



Lougal was on patrol within the P.T. Barnum Housing Project when he observed Nunley standing outside near buildings 12 and 13. As an officer who regularly patrolled the P.T. Barnum Housing Project, Officer Lougal was aware that this was a high crime area which frequently involved narcotics trafficking and violence. He also had previously interacted with Nunley and had warned him not to loiter within the Housing Project. Moreover, based upon those prior encounters, Officer Lougal was aware that Nunley did not live in the Housing Project. (Tr. 7/25/02 at 86-92)

As Officer Lougal and his partner approached Nunley, Officer Lougal could see that he was wearing a bulletproof vest beneath his clothing. Officer Lougal was aware at the time that narcotics traffickers often wore bulletproof vests while selling narcotics. He also was aware that Nunley was a narcotics trafficker who was heavily involved in the sale of narcotics at the Housing Project. (Tr. 7/25/02 at 89, 91, 93.)

When questioned by Officer Lougal, Nunley was unable to explain why he was at the Housing Project. Although he claimed to be visiting his girlfriend, he was unable to provide her name or to identify where she lived. Officer Lougal then placed Nunley under arrest and charged him with

Criminal Trespass in violation of Connecticut General Statute § 53a-107. Nunley was searched incident to his arrest, and the bulletproof vest was seized from his person and placed into the Bridgeport Police Department's evidence vault for safekeeping. (Tr. 7/25/02 at 93-95.)

#### DISCUSSION

Nunley maintains that Officer Lougal's actions on August 30, 1998, constituted an illegal seizure in violation of the Fourth Amendment because Officer Lougal lacked probable cause to arrest him. This contention is without merit. The court finds that Officer Lougal had probable cause to arrest Nunley for a criminal trespass violation and to search him incident to the arrest.

It is well established that an arrest without a warrant is valid if it is supported by probable cause. United States v. Watson, 423 U.S. 411, 417 (1976). Probable cause exists where "the facts and circumstances within [the officer's] knowledge and of which they had reasonably trustworthy information [are] sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed." See Breniger v. United States, 338 U.S. 160, 175-76 (1949). Moreover, "where law enforcement authorities are cooperating in an investigation . . . , the

knowledge of [an officer] is presumed to be shared by all." Calamia v. City of New York, 879 F.2d 1025, 1032 (2d Cir. 1989) (citing Illinois v. Andreas, 463 U.S. 765, 711 n.5 (1983)).

In addition, probable cause arises when the police reasonably believe that "an offense has been or is being committed." United States v. Cruz, 834 F.2d 47, 50 (2d Cir. 1987), cert. denied, 484 U.S. 1077 (1988). Furthermore, officers can stop and question a suspect if they have reasonable suspicion of unlawful conduct. Terry v. Ohio, 392 U.S. 1 (1968). Under Terry, a police officer is free to approach a person in public and ask questions while taking objectively reasonable steps to protect himself and others in view of the dangers that the officer's judgment and experience indicate might exist. See Florida v. Royer, 460 U.S. 491, 497 (1983); United States v. Barrios-Moriera, 872 F.2d 12, 15 (2d Cir. 1989).

In this case, Officer Lougal had sufficient probable cause to arrest Nunley and then to search him incident to the arrest. Officer Lougal knew (1) that the Housing Project was a high crime area that often involved narcotics trafficking and violence; (2) that Nunley did not live in the Housing Project; and (3) that narcotics traffickers often wore bulletproof

bests while selling narcotics. (Tr. 7/25/02 at 86-93)

Knowing this information, Officer Lougal observed Nunley loitering and wearing a bulletproof vest beneath his clothing, and found that he was unable to give a credible explanation for his presence at the Housing Project. (Id. at 93-95) Thus, under the totality of the circumstances, the court finds that Officer Lougal had probable cause to arrest Nunley on August 30, 1998, for criminal trespass and loitering, and to search him incident to the arrest. Accordingly, Nunley's motion to suppress the evidence is denied.

CONCLUSION

For the foregoing reasons, Nunley's motion to suppress evidence [Doc. # 1025] is DENIED.

SO ORDERED this \_\_\_\_\_ day of October, 2002, at Bridgeport, Connecticut.

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Alan H. Nevas  
United States District Judge