

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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*
M. PETER KUCK, ET AL., *
Plaintiffs, *
* CASE NO. 3:07-CV-1390-VLB
V *
* MARCH 13, 2012
JOHN A. DANAHER, III, ET AL., *
Defendants. *
*
* * * * *

DEPOSITION OF JAMES CETRAN

Taken on behalf of the Plaintiffs in the above-entitled cause, before Patricia Tyszka, Registered Merit Reporter, License No. 46, Notary Public, in and for the State of Connecticut, on Tuesday, March 13, 2012, at 10:51 a.m., at the Office of the Attorney General, 55 Elm Street, Hartford, Connecticut, pursuant to the Rules of Civil Procedure.

TYSZKA COURT REPORTING SERVICES

189 Old Forge Road

West Hartland, Connecticut 06091

pat7995@charter.net Phone/Fax (860)379-7955

1 APPEARANCES

2
3 For the Plaintiffs:

4 LAW OFFICES OF RACHEL M. BAIRD
5 379 Prospect Street
6 Torrington, Connecticut 06790-5238
7 BY: RACHEL M. BAIRD, ESQ.
8 (860)626-9991

9
10 For Defendant State of Connecticut:

11 OFFICE OF THE ATTORNEY GENERAL
12 55 Elm Street P.O. Box 120
13 Hartford, Connecticut 06106
14 BY: ROBERT D. SNOOK, ESQ.
15 (860)808-5020

16
17 Also Present:

18 M. Peter Kuck
19 Joseph Gasser, Legal Intern with Attorney Baird
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STIPULATIONS

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IT IS STIPULATED by counsel that formalities as to the proof of the authority of the Notary Public and sufficiency of Notice are waived.

IT IS STIPULATED and agreed between counsel that all objections, except as to form, are reserved to the time of trial.

IT IS FURTHER STIPULATED and agreed that the deposition may be signed before a Notary Public.

1 JAMES CETRAN,
2 Of Wethersfield Police Department, 250 Silas
3 Deane Highway, Wethersfield, Connecticut 06109,
4 having first been duly sworn, was examined and
5 testified as follows:

6
7 DIRECT EXAMINATION

8
9 BY MS. BAIRD:

10 Q Chief Cetran, my name is Attorney Rachel Baird
11 and I subpoenaed you to testify here today because I
12 represent Mr. Kuck, who is seated to my left in the yellow
13 shirt, and I represent Mr. James Goldberg in a case
14 against the former Commissioner of Public Safety Danaher
15 and a number of other state employees.

16 Have you ever been through the deposition
17 process before?

18 A Yes.

19 Q So you're familiar with some ground rules where
20 if you don't understand a question just ask me to clarify
21 it. Will you do that?

22 A Of course.

23 Q And if you need to take a break, just ask and
24 we'll take a break.

25 When you answer, answer out loud because the

1 court reporter to my right is taking down what we say for
2 the record.

3 A Okay.

4 Q And if you have any questions, feel free to ask.

5 A I will.

6 Q Now, you know you're not a party in this case.

7 Right?

8 A Yes.

9 Q You're not being sued?

10 A Right.

11 Q You don't have an attorney here with you?

12 A No.

13 Q But you feel okay about that?

14 A Yes.

15 Q Okay. Are you familiar or do you know James

16 Goldberg who is a plaintiff in this action?

17 A Yes.

18 Q How long have you known Mr. Goldberg?

19 A All his life.

20 Q And when you say "all his life," what is he, in
21 his early thirties now?

22 A Yes.

23 Q And do you know him as a resident of
24 Wethersfield?

25 A Yes.

1 Q What position do you hold with the Town of
2 Wethersfield currently?

3 A I'm the chief of police.

4 Q And how long have you been the chief of police?

5 A Nine years.

6 Q Were you a member of the department prior to
7 that --

8 A Yes.

9 Q -- being chief? How long?

10 A Well, altogether right now it's 38 years, so it
11 would have been 29 years before then.

12 Q So it's fair to say your entire law enforcement
13 career has been with the Wethersfield Police Department?

14 A My entire adult life, yes.

15 Q And how did you come to know James Goldberg?

16 A I knew his father very well because he was a
17 former police sergeant with the Wethersfield Police
18 Department. We worked together.

19 Q What's his father's name?

20 A His father's name is Jack Goldberg.

21 Q And at the time when James Goldberg was born, did
22 you know Jack Goldberg, his father?

23 A Yes. Very well.

24 Q And what kind of contact have you had with
25 Mr. Goldberg throughout his life? How frequent or

1 infrequent?

2 A James Goldberg or Jack?

3 Q James Goldberg.

4 A James. Well, it was relatively infrequent, but I
5 did see all of his sons -- he had three sons -- you know,
6 pretty much on a regular basis, but I wouldn't say
7 particularly frequent. But I was always taken by the good
8 nature of all his sons. Very respectful. Very -- very
9 nice kids.

10 Q Sometime in 2007, did it come to your attention
11 that James Goldberg had been arrested?

12 A Yes.

13 Q How did that come to your attention?

14 A Gee, I don't remember exactly how it came to my
15 attention. Oh, I know how. The father called me and told
16 me that his son had been arrested in Glastonbury, and he
17 asked me if I could find out the particulars of what
18 transpired; what the arrest was all about. So I called a
19 Glastonbury captain at the time, who is now chief, as a
20 matter of fact, to ask him to let me know what happened.
21 Because I was surprised at that, too.

22 Q Who was the name of the captain that you
23 contacted who is now chief?

24 A David Caron.

25 He didn't call me back. I talked to him prior

1 to him getting to work, on his cell phone. He was going
2 to call me back when he found out what happened. He
3 didn't call me back. And that's the first red flag for
4 me because that's unusual.

5 Q Had you spoken to Captain Caron before in a
6 professional capacity?

7 A Oh, we were very close for many, many years.

8 Q And what was this red flag that that --

9 A He didn't call me back, so I knew something was
10 wrong. So I called him and he told me that -- basically
11 what transpired, but was very short, relatively curt; and
12 that was the second red flag. So I -- we ended the call
13 and I really hadn't spoken to him about that again.

14 Q Did it come to your attention in some manner how
15 the case was resolved when it went to court, when
16 Mr. Goldberg's case went to court?

17 A Yes. I mean, I heard that the judge dismissed
18 the case outright at the time of arraignment.

19 Q What was the next involvement that you had with
20 Mr. Goldberg, Mr. James Goldberg, related to your role as
21 the Wethersfield Police Department chief?

22 A I would say it was probably about maybe six or
23 seven months later I got a new application for a pistol
24 permit, temporary state pistol permit.

25 Q And you received that application from whom?

1 A James Goldberg.

2 Q Did you know whether prior to receiving that
3 application for a temporary state permit Mr. Goldberg had
4 held a state permit?

5 A Yeah. I had issued one prior to that.

6 Q Were you involved directly in the original
7 issuance of Mr. Goldberg's temporary state permit, the
8 first one?

9 A Yeah; all of them. The chief of police is the
10 direct issuer for all temporary state permits. I have to
11 do them all.

12 Q And when Mr. Goldberg came to apply for the first
13 time for his temporary state permit with the Wethersfield
14 Police Department, what process did you use as the issuing
15 authority to determine whether, first of all, he had any
16 disqualifiers and, second of all, whether he was suitable
17 to hold a state permit?

18 A One of the detectives assigned to the detective
19 division, that's a good portion of his job is just to do
20 with pistol permit applicants. And what he does is he
21 does all the investigation in regards to the suitability
22 of an individual to obtain a state pistol permit. And
23 when I -- I don't even see it until at the end or the
24 conclusion of all the investigation, including the
25 fingerprints and everything else that comes back. When

1 that package is put onto my desk whether to sign it or
2 not, everything is there. And if I have any questions,
3 then I ask the detective to reinvestigate it or check
4 something else out. Or if I'm a little leery of
5 something, then he'll, you know, finish the job that I
6 asked him to do.

7 Q Approximately how many applications for temporary
8 state permits does the Wethersfield Police Department
9 receive every year?

10 A An awful lot.

11 Q An awful lot?

12 A You know, I don't know the exact number, but I
13 swear that they come in with -- they have a pile of
14 sometimes 12, 13 that I have to go through; and it seems
15 to be at least, you know, every three or four weeks that I
16 get that pile. So I mean there's a lot of pistol permit
17 applicants that are coming through. I don't know if
18 somebody knows something I don't know, but there's a lot
19 of people out there with guns.

20 Q Has that changed? Increased, decreased --

21 A Increased.

22 Q -- since 2007?

23 A I'd say the year was around 2008 when it really
24 started to increase. But I don't know if that had
25 anything to do with the election of President Obama or if

1 it's just the economy? I really don't know what change
2 there is, but there has been a definite increase since
3 2007, 2008.

4 Q And is Detective Michael Connolly the detective
5 who has a large portion of his job devoted to
6 investigating or looking --

7 A He did at that time, yes.

8 Q -- into applications?

9 A Yes.

10 Q Is he still with the department?

11 A Yes, but he's been promoted since then.

12 Q Who has taken over that job?

13 A I have an Anthony DeMonte who is a detective
14 that's doing it now.

15 Q When did -- is it Detective DeMonte?

16 A Yes.

17 Q When did he take over?

18 A He took over I would say about a year ago.

19 Q Okay. So is it fair to say that Detective
20 Connolly is the detective who performed or looked into all
21 the applications for temporary state permits that
22 Mr. Goldberg filed?

23 A 2007, 2008 that was his position, yes.

24 Q I want to show you an exhibit that's been marked
25 as Exhibit 4. You may already have it in front of you.

1 A Yes, I see it.

2 Q This is a two-page exhibit. Is that a document
3 that in its format is familiar to you?

4 A Yes.

5 Q Is it similar to reports that you received from
6 Detective Connolly about his review of applications for
7 temporary state permits?

8 A Yes.

9 Q Anything unusual about Exhibit 4 that caught your
10 eye that you needed to look into more?

11 A Actually, I think this is the result of my
12 request to him to reinvestigate the new application of
13 James Goldberg.

14 Q Okay.

15 A Because I knew that the State Police had revoked
16 his permit, the one -- the original one I had issued.
17 See, in the State of Connecticut the chiefs of police
18 issue a temporary state permit that's good for 90 days.
19 What the applicant does is now takes that temporary pistol
20 permit and goes to the State Police and gets a regular
21 permit, state permit that's usually good for five years.

22 So I mean technically a person could come and
23 get a temporary one every 90 days, which would be kind of
24 crazy, or take the 90-day temporary one and get the
25 regular state permit which would be good for five years.

1 I mean basically they're both the same thing, just the
2 time limits are different.

3 Q Now, in Exhibit 4, this is a two-page report that
4 you received from Detective Connolly.

5 A Right.

6 Q Did you get a report like this when Mr. Goldberg
7 filed for his original temporary state permit, the first
8 one he received?

9 A No; probably not as in-depth as this because the
10 first one was a regular straightforward application in
11 which there were no red flags or anything that would cause
12 me attention. I actually knew the applicant, I knew him
13 since he was born. But what normally happens is that I
14 get a memo from the detective that handles pistol permits
15 basically telling me that everything is pretty good, that
16 there's no red flags in this one, there's no indication
17 that the individual is unsuitable in any way, shape or
18 form. Or I get a report that says there are some red
19 flags. There's something that we need to look at; do you
20 want me to continue or do you want me to just -- are you
21 going to reject it based on what I have right now?

22 These are the kind of forms or reports that I
23 get back and forth particularly about pistol permit
24 applicants. I mean you figure -- let's just give that
25 example of maybe 12 per month. There are going to be,

1 obviously, red flags for certain individuals. Some red
2 flags cause me to determine that the person would be
3 unsuitable. Some red flags I have to basically ignore
4 because I know that the pistol permit review board would
5 let that -- or order me to issue a permit anyways. Some
6 people I would like not to issue to, but I know it's a
7 losing battle, so I do issue to.

8 Q So is it fair to say that prior to the arrest in
9 2007 that you became aware of -- Mr. Goldberg's arrest in
10 2007 you became aware of, that an investigation had been
11 conducted by the Wethersfield Police Department of his
12 temporary state permit? A temporary state permit at
13 issue.

14 A Yes.

15 Q Okay. And then Mr. Goldberg came back to you in
16 2008, sometime in 2008, applying for another temporary
17 state permit; is that correct?

18 A Yes.

19 Q And at that time what did you know, if anything,
20 about the status of his state permit that had been issued
21 subsequent to the first temporary state permit?

22 A I knew that it had been revoked.

23 Q How did you know that?

24 A Good question.

25 Q Well, first, would he have marked it on his

1 application?

2 A Yes. Right. That would -- I believe I knew it
3 before then because I knew the father and I knew some of
4 the family, what was going on with the family and I had
5 been asked other questions. But obviously the check box
6 on the back of the application form that says have you --
7 you know, "has it been revoked in any jurisdiction" was
8 checked off.

9 Q When the application came in, would it have gone
10 to Detective Connolly directly or to you --

11 A Oh, directly --

12 Q -- from Mr. Goldberg?

13 A It would go directly to the detective handling
14 the investigations.

15 Q And did Detective Connolly come talk to you about
16 it prior to conducting the investigation or did he just
17 conduct the investigation of Mr. Goldberg?

18 A No; he actually came to me with that one. I mean
19 that's a big red flag. And it's actually one that we
20 hadn't really dealt with before.

21 Q And what was the red flag that you're referring
22 to about that?

23 A The check box that says that they -- his pistol
24 permit had been revoked by the state.

25 Q Okay. Now, you've certainly gotten applications

1 before where an individual's permit had been revoked by
2 the state. Correct?

3 A Yeah. That's true.

4 Q And there's nothing about that that disqualifies
5 someone from --

6 A Well, I wasn't --

7 Q -- applying?

8 A I wasn't really sure of that.

9 Q Okay.

10 A You know, I don't know if there is a time limit
11 or whatever. I mean I know of one individual whose pistol
12 permit had been revoked like 20 years before and yet he
13 got a pistol permit in another jurisdiction with no
14 problem.

15 So I really didn't know how that worked. If
16 that box is checked off, is there a time limit on it? Is
17 there some other specifications that I need? And I
18 wanted to do what was correct by law or by rule, so I
19 actually called the Firearms Unit at the State Police and
20 asked them that question: What does that check box mean?

21 Q You personally called the Firearms Unit?

22 A I personally called. Yeah.

23 Q Who did you get through to?

24 A I believe it was Detective Karanda, Thomas
25 Karanda, spelled with a K. And I spoke to him and I asked

1 him that question: What does that box mean? Does that
2 mean I cannot issue a temporary state permit if that box
3 is checked? And his response was, no, it doesn't mean
4 that. I says, there is no statute that says I can't;
5 there's no rule that says I can't; there was no policy
6 that says I can't. Then I'm saying to myself, well, then
7 what is this box for? What does that mean? And he really
8 didn't have an answer for that.

9 So again, I'm still a little unsure. It didn't
10 make sense to me as to what this whole process is all
11 about. I don't want to issue a temporary permit that
12 goes against the rules; I take this responsibility very
13 seriously and I don't want to put guns into people's
14 hands that shouldn't -- or don't deserve to have them in
15 their hands.

16 So I took it one step further and I actually
17 spoke to I think it was Alaric Fox, who was a lieutenant
18 in charge of the Firearms Unit who I know was also an
19 attorney. I've been to several of his training classes
20 and he's very knowledgeable. So I called him and asked
21 him that specific question and actually got the exact
22 same answer.

23 Q What was the exact same answer?

24 A There's no statute, there's no rule, and there's
25 no policy against issuing a state temporary permit while

1 the state permit was revoked.

2 Q Well, let me ask you this. Going back to the
3 conversation with Detective Karanda, did you talk to him
4 about the specific circumstance in Mr. James Goldberg's
5 case where not only was it revoked, but he had an appeal
6 pending before the board on that revocation? Did that
7 come up in your discussion with Detective Karanda?

8 A Yes.

9 Q And what was discussed about that?

10 A Well, again I didn't know how that worked. I
11 didn't understand the process. If he's got -- first of
12 all, it did seem to me to be an exorbitant amount of time
13 that he had to wait for this hearing for 22 months.

14 Q How did you know he would have to wait for 22
15 months?

16 A Well, that's what I was told, was that the
17 hearing was scheduled for May of 2009, when the permit was
18 revoked sometime at the end of June of 2007. So it was a
19 22-month delay, if I remember correctly at the time.
20 Maybe my math is wrong, but it was somewhere almost two
21 years before he was going to be able to get at least a
22 hearing as to whether or not he gets his permit back. To
23 me it sounded like a no-brainer, especially since I also
24 had knowledge that the judge had ordered his permit to be
25 re-sent to him or given back to him. But there was some

1 question about the order; whether it was to Glastonbury or
2 whether it was to the state.

3 Again, I really -- I'm not -- I don't want to
4 get too personally involved. I mean, I do have a sense
5 of what's fair and what's right, and it seemed to me that
6 Mr. Goldberg was being not treated correctly. But I
7 really didn't want to get too much involved because, one,
8 we have a very good relationship with the State Police
9 that I don't want to rock, especially with the Firearms
10 Unit because we deal with them on a regular basis. But,
11 you know, unfortunately for me, I knew the kid personally
12 and I knew he was a good kid.

13 Q Other than what you've already told us about the
14 conversation with Trooper Karanda, is there anything else
15 you remember about that conversation before we move on and
16 talk more about your conversation with Lieutenant Fox?

17 A I don't remember anything particular other than
18 what the questions I asked. I was particularly interested
19 in the check box in the back.

20 Q Did Detective Karanda give you his opinion about
21 whether you should issue a temporary state permit to
22 Mr. Goldberg?

23 A I don't remember him specifically saying that,
24 but I do remember Lieutenant Fox specifically saying that.

25 Q Okay. But back to Detective Karanda. Was there

1 any conclusion at the end of the conversation with him
2 about what you would be doing that you communicated to
3 him?

4 A Again, I don't remember saying that to Detective
5 Karanda. I do remember saying -- or having that
6 conversation with Lieutenant Fox.

7 Q Did your conversation with Detective Karanda end
8 with you being referred by him to Lieutenant Fox or with
9 you having --

10 A No.

11 Q -- in your mind that you would go on and call
12 somebody else?

13 A Right. That was in my mind.

14 Q Why did you feel the need to call somebody else?

15 A I wanted to verify the information. I wanted to
16 make sure it was correct. I didn't know Karanda as well
17 as I knew Fox, and plus I knew Fox was an attorney. So I
18 figured I got the answers from Karanda, but I wanted to
19 make sure that what I was doing was absolutely correct.
20 So I was going to talk to Fox.

21 Q How long after the conversation with Detective
22 Karanda did you have a conversation with Lieutenant Fox?

23 A I don't know the specifics. It wasn't too long
24 after I talked to Karanda that I talked to Fox. I'm not
25 sure if it was the same day or even the same week, but it

1 was relatively soon after I talked to Karanda.

2 Q Did Lieutenant Fox know who you were?

3 A Yes.

4 Q Did Lieutenant Fox indicate that he knew about
5 your conversation with Detective Karanda?

6 A Gee, I don't remember that specific -- but he
7 knew about the case, he knew --

8 Q He did.

9 A Yes.

10 Q Okay. How do you know he knew about the case?

11 A Well, he talked about it with -- you could tell
12 he had knowledge of it. I mean when we started getting
13 down to the specifics and I asked him about the -- you
14 know, box, the revoke box that was checked on that
15 application, basically my question was to him: Barring
16 that check box, there is nothing different on this
17 application than an application that I had already
18 approved back before May of 2007. So if I'm going to
19 reject this application, what would be my specific reason
20 for doing that if, in fact, that check box doesn't mean
21 anything? And his answer was basically, nothing. But he
22 suggested I didn't -- that I don't reissue the state
23 permit.

24 Q In what words or manner did he suggest that you
25 not reissue the state permit?

1 A Again, you know, it's four years ago. I think
2 what he said to me was "I wouldn't issue" -- in my
3 position as chief of police, he said that he would not
4 issue a new temporary state permit because it was under
5 review by the permits review board and it had been revoked
6 by the State Police.

7 Q Did you discuss with Lieutenant Fox whether the
8 Firearms Unit was considering reinstating Mr. Goldberg's
9 permit since his case had been dismissed?

10 A It probably was in the conversation there. I do
11 know we had a conversation for a while and that would have
12 been one of the questions I would have asked, because I
13 was trying to get a feel for what was going on. What's
14 the problem? If the case was dismissed and we can't even
15 refer to the case, then what is the holdup on the return
16 of the permit? That would alleviate the problem that I
17 had, because if he got his original State Police permit
18 back, then there was no need -- or the temporary one would
19 be moot.

20 So, yeah, I asked those kind of -- I don't
21 remember the specific questions, but we did -- that was
22 part of our conversation, is what is the problem here?
23 Why is this not being issued? It came down, to me -- and
24 again, this is strictly my impression -- was that there
25 was some type of resentment towards the fact that they

1 were questioning about the permit from the very
2 beginning. Again, that's strictly an impression on my
3 part just because it didn't make sense to me. There was
4 no reason for what had transpired to get to this point.

5 Q Well, when you called Detective Karanda up to
6 discuss James Goldberg, did Detective Karanda have to --
7 you know, did he say let me go get on the computer and
8 look at the case or pull the file, or was he ready to talk
9 to you about it when you called?

10 A Yes.

11 Q Did he seem familiar with the case?

12 A Absolutely.

13 Q And Lieutenant Fox when you called him up, did he
14 say, oh, James Goldberg? Let me look that up on the
15 computer and pull the file so I can review it and talk to
16 you about it?

17 A No.

18 Q He seemed familiar with the case?

19 A Yes.

20 Q After your discussion with Lieutenant Karanda --
21 well, let me ask you this. Did you have any other
22 discussions other than those with Detective Karanda or
23 Lieutenant Fox?

24 A I don't remember any other discussions.

25 Q Any communication in writing about Mr. James

1 Goldberg?

2 A No. I don't remember any writing.

3 Q Did Lieutenant Fox indicate to you at any time
4 that Chief Sweeney of the Glastonbury Police Department
5 had requested the revocation, so they were going to abide
6 by Chief Sweeney's wishes?

7 A I don't remember that specific statement being
8 made, but I did know that Glastonbury had arrested James
9 Goldberg and they felt very strongly that the arrest was
10 appropriate and they were -- and I'm not -- I don't want
11 to say upset about the fact that it was dismissed, but
12 thought there was -- a miscarriage of justice was being
13 done. Not my personal opinion. But yeah, I believe that
14 they thought that that was a good arrest.

15 Q And when you say your personal opinion, do you
16 mean your opinion as the chief of police of the
17 Wethersfield Police Department or --

18 A Actually both.

19 Q Okay.

20 A Both. As the chief of police and as a person who
21 knows James Goldberg. So I mean I'm kind of in a unique
22 position. It's not like a regular case where I didn't
23 even know the individual or something like that. But I
24 did know him. I watched him grow up. I didn't see him
25 every day, but I saw him enough to know what his character

1 was like. And this definitely was not, in my opinion, in
2 his character to cause some kind of a problem like this.

3 Q What did you do next, if anything, to follow up
4 on your questions about the 2008 temporary state permit
5 after you talked to Lieutenant Fox? Did you talk to
6 anyone else?

7 A Yes.

8 Q And who did you talk to?

9 A I actually talked to the commissioner.

10 Q And who was the commissioner at the time?

11 A John Danaher.

12 Q Did you know John Danaher?

13 A We knew each other. I wouldn't say we were -- I
14 mean not like we were friends or anything like that, it
15 was just we had met on several -- had been to several
16 meetings together. In fact, I think we even ran in one of
17 the law enforcement Torch Runs together. But I knew him
18 and he knew me, and I felt comfortable enough to be able
19 to talk to him or give him a call about something that I
20 thought was a problem.

21 Q When you called him, did you go through his
22 assistant or did you call him directly?

23 A Yeah; I would have gone through -- I mean I
24 didn't have a personal, private number for him. I would
25 have gone through his secretary, whatever it was to -- in

1 fact, I think he called me -- you know, I let her leave a
2 message and he called me back.

3 Q And when he called you back, did he know what you
4 had been calling about?

5 A No.

6 Q What did you tell him?

7 A Well, I mean, what had happened was I did reissue
8 that second state permit, temporary permit and -- again,
9 it's a long time ago. I believe the sequence of events is
10 that I did issue the second permit, the state permit.
11 Then I spoke to -- then I found out that James Goldberg
12 was contacted by the permit unit, the State Police permit
13 unit and told that that was now revoked. So that got me a
14 little put out. I mean, that bent my nose a little bit
15 because who is -- my question is: Who is the State Police
16 unit to revoke a state temporary permit that I issued,
17 without any -- you know, almost like without any due
18 process here. You know, I mean that's my authority. They
19 can revoke the state permit, but can they revoke the
20 temporary permit that I issued?

21 That was really basically my question to
22 Commissioner Danaher was -- this bothered me. There's
23 something wrong here, and perhaps he should look into
24 this before other chiefs started calling him. Because I
25 could see this being -- and I actually wrote a letter to

1 the president of the CPC -- chiefs of police association
2 of Connecticut that was my concern. I mean this -- to
3 me, this seemed like that permits unit went beyond their
4 authority.

5 Q When you said that, I'm assuming that's what you
6 said to --

7 A Yes.

8 Q -- Commissioner Danaher or, you know, a summary
9 of what you said to Commissioner Danaher. Did he know
10 what you were talking about?

11 A No. No, he did not. He did not know about -- I
12 don't think he personally knew about the Goldberg case at
13 all. And that was basically my request to him, was look
14 into this. I'm asking you as the head of your agency from
15 the head of my agency, look into this. Because I'm not --
16 again, I'm not sure about the protocol, I'm not sure
17 exactly what transpired. To me, this seems unfair to
18 James Goldberg. Does not seem just. And I questioned
19 whether or not the Firearms Unit can summarily reject a
20 chief of police's issuance of a temporary state permit.
21 Based on what? Suitability? Is that the only issue here?
22 Because other than that there was no change from the
23 original which was issued.

24 Q Okay. Let's go through a few documents just to
25 get the time line more in place that you've been talking

1 about.

2 A Okay.

3 Q Let's start with Exhibit 32. And Mr. Gasser will
4 hand that to you. I have my copy here.

5 Exhibit 32 is a three-page document.

6 A Yes.

7 Q Is that, to your knowledge, the application for a
8 temporary state permit that Mr. Goldberg submitted in
9 2008?

10 A Yes.

11 Q And is this application the application that
12 Mr. Goldberg submitted when his permit was under
13 revocation status?

14 A Yes.

15 Q Okay. If I could direct your attention to Page 3
16 of Exhibit 32, there's a section on there that asked
17 permit history. Right?

18 A Yes.

19 Q Okay. And he indicates in there that he has had
20 his permit revoked. Correct?

21 A Yes.

22 Q And that's what led you to make those phone calls
23 to Detective Karanda, Detective --

24 A Yes.

25 Q -- excuse me -- Lieutenant Fox.

1 A Right.

2 Q Now, on that application, Page 3 of Exhibit 32,
3 the second page of the application it asks if Mr. Goldberg
4 had ever been arrested. Right?

5 A Yes.

6 Q And he answered yes.

7 A Yes.

8 Q Do you know what happened to that arrest or what
9 was the resolution of that arrest?

10 A I believe they're referring to the arrest that
11 took place in Glastonbury, which I already knew had been
12 dismissed by a judge.

13 Q Okay. And if Mr. Goldberg had answered no, he'd
14 never been arrested, would that have been truthful?

15 A You know, there's always that question. And I
16 can understand the consternation of most citizens in that;
17 mine's there, too. I mean, I think they can legally say
18 that they've never been arrested if they were, in fact,
19 arrested and the case was dismissed and therefore erased.
20 I think that would be a legal point. I would not hold
21 that against anybody in regards to a State Police pistol
22 permit. But in this case he did say yes, and he said "see
23 attached documents"; and in this particular case because I
24 had personal knowledge of what had transpired, it was
25 really not an issue.

1 Q What effect did it have on your consideration of
2 his temporary state permit in early 2008 that his case had
3 been dismissed?

4 A It really had no effect. In my opinion, it was
5 exactly the same -- except for that one box it was exactly
6 the same permit that I -- application that I had seen
7 before in 2007, and approved and issued a temporary state
8 permit. So this is no different, other than that one
9 check box.

10 Q Well, how did it affect your consideration in
11 early 2007 and your consideration in early 2008, the
12 intervening arrest that occurred in July -- in June of
13 2007? How did that arrest affect your second
14 consideration?

15 A It's a non-entity. It doesn't exist.

16 Q And why is that?

17 A It was erased. Technically speaking, there is no
18 case. And I knew that. I mean a judge's dismissal erases
19 the case at that particular point in time. A nolle or
20 some other type of adjudication may be different. A
21 nolle, usually it takes -- it takes 13 months before a
22 case would be erased, dismissed and erased. In this case,
23 a dismissal from a judge, it's automatic and immediate, as
24 far as I know. And so it meant nothing to me.

25 The fact that he checked off "yes," I knew that

1 that's what he was referring to because I had approved a
2 document from 2007 that said "no." We already had his
3 fingerprints. We already had run a records check on him.
4 He had no prior arrests. So the only arrest that he
5 could be referring to was the Glastonbury one, and that's
6 when -- when I got this application, after I spoke to
7 Karanda, Lieutenant Fox, then I had the detective go back
8 and reinvestigate this, make sure that that is the arrest
9 that he's referring to, that there were no other arrests
10 that could have taken place between June of 2007 and when
11 I received this in January of 2008. And he did. There
12 were no other arrests. The only arrest he could have
13 been referring to was the arrest in Glastonbury which had
14 already been dismissed by a judge. Therefore, erased.
15 So it's a non-entity. It doesn't mean anything.

16 Q Exhibit 33. Is that the temporary state permit
17 that was issued to Mr. Goldberg in relation to Exhibit 32,
18 his application?

19 A Yes. The date is -- would make it that way
20 because it's February of 2008. And I got the application
21 in January of 2008. So the timing is correct.

22 Q Okay. So back to Plaintiffs' Exhibit 4, that
23 follow-up investigation that Detective Connolly -- that
24 follow-up investigation was conducted about three or four
25 days prior to reissuance of the temporary state permit.

1 A Exactly. Yes.

2 Q And were you satisfied with Detective Connolly's
3 follow-up report in Exhibit 4?

4 A Yes.

5 Q Exhibit 5. Let me ask you if you've ever seen
6 that two-page document, because you're not the person it
7 was sent to or the person who wrote it.

8 A Yes. I saw this. I'm aware of this. To be
9 honest with you, I don't remember how -- because it did
10 not come to me. I must -- maybe I got it from the
11 Goldbergs or whatever. Probably. I just don't remember
12 specifically what it was. And it was -- I did not receive
13 a copy from the State Police.

14 Q I was going to ask you, did the State Police
15 provide any information to you that they had intended to
16 revoke Mr. Goldberg's temporary state permit that you had
17 issued on February 4th?

18 A None. No. No correspondence whatsoever did I
19 receive. If it wasn't -- again, I think it was the
20 Goldbergs. If it wasn't for the Goldbergs I would have
21 not had any knowledge of this at all. And this is what
22 caused me to call the commissioner.

23 Q Okay. So this letter is dated February 20th,
24 2008, and sometime after that you called Commissioner
25 Danaher?

1 A Yes. I don't remember the specific date, but
2 this is -- this is what generated my concern.

3 Q And what was the result, if you know, that was
4 expressed during the conversation with Commissioner
5 Danaher about what you would or wouldn't be doing in
6 follow-up on your concerns?

7 A There was -- that wasn't the type of conversation
8 we had. I was really pretty much alerting -- I wasn't
9 looking for an answer from him. I was voicing my
10 displeasure at what transpired. My suggestion to him was
11 to look into the Firearms Unit; that I believed they went
12 beyond their authority in his name. I was pretty much
13 looking for him -- almost like a -- like I said, the head
14 of one agency to the head of another agency: You got to
15 look at this. There's something wrong here. There are
16 all kinds of red flags going on here that just don't seem
17 right to me. And as, you know, obviously the head of a
18 much smaller agency, but still the head of an agency, you
19 got to look into this. That was pretty much my
20 conversation. I wasn't looking for him to come back and
21 say to me, well, I've decided to do this or I've decided
22 to do that, or whatever. I'm just giving him a heads-up
23 as a peer, there's a problem here. It needs to be fixed.

24 Q Did you ever speak to Commissioner Danaher about
25 the Goldberg case again?

1 A You know, I don't -- I don't remember. But we
2 had been at -- we were at meetings after that point
3 together. I don't -- I don't remember specifically
4 talking to him about the Goldberg case, but it's possible.

5 It's the same even with Chief Sweeney. It
6 wasn't -- I still -- I consider Tom Sweeney a friend of
7 mine. We've known each other for a long time. This is
8 one subject that we really didn't speak too much about
9 because we were both on opposite sides. I felt he was
10 wrong and he felt I was wrong. But we still remained
11 friends and actually, you know, did things together.

12 Q Are you familiar in Connecticut with a question
13 whether an individual who holds a valid state permit may
14 lawfully openly carry a pistol or revolver while in
15 possession of that valid state permit? And not on
16 premises where the owner prohibits firearms.

17 A I can honestly say I learned something from the
18 Goldberg case.

19 Q Okay.

20 A I had been a police officer for over 30 years
21 when the Goldberg case came up, and I truly believe that
22 we had a concealed weapons law in the State of
23 Connecticut; that that permit referred to the fact that
24 your weapon had to be concealed.

25 Q So back in 2007 --

1 A Yes.

2 Q -- sometime in 2007 you were of the opinion that
3 in Connecticut it was a concealed-carry permit?

4 A That's what I had been taught. I had been taught
5 from day one, from the time I was in the academy until
6 2007, that we had a concealed weapons permit, law, in the
7 state; and the fact that you have a permit it's -- you can
8 carry a weapon, but it must be concealed. And I can't
9 tell you how many citizens I've said that to through the
10 years because I thought that that was the law.

11 (Telephone interruption.)

12 THE WITNESS: I'm sorry, I've got to --

13 MS. BAIRD: Feel free.

14 A Just what you said. Anyways.

15 BY MS. BAIRD:

16 Q What was it in 2007 that impacted this impression
17 you had had prior to that that --

18 A Actually, my conversation with Thomas Karanda. I
19 asked him that specifically. I said, I was always taught
20 that it's a concealed weapons permit, and is that -- now
21 I'm being told that it's not, that it's not illegal to
22 openly carry a weapon in that state. Is that true?

23 Q Well, did this discussion take place at the same
24 time as the phone call you've already testified about?

25 A You know, I believe so. I'm not sure.

1 Q Okay.

2 A I would guess that that's probably the correct
3 time because this is what we were discussing.

4 Q Well, what led you to bring this up with
5 Detective Karanda, this issue?

6 A Well, I had heard -- and again, I'm not even sure
7 where -- that, in fact, it was not illegal to openly carry
8 a weapon in this state. I was kind of taken aback by that
9 because of the fact that I had always thought it was.

10 Again, it's like a lot of statutes. You know,
11 when you're coming up through the academy and getting --
12 and there are misconceptions of what the law is and what
13 it isn't. No one, at least in -- I mean, you sit there
14 and try to read that stuff, it's like reading stereo
15 instructions, you know? How far do you want to go? As a
16 cop operating out there on the street you pretty much go
17 by what you're taught. You get book learning in the
18 academy and everything else like that, but most of it is
19 on-the-job training. And I had always been told by
20 senior officers, field training officers that it's a
21 concealed-weapons permit and no one's supposed to openly
22 carry. In fact, that is -- even as a detective, if
23 you're going to -- if it's hot out and you take your
24 jacket off, you've got to make sure your badge is showing
25 because it's illegal to carry a weapon without -- you

1 know, that exposed.

2 So when I heard this, I was taken aback because
3 I had gone 30-years-plus believing that to be the case.
4 So when I asked Karanda that question, I said does the
5 statute say that it has to be concealed? His response to
6 me took me aback: No. Basically no. But, you know,
7 then you got to talk about breach of peace and causing
8 annoyance and alarm. What does the statute say; that's
9 all I want to know. Does the statute say that you cannot
10 carry a weapon exposed in the State of Connecticut? And
11 his response was, no, it doesn't say that. So then my
12 statement to him was, why don't we know this? Why is
13 this -- is this a secret that's kept? In fact, that's
14 when he told me that they've gone to the leg -- State
15 Police have gone to the legislature to try to get that
16 law changed to where it is a concealed-weapons permit. I
17 said, I never knew that. I always thought it was. And I
18 think most of the police officers in the state believed
19 that, too. I know my agency did. I asked -- I go to
20 chiefs' meetings now. Can you carry a weapon exposed? I
21 mean since then. And almost every single time I've
22 gotten the same answer: Of course not. You can't carry
23 a weapon exposed. I said, uh-oh. There's another one
24 just as dumb as me.

25 Q And even now, in 2012, you still find that at

1 chiefs' meetings that --

2 A Yes.

3 Q -- the opinion is that you cannot --

4 A Let me tell you. I have 65 -- anyways, every
5 single sworn officer on my department knows that you can
6 carry a weapon exposed in the State of Connecticut.
7 Because I don't want to be exposed to that type of
8 liability exposure. There are people who are actually
9 going out there almost like baiting police, doing this.
10 In fact, it happened in Newington. Person was in Stop &
11 Shop carrying an exposed weapon. And fortunately for
12 Newington, one officer knew the law and the other one
13 didn't; and it was the one that knew the law who handled
14 the case. But I can see that as extremely potential bad
15 for police departments.

16 Q Have you published any memorandum or directive to
17 officers in your department with regard to --

18 A When I --

19 Q -- open carry?

20 A Excuse me. I'm sorry. I didn't mean to talk
21 over. I know. I should know better.

22 Anyways. Yes. Soon as I found this out I could
23 see the potential for liability in this kind of scenario,
24 so I had the training unit get like a model policy in
25 regards to this or got somebody else -- I think it was

1 Torrington, the chief there had written -- or deputy
2 chief had written a policy specifically addressing that
3 issue. We stole it from him and had it reissued for us
4 to everybody on the department so all my personnel knew.
5 Every chiefs' meeting I went to, especially guys that I
6 know, that I'm close with, I make sure they're aware of
7 it and that they should pay attention to this and make
8 sure that their personnel are aware of it. Because I
9 could see this -- you know, people doing this on purpose
10 just to sue you.

11 Q Exhibit 6. Do you have that in front of you yet?

12 (Brief discussion held off the record.)

13 A Yes, I know what this document is. This is a
14 letter that I had written to the president of the chiefs
15 of police association at the time, Kevin Hale, regarding
16 my consternation as to the fact that this -- the Firearms
17 Unit rejected my issuance of the temporary permit to James
18 Goldberg the second time in February of 2008.

19 BY MS. BAIRD:

20 Q Okay. Directing your attention to Page 2 of
21 Plaintiffs' Exhibit 6, in the first full paragraph about a
22 third of the way down or two-thirds of the way down, you
23 talk about your conversation with Lieutenant Fox?

24 A Yes. Yes.

25 Q And in the last line you write: He answered that

1 there was nothing more than the Glastonbury arrest, an
2 arrest that was dismissed by a Superior Court judge.

3 Do you see that?

4 A Yes.

5 Q Do you recall if Lieutenant Fox said anything
6 about the fact that an appeal was pending before the board
7 on the revocation; that that somehow prevented
8 Mr. Goldberg from reapplying and gaining a temporary state
9 permit?

10 A I'm not really sure if that was the statement,
11 but that wasn't what -- I'm looking for a specific reason.
12 If I'm going to reject this, what would be the specific
13 reason to reject it. The fact that it was before the
14 board didn't mean much to me because, I mean, it was a
15 two-year length of time before that came up.

16 My questions or my concerns were more immediate,
17 and I'm looking at -- like I had said before, at an
18 application, basically the same application that I had
19 looked at and approved before. What I was looking for
20 from him was if I was going to reject it, what would be
21 my specific reason for rejecting it? The fact that it
22 was before the board didn't mean anything to me. The
23 fact that he checked off that box did, and I wanted to
24 know what specific reason. If there's a law, a rule or a
25 policy that you cannot get a temporary state permit while

1 your regular permit is revoked, then I needed to have
2 that document in my hand to point to it for my specific
3 rejection of the second application.

4 Well, there is no rule, there is no policy,
5 therefore -- no documentation, and therefore I'm looking
6 at the same application. And there was really no reason
7 not to issue the permit, other than some reference to
8 suitability that I couldn't see. That's it.

9 Q Page 3 of your letter, Plaintiffs' Exhibit 6, the
10 paragraph talks about on February 20th, 2008, the young
11 man received a certified letter from the Firearms Unit.
12 And you indicate in that letter -- do you have Page 3?

13 A Yes. Well, I have Page 3 --

14 Q You indicate in that letter that he had not
15 approached the unit to obtain a regular state permit --

16 A Yeah.

17 Q -- and we had not even sent the state copy in
18 yet.

19 Do you know how the Firearms Unit became aware
20 that you had issued the temporary state permit?

21 A I assume from my conversations with Karanda, Fox
22 that they knew I was issuing.

23 Q In your time as the chief and prior to that on
24 the Wethersfield Police Department, do you know of any
25 occasion where the State Police revoked a temporary state

1 permit while it was still in the temporary state permit
2 phase?

3 A No. Never. In fact, that's part of what I was
4 trying to explain to you as my -- what I was concerned
5 about. When I -- and that's the reason why I called the
6 commissioner, because this assailed my sense of fairness
7 and justice. It didn't seem right to me. Everything that
8 happened didn't seem right to me. And again, I know I'm
9 probably -- I don't want to say prejudiced, but I --
10 because I knew who we were talking -- I knew James
11 Goldberg. This seemed -- the whole process just seemed
12 unfair to me.

13 Q Do you recall any newspaper articles about the
14 James Goldberg matter, his arrest in 2007 and the
15 revocation of his state permit?

16 A No, I don't remember specifically a newspaper
17 article. I'm sure there were.

18 Q Do you recall Mr. Goldberg's case being discussed
19 at any chiefs' meetings or gathering attention at any
20 seminars or classes you went to?

21 A I think later on it was definitely brought up at
22 a chiefs' meeting about the fact that it's not illegal to
23 carry an exposed weapon in the State of Connecticut if you
24 have a valid permit. I don't remember anything specific
25 about talking to -- you mean about the little nuances of

1 the case itself?

2 Q No. Just about the case gathering attention in
3 the media or otherwise.

4 A Yes. There could have been conversations. I
5 don't remember specifically any.

6 Q Was there any indication to you from the State
7 Police in your conversations with Detective Karanda,
8 Lieutenant Fox, Commissioner Danaher or anybody else that
9 the Goldberg case was being focused on more than perhaps
10 other revocations?

11 A Yes.

12 Q And why was that?

13 A You know, I really don't know a specific reason,
14 but I'll have -- I believe that something caused the unit
15 itself, the individuals who work in the unit to pay
16 particular attention to the Goldberg case. I think that
17 if I had seen other cases, that if it was brought to their
18 attention by another chief of police that this person
19 probably deserves to get their permit back sooner than the
20 review board process, the person would have gotten their
21 permit back sooner. It was that kind of relationship, a
22 good relationship between the Firearms Unit and most of
23 the chiefs of police in the state.

24 There was no give in this scenario. I mean, I
25 could tell that right from the very beginning that they

1 kind of -- I don't know how else to say it other than
2 they dug their heels in and they were going to fight this
3 tooth and nail all the way down to the end. That's kind
4 of the reason why I really didn't want to get personally
5 involved, even though I felt personally involved because
6 I knew James Goldberg. I was kind of really between a
7 rock and a hard place here. I could tell that there was
8 no reasoning or getting my -- how do I put this? You
9 know, if I asked them for a favor kind of thing. I never
10 did because I already knew the answer.

11 Q As chief of police, have you ever contacted the
12 Firearms Unit to specifically request a revocation?

13 A No. Not off the top of my head. We had
14 always -- again, I learned something in this process which
15 is very valuable. We had always revoked on our own. In
16 other words, if we had a situation where a person had a
17 pistol permit and was drunk and was carrying a weapon, we
18 would seize the weapon and the permit. Actually, what
19 basically Glastonbury had done with James Goldberg. It
20 wasn't until later I found out that we didn't have the
21 authority to revoke a state permit; that we had to request
22 a state pistol permit review -- pistol unit. I always get
23 that unit mixed up. Anyways --

24 Q Firearms Unit.

25 A Firearms Unit. Thank you. Anyways, the Firearms

1 Unit, I didn't know that that's what the proper course of
2 action would be; to not seize the permit and to put in a
3 request to the Firearms Unit to actually seize the permit.
4 Prior to that, we always seized.

5 Q So how has the policy changed at the Wethersfield
6 Police Department in terms of your opinion now that you
7 cannot seize a permit, you have to request that the
8 Firearms Unit --

9 A That's what we do. We don't seize permits
10 anymore. We may seize the gun, but we don't seize the
11 permit. I mean, it's kind of a crazy scenario because
12 with the permit the person could go out and buy a gun the
13 next day. You know, if there was some specific reason for
14 whatever reason that we took the gun from the
15 individual -- just a perfect example would be somebody was
16 drunk and carrying a gun and we think would be, could be
17 somewhat irresponsible in that action, we can't seize the
18 permit. We can seize the weapon.

19 Wait a minute. I'm not sure about that one.
20 Maybe I shouldn't use that as an example. I could use --

21 Q Well, on what authority are you resting that you
22 can no longer seize the permit? What has caused you to
23 change your opinion about that?

24 A The law. I believe.

25 Q Okay. Good enough.

1 A Yeah.

2 Q Exhibit 7. You had mentioned previously that
3 Detective Karanda told you that the state had been
4 attempting to amend the law to require concealed carry.
5 Is that the first you'd ever heard of that?

6 A Yeah.

7 Q And did Detective Karanda tell you whether those
8 efforts had been successful to amend the law to require
9 concealed carry?

10 A He said that they had not been successful.

11 Q Did he give you his opinion or impression of why
12 they hadn't been successful?

13 A Gee, I don't remember that specifically, what his
14 opinion was at the time. He thought that that was -- I
15 mean I got the impression, and I felt the same thing, that
16 perhaps it was a bad thing; it should be concealed-weapons
17 law in the State of Connecticut. But there wasn't any.
18 Therefore, we had to live with the law the way it was
19 written.

20 Q Okay. If I could direct your attention to Page 2
21 of Plaintiffs' Exhibit 7. Towards the bottom of the last
22 paragraph it says "section 8 of the bill."

23 A Yes.

24 Q It states: Section 8 of the bill provides
25 clarification and removes any ambiguity in the statutes

1 regarding the carrying of pistols.

2 Is there in your opinion, ambiguity in the
3 statutes currently about carrying of pistols?

4 A No. I mean, the only ambiguity is the fact that
5 if you -- it's just the breach of peace law the way its
6 written in regards to causing annoyance or alarm. I
7 can -- if somebody is walking around and waving a handgun,
8 even if they have a pistol permit, in the middle of a
9 crowded store or movie theater or something like that, I
10 would consider that a breach of peace. However, what
11 James Goldberg did that day in the Chili's restaurant in
12 Glastonbury I would never consider a breach of peace. You
13 need intent to commit a breach of peace. Goldberg didn't
14 intend to do anything that day other than to pick up some
15 food to eat. Again, my opinion. So there's no ambiguity,
16 on my part. Either it's a concealed-weapons law or it's
17 not.

18 Q Do you know Michael Beal?

19 A Name sounds familiar.

20 Q As associated with the Firearms Unit at one
21 point?

22 A Yes. I mean, the name sounds familiar to me. I
23 don't know specifically why.

24 Q Okay.

25 A If he was from the Firearms Unit, then I might

1 have had some reason to talk to him.

2 Q Well, during the course of your career with the
3 Wethersfield Police Department, have you noticed
4 variations in your contacts with the Firearms Unit in
5 terms of, you know, their cooperativeness or their
6 opinions or viewpoints or --

7 A No. My exposure to them was relatively limited.
8 I mean when I was a detective, I had much more contact
9 with them because of the position that I was in. When I
10 became a patrol sergeant, I would have very little. Even
11 as a lieutenant in charge of a division. When I was in
12 charge of the detective division, I probably had more
13 contact with them because that's the unit that usually
14 does the investigations in regards to pistol permits and
15 things of a firearm nature. Even as the chief of police I
16 have relatively limited. The only reason why I got
17 involved in this is because of my personal involvement
18 with James Goldberg. Normally I wouldn't be talking to
19 the Firearms Unit. That's what the detectives do.

20 Q Right.

21 A I would direct somebody else to do that. But
22 because of my personal connection to this case, I did it.
23 Hands-on kind of guy, you know; I want to know what I want
24 to know first-hand.

25 Q Exhibit 24. I'll let you look at it, then ask

1 you if you've ever seen it before.

2 A I've seen this before, yes.

3 Q Okay. This is a police report from
4 Mr. Goldberg's arrest back in 2007. Correct?

5 A Yes.

6 Q And did you have opportunity to read this report
7 at any point in time?

8 A Yes.

9 Q In reading this report as a veteran law
10 enforcement officer, did you notice whether there were any
11 statements taken from individuals at Chili's?

12 A Yes.

13 Q And were there? In reviewing this report.

14 A Not by Glastonbury at the time of the arrest, but
15 by the State Police approximately a year later.

16 Q Okay. And at the time, did you have an opinion
17 about whether statements would have been useful in
18 Mr. Goldberg's case?

19 A I'm in that box again, huh? I don't normally
20 like to second-guess another police officer, I really
21 don't. I've done this a long time and you never know the
22 little nuances that occur in any particular situation.
23 Again, this case is definitely out of the ordinary.

24 Reading the report, basically knowing what
25 transpired, having personal knowledge of the individual

1 that was arrested, I came to the conclusion that this was
2 a -- my opinion -- a bad arrest. This is not an arrest I
3 would have made, personally. And again, that puts me in
4 a bad position because I am now second-guessing another
5 police officer, another police department in regards to
6 this. But I mean a lot of red flags come up. Why was --
7 I mean in a normal situation in a normal investigation of
8 this nature, statements would have been taken by officers
9 at the scene from the people who made the complaint, to
10 prove that there was an annoyance or alarm occurred to
11 verify the fact that it was a breach of peace. Because
12 it's not against the law to openly carry a concealed --
13 openly carry a weapon, then what law was broken? What
14 would you arrest someone for? The only charge that could
15 be made would be the breach of peace, so you need to show
16 annoyance and alarm. Well, no statements were taken.

17 That's definitely not proper police work or --
18 and I know Glastonbury is a very good police department.
19 They would have done proper police procedure and taken
20 statements from the victims and the witnesses. If there
21 were victims. None were taken.

22 Q And you know when individuals are arrested in
23 Wethersfield and -- how is it -- if you don't seize their
24 permits and send them to the Firearms Unit, how is it, if
25 you know, that the Firearms Unit becomes aware of the

1 arrest and the potential review for suitability or
2 disqualifier?

3 A Well, we would send them a copy of the report.

4 Q Okay.

5 A The arrest report.

6 Q Okay. And when you send them a copy of the
7 report, do you expect that they're going to review it and
8 make a determination for revocation?

9 A I would hope so. Otherwise, it would be a
10 colossal waste of time.

11 Q When you send the report, do you specifically say
12 we want revocation?

13 A No; I don't think it would be worded in that
14 strong terms. I would say we recommend revocation of the
15 state permit because of the fact of so-and-so and
16 so-and-so. It would be a cover letter, probably written
17 by maybe the commander of the detective division, but
18 under my authority, as to why we're sending this report
19 and why we're doing what we're doing.

20 Q You had mentioned that at some point in time then
21 that statements were taken --

22 A Yes. I did see statements.

23 Q -- regarding the incident. Do you know how it is
24 that those statements came to be? Were you involved in
25 taking those statements? I'll ask that first.

1 A No.

2 Q And let me provide this to you. They're Exhibits
3 39, 40, 41, and 42, it looks like.

4 A I have seen them --

5 Q Actually not -- yes.

6 A Actually --

7 Q Have you ever seen any of these four statements
8 previously?

9 A Yes.

10 Q Okay. And how did you come to review these
11 statements?

12 A I don't remember exactly how we got these
13 statements, but this is -- I believe the detective I asked
14 to reinvestigate the second application obtained these
15 statements probably -- I don't know where he got them
16 from, to be honest with you. They had to come from the
17 State Police because they're the ones who took them. I
18 just don't know specifically how he got them or why he got
19 them, but I was appreciative of the fact that he did get
20 them because these statements confirmed the opinion I had
21 come to in regards to it being not a good arrest. I don't
22 see any annoyance or alarm coming out of these statements.

23 Q Do you know if Mr. Goldberg made another
24 application to the Wethersfield Police Department for a
25 temporary state permit in addition to the original one in

1 2007, the one in February 2008?

2 A I couldn't get away from this thing. They keep
3 drawing me back.

4 Yes. I got a third one. However, I believe the
5 third application became moot because the state decided
6 to give him back his original permit prior to the
7 scheduled hearing date with the pistol permit review
8 board.

9 Q Okay. This would be Exhibit 43 then.

10 A You said 43?

11 Q Yes.

12 A I have 42 here, I don't have 43. Oh, thanks.

13 Is the application in this package, too?

14 Q No. If I could just direct your attention to the
15 first page of Exhibit 43. I know there's a lot of
16 documents attached, but I just gave it to you for the
17 first page.

18 Do you recall seeing a letter that is the first
19 page of Exhibit 43, reinstating Mr. Goldberg's permit?

20 A No. I specifically -- I don't remember, but I do
21 know that I was told either by this letter or by this form
22 or by someone showing it to me, that James Goldberg's
23 pistol permit, state permit was given back to him. And
24 really, that took me out of the fray.

25 Q Okay. And you never had to make a decision on

1 that third application for a state permit. Correct?

2 A No, I don't believe so. I think that -- like I
3 said, that made that application moot because they gave
4 him back his original permit.

5 Q Any other conversations since the reinstatement
6 of Mr. Goldberg's permit in 2008 with members of the
7 Firearms Unit about Mr. Goldberg?

8 A Me personally? No.

9 Q You personally.

10 A No.

11 Q Any contact with Commissioner Danaher since the
12 conversation you've already talked about with regard to
13 Mr. Goldberg?

14 A No.

15 Q Now, do you know an individual by the name of
16 T. William Knapp?

17 A Yes.

18 Q How long have you known him?

19 A Pretty much all my adult life. Ever since I
20 became a police officer in Wethersfield.

21 Q And he was associated with the Wethersfield
22 Police Department, right?

23 A Yes.

24 Q And when did he retire as chief?

25 A 1989.

1 Q Do you know how long he served as chief?

2 A As chief? Fifteen years.

3 Q And you were on the department, obviously, while
4 he was chief. Right?

5 A Yes.

6 Q And do you know that he holds a position now with
7 the Board of Firearms Permit Examiners?

8 A Yes.

9 Q And he's a resident of Wethersfield.

10 A Yes.

11 Q Sometime, I don't know, sometime back probably in
12 2006, 2007, did it come to your attention that issue had
13 arisen between -- or involving Chief Knapp and the
14 Firearms Unit with regard to the transfer of some
15 firearms?

16 A Yeah. That was -- I think that's the Dougie
17 Morgan one? Yes.

18 Q How did that come to your attention?

19 A Jeez, how did it come to my attention? I think
20 we got a call from the Firearms Unit in regards to
21 transfer of weapons. Dougie Morgan was a Wethersfield
22 resident who was going through a divorce or having some
23 type of domestic issue. He was to turn over his weapons
24 to -- either turn them in to the State Police or the
25 Wethersfield police, or turn them over to someone who had

1 a valid permit. Again, this is going back on memory. And
2 I believe he turned all the weapons over to former Chief
3 Knapp. One of the weapons didn't belong to him anymore,
4 so there was some confusion in there, you know? It was
5 something that either he had given the gun to somebody
6 else or transferred the gun to somebody else or the gun
7 was given -- I don't remember. I do know there was one of
8 the weapons wasn't registered in Dougie Morgan's name, and
9 this came to be some type of problem.

10 The Firearms Unit contacted I believe the
11 detective that was handling the pistol permits, and he
12 came to me saying that the State Police were concerned
13 about Chief Knapp having a weapon that didn't belong to
14 Dougie Morgan. It's confusing, and I'm not sure I'm even
15 relaying this exactly the way it transpired; but I
16 remember saying to -- and they came to Wethersfield. The
17 two Detectives, Karanda and Mattson, a female, came to
18 Wethersfield. The only thing that sticks out in my mind
19 is I said to them, Jesus, don't go after Chief Knapp.
20 He's the only chief I can talk to, you know? I need a
21 question answered, I got to talk to Chief Knapp; you
22 know, about chief stuff. That was the -- that's the
23 thing that sticks out in my mind the most. But it was
24 resolved. Everything went back to normal after that and
25 they didn't arrest Chief Knapp, and he went home and that

1 was the end of it. And I haven't really thought much
2 about it since then.

3 Q So Detective Mattson and Detective Karanda --

4 A Yes.

5 Q -- showed up at the Wethersfield Police
6 Department personally.

7 A Yes.

8 Q And was there someone under you that was involved
9 more directly with this incident?

10 A Yeah.

11 Q Who was that?

12 A It would have been Connolly, Michael Connolly, I
13 believe. The detective that was handling it. Yes.

14 Q Did you see Chief Knapp on that same day when
15 Detective Mattson and Detective Karanda came to the police
16 department?

17 A If he was in the building I would have went over
18 to see him, yes. I don't remember specifically. But he
19 was my chief for 15 years. I like the guy and I respect
20 him, and I would have come over to say hello to him. Yes.

21 Q Anything else you remember about that incident?

22 A No. Again, I kind of tried to make light of the
23 situation. I knew it seemed to be relatively serious and
24 it seemed to work. Alls I know is everything was
25 resolved, the issues were taken care of, everybody went

1 home and nobody got arrested.

2 MS. BAIRD: Okay. I don't have any more
3 questions.

4 MR. SNOOK: I've got like two, then we'll
5 get you out of here.

6

7 CROSS-EXAMINATION

8

9 BY MR. SNOOK:

10 Q First of all, am I correct you wrote a letter
11 to -- I believe you mentioned Kevin Hale, on
12 February 26th, '08?

13 A Yes.

14 Q Do you recall getting a written response?

15 A No. I got called -- there was no written
16 response, per se. What happened was they called me to a
17 board of directors meeting for the CPCA -- that's the
18 chiefs of police association for Connecticut -- and asked
19 in front of the board of directors, which is all chiefs
20 and former chiefs, specifically about this particular
21 case.

22 I stated my case, and I have to be honest with
23 you, no one ever got back to me or said anything to me
24 or -- I was concerned for other chiefs of being in the
25 same position. But it never was resolved. I was never

1 notified that they did anything or would do anything
2 about it. I stated my case. It's up to them now for
3 anything else. And --

4 Q Is it your testimony today that there still could
5 be potential problems in the State of Connecticut with
6 local chiefs of police or local law enforcement for making
7 them aware of --

8 A Yes.

9 Q Would it be helpful to get some circular or
10 information to the -- what's the name of the organization?
11 The Chiefs --

12 A Connecticut Police Chiefs Association. CPCA.
13 Yeah, I think so. I think the way they took
14 it -- again, personal opinion; no one ever told me this.
15 I think whatever discussions took place -- I am now on
16 the board of directors, to be honest with you. But at
17 the time I wasn't. I think what the conversation was:
18 Don't rock -- you know, rock the boat, don't -- let
19 sleeping dogs lie, or something like that. I think. I
20 don't know. Because to my knowledge, nothing occurred
21 out of this. To this day I still think that the Firearms
22 Unit went beyond their authority. But it's never been
23 addressed, no. And it could very easily happen again.

24 Q When you say Firearms Unit went beyond their
25 authority with respect to --

1 A To rejecting a --

2 Q Oh. The second. At issue.

3 Okay. You said you've been a police officer for
4 approximately 38 years?

5 A Yes.

6 Q During these 38 years have you ever seen police
7 officers disagree as to whether probable cause exists for
8 an arrest?

9 A Every day.

10 Q I understand you testified that you, and I
11 believe Chief Sweeney apparently disagree as to the
12 validity of the original arrest of Mr. Goldberg?

13 A Yes.

14 Q Have you seen police chiefs disagree on issues
15 involving probable cause or arrest?

16 A Really isn't usually a conversation between
17 chiefs of police. But I'm sure there are chiefs that have
18 disagreed about everything else, including that.

19 MR. SNOOK: Thank you. That's it for me.

20 MS. BAIRD: Couple follow-up.

21

22 REDIRECT EXAMINATION

23

24 BY MS. BAIRD:

25 Q In your 38-year experience in law enforcement,

1 have you encountered the opinion that when the law is
2 unclear it gives police officers more discretion to
3 basically do what they want?

4 A You know, I wouldn't put it that way. I think if
5 the law was unclear, that it generates confusion and
6 causes problems and mistakes. I don't think discretion
7 falls into that because, to me, discretion is the law is
8 clear and you have the discretion to either make the
9 arrest or not make the arrest. When the law is unclear,
10 that's not discretion, that's confusion.

11 Q Okay. And do you characterize the law as unclear
12 in Connecticut whether an individual otherwise permitted
13 to do so can openly carry?

14 A I don't think it's unclear, no. I think it's
15 clear. There is no law that says that you have to conceal
16 a weapon. I think that's clear. I don't think it's
17 ambiguous. I hope I answered your question okay. I
18 mean --

19 Q No. And the answer is okay.

20 A Yeah. I'm just -- what I'm saying is that, to
21 me, that doesn't seem ambiguous. Either it is or it
22 isn't. And in this case there's no law that says you have
23 to conceal a weapon.

24 MS. BAIRD: Okay.

25 MR. SNOOK: Good. You're done.

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(Whereupon, the witness was excused and the proceedings were concluded at 12:06 p.m.)

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SIGNATURE PAGE

I, JAMES CETRAN, have read the foregoing transcript of the testimony given at the deposition held on MARCH 13, 2012, and it is true and accurate to the best of my knowledge as originally transcribed or with the changes as noted on the attached Errata Sheet.

JAMES CETRAN

STATE OF CONNECTICUT
COUNTY OF _____

Sworn and subscribed to before me this _____ day of _____, 2012.

NOTARY PUBLIC

My Commission Expires: _____

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CERTIFICATE

STATE OF CONNECTICUT)
) SS: West Hartland, Connecticut
COUNTY OF HARTFORD)

I, Patricia Tyszka, a Notary Public duly commissioned and qualified in and for the County of Hartford, State of Connecticut, do hereby certify that pursuant to notice there came before me on the 13th day of March 2012, at 10:51 a.m., the following named person, to wit: JAMES CETRAN, who was by me duly sworn to testify to the truth and nothing but the truth of his knowledge touching and concerning the matters in controversy in this cause; and that he was thereupon carefully examined upon his oath and his testimony reduced to writing under my direction; that the deposition is a true record of the testimony given by the witness; that the deposition may be signed before a Notary Public.

I further certify that I am neither attorney nor counsel for, nor related to, nor employed by any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

In witness whereof, I have hereunto set my hand and affixed my notarial seal this _____ day of _____, 2012.

Patricia Tyszka, LSR, RMR
Notary Public
License No. 46

My Commission Expires
May 31, 2015

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