

DOCKET NO. [REDACTED] : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT OF BRIDGEPORT
V. : AT GEOGRAPHICAL AREA #2
[REDACTED] : AUGUST 28, 2025

MEMORANDUM OF DECISION

The defendant, [REDACTED] stands charged with drug offenses arising out of an investigative stop conducted by the Bridgeport Police Task Force on June 5, 2024. During a forty-five-minute surveillance, the defendant's companion was observed to be in possession of a firearm. The companion was detained and arrested. The defendant was detained for being in the company of the companion. While the defendant was being frisked for weapons drugs were found in his pocket and he was subsequently arrested. The defendant filed a motion to suppress evidence. The motion is granted for the reasons set forth herein.

I PROCEDURAL HISTORY AND FACTS

On September 24, 2024, the defendant filed a motion to suppress evidence, asserting that the investigative detention and search and seizure that led to his arrest violated his state and federal constitutional rights.

On April 10, 2025, the court held an evidentiary hearing on the defendant's motion. At the hearing, Officer Bettini of the Bridgeport Police Department testified. Defense exhibits A¹ and B² were introduced as full exhibits. Oral argument was heard at the conclusion of the hearing. On June 2, 2025, the parties filed briefs.

¹ Officer Bettini's body cam footage.

² Officer Riley's body cam footage.

The court finds the following facts credible. On June 5, 2024, at 9:30 p.m., Officer Bettini, Detective Vasquez, and Sargeant Paoletti, of the Bridgeport Police Department in conjunction with Trooper Riley of the Connecticut State Police Department, conducted surveillance from an undisclosed location around Noble Avenue and Shelton Street in Bridgeport. The defendant and companion were observed for forty-five minutes standing near a pickup truck parked on the street.

Officers noticed a firearm protruding from the companion's fanny pack and quickly converged on the companion. Officer Bettini located a firearm on the front passenger seat of the pickup truck where the companion had been observed entering and exiting. The companion was detained and arrested for a firearm offense.

While the companion was being detained, the defendant was initially told by an officer to "go that away." The defendant began to walk away as instructed. Moments later the defendant was detained by another officer approximately five feet from the companion. The defendant was placed against a wall and frisked. The defendant complied.

Officer Bettini testified to the following: The purpose of the detention and pat down of the defendant was to search for weapons. No tips had been received, nor prior information developed, regarding the defendant. The defendant was never observed within the pickup truck nor was he observed placing or removing items from it. The defendant was never observed carrying anything or conducting transactions with others. The defendant was never observed with a firearm nor was any bulge or item protruding from the defendant's clothes that could indicate the presence of a weapon. The defendant was only observed speaking with the companion. The defendant would have been allowed to leave had he not possessed narcotics.

Based upon the arrest of the companion, the defendant was detained. A pat down was conducted to ensure that the defendant did not possess any weapons. Officer Bettini testified how he typically conducts a pat down for weapons. Waist down then waist up because a firearm is usually concealed in the waist. The right leg and then the left leg. Consistent with that description, the defendant was patted down beginning at the waist until the left front cargo pant pocket drew Officer Bettini's attention. Officer Bettini described feeling two bulges with an open palm which he believed to be two eight balls of narcotics.³ Officer Bettini testified that the objects changed shape from a ball to mushy. Officer Bettini's pat down for weapons concluded upon finding this object which deviated from his description of a full pat down for weapons.

The body cam footage depicts what starts out as an open palm pat down of the outside of the defendant's right pocket and moves on to the left pocket where the object was felt. While continuing to feel the object, Officer Bettini asked the defendant three times, "What you got right there?" Officer Bettini can be seen squeezing and manipulating the object with his fingers while asking the question.⁴ Officer Bettini retrieved the object from the defendant's pocket. The object was immediately placed back in the defendant's pocket and a full search was conducted.

Officer Bettini testified that he was able to immediately identify the object as narcotics from the flat hand pat down of the outside of the defendant's pocket. Once that determination was made with the open palm, the defendant was under arrest and the pat down became a search incident to arrest. The body cam footage contradicts that assertion.

³ Officer Bettini was a member of the Statewide State Police Gang Unit, was a Bridgeport Police Officer for seven years at the time and had specific training in drugs and narcotics in addition to the standard police training.

⁴ Exhibit A at 3:32.

Officer Bettini can be seen squeezing and manipulating the object while asking the defendant to identify the object. Officer Bettini continues to squeeze and manipulate the object until he placed his hand in the defendant's pocket and retrieved it. The court finds the squeezing and manipulating of the object while asking the defendant three times to identify it supports the conclusion that Officer Bettini was not sure the object was narcotics until it was seized notwithstanding his testimony to the contrary. There is no evidence to suggest that the object was a weapon which was the stated purpose of the search. The defendant was never found to possess any weapons.⁵ The pat down for weapons transitioned to a full-on search upon locating the narcotics.

II DISCUSSION

A *Terry* Stop and Subsequent Pat Down

The defendant first argues that police lacked reasonable and articulable suspicion to seize him and that, even if the seizure was lawful, the subsequent pat down search was unlawful under both the federal and state constitutions. "Under the fourth amendment to the United States constitution and article first, §§ 7 and 9, of our state constitution, a police officer is permitted in appropriate circumstances and in an appropriate manner to detain an individual for investigative purposes if the officer believes, based on a reasonable and articulable suspicion that the individual is engaged in criminal activity, even if there is no probable cause to make an arrest." (Internal quotation marks omitted.) *State v. Peterson*, 320 Conn. 720, 730, 135 A.3d 686 (2016).

⁵ Notably, Officer Bettini was pricked by a needle while placing his entire hand wrist deep into the same pocket where the narcotics were located.

“Reasonable suspicion is a less demanding standard than probable cause . . . [because] reasonable suspicion can be established with information that is different in quantity or content [from] that required to establish probable cause . . . [and] from information that is less reliable to show probable cause.” (Internal quotation marks omitted.) *State v. Lewis*, 333 Conn. 543, 569, 217 A.3d 576 (2019). “The threshold for reasonable and articulable suspicion requires less than probable cause . . . which requires less than a preponderance of the evidence.” (Citation omitted.) *State v. Madison*, 116 Conn. App. 327, 335, 976 A.2d 15, cert. denied, 293 Conn. 929, 980 A.2d 916 (2009).

“Reasonable and articulable suspicion is an objective standard that focuses . . . on whether a reasonable person, having the information available to and known by the police, would have had that level of suspicion. . . . [I]n justifying the particular intrusion the police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion. . . . [A]n investigative stop can be appropriate even where the police have not observed a violation because a reasonable and articulable suspicion can arise from conduct that alone is not criminal. . . .

“In evaluating the validity of such a stop, courts must consider whether, in light of the totality of the circumstances,⁶ the police officer had a particularized and objective basis for suspecting the particular person stopped of criminal activity. . . . This process allows officers to

⁶ “In considering the totality of the circumstances, courts consider [t]he nature of the crime under investigation, the degree of suspicion, the location of the stop, the time of day . . . the reaction of the suspect to the approach of police . . . [the] [p]roximity in the time and place of the stop to the crime . . . [and whether a suspect displays] [n]ervous, evasive behavior [P]olice officers may reasonably act upon observation of a series of acts, each of them perhaps innocent in itself, but which taken together warranted further investigation. . . . Moreover, the totality of the circumstances is not based solely on the observations and knowledge of the investigating officer, but on the collective knowledge of the law enforcement organization at the time of the seizure.” (Citation omitted; internal quotation marks omitted.) *State v. Lewis*, *supra*, 333 Conn. 570.

draw on their own experience and specialized training to make inferences from and deductions about the cumulative information available to them that might well elude an untrained person. . . . Consequently, [courts] consider . . . whether the rational inferences that can be derived from it reasonably suggest criminal activity to a police officer. . . .

“When reviewing the legality of a stop, a court must examine the specific information available to the police officer at the time of the initial intrusion and any rational inferences to be derived therefrom.” (Citations omitted; footnote omitted; internal quotation marks omitted.) *State v. Peterson*, supra, 320 Conn. 730–32. Put simply, “a *Terry* stop is constitutionally permissible only if three conditions are met: (1) the officer[s] must have a reasonable suspicion that a crime has occurred, is occurring, or is about to occur; (2) the purpose of the stop must be reasonable; and (3) the scope and character of the detention must be reasonable when considered in light of its purpose.” (Internal quotation marks omitted.) *State v. Edmonds*, 323 Conn. 34, 67, 145 A.3d 861 (2016).

Furthermore, “[u]nder both the state and federal constitutions, [d]uring the course of a lawful investigatory detention, if the officer reasonably believes that the detained individual might be armed and dangerous, he or she may undertake a pat down search of the individual to discover weapons. . . . [T]he officer must have reasonable and articulable suspicion only that the detained individual might be armed with some form of a weapon that might be used against the officer.” (Citation omitted; internal quotation marks omitted.) *Id.*, 584. “Nevertheless, whether a pat down is supported by reasonable and articulable suspicion is an objective standard and is not based on an officer’s subjective beliefs. . . .

“[I]n ascertaining whether reasonable suspicion existed for the pat down search, the totality of the circumstances . . . must be taken into account. . . . [T]he purpose of a pat down

search . . . [is] to confirm or dispel suspicion that a suspect is armed and dangerous.” (Citations omitted; internal quotation marks omitted.) *State v. Lewis*, supra, 333 Conn. 585–86; see also *State v. Nash*, 278 Conn. 620, 632, 899 A.2d 1 (2006) (“The officer need not be absolutely certain that the individual is armed; the issue is whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger.” (Internal quotation marks omitted.)).

In *State v. Kelly*, 313 Conn. 1, 95 A.3d 1081 (2014), the Connecticut Supreme Court upheld the conviction of a defendant who was stopped and patted down based upon being a companion of an individual the police believed was armed and dangerous. In *Kelly*, the defendant was walking with an individual the police believed to have an active warrant as well as confidential informant information that he was in possession of a firearm. *Id.*, 5. The court concluded “when officers lawfully detain a suspect who they reasonably believe poses a threat to their safety, article first, §§ 7 and 9 (of the Connecticut Constitution), permit the officers to briefly detain the suspect’s companion for protective purposes.” (Parenthesis added.) *Id.*, 14. The court adopted the holding in *United States v. Lewis*, 674 F. 3d 1298 (11th Cir. 2012), which held that “for safety reasons, officers may, in some circumstances, briefly detain individuals about whom they have no individualized reasonable suspicion of criminal activity in the course of conducting a valid *Terry* stop as to other related individuals.” *Id.*, 1306.

In the present case, the facts and circumstances taken together with the rational inferences drawn therefrom support the existence of reasonable and articulable suspicion for the investigative stop and subsequent pat down of the defendant which were lawful under the state and federal constitution. The defendant’s companion was observed with a firearm, detained, and arrested. Consistent with the holding in *Kelly* and *Lewis*, it was reasonable under the totality of

the circumstances to briefly detain and pat down the defendant for safety reasons, without individualized reasonable suspicion that the defendant was engaged in criminal activity, to eliminate the possibility that he too possessed a firearm. Despite the reasonableness and legality of the initial detention and search of the defendant, however, this court looks further to the nature of the search itself under the “plain feel doctrine” to determine whether Officer Bettini’s pat down of the defendant violated the defendant’s constitutional rights.

B Plain Feel Doctrine

The “plain feel doctrine” recognized in *Minnesota v. Dickerson*, 508 U.S. 366, 375, 113 S. Ct. 2130, 124 L. Ed. 2d 334 (1993), established that nonweapon contraband may be validly seized during a lawful weapon pat down if its identity and incriminating nature are immediately apparent by their feel to the officer. The Connecticut Supreme Court in *State v. Trine*, 236 Conn. 216, 224, 673 A.2d 1098 (1996), held that a weapons pat down “that is justified at its inception becomes constitutionally infirm if the search thereafter becomes more intrusive than necessary to protect the safety of the investigating officer.” The key is the immediate apparency of the item as contraband. The *Trine* court rejected the search in *Dickerson* because the officer only determined that the lump in the suspect’s pocket were drugs after “squeezing, sliding and otherwise manipulating the contents of [his] pocket.” *Minnesota v. Dickerson*, supra, 508 U.S. 378. Similarly, *Trine* upheld a tactile search because the officer “limited the search to a flat-handed [pat down] for weapons, and did not manipulate the object that he discerned or otherwise extend the scope of the search.” *State v. Trine*, supra, 236 Conn. 227. Additionally, the officer only searched the suspect’s pocket and removed what he thought was cocaine after he finished the pat down and determined that the suspect was unarmed. *Id.*

In the present case, the bodycam footage depicts Officer Bettini squeezing and manipulating the unknown object from outside the defendant's pant pocket during the pat down while asking the defendant three times to identify the object. This video evidence contradicts Officer Bettini's testimony that it was immediately apparent to him that this was an eight ball of narcotics. Moreover, Officer Bettini discontinued the pat down for weapons upon seizing the object found in the defendant's pant pocket. The court finds this pat down went beyond the scope of what is permitted in *Trine*, was more intrusive than necessary due to the squeezing and manipulating of the object, and was constitutional infirm by violating the defendant's state and federal constitutional rights.

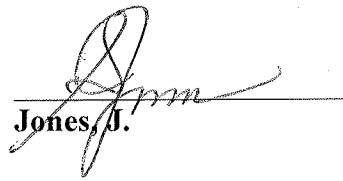
III CONCLUSION

In reaching its conclusions, the court has fairly and impartially considered all of the evidence received during the hearing; evaluated the credibility of the witnesses; assessed the weight, if any, to be given to specific evidence and measured the probative force of conflicting evidence; reviewed all exhibits, relevant statutes, and case law; and drawn such inferences from the evidence, or facts established by the evidence, that it deems reasonable and logical. The court's credibility determination for the witnesses was made based on, among other things, the conduct, demeanor, and attitude of the witnesses as well as all the relevant factors with respect to credibility evaluation. See *Lapointe v. Commissioner of Correction*, 316 Conn. 225, 268, 112 A.3d 1 (2015). Additionally, any other evidence on the record not specifically mentioned in this decision that would support a contradictory conclusion, whether such evidence was contested or

uncontested by the parties, was considered and rejected by the court. See *State v. Edmonds*,
supra, 323 Conn. 64.

The search and seizure of narcotics is unconstitutional because it exceeded the scope of a
Terry pat down as refined by the plain feel doctrine in *Trine*. The defendant's motion is granted
and the evidence is suppressed.

BY THE COURT,


Jones, J.