

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :
 : Criminal No. 3:12-CR-144(JCH)
 v. :
 :
 BRENT Q. HANSEN : July 31, 2012

**GOVERNMENT’S MEMORANDUM IN OPPOSITION TO
DEFENDANT’S MOTION FOR RELEASE**

The Government respectfully submits this opposition to the Defendant’s Motion for Release, filed July 30, 2012.

I. FACTUAL BACKGROUND

On June 27, 2012, a federal grand jury in New Haven returned a four-count indictment charging the defendant, Brent Q. Hansen, with two counts of repeated telephone harassment, in violation of Title 47, United States Code, Section 223(a)(1)(E), and two counts of anonymous telephone harassment, in violation of Title 47, United States Code, Section 223(a)(1)(C).

The government alleges that from approximately March 2011 through June 2012, the defendant left approximately 260 to 280 voicemails for executives and employees of the Travelers Insurance Company in Hartford and elsewhere. The overwhelming majority of these voicemails were left for two particular victims who work in the Hartford office of Travelers. The defendant made these calls from his residence in Florida.

The victims saved these voicemails, and they were turned over to the FBI. The voicemails are hostile and consist of long tirades and rants, often for several minutes, in which the defendant states that the victims are cursed and that God will damn their souls. He repeatedly states he hopes that God will kill them. Often, the defendant states that he if were a

dangerous person, the victim would be dead or assassinated, and the victim should be thankful that the defendant is not a dangerous person. The defendant repeatedly derides the victims, calling them murderers, rapists, terrorists and criminals. The defendant frequently yells, sometimes laughs and sometimes screams for long stretches of time.

On September 13, 2011, FBI agents from Tampa Florida traveled to the defendant's residence in Florida to discuss the matter with him. The agents advised the defendant to cease his harassing telephone calls, informed him that Title 47, United States Code, Section 223(a) criminalizes harassing telephone communications, and advised him of the possibility of possible Federal prosecution should he continue to make harassing telephone communications. The defendant signed an affidavit stating the following:

1. He acknowledged repeatedly contacting the Travelers Insurance Company, located in Hartford, Connecticut, both telephonically and by e-mail, from residence in the State of Florida;
2. He acknowledged his understanding of Title 47 U.S.C. 223(1)(a) and that he was provided a copy of the federal statute by agents of the FBI;
3. He acknowledged being advised by the FBI of the possible adverse legal ramifications which may result from any further violation of the aforementioned statute, including possible criminal prosecution; and
4. He agreed to cease and desist any further contact with Travelers Insurance Company.

The defendant refrained from contacting employees at Travelers for a few weeks. However, by October 6, 2012, Hansen resumed his repeated telephone calls to the two Travelers'

employees in Hartford, leaving voicemail messages similar to the messages he left prior to the FBI visit.

Hansen's telephone voicemails continued through June 2012, becoming more aggressive and threatening in tone. Early on, the defendant often included a "disclaimer" in his voicemails stating that he personally would never harm anyone or commit a crime. That tone changed, however, in recent months. For example, on April 26, 2012, Hansen, without disclosing his identity, left a voicemail similar to his prior voicemails, but added that "we have already been inside your building but now we're going to get inside your office." Hansen goes on to state that if he is kicked out of the country or if Travelers thinks people will catch up with him, I'll go in the underground . . . and I'll duck out in the real underground . . . and I've got people that can get me right in it . . ." In another call in June 2012, the defendant made a call that the victim described as a "very aggressive call for about 9 minutes. Damning my soul, telling me I am the devil, telling me that I shouldn't be on the earth. Telling me that when the company does something like this to someone else that I will get assassinated." In another call, the defendant tells the victim that he has pictures of the victim from 2 days before the call.

Based on the above, on June 27, 2012, a federal grand jury in New Haven returned a four-count indictment charging the defendant with telephone harassment. The defendant was arrested on July 5, 2012 in Florida, where he ordered detained by a Federal Magistrate Judge in Tampa, Florida pending trial.

II. ARGUMENT

The defendant should remain detained prior to trial primarily because he poses a significant flight risk. In one of his voicemails from three months ago, he threatened that he would "duck out" into the "underground" and that "I've got people that can get me right in it."

Moreover, the defendant is not a United States citizen. He is a citizen of Canada. While defendant proposes to surrender his passport, it is the government's understanding that Canadian citizens do not need a passport to return to Canada if they cross the border by land. All that is needed is proof of citizenship, such as a birth certificate or citizenship card, and a form of picture identification.

The government is also concerned about the danger that the defendant poses. In June 1992, the defendant was charged in Florida with first degree arson. (See Exhibit A). It was alleged that in February 1992, he deliberately set fire to a residence after getting into an argument with a friend. In June 1992, police went to arrest the defendant, but he could not be found. According to the defendant's parents and sister, they had not seen him in months and were worried because they did not know where he was. It was later discovered that shortly after the arson incident, the defendant went to Canada and remained there for 14 years. When he returned in 2006, the Florida prosecutors, who were unfamiliar with the case due to its age, decided not to pursue the case against him, and the charges were dismissed. Although the defendant claims that he went to Canada because of a personal relationship, the fact that his family did not know his whereabouts adds to the credibility of his recent statement that he can "duck out" and go "underground."

The government also believes there is a strong likelihood that the defendant will continue to contact and harass the victims in this case while on release. After the FBI visited the defendant in September 2011 and informed him of possible criminal prosecution should he continue, he ceased his calls for about two weeks, but then resumed. He even began taunting the victims and referring to the FBI's visit. In one call in November 2011, he stated that he would

keep calling the victims, and if the victims wanted to call the FBI, they should go ahead. It does not appear that the potential legal ramifications will deter him.

III. CONCLUSION

For the foregoing reasons, defendant's motion should be denied.

Respectfully submitted,

DAVID B. FEIN
UNITED STATES ATTORNEY

/s/ Neeraj Patel
NEERAJ PATEL
SPECIAL ASSISTANT U.S. ATTORNEY
Federal Bar No. phv04499
157 Church Street, 25th Floor
New Haven, CT 06510
Tel.: (203) 821-3700
Fax: (203) 773-5376
Email: neeraj.patel@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2012, a copy of the foregoing was served by email to the persons listed below:

Kelly M. Barrett, Esq.
Federal Public Defender's Office
10 Columbus Blvd, FL 6
Hartford, CT 06106

/s/ Neeraj Patel

Neeraj Patel
Special Assistant United States Attorney

EXHIBIT A

FELONY INFORMATION

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR PINELLAS COUNTY

SPRING TERM, in the year of our Lord one thousand nine hundred ninety-two

92-08925CFANG
STATE OF FLORIDA

I

ISSUE CAPIAS
INFORMATION FOR

FILED
RECORDED
10 PM
FEB 11 1992

VS.

BRENT HANSEN
SPN 00119484

ARSON IN THE FIRST DEGREE, 1st

IN THE NAME AND BY THE AUTHORITY FOR THE STATE OF FLORIDA:

JAMES T. RUSSELL, State Attorney for the Sixth Judicial Circuit of Florida, in and for Pinellas County, prosecuting for the State of Florida, in the said County, under oath, Information makes that

BRENT HANSEN

of the County of Pinellas and State of Florida, on the 12th day of February, in the year of our Lord, one thousand nine hundred ninety-two, in the County and State aforesaid did willfully and unlawfully by fire or explosion damage or cause to be damaged a certain dwelling house, or its contents located at 13212 1/2 Fourth Street East, Madeira Beach, Pinellas County, Florida; contrary to Chapter 806.01(1)(a), Florida Statutes, and against the peace and dignity of the State of Florida. [A1]

STATE OF FLORIDA
PINELLAS COUNTY

Personally appeared before me JAMES T. RUSSELL, the undersigned State Attorney for the Sixth Judicial Circuit of Florida, in and for Pinellas County, or his duly designated Assistant State Attorney, who being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as true, and which if true, would constitute the offense therein charged; hence this information is filed in good faith in instituting this prosecution, and that he has received testimony under oath from the material witness or witnesses for the offense.

Richard Shelnis
Assistant State Attorney for the Sixth
Judicial Circuit of the State of Florida,
Prosecuting for said State

The foregoing instrument was acknowledged before me this 14th day of Feb 1992
by R. Shelnis
who is personally known to me and who did take an oath.

Clerk of this Court is hereby directed to
(ISSUE CAPIAS for arrest of Defendant(s))

I/KM/0415SH21

Defendant(s) is (are) to be admitted to Bail
in the sum of \$ 25,000.00

[Signature]
Circuit/County Judge

NOTARY PUBLIC KATHLEEN M. ESPOSITO

KATHLEEN M. ESPOSITO
Notary Public, State of Florida
My Commission Expires May 4, 1995

COUNTY COURT OR CIRCUIT COURT - CRIMINAL DIVISION
PINELLAS COUNTY, FLORIDA

STATE OF FLORIDA :
V. : WITNESS AFFIDAVIT
BRENT HANSEN :

BEFORE ME, A NOTARY PUBLIC, personally appeared Eugene Hotchkiss, who being duly sworn says:

Your Affiant is a sworn law enforcement officer with the Madeira Beach Police Department.

On February 12, 1992, your Affiant investigated a case involving Brett Hansen. Your Affiant was made aware by Brian Turini and Connie Graves, Graves of the Seminole Fire Department and Turini of the Madeira Beach Fire Department, that there had been a fire the night before at 13212 1/2 Fourth Street East in Madeira Beach located within Pinellas County, Florida. Your Affiant then spoke to Gary Linnemeyere who related to your Affiant that he and BRENT HANSEN had been out the night before and had gotten into an argument, causing Linnemeyere and BRENT HANSEN to leave a bar separately. When he returned home, his house, located at the above address, was on fire.

Your Affiant spoke to Paul Schaudt, who is a friend of Linnemeyer. Paul Schaudt states that BRENT HANSEN came to his house on the night of February 12, 1992 and told him that he had started a fire at the above residence. BRENT HANSEN stated he poured gas on the floor and then lit the fire. When Paul Schaudt said that he did not believe this, BRENT HANSEN told him he'd be hearing fire engines and sirens in the next few minutes. At this time, Paul Schaudt did hear the sirens. n

Your Affiant then spoke with Connie Graves of the Seminole Fire Department and Brian Brooks of the St. Petersburg Fire Department, who are both fire investigators. In their opinion, the fire was caused by an accelerant, namely gasoline, and that in their opinion, this fire was not accidental and was in fact arson. BRENT HANSEN can be identified by the Linnemeyers.

WHEREFORE, your Affiant respectfully requests this Honorable Court issue a capias for BRENT HANSEN so that he may be made to answer to the above charges.

The foregoing instrument was acknowledged before me this 21st day of April, 1992, by Eugene J. Hotellness, who is personally known to me or has produced as identification and who did take an oath.

Gleena Mitchell
Gleena Mitchell / Comm. No. AA 600955
NOTARY PUBLIC

Notary Public, State of Florida at Large
My Commission Expires SEPT 29 1992

County Court or Circuit Court -
Criminal Division, Pinellas County
Florida

Eugene J. Hotellness
AFFIANT

300 MUNICIPAL DR. MADISON BEACH
AFFIANT'S ADDRESS

813 391-9916
AFFIANT'S TELEPHONE NUMBER

FINDING OF PROBABLE CAUSE

I, [Signature] have reviewed this affidavit and do find there is/is not probable cause to hold and bind over for trial the defendant named in this affidavit.

[Signature]
JUDGE
6/17/92
DATE

I/KM/0415SH20