act of threatening, retaliatory, harassing, or violent conduct that is reasonably likely to influence the willingness of a victim or witness to testify or participate in a Federal criminal case or investigation; and**

**(G) the term “specific person” means a victim or witness in a Federal criminal case or investigation, and includes an immediate family member of such a victim or witness.**

**18 U.S.C. § 1514.**

**Based on the facts proffered above, which the government would intend to elicit through the witness at the requested evidentiary hearing on this motion, the government submits that the Court will be in a position to find, by a preponderance of the evidence that harassment of an identified witness in this Federal criminal case occurred, and that a protective order is necessary to prevent and restrain an offense under 18 U.S.C. § 1512. Indeed, the government respectfully submits that this is the very type of situation contemplated by Section 1514 of Title 18 of the United States Code. To the extent that the Court agrees, the government would be willing to submit a proposed protective order for the Court’s consideration, following the requested hearing to revoke Reyes’ bond and for the requested protective order.**

**III. CONCLUSION**

For the foregoing reasons, and pursuant to 18 U.S.C. §3148(b), the government respectfully moves to revoke the court's order of release for the defendant, Angelo Reyes, and detain him pending trial, in light of ongoing obstruction and witness tampering concerns, and because there is probable cause to believe that the defendant has engaged in the harassment and intimidation of a government witness and his family, at the witness's home, while on pre-trial release. For the same reasons, the government requests that, after an evidentiary hearing on this motion, the Court also enter a protective order pursuant to 18 U.S.C. § 1514 to prevent Reyes and anyone under his direction or control from having contact with any anticipated government witness in this case, other than through his counsel. The government requests that the Court hold a hearing on this motion as soon as the Court's schedule permits, so the Court may hear testimony directly from the witness at issue and grant whatever relief it believes appropriate.

Finally, as noted above, in the event that Reyes has not yet retained new counsel, the government respectfully requests that the Court appoint CJA counsel for Reyes for the limited purpose of representing him in connection with this motion and related proceedings, as the government respectfully submits that witness safety concerns, and allegations of harassment and intimidation of a government witness and his family at their home, must be taken seriously and dealt with as expeditiously as possible.

Respectfully submitted,

**DAVID B. FEIN  
UNITED STATES ATTORNEY**

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**CERTIFICATION**

I hereby certify that on March 29, 2013, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

This is to certify that a copy of the foregoing was also forwarded on this 29th day of March 2013, to Angelo Reyes at the following addresses: (1) 442 Lexington Avenue, New Haven, Connecticut 06513; and (2) P. O. Box 183, New Haven, Connecticut 06513.

A courtesy copy of the foregoing was also forwarded this 29<sup>th</sup> day of March 2013, to:

**Bunita Keyes  
United States Probation Officer  
United States Probation Office  
United States District Court  
450 Main Street, Room 735  
Hartford, Connecticut 06103**

*/s/*

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**STEPHEN B. REYNOLDS  
ASSISTANT UNITED STATES ATTORNEY**