

A.C. 50408
APPELLATE COURT
STATE OF CONNECTICUT

NO. W11D-CR25-0383862-S : SUPERIOR COURT
STATE OF CONNECTICUT : G.A. # 11
VS. : AT DANIELSON
SEANPAUL REYES : SEPTEMBER 21, 2026

MOTION TO STAY PROBATION DURING APPEAL

The defendant, SeanPaul Reyes, by and through undersigned counsel, Jon L. Schoenhorn, moves the trial court (*Guarnieri, J.*), pursuant to Practice Book §§ 43-42 and 61-13; Conn. Gen. Stat. § 54-63f; the first and fourteenth amendment to the United States Constitution; Article I, §§ 4, 5 and 8 of the Connecticut Constitution; and the doctrine of *State v. McCahill*, 261 Conn. 492 (2002), to stay the order of probation entered as part of the sentence in this case. Counsel notes that the defendant filed a written motion for stay of execution of the judgment *pro se* on September 8, 2026 which was within five days after the court's September 3, 2026 entry of judgment, but that the court dismissed it without a hearing the next day, under the assumption that it lacked jurisdiction to entertain it before an appeal was filed. The court also subsequently denied the defendant's September 16, 2026 motion for re-argument and reconsideration of this point. But Practice Book § 61-13(d) expressly states that a motion for stay of execution in criminal cases "filed before an appeal is filed *shall be filed with the trial court.*" (Emphasis supplied) In further support hereof, the defendant states:

I. Brief History of the Case

The defendant was arrested without a warrant on or about July 11, 2025 in the Town of Mystic, and originally charged in Geographical Area # 10 in New London with various offenses. The case subsequently

was transferred to Geographical Area # 11 in Danielson on or about December 9, 2025, where the State's Attorney for the Windham Judicial District filed a substitute information charging the defendant with criminal trespass in the third degree, in violation of Conn. Gen. Stat. § 53a-109(a)(1).

The defendant proceeded *pro se* at a court trial before the Honorable Cody Guarnieri, that was held on August 11 and 12, 2026. The uncontested evidence revolved around the defendant's intention to knock on the complainant's front door in an attempt to conduct a recorded interview – accompanied by a videographer – with the homeowner about the amount of overtime that he earned as a state employee by walking up a shared driveway that displayed a yellow and brown sign that stated “Private Road / Dead End No Turn Around.”

On September 3, 2026, following said court trial, the defendant was convicted of the single count of criminal trespass in the third degree, in violation of General Statutes § 53a-109(a)(1) and sentenced immediately thereafter to a suspended three-month sentence and one year of probation with several conditions, including compliance with four standing criminal protective orders (“SCPOs”). Said SCPOs are being challenged in a separate written motion filed on September 16, 2026 and scheduled to be heard in the Superior Court on or about October 29, 2026.

The defendant's *pro se* post-judgment motion for a stay prior to the filing of his appeal was dismissed by the court on or about September 9, 2026 for lack of subject matter jurisdiction. His September 16, 2026 motion to reconsider and argue the motion for stay pending appeal was denied on September 17, 2026.

On September 21, 2026 the defendant filed his Notice of Appeal from the judgment of conviction entered by the court in this case.

II. Specific Facts Relied Upon

1. Criminal trespass in the third degree is a class C misdemeanor, Conn. Gen. Stat. § 53a-109(b), and the court sentenced the defendant to a three-month suspended sentence and one year of probation.

2. The prefatory paragraph of Section 61-13 expressly states: “Except as otherwise provided in this rule, a judgment in a criminal case *shall be stayed* from the time of the judgment until the time to file an appeal has expired, and then, if an appeal is filed, until ten days after its final determination.” (Emphasis supplied). This section applies to “an appeal from a judgment . . . where those matters arise from a criminal conviction or sentence.” After an appeal is filed, a court may further stay probation during the pendency of the appeal. Practice Book §§ 43-32, 61-13(a)(2).

3. The defendant commenced his period of probation immediately after judgment entered. Because the defendant is a New York resident, the probation was transferred to the Suffolk County Office of Adult Probation.

4. Because of the standard conditions of probation, the defendant is now subject to strict out-of-state travel restrictions and requires permission even to return to Connecticut for his pending civil suit. The travel restriction directly interfere with his employment and occupation as an on line journalist who travels throughout the United States through his company Long Island Auditor LLC, and thereby interferes with his employment, as well as his ability to engage in protected speech and publication in violation of the federal and state constitutions. The trial court took note of the defendant’s profession as a journalist but made no findings “with respect to the defendant’s journalistic bona fides.”

5. The condition of no direct or indirect contact with B.F. and

other members of his family (subject to the motion to correct illegal sentence) directly interferes with his ability to prosecute his pending civil rights action against B.F., based on allegations the latter physically assaulted him and smashed his phone in 2021, and in pursuit of Internal Affairs Division complaints with the Connecticut State Police after B.F. spit on him. The current probation, therefore, also restricts his first and fourteenth amendment rights to petition the government for redress of grievances, as well as his rights to speech and publication, and the concomitant rights in Article I of the Connecticut Constitution.

6. The trial court's *sua sponte* dismissal of the defendant's *pro se* motion for stay and the order for immediate commencement of probation violated the express language in the preamble to Practice Book § 61-13. Indeed, it placed the defendant in a worse situation than if he had been sentenced to jail and then posted bond.

7. The defendant has filed his notice of appeal this date, now making the motion ripe for review.

8. The issues to be raised in the appeal include questions of law addressed by the trial court that clearly are of first impression. Therefore those interpretation of the meaning of the statute are, as the standard for certification to appeal in habeas matters makes clear, either "debatable among jurists of reason; that a [reviewing] court [may] resolve [in a different manner]; or that the questions are adequate to deserve encouragement to proceed further." *Owens v. Commission of Correction*, 63 Conn., App. 829, 830-31 (2001).

Whether a "Private Road/Dead End/No Turn Around" sign is synonymous with a "No Trespassing" sign clearly constitutes such a debatable question. The defendant notes that the court cited no authority for that proposition, nor is the undersigned to date able to

find any.¹ The same goes for the companion question whether personal “enmity” between a journalist/visitor and property owner similarly provides requisite notice and knowledge prohibiting someone from knocking on a front door to seek a recorded interview as the functional equivalent of a “No Trespassing” sign.² The defendant submits that

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A preliminary but not exhaustive search of other jurisdictions indicates that private property signs alone are insufficient to convey a prohibition against entry. *See e.g. State v. Cam*, 255 Or. App. 1, 6, 8, *modified upon reconsideration*, 256 Or. App. 146 (2013) (“posting of a sign indicating that property is private does not in and of itself suggest that visitors to the property are excluded.”); *Davis v. City of Milwaukee*, 2015 U.S. Dist. LEXIS 111054 (E.D. Wis. Aug. 21, 2015) (“signs stating ‘Private Property’ or ‘No Trespassing’ do not, by themselves, create an impenetrable privacy zone”). *Cf. State v. McCormack*, 101 N.M. App. 349, 682 P.2d 742 (1984) (criminal trespass conviction upheld against photojournalist following protesters who ignored posted “No Trespassing” signs, plus verbal warnings there would be no exceptions, and police threats to arrest anyone who crossed barricades to reach a nuclear waste disposal site).

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While this motion does not seek to predict the likelihood that the court’s judgment will be reversed on appeal, it is worth noting that before the United States Supreme Court decided in *Florida v. Jardines*, 569 U.S. 1 (2013) (cited in the court’s decision), that there is a common law “implicit license” for a visitor – friend or foe alike – “to approach the home by the front path, knock promptly, wait briefly to be received, and then (absent invitation to linger longer) leave,” that Court earlier held that “the knocker on the front door is treated as an invitation or license to attempt an entry, justifying ingress to the home by solicitors, hawkers and peddlers of all kinds;” *Breard v. Alexander*, 341 U.S. 622, 626 (1951); and when “we balance the Constitutional rights of owners of property against those of the people to enjoy freedom of press and religion . . . we remain mindful of the fact that the latter occupy a preferred position.” *Marsh v. Alabama*, 326 U.S. 501, 509 (1946).

such evidence goes to motive to knock; not knowledge of an implied prohibition.

10. A preliminary review of the evidence also suggests that one of the police officers on the scene intentionally tampered with evidence by pulling up a hidden and fallen “No Trespassing” sign off the ground and standing it up to make it visible. While that officer had no explanation for his conduct, the only reasonable inference is the intention of that officer to fabricate evidence against Mr. Reyes – a felony and potential police misconduct not addressed by the court.

11. These issues – coupled with the fact that the *pro se* defendant has no formal legal training – suggest that appellate-level judges may rule differently in the case. Without a stay, the defendant will remain subject to probationary conditions that impact his livelihood and financial well-being.

12. The nature of the restrictions placed on the defendant as conditions of probation substantially interfere with his constitutional rights as aforesaid during the pendency of the appeal. Indeed, if the stay is denied, the period of probation will likely expire before this matter is decided by higher courts.

13. The court, without objection from the defense, could certainly fashion a condition to stay judgment that precludes return to the B.F. home or contact with his family except in connection with pending administrative and court proceedings.

III. Legal Grounds Relied Upon

This motion is made pursuant to Connecticut Practice Book §§ 42-32 and 61-13; Conn. Gen. Stat. § 54-63f; the first and fourteenth amendments to the United States Constitution; and Article I, §§ 4, 5 and 8 of the Connecticut Constitution.

WHEREFORE, the defendant seeks a stay of the judgment of execution of the sentence of probation.

DEFENDANT-APPELLANT –SEANPAUL REYES

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ORDER

The foregoing motion having been heard, this ____ day of

_____, 2026, it is hereby **ORDERED:**

GRANTED / DENIED

BY THE COURT:

_____, J.

SUPERIOR COURT JUDGE

ASSISTANT CLERK

CERTIFICATION

I certify that this document complies with all the formatting requirements of Connecticut Practice Book § 66-3 and contains 1,779 words exclusive of the case caption, signature block and certifications according to the word count application of the undersigned's word processing program; and further certify that in compliance with Connecticut Practice Book § 62-7 and 66-2, this document does not contain any names or personal identifying information prohibited from disclosure by rule, statute, court order or case law; that it complies with all other applicable Rules of Appellate Procedure; and that a true copy of the foregoing was sent, via electronic transmission, on the date of this pleading, to the following:

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A handwritten signature in black ink, appearing to read "Jon L. Schoenhorn", is written over a horizontal line.

Jon L. Schoenhorn