

Rhode Island State Police Headquarters
NARRATIVE FOR TROOPER DAVID M TRAINOR

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Ref: 08RIX4-878-AR

On Friday, June 20, 2008 at approximately 3:55 PM, Trooper Trainor was on patrol out of the Lincoln Woods Barracks. At that time, Trooper Trainor was dispatched to the Rhode Island State House. Trooper Trainor was informed that Sergeant Joseph P. Habershaw of the Capitol Police had called the Lincoln Woods Barracks to advise that the Capitol Police had a subject in custody for Disorderly Conduct. Upon arrival, Trooper Trainor spoke with Capitol Police Officer Peter Kennelly. Officer Kennelly had a subject in custody, identified as **JOSEPH FREITAS DOB 7/24/84 of 274 Railroad Avenue, North Kingstown, Rhode Island.**

Officer Kennelly stated that at approximately 3:00 PM, he and Sergeant Habershaw observed FREITAS on the North side entrance of the State House voicing his concerns for the homeless. FREITAS was speaking a bull horn. Sergeant Habershaw and Officer Kennelly approached FREITAS and asked if he had a permit to operate an electronic device. According to Sergeant Habershaw, FREITAS stated that he did not need a permit and began to walk away. Sergeant Habershaw informed FREITAS that he would have to leave the property. FREITAS then stated that he did not need a permit to exert his lawful rights. Sergeant Habershaw again asked FREITAS to leave the property and again FREITAS refused to leave. At that point, Sergeant Habershaw handcuffed FREITAS and escorted him to the Capitol Police Command Center. While en route to the command center, Sergeant Habershaw stated that FREITAS informed him that his mother, Catherine L. Rhodes DOB 11/04/62 of 114 Laban Street, Providence, Rhode Island had been arrested last night at the State House and that it was his intention to get arrested and challenge the case with the ACLU. See Rhode Island State Police arrest number 08RIX4-873-AR.

Sergeant Habershaw advised Trooper Trainor that Capitol Police Officers Bennett A. Cruz and David Sweeting also observed the incident. Trooper Trainor obtained witness statements from all the Officers involved. Trooper Trainor took FREITAS into custody. While escorting FREITAS out of the State House and into the parking, a channel 10 News Camera photographed the scene. FREITAS quickly yelled "Free speech" into the camera. FREITAS was then transported to the Lincoln Woods Barracks without incident. While at the Barracks, Trooper Trainor advised FREITAS of his Constitutional Rights/Miranda Warnings. FREITAS stated that he understood his rights but did not wish to make a statement at this time. FREITAS was processed at the Barracks and arraigned by Justice of the Peace Finnegan.

Trooper Trainor seized the bull horn and placed it into the temporary evidence locker at the Lincoln Woods Barracks (08RIX4-197-PR).

NOTHING FURTHER TO REPORT.