

**FILED**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT**

2010 JAN 14 P 12:11

**JESSE MORRELL,**

**PLAINTIFF,**

vs.

**CITY OF HARTFORD, DARYL K.  
ROBERTS, in his official capacity as  
Chief of Police of the City of Hartford  
Police Department, and JOSEPH M.  
FARGNOLI, II, individually and in his  
official capacity as police officer,**

**DEFENDANTS.**

U.S. DISTRICT COURT  
HARTFORD, CT.

**NO.: 3:06-cv-00619-RNC**

**CONSENT ORDER**

**December 22, 2009**

Final Resolution of this matter and controversy has been settled by and between the parties and accepted by the Court, as reflected herein.

**IT IS on this 13th day of January, 2010, ORDERED AND  
ADJUDGED AS FOLLOWS:**

1. On April 22, 2004, Plaintiff Jesse Morrell was arrested by Defendant Joseph M. Fargnoli, II, ("Fargnoli") in Hartford, Connecticut and charged with a violation of Conn. Gen. Stat. Sec. 53-181(a)(1).
2. The Connecticut Supreme Court has ruled that an arrest for violation of Conn. Gen. Stat. Sec. 53-181(a)(1) requires "fighting words." This Court (Chatigny, J.) determined that no fighting words were used or involved in the arrest of Plaintiff.
3. The Court hereby enjoins Defendants and the Hartford Police Department from applying Conn. Gen. Stat. Sec. 53-181 to Plaintiff to prevent any expressive activities except for the use by him of fighting words.

4. The Court hereby enjoins Defendants and the Hartford Police Department from applying Conn. Gen. Stat. Sec. 53-181a subsection (2) to Plaintiff to prevent any expressive activities except for the use by him of fighting words.

5. The Court hereby enjoins Defendants and the Hartford Police Department from applying Conn. Gen. Stat. Sec. 53-181a subsection (3) to Plaintiff in a manner that is not in accordance with a standard of objective reasonableness.

6. This consent order, with the conditions and obligations contained herein, is not to be construed as either an admission of liability on the part of any of the defendants to this action, or any other present or former officer, employee or agent of the City of Hartford or its departments, nor is it to be construed as a concession by the plaintiff that his rights were not violated by the defendants on April 22, 2004, but rather, the parties in good faith seek an amicable resolution of their dispute arising out of the events of that date.

7. Defendants shall pay the Plaintiff the amount of \$1.00 as nominal damages and \$20,000 in consideration of the final resolution of this matter, payment to be had within 90 days of the date this Consent Order is signed.

8. The Court retains jurisdiction of this case solely to enforce the terms of this Consent Order.

SO ORDERED this 13th day of January, 2010

BY THE COURT:

<sup>^</sup>  
/s/ Robert N. Chatigny, USDJ  
ROBERT N. CHATIGNY *Y Y*  
United States District Judge

WE HEREBY CONSENT TO THE FORM  
AND ENTRY OF THE ABOVE ORDER:

<p>Nathan W. Kellum Federal Bar number: phv0319 Jonathan Scruggs Federal Bar number: phv02636 ALLIANCE DEFENSE FUND 699 Oakleaf Office Lane, Suite 107 Memphis, TN 38117 Phone: 901-684-5485 Fax: 901-684-5499 E-mail: <a href="mailto:nkellum@telladf.org">nkellum@telladf.org</a> <a href="mailto:jscruggs@telladf.org">jscruggs@telladf.org</a></p>	<p>John Rose, Jr. Federal Bar No. Ct 04228 Nathalie Feola-Guerrieri Federal Bar No. Ct 17217 CORPORATION COUNSEL-CITY OF HARTFORD 550 Main St. Hartford, CT 06103 Phone: 860-757-9700 Fax: 860-722-8114 E-mail: <a href="mailto:RoseJ001@hartford.gov">RoseJ001@hartford.gov</a> <a href="mailto:feoln001@hartford.gov">feoln001@hartford.gov</a></p>
<p>Howard M. Wood, III CT Bar No. 68780 Federal Bar No. 08758 PHELON, FITZGERALD &amp; WOOD, P.C. 773 Main Street Manchester, CT 06040 Phone: 860-643-1136 Fax: 860-643-5773 E-mail: <a href="mailto:howard.wood@pfwlaw.com">howard.wood@pfwlaw.com</a></p> <p>Attorneys for Plaintiff Jesse Morrell</p>	