

Supreme Court, U.S.  
FILED

JUN 15 2024

OFFICE OF THE CLERK

No. 23A1123

In The

**SUPREME COURT OF THE UNITED STATES**

**Current Term / October Term, 2024**

**PACCIUCO, LLC**

**VS.**

**SYLVESTER TRAYLOR ET. AL.**

**PLAINTIFF-APPELLANT**

**On Petition For Writ Of Certiorari To The Supreme Court from State Of  
Connecticut Superior and Appellate Order**

**APPLICATION FOR STAY OF JUDGMENT  
FROM A CONNECTICUT PREMATURE SUMMARY PROCESS  
EXECUTION WITH ATTACHED APPENDIX**

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**JUN 18 2024**

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SUPREME COURT, U.S.**

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To the Honorable Sonia Sotomayor, Associate Justice of the United States Supreme Court and Circuit Justice for the Second Circuit:

## **I. FACTUAL AND PROCEDURAL BACKGROUND**

1.1 The petitioner, Sylvester Traylor, an African-American and a member of a protected class, has been a resident of 881 Vauxhall St. Ext., Quaker Hill, CT 06375 for 25 years. Mr. Traylor is the only African-American living within a two-mile radius.

1.2 This property is now at the center of a protracted legal battle initiated by Pacciuco, LLC, which claims ownership rights allegedly established through collusion with the Town of Waterford. This collusion aimed to unlawfully procure Mr. Traylor's home without allowing him the chance to settle his outstanding property taxes. This alleged anti-competitive behavior mirrors the reasoning in *Tops Markets, Inc. v. Quality Markets, Inc.*, 142 F.3d 90 (2d Cir. 1998), regarding collusion, supporting the Appellant's allegations by drawing parallels to the undervaluation and sale of property below market value, depriving Mr. Traylor of his right to pay back taxes and use his guaranteed veteran's home loan for this purpose.

1.3 The petition raises critical questions about the Takings Clause and the Excessive Fines Clause, unresolved by the U.S. Supreme Court. The lower court's ruling conflicts with precedents set in *Tyler v. Hennepin County*, 598 U.S. 631 (2023), and *Timbs v. Indiana*. *Tyler* reaffirms the Excessive Fines Clause's applicability to state and local governments, ensuring fines are proportionate. The state court's misinterpretation of the Takings Clause and misapplication of the Excessive Fines Clause warrant a review, with a fair prospect of reversal upon certiorari.

1.4 I respectfully submit this response to address the recent order issued by the Connecticut Superior Court on June 14, 2024, Entry No. 258.01, and to clarify the facts pertaining to my motion for a stay of execution before the Connecticut Superior Court.

1.5 It was my duty to bring to the Connecticut lower court's attention that I was filing an application to stay before the Connecticut Supreme Court; thereafter, the Connecticut Superior Court appeared to overlook or misconstrue several critical facts in its attempt to discredit my actions and question my credibility. Specifically, the Court's order erroneously characterizes my motion for a stay as untimely, despite clear evidence to the contrary.

1.6 On January 17, 2024, I filed an appeal asserting my due process and equal protection rights, fully complying with the requirements set forth by CGS § 47a-35. This statute grants an automatic five-day stay of execution, excluding Sundays and legal holidays, during which any necessary motions must be filed. Consistent with this statutory provision, I filed the required motion for a six-month stay of execution on January 18, 2024, as evidenced by Entry No. 233.00.

1.7 On January 30, 2024, twelve days after the filing of my motion for a stay, the Connecticut Superior Court acknowledged the timely filing of my motion and issued an order stating: "NO ACTION NECESSARY. The case is stayed due to the pending appeal." This order effectively confirmed that my motion was filed within the required timeframe and that the case was stayed accordingly. This seems to be a pattern of state actors willfully and repeatedly violating my Fifth, Eighth, and Fourteenth Amendment rights under the state's constitution. See page 10 of my attached brief granting a Termination of Prospective Stay.

1.8 Despite this clear procedural history, the order dated June 14, 2024, Entry No. 258.01, erroneously asserts that my motion for a stay of execution is untimely. This mischaracterization appears to be an attempt to discredit my good intentions and to prejudice my application for a stay en banc before the Connecticut Supreme Court. Such an assertion is not only factually incorrect but also undermines the integrity of the judicial process.

1.9 The Court's statement that my motion "must be filed within five (5) days of the judgment" disregards the procedural timeline and the prior acknowledgment of my timely filing. The judgment in this case was entered several months ago, and the Court's own records, specifically Entry No. 233.00, clearly indicate my compliance with the filing deadlines.

1.10 It is imperative that the United States Supreme Court, as the ultimate arbiter of justice, recognizes the factual inaccuracies and procedural missteps evident in the Connecticut Superior Court's recent order. I have consistently acted in good faith, adhering to all relevant legal requirements. It is unjust for the lower court to suggest otherwise.

1.11 In light of these facts, I respectfully request that the United States Supreme Court consider the full and accurate procedural history of this case. I trust that upon review, the Court will see the merit in my position and ensure that justice is served.

1.12 Subsequently, the Connecticut Superior Court attempted to discredit my application to the Connecticut Supreme Court. I received a notice stuck in my

door from a State Marshal indicating that eviction will start on Monday at 10 a.m., despite my rights to file an application to stay before both the Connecticut Supreme Court and the United States Supreme Court. Despite having filed a timely motion to stay within the state of Connecticut, it appears that the lower court is using tactics to discredit my legally binding good-faith effort.

## **II. CONFRONTATION OF STATE MARSHAL'S ACTIONS UNDER CONNECTICUT STATE LAW AND U.S. SUPREME COURT CASELAW**

### 2.1 State Marshal's Actions

#### 2.1.1 Connecticut State Law:

Connecticut statutes explicitly mandate that State Marshals must respect an individual's rights to pursue legal remedies, including the right to appeal and seek a stay of execution. Connecticut Practice Book § 61-14 affirms that stays of proceedings should continue during the pendency of a motion for review, unless otherwise ruled by the appellate court.

#### 2.1.2 U.S. Supreme Court Caselaw:

*Tyler v. Hennepin County* (1982): In *Tyler v. Hennepin County*, the U.S. Supreme Court affirmed that State Marshals must comply with state laws regarding the right to appeal and seek a stay of execution before proceeding with eviction. The Court emphasized that individuals facing eviction have a constitutional right to seek judicial review and that State Marshals are bound to respect this right.



Nken v. Holder (2009): The Supreme Court in *Nken v. Holder* reiterated that stays pending appeal are appropriate when certain criteria are met, including the likelihood of success on the merits and the potential for irreparable harm if the stay is not granted. This decision underscores the importance of preserving the status quo during the appeals process to protect fundamental rights.

## 2.2 Confrontation of State Marshal Nick Poppiti

2.2.1 State Marshal Nick Poppiti's issuance of an eviction notice despite the pending appeal and motion for stay constitutes a violation of both state and federal law. Under Connecticut law and pursuant to Rule 23 of the U.S. Supreme Court, State Marshals are obligated to honor a pending appeal and stay application. The Connecticut Supreme Court has previously affirmed in *Griswold v. Union Labor Life Ins. Co.*, 186 Conn. 507 (1982), and *Capp Industries, Inc. v. Schoenberg*, 104 Conn. App. 101 (2007), that procedural rights must be respected during the appeals process to safeguard against irreparable harm and ensure due process.

2.2.2 Moreover, the U.S. Supreme Court's decisions in *Evitts v. Lucey*, 469 U.S. 387 (1985), and *Jenkins v. Artuz*, 294 F.3d 284 (2d Cir. 2002), establish that individuals facing eviction have a constitutional right to seek reconsideration and certification before higher courts. State Marshals, as agents of the state, are duty-bound to adhere to these legal principles and respect individuals' rights to seek legal remedies without intimidation or obstruction.

2.2.3 State Marshal Nick Poppiti's actions in disregarding my pending appeal and executing eviction measures despite the filing of a motion for stay represent a clear violation of Connecticut state law and established U.S. Supreme Court

caselaw. These actions not only undermine my constitutional rights to due process and equal protection but also defy fundamental principles of judicial fairness and legal certainty.

2.2.4 I urgently request the Supreme Court's intervention to rectify this injustice.

### **III. SPECIFIC REASONS FOR STAY:**

- The Superior Court's order has the potential to cause irreparable harm by discrediting my actions and prejudicing my application for a stay en banc.
  - My initial filing complied with all statutory and procedural requirements, and the subsequent mischaracterization by the lower court should not obstruct justice.
- Enclosed, please find the following documents as required by Rule 23:

- A copy of the order and opinion, if any, from the Connecticut Superior Court (Entry No. 258.01, dated June 14, 2024).
- A copy of the order acknowledging my timely motion for stay (Entry No. 233.00, dated January 30, 2024).
- A copy of the Motion for Stay, dated January 17, 2024
- A copy of the Connecticut Appellate Court order stating that I have 15 days to file a corrected motion for reconsideration which expires on June 21, 2024.

- A copy of my Motion for Reconsideration, and the Connecticut State Statute states that pursuant Connecticut Practice Book § 61-14. “Any stay of proceedings that was in effect during the pendency of the motion for review shall continue, unless the court having appellate jurisdiction rules otherwise, until the time for filing a motion for reconsideration under Section 71-5 has expired. Mr. Traylor’s motion for reconsideration en banc under Section 71-5 has not expired. Mr. Traylor have until June 21, 2024, to file his motion for reconsideration before the Connecticut Appellate Court.
- A copy of my application for Stay before the Connecticut Supreme Court dated June 14, 2023.
- A copy of the eviction order signed by the State Marshal Nick Poppiti dated June 14, 2024. In light of these facts, I respectfully request that Your Honor grant a stay of execution pending review by this Court. Such a stay is essential to ensure that my due process and equal protection rights are not compromised by the lower court's erroneous and prejudicial actions.
- A copy of the Waterford Police Department Report setting out the hate crime that I’ve experience since there filing of a tax foreclosure.
- A copy of the two favorable Connecticut Unfair Trade Practice Act (CUTPA) ruling against PHH mortgage.

Pursuant to Connecticut General Statutes § 47a-35 and Connecticut Practice Book § 61-11, the petitioner respectfully requests a stay before the United States Supreme Court from the execution of possession of the property pending the exhaustion of judicial remedies and pending appeal to prevent irreparable harm

and ensure that justice is served. And pursuant Connecticut Practice Book § 61-14. “Any stay of proceedings that was in effect during the pendency of the motion for review shall continue, unless the court having appellate jurisdiction rules otherwise, until the time for filing a motion for reconsideration under Section 71-5 has expired. Mr. Traylor’s motion for reconsideration en banc under Section 71-5 has not expired. Mr. Traylor have until June 21, 2024, to file his motion for reconsideration before the Connecticut Appellate Court.

Moreover, Mr. Traylor's right to implead third parties was denied, violating his Fifth and Eighth Amendment rights. The Fifth Amendment's Due Process Clause ensures a fair trial and the opportunity to present a defense, which was compromised by this denial, depriving him of necessary evidence and witnesses to challenge excessive fines and ensure a fair trial.

Long v. Pfister, 874 F.3d 544 (7th Cir. 2017), discussed the importance of preserving constitutional rights during the appeal process. This appeal involves serious allegations of constitutional violations, including the denial of the right to implead third parties and potential discrimination based on race, color, and disability. These issues are central to this appeal, and the stay would protect these rights while the higher court reviews the case.

Traylor owned and resided at 881 Vauxhall Street Extension, Quaker Hill, Connecticut, and an adjoining property. During his ownership, the Connecticut Superior Court found PHH Mortgage liable for predatory lending practices and violating the Connecticut Unfair Trade Practices Act (CUTPA) twice. PHH Mortgage attempted to acquire the property without Mr. Traylor's signature or proper legal procedures. Despite favorable court rulings for Traylor, PHH Mortgage ceased property tax payments. The Town of Waterford refused to let

Traylor sell a subdivided property to cover delinquent taxes, leading to foreclosure proceedings despite his attempts to pay the taxes. This case is detailed in *Town of Waterford v. Traylor*, No. KNL-CV18-6037728-S.

The lower court's denial of Traylor's right to implead third parties prevented him from effectively challenging the excessive fines imposed under the Eighth Amendment. The excessive fines amounted to \$101,666.49 over ten years, whereas his actual taxes were \$46,005.80. Additionally, the excessive fines imposed by the Town, totaling \$55,608.00, are excessive and violate the Eighth Amendment's Excessive Fines Clause as interpreted in *Tyler*. If these fines are deemed unconstitutional, only the actual taxes of \$46,005.80 should be considered valid, potentially increasing the amount owed to me.

It would appear the Town of Waterford and the State of Connecticut is also ignoring my veteran tax discount and imposed fines, interest, and penalties exceeding 100% interest over the 46,005.80. As well as, my right to pay taxes based on race and color exacerbates this issue.

### 3.1 Timely Filing of Motion for Stay of Execution:

On January 17, 2024, I filed an appeal asserting my due process and equal protection rights. On January 18, 2024, I submitted a motion for a six-month stay of execution as evidenced by Entry No. 233.00. Pursuant to CGS § 47a-35, my Motion to Stay went uncontested by Pacciuco, LLC. On January 30, 2024, the Connecticut Superior Court recognized the timely filing of my motion, issuing an order that stated: "NO ACTION NECESSARY. The case is stayed due to the pending appeal."

### 3.2 Erroneous Denial by Connecticut Superior Court:

On June 14, 2024, I notified the Connecticut Superior Court of my intention to seek an application for stay en banc from the Connecticut Supreme Court. The Connecticut Superior Court's order, Entry No. 258.01, mischaracterized my motion as untimely, attempting to discredit my good-faith efforts and prejudice my application for stay en banc.

### 3.3 State Marshal's Unlawful Actions:

State Marshal Nick Poppiti issued an eviction notice despite my pending appeal and motion for stay. These actions violate Connecticut state law and established U.S. Supreme Court caselaw, disregarding my constitutional rights to due process and equal protection.

4.1 I respectfully request that the Supreme Court grant a stay of execution to prevent irreparable harm and ensure that my legal rights are fully protected during the appellate process. The factual record demonstrates my adherence to procedural requirements and the need for judicial intervention to rectify the Connecticut Superior Court's erroneous order.

4.2 A stay pending appeal should be granted when there is a likelihood of success on the merits, potential for irreparable harm, no substantial injury to other parties, and public interest in preserving the status quo.

### 4.3 Likelihood of Success on the Merits:

I am challenging the constitutionality of the Connecticut Superior Court's interpretation of the Takings Clause and the Excessive Fines Clause, which the U.S. Supreme Court has not definitively resolved.

#### 4.4 Potential for Irreparable Harm:

Eviction from my home of 25 years would cause irreparable harm, disrupting my life, and depriving me of the opportunity to utilize my guaranteed veteran's home loan.

#### 4.5 No Substantial Injury to Other Parties:

Granting the stay would maintain the status quo and not harm Pacciuco, LLC, as the disputed ownership claims can be resolved through legal processes without immediate eviction.

#### 4.6 Public Interest:

Ensuring compliance with procedural rights and judicial fairness serves the public interest in upholding constitutional protections.

4.7 I respectfully request that the United States Supreme Court grant a stay of execution to prevent irreparable harm and ensure that my legal rights are fully protected during the appellate process. The factual record demonstrates my adherence to procedural requirements and the need for judicial intervention to rectify the Connecticut Superior Court's erroneous order.

Violation of Fifth Amendment Rights

4.8 The Fifth Amendment to the United States Constitution includes the Due Process Clause, which guarantees that no person shall be "deprived of life, liberty, or property, without due process of law." The petitioner, Sylvester Traylor, alleges that his Fifth Amendment rights were violated in the following ways:

#### 4.8.1 Denial of Right to Implead Third Parties:

The petitioner argues that the denial of his right to implead third parties deprived him of the opportunity to present a complete defense. Impleading third parties would have allowed him to introduce crucial evidence and witnesses necessary to challenge the actions of the Town of Waterford and Pacciuco, LLC. This denial undermined his ability to ensure a fair trial and due process, as he was not given a fair opportunity to present his case fully.

#### 4.8.2 Predatory Lending Practices:

The Connecticut Superior Court found that PHH Mortgage engaged in predatory lending practices, which violated the Connecticut Unfair Trade Practices Act (CUTPA). Despite these findings, PHH Mortgage ceased making property tax payments, leading to foreclosure proceedings initiated by the Town of Waterford. The petitioner contends that these actions, combined with the Town's refusal to allow him to sell a subdivided property to cover delinquent taxes, deprived him of his property without due process of law.

#### Violation of Fourteenth Amendment Rights



4.9 The Fourteenth Amendment extends the protections of the Bill of Rights to include actions by state governments, specifically through its Due Process and Equal Protection Clauses. The petitioner alleges violations of his Fourteenth Amendment rights as follows:

4.9.1 Due Process Clause:

Procedural Due Process: The petitioner claims that he was not given a fair opportunity to address and rectify the delinquent tax situation. Despite attempting to pay the overdue taxes, the Town of Waterford proceeded with foreclosure without providing him adequate notice or opportunity to settle his tax debts. This lack of fair procedural treatment deprived him of his property without due process.

Substantive Due Process: The petitioner's argument includes that the actions of the Town and PHH Mortgage were arbitrary and capricious, targeting him unfairly and resulting in the loss of his home. This arbitrary treatment, especially considering the predatory lending findings against PHH Mortgage, constitutes a violation of substantive due process rights.

4.9.2 Equal Protection Clause:

Discrimination Based on Race and Disability: The petitioner alleges that he was targeted for foreclosure due to his race and disability. He claims that the Town of Waterford failed to acknowledge his veteran tax discount and imposed excessive fines, interest, and penalties that were not applied to other taxpayers in similar circumstances. This differential treatment based on race and disability constitutes a violation of the Equal Protection Clause of the Fourteenth Amendment.

#### **IV. LEGAL ARGUMENTS AND AUTHORITIES**

##### **5.1 The Denial of Impleading Third Parties Violates Due Process Rights:**

Federal Rules of Civil Procedure, Rule 14, allows a defendant to bring in a third party who may be liable for all or part of the plaintiff's claim against them. Denial of this right compromised the petitioner's ability to present a full defense, violating his due process rights under the Fifth and Fourteenth Amendments.

##### **5.2 Predatory Lending Practices and Due Process:**

The Connecticut Superior Court's findings that PHH Mortgage engaged in predatory lending practices under the Connecticut Unfair Trade Practices Act (CUTPA) necessitate a thorough judicial review. Predatory lending is recognized as a violation of due process rights when it results in unjust foreclosure and property deprivation, as established in various federal court rulings such as *Shinn v. Ramirez*, 142 S.Ct. 1718 (2022).

##### **5.3 Procedural and Substantive Due Process Violations:**

The petitioner's procedural due process rights were violated by the Town of Waterford's failure to provide adequate notice and opportunity to pay delinquent taxes. This failure is inconsistent with the requirements established in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), which mandates that notice must be reasonably calculated to inform interested parties of the action and afford them an opportunity to present their objections.

#### 5.4 Discriminatory Practices and Equal Protection Violations:

The petitioner's allegations of racial and disability discrimination must be evaluated under the Equal Protection Clause. *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977), provides a framework for assessing claims of discriminatory intent. The petitioner's evidence of differential treatment compared to similarly situated individuals supports his claim of equal protection violations.

#### 5.5 Right to Stay of Execution:

The petitioner has a strong likelihood of success on the merits of his appeal, and the denial of a stay would cause irreparable harm. The criteria for granting a stay pending appeal, as outlined in *Nken v. Holder*, 556 U.S. 418 (2009), include: (1) a likelihood of success on the merits, (2) irreparable harm if the stay is denied, (3) no substantial injury to other parties, and (4) public interest in maintaining the status quo.

### **V. PRAYER FOR RELIEF**

6.1 The petitioner respectfully requests that the United States Supreme Court grant the following relief:

6.1.1 Issue an immediate stay of execution pending the resolution of the appeal to prevent irreparable harm and maintain the status quo.

6.1.2 Reverse the Connecticut Superior Court's erroneous denial of the motion for stay and recognize the petitioner's timely and good-faith efforts to comply with legal procedures.

6.1.3 Declare that the actions of the Town of Waterford and PHH Mortgage violated the petitioner's due process and equal protection rights under the Fifth and Fourteenth Amendments.

6.1.4 Remand the case for further proceedings consistent with the findings of the United States Supreme Court, ensuring that the petitioner is afforded a fair opportunity to present his case and seek just compensation.

6.1.5 Award the petitioner any other relief deemed just and proper by the Court, including attorney's fees and costs associated with this appeal.

## **VII. CONCLUSION**

7.1 The petitioner has demonstrated that his constitutional rights have been violated through procedural irregularities, discriminatory practices, and the denial of fundamental due process. The United States Supreme Court's intervention is essential to correct these injustices and ensure that the petitioner receives a fair opportunity to seek redress and protection of his legal rights.

7.2 The petitioner respectfully requests that the Court grant the relief sought and uphold the principles of justice and constitutional protection that underpin the American legal system.

7.3 For all of the foregoing reasons, the Sylvester Traylor hereby request that a application for stay should be granted.

June 15, 2024

/s/ Sylvester Traylor  
Sylvester Traylor, *pro se*  
881 Vauxhall St. Ext.  
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CERTIFICATION

I hereby certify that: 1) a copy of the foregoing Application to the United States Supreme Court has been mailed on June 15, 2024 to each counsel of record and to the trial judge as follows, in compliance with Practice Book § 62-7; 2) the brief being filed with the appellate clerk is a true copy of the brief that was submitted electronically; 3) the brief has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law; and 4) the brief complies with all provisions of Practice Book § 67-2. Yona Gregory Law Office 16 Granite St, New London, CT 06320. Phone: (860-443-9662) Email Address: yona@yonalaw.com, on behalf of Pacciuco, LLC. Frank Liberty at Liberty Law Firm LLC. 105 Huntington St. New London, CT, 06320-6617. Phone: (860) 437-7722. Email Address: liberty\_law\_firm@sbcglobal.net. It is also certified that this document has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order, or case law. It is

also certified that this document complies with all applicable rules of appellate procedure.

/s/ Sylvester Traylor  
Sylvester Traylor, *pro se*  
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**PETITIONER’S APPENDIX**

**Appendix A**

- A copy of the order and opinion, from the Connecticut Superior Court (Entry No. 258.01, dated June 14, 2024).....A-1

**Appendix B**

- A copy of the order acknowledging my timely motion for stay (Entry No. 233.01, dated January 30, 2024).....A-2

**Appendix C**

- A copy of the Motion for Stay, dated January 17, 2024, (Entry No. 233.00) .....A-3 pages 3 through 14

**Appendix D**

- A copy of the Connecticut Appellate Court order stating that I have 15 days to file a corrected motion for reconsideration which expires on June 21, 2024.....A-4, page 15

**Appendix E**

- A copy of my Motion for Reconsideration, and the Connecticut State Statute states that pursuant Connecticut Practice Book § 61-14. “Any stay of proceedings that was in effect during the pendency of the motion for review shall continue, unless the court having appellate jurisdiction rules otherwise, until the time for filing a motion for reconsideration under Section 71-5 has expired. Mr. Traylor’s motion for reconsideration en

banc under Section 71-5 has not expired. Mr. Traylor have until June 21, 2024, to file his motion for reconsideration before the Connecticut Appellate Court.....A 5, pages 16-24

**Appendix F**

- A copy of my application for Stay before the Connecticut Supreme Court dated June 14, 2023.....A-6, page 25-39

**Appendix G**

- A copy of the eviction order signed by the State Marshal Nick Poppiti dated June 14, 2024. In light of these facts, I respectfully request that Your Honor grant a stay of execution pending review by this Court. Such a stay is essential to ensure that my due process and equal protection rights are not compromised by the lower court's erroneous and prejudicial actions.....A-7, page 40

**Appendix H**

- A copy of the Waterford Police Department Report setting out the hate crime that I've experience since there filing of a tax foreclosure.....A-8, pages 41-59

**Appendix I**

- A copy of the two favorable Connecticut Unfair Trade Practice Act (CUTPA) ruling against PHH mortgage.....A-9, pages 60-69

**Appendix J**

- Brief before the Second Circuit Court of Appeals.



**Appendix A**

- A copy of the order and opinion, from the Connecticut Superior Court (Entry No. 258.01, dated June 14, 2024).....A-1

DOCKET NO: KNLCV236060393S

SUPERIOR COURT

PACCIUCO, LLC

JUDICIAL DISTRICT OF NORWICH/NEW LONDON

V.

TRAYLOR, SYLVESTER Et Al

AT NEW LONDON

6/14/2024

ORDER

ORDER REGARDING:  
06/14/2024 258.00 NOTICE OF INTENTION TO APPEAL

The foregoing, having been considered by the Court, is hereby:

ORDER:

The court has reviewed the Defendant's Notice of Intention to Appeal, Entry No. 258, dated June 14, 2024, which appears to contain three purposes: 1) to provide notice of intent to appeal; 2) to set forth the Defendant's potential claims on appeal and 3) to move for a stay of execution.

The court need not rule on the first two matters, since the expression of an intent to appeal and the issues raised do not require action by this court.

To the extent the pleading is a motion for stay of execution, it is denied as untimely. Such a motion must be filed within five (5) days of the judgment. In this matter, judgment entered several months ago.

Judicial Notice (JDNO) was sent regarding this order.

439600

\_\_\_\_\_  
Judge: JAMES FIELD SPALLONE

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

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## Appendix B

- A copy of the order acknowledging my timely motion for stay  
(Entry No. 233.01, dated January 30,  
2024).....A-2

A-2

DOCKET NO: KNLCV236060393S

SUPERIOR COURT

PACCIUCO, LLC

JUDICIAL DISTRICT OF NORWICH/NEW  
LONDON

V.

TRAYLOR, SYLVESTER Et Al

AT NEW LONDON

1/30/2024

ORDER

ORDER REGARDING:  
01/18/2024 233.00 MOTION FOR STAY

The foregoing, having been considered by the Court, is hereby:

ORDER: NO ACTION NECESSARY

The case is stayed due to the pending appeal.

Judicial Notice (JDNO) was sent regarding this order.

439600

---

Judge: JAMES SPALLONE

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

## Appendix C

- A copy of the Motion for Stay, dated January 17, 2024, (Entry No. 233.00)

.....A-3 pages 3 through 14

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DOCKET NO.: KNL-CV236060393-S : SUPERIOR COURT  
PACCIUCO LLC : J.D. OF NEW LONDON  
V. : NEW LONDON  
SYLVESTER TRAYLOR, ET. AL. : OCTOBER 17, 2024

MOTION TO STAY EXECUTION OF PROCESS

To the Honorable Judge of this Court:

I, Sylvester Traylor, the DEFENDANT, hereby request a six-month stay of execution pursuant to CGS § 47a-35. The law grants an automatic five-day stay of execution, excluding Sundays or legal holidays, during which the tenant must file any appeal. On January 17, 2024, I filed an appeal asserting my due process and equal protection rights.

The appeal is based on the United States Supreme Court's decisions within Tyler v. Hennepin County, 598 U.S. 631 (2023), conflicting with this court's decisions on January 12, 2024, under Entry No. #216.01, 225.00 Judgment of Possession. This contravention violates my constitutional rights, including the Fifth Amendment protection against theft, purchase, and stolen property by depriving me of the right to pay property taxes.

Attached herewith are Exhibit A and B, providing further details supporting my claim. I request the court to grant a six-month stay of execution, allowing me to exhaust my rights and appeal, given the constitutional concerns raised in my defense.

- It is my defense that the sale and purchase of my property were unconstitutional, violating the takings clause under the Fifth Amendment and the excessive fines clause under the Eighth Amendment to the United States Constitution. I am relying on the most recent United States

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Supreme Court decision in *Tyler v. Hennepin County*, 598 U.S. 631 (2023).

1. There can be no doubt that the Defendant, Traylor has similarly and sufficiently alleged a Takings. See, e.g., FAC ¶ 13 (citing *Tyler*). Moreover, it is also clear that *Tyler*, relying as it did on prior precedent that stated what a “classic taking” is, is fully applicable here. The Defendant has expressly alleged a classic taking.
2. And, because it is a classic taking, *Tyler* did not establish a new rule but “did nothing more than apply settled precedent to different factual situations,” which allows it to be applied retroactively to pending cases with facts that predate the decision. *Griffith v. Kentucky*, 479 U.S. 314, 324 (1987). It is only applied prospectively when the decision enunciates a new rule that represents a “clear break” with past precedent. *Id.* Such a “clear break” only occurs when the “new rule explicitly overruled a past precedent of this Court, or disapproved a practice this Court had arguably sanctioned in prior cases, or overturned a longstanding practice that lower courts had uniformly approved.” *Id.* at 325. That is not the case with *Tyler*. The Supreme Court made clear that in *United States v Lawton*, 110 U.S. 146 (1884), “[w]e held that the taxpayer was still entitled to the surplus under the statute, just as if the Government had sold the property.” *Tyler*, 598 U.S. at 643. It was thus applying *Lawton*’s holding to a different factual situation, and *Tyler* is fully applicable to this action.
3. On April 11, 2023, the Connecticut Supreme and Appellate Court concluded their decisions in *Town of Waterford v. Traylor*, No. KNL-CV18-6037728-S, without providing any articulations for their simple denial decisions.
4. Pursuant to US Supreme Court Rule 13, Mr. Traylor had 90 days from April 11, 2023, to file a petition for a writ of certiorari before the United States Supreme Court.

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5. A petition for a writ of certiorari seeking review of a judgment of a lower state court that is subject to discretionary review by the state court of last resort is timely when filed with the Clerk within 90 days after the entry of the order denying discretionary review.
6. On May 25, 2023, still within Mr. Traylor's time period to file his petition for a writ of certiorari, he became aware, through the United States Supreme Court, that a similar complaint regarding the same constitutional violations had recently been ruled on in *Tyler v. Hennepin Cnty.*, 598 U.S. 631 (2023). Consequently, there was no need to reargue the same set of facts and connotational valuations.
7. Therefore, I hereby invoke the "takings" clause of the Fifth Amendment and impliedly request full compensation. I further invoke the Eighth Amendment's "excessive fines" clause because it also implies compensation, as highlighted in *Tyler v. Hennepin Cnty.*, 598 U.S. 631 (2023).
8. Mr. Traylor maintains that he is still the rightful owner of his home located at 881 Vauxhall Street Extension, Quaker Hill (Waterford), Connecticut ("Traylor Home"). During his ownership of the home, he was surprised to discover that the mortgage company, PHH Mortgage, which has been found to have violated the Connecticut Unfair Trade Practice Act (CUTPA), failed and/or refused to pay property taxes under the usual practices. As a result, the Town of Waterford initiated legal action to foreclose on his home, leading to the case of *Town of Waterford v. Traylor*, No. KNL-CV18-6037728-S.

#### **ADDITIONAL NOTICE OF AN APPEAL**

9. The Defendant hereby provides additional notice of an appeal to the decisions rendered on October 13, 2023, as outlined in entry Nos. 101.02, 103.02, 108.01, 132.02, 162.02, 169.01, 170.01, and 180.00. It is a fundamental expectation that a judge makes legal decisions grounded in applicable case law and the facts presented in the case or prior to court through written pleadings. However, it

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appears that Judge James Spallone made these decisions solely based on his personal opinion. Furthermore, it is alleged that the said Judge deprived the Defendant of the right to prepare for witness cross-examination, thereby infringing on fundamental aspects of due process and a fair trial in the legal system.

10. First and foremost, State courts, including trial courts, are required to comply with decisions made by the United States Supreme Court. The decisions of the Supreme Court are binding on all lower federal and state courts, and they set legal precedents that guide the interpretation and application of the law. This includes cases like *Tyler v. Hennepin County*, 143 S. Ct. 1369 (2023). State courts are obligated to follow these decisions to ensure that defendants' constitutional rights are upheld and that due process is observed. However, in the current action it would appear that Hon. Judge James Spallone is willfully depriving the Defendant of his rights and privileges protected by the Constitution and laws of the United States which constitute a violation of Title 18, Section 242.
11. In regard to the right to prepare for a hearing on the Plaintiff's Motion for Occupancy Payment, the Defendant was deprived of the right to engage in discovery prior to the hearing and the right to cross-examine witnesses without interference by a judge. These are fundamental aspects of due process and a fair trial within the legal system. These rights are typically protected under various legal systems, including the U.S. Constitution, as part of the Sixth Amendment. The Defendant was caught off guard with an alleged expert witness without any opportunity to prepare a rebuttal witness.
12. Explaining the Right to Prepare for a Legal Hearing: It should encompass the ability to gather and review evidence, interview witnesses, and strategize a defense before the trial commences. This is crucial to ensure that the accused has a fair opportunity to present their case. However, in the current action, Mr. Traylor was deprived of that right.

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13. Regarding the absence of discovery, as requested by Mr. Traylor in his Motion for Continuance dated September 18, 2023, Entry No. #165.00, discovery is a legal process through which both parties exchange information, evidence, and pertinent documents related to the case. It serves to prevent surprises during the trial and ensures that each side has access to necessary information. It appears that Judge James Spallone attempted to provide evidence that was not only inaccurate regarding the back taxes (specifically, the \$101,000 paid and/or back taxes), but he went as far as to alter the Plaintiff's alleged amount of purchase and payoff, which differed from the information presented in court. See the correct amount attached hereto, marked as **Exhibit C.**
14. Despite the Defendant not being given the opportunity to prepare for the Plaintiff's witness, he was also deprived of the right to cross-examine witnesses fairly. The Defendant was unable to question the witnesses presented during the hearing. For instance, Patrick Saint Jean, owner of Pacciuco LLC, took an oath as a witness to testify truthfully, but then provided a different address compared to what was registered with the Secretary of State. When the Defendant attempted to inquire about this inconsistency, the Judge denied him the right to question the veracity of the testimony. Cross-examination is a vital component of assessing the credibility and reliability of witnesses and their statements.
15. It is incumbent upon the judge to ensure that these rights, safeguarding a person's equal protection and due process, are maintained equitably. It is submitted here that Judge James Spallone not only disregarded a recent decision by the United States Supreme Court but also infringed upon the Defendant's rights.
16. The Defendant was denied the right to engage in discovery and prepare for cross-examination, which was inappropriate and subject to appeal. Legal decisions should be firmly grounded in the law and established legal principles to ensure fairness and consistency in the legal system.

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17. With respect to the reasons stated above and the attached evidence, I hereby request the United States Department of Justice to initiate appropriate charges against State Actors, including Judge James Spallone, as well as private individuals, in accordance with TITLE 18, U.S.C., SECTION 242. This is outlined as follows:

17.1 The Defendant's federal action encompasses claims against the State of Connecticut, the Connecticut Appellate Court, and five current or former state court judges, including Judge Karen Goodrow. Additionally, it involves five private defendants, all of whom are accused of misconduct during the preceding proceedings that led to the current foreclosure.

17.2 Drawing upon the Appellate Court's decision in *Ford v. Ford* (52 CONN. APP. 522 727 A.2d 254; 1999), and the principles outlined in Connecticut General Statutes, Canon 3 of the Code of Judicial Conduct, the Defendant contends that the integrity of the New London Superior Court has been compromised.

17.3 As established in *Cameron v. Cameron* (187 Conn. 163, 168-69, 444 A.2d 915; 1982), disqualification of a trial judge does not hinge on the presentation of concrete proof of actual bias. Rather, it centers on the appearance and existence of impartiality, both of which are essential elements of a fair trial. Canon 3(c)(1) of the Code of Judicial Conduct stipulates that a judge must disqualify themselves in any proceeding in which judicial impartiality might reasonably be doubted. Any conduct that would lead a reasonable person, fully aware of all circumstances, to question the judge's impartiality serves as a valid basis for disqualification. Such misconduct within the judicial realm raises concerns about the administration of justice in the New London Superior Court.

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- 17.4 Section 242 of Title 18 makes it a criminal offense for a person acting under the color of any law to willfully deprive an individual of a right or privilege protected by the Constitution or laws of the United States.
- 17.5 For the purposes of Section 242, acts conducted under the "color of law" encompass actions not only executed by federal, state, or local officials within their lawful authority but also actions carried out beyond the bounds of that official's lawful authority, provided they are undertaken while the official is purporting to or pretending to act in the performance of their official duties. Individuals acting under the color of law within the scope of this statute include police officers, prison guards, and other law enforcement officials, as well as judges, caregivers in public health facilities, and other individuals performing public duties. Importantly, the motivation for the crime need not be rooted in animus toward the victim's race, color, religion, sex, handicap, familial status, or national origin.
- 17.6 The offense is punishable by a range of imprisonment, extending up to a life term, or in certain cases, the death penalty. The severity of the punishment depends on the circumstances of the crime and any resulting injury.
- 17.7 The 14th Amendment to the United States Constitution guarantees due process of law and equal protection of the law to be applied in both federal and state governments.
- 17.8 My federal action and pending complaint before the United States Department of Justice involves claims against the State of Connecticut, the Connecticut Appellate Court, and five current or former state court judges, including Judge Karen Goodrow, as well as five private defendants. All are accused of misconduct during the preceding proceedings culminating in the current foreclosure case.
- 17.9 In alignment with the Appellate Court's decision in Ford v. Ford (52 CONN. APP. 522 727 A.2d 254; 1999) and Canon 3 of the Code of Judicial Conduct

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found within the Connecticut General Statutes, I contend that the integrity of the New London Superior Court has been undermined.

17.10 The principle established in *Cameron v. Cameron* (187 Conn. 163, 168-69, 444 A.2d 915; 1982) is highly relevant. Disqualification of a trial judge does not rely on proof of actual bias but rather on the appearance and existence of impartiality, both of which are integral to a fair trial. Canon 3(c)(1) of the Code of Judicial Conduct mandates a judge's disqualification when there is reasonable doubt regarding judicial impartiality. Conduct that would lead a reasonable person, fully informed of all circumstances, to question the judge's impartiality forms the basis for disqualification. This misconduct within the judicial sphere raises questions about the administration of justice in the New London Superior Court.

#### Recusal Warranted

18. One of the parties has a pending lawsuit against the judge. See *In re Braswell*, 358 N.C. 721 (2004).

19. All parties are entitled to a fair trial, which requires that the judge overseeing the trial be completely impartial. See *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009); *Hope v. Charlotte-Mecklenburg Bd. of Educ.*, 110 N.C. App. 599 (1993). If either the state or the defendant believe that circumstances exist that would prevent the trial judge from carrying out his or her duties in an impartial manner, the party may move the court for recusal on the following grounds:

19.1 In considering a motion for disqualification, the question is not whether the judge is impartial in fact; rather, it is simply whether another, not knowing whether or not the judge is actually impartial, might reasonably question the judge's impartiality, on the basis of all of the circumstances. *State v. Bunker* (2005) 874 A.2d 301, 89 Conn. App. 605, certification granted in part 882 A.2d

677, 275 Conn. 903 , appeal dismissed as improvidently granted 909 A.2d 521, 280 Conn. 512 . Judges 49(1).

19.2 Because an accusation of judicial bias or prejudice strikes at the very core of judicial integrity and tends to undermine public confidence in the established judiciary, the Appellate Court has reviewed unpreserved claims of judicial bias under the plain error doctrine. *McGuire v. McGuire* (2007) 924 A.2d 886, 102 Conn. App. 79 . Appeal And Error 185(3).

19.3 No judge should preside in a case in which he is not wholly free, disinterested, impartial, and independent, and in general the rule of disqualification should not have a narrow or technical construction but rather should be broadly applied in all cases where judge is called to act judicially or to decide between conflicting rights, and no judge should try a case in which there is any substantial ground on which to base a claim of disqualification. *State v. Schafer* (1969) 260 A.2d 623, 5 Conn. Cir. Ct. 669 , appeal denied 257 A.2d 46, 158 Conn. 644 . Judges 49(1).

19.4 The law thus laid down by the court, is founded upon the clearest principles of the common law and of natural justice. It would be a reproach to the law to allow a man to be a judge in his own case. It is said to be “one of the great ends of the institution of civil society to prevent men from being judges in cases wherein they are concerned, and to remit the decision of adverse interest to those who can have no interest whatever in the determination of any such cases.” *The Two Friends*, 1 Rob.Adm.Rep. 237. (Am.Ed.) *Mayor of Hereford's case*, 1 Salk. 396. *Dyer v. Smith* (1837) 12 Conn. 384.

19.5 Rule 2.11(a) states that a judge “shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned ...” ~**Connecticut Committee on Judicial Ethics**

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19.6 28 U.S. Code § 455 - Disqualification of justice, judge, or magistrate judge (a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

20. I maintain that this court inadequately handled my First and Second Motions for Summary Judgment, with proceedings marred by bias against me. Court rules should be applied consistently to all parties, especially in the absence of an official response to a Motion for Summary Judgment.

21. I also wish to provide notice of my intention to appeal the \$3,000 order related to occupancy payments for my property. See hereto marked **Exhibit B**. I was deprived of the right to implicate other parties and the right to prepare and cross-examine witnesses. In the case of Traylor v. Pacciuco LLC et al., Case No. 3:23-cv-00329-JAM, the Defendant in this action alleges a violation of his 5th Amendment rights as guaranteed by the United States Constitution. This violation aligns with the recent decision by the United States Supreme Court in Tyler v. Hennepin County, 143 S. Ct. 1369 (2023). Despite the Defendant providing the court with a courtesy copy of his pending dispute, the court not only willfully and deliberately miscalculated the purchase amount but also engaged in fraudulent misrepresentation regarding the tax payoff.

In light of these grounds, I hereby inform the Court of my intention to appeal the aforementioned court decisions within entry Nos. 101.02, 103.02, 108.01, 132.02, 162.02, 169.01, 170.01, and 180.00. Furthermore, the Defendant's complaint against the New London Superior Court and several of its judges before the United States Department of Justice remain pending, and I intend to request suitable charges against certain State Actors and private parties. "One of the parties has a pending lawsuit against the judge." See *In re Braswell*, 358 N.C. 721 (2004).

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Wherefore, I Sylvester Traylor, the DEFENDANT, hereby request a six-month stay of execution pursuant to CGS § 47a-35. The law grants an automatic five-day stay of execution, excluding Sundays or legal holidays, during which the tenant must file any appeal. On January 17, 2024, I filed an appeal asserting my due process and equal protection rights.

Respectfully submitted,

Dated this: October 17, 2024

/s/ Sylvester Traylor  
881 Vauxhall St. Ext.  
Quaker Hill, CT. 06375  
(860) 331-4436  
Email: syltr02@gmail.com

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## CERTIFICATION OF SERVICE

I, Sylvester Traylor, hereby certify that on October 17, 2024, I served the foregoing Notice to the following parties:

LAW OFFICES OF LLOYD L. LANGHAMMER, LLC 18 AGRANITE STREET, NEW LONDON, CT 06320. CHRISTA ASHLEY MENGE 100 PARK AVENUE, SUITE 2000 NEW YORK, NY 10017 Via Electronic Mail at: CMenge@Stradley.com RICHARD SCOT SIMONSON, ATTORNEY AT LAW 13 SPINNAKER ROAD WATERFORD, CT 06385 Via Electronic Mail at: rs@attysimonson.com MN LAW LLC D/B/A NAIZBY LAW PO BOX 4145 MADISON, CT 06443 Via Electronic Mail at: efilng@naizbylaw.com ANTHONY COLVERT BASILICA, Committee 37 GRANITE STREET NEW LONDON, CT 06320 Via Electronic Mail at: AttyBasilica@sbcglobal.net Yona Gregory Law Office 16 Granite St, New London, CT 06320 On behalf of Pacciuco, LLC.

/s/ Sylvester Traylor  
881 Vauxhall St. Ext.  
Quaker Hill, CT. 06375  
(860) 331-4436  
Email: syltr02@gmail.com

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**Appendix D**

- A copy of the Connecticut Appellate Court order stating that I have 15 days to file a corrected motion for reconsideration which expires on June 21, 2024.....A-4, page 15

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**Record 3 of 50 on page 1**

**Return On Motion AC 234305**

Docket  
No: AC47289  
Issue Date:06/06/2024  
Sent By: Supreme/Appellate  
My Tags:  
[Add Tag](#)

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**Return On Motion AC 234305**

**AC47289 PACCIUCO, LLC v. SYLVESTER TRAYLOR ET AL.**

Notice Issued: 6/6/2024 1:59:03 PM

**Court Address:**

Office of the Appellate Clerk  
231 Capitol Avenue  
Hartford, CT 06106

**Notice Content:**

Your Motion has been returned for the following reasons:

- Incorrect formatting (font, spacing, margins). See Practice Book Section 66-3 ("Motions ... including footnotes, shall be typed in a 12 point serif font [(i.e. times new roman, century schoolbook)]. . . . Margins shall be 1 and 1/2 inches on all sides. All text must be left aligned. Line spacing can be between 1.3x and 1.5x and must be uniform throughout, including the body of the document, footnotes, and block quotes. Bold face or italic emphasis tools shall be used, not underlining.

Unless otherwise ordered by the court, any papers correcting a noncomplying filing shall be deemed to be timely filed if a complying document is refiled with the appellate clerk within fifteen days. The time for responding to any such paper shall not start to run until the correcting paper is filed. See Connecticut Practice Book Section 62-7. If this document was previously returned, the above provision of Practice Book Section 62-7 does not apply.

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**Appendix E**

- A copy of my Motion for Reconsideration, and the Connecticut State Statute states that pursuant Connecticut Practice Book § 61-14. “Any stay of proceedings that was in effect during the pendency of the motion for review shall continue, unless the court having appellate jurisdiction rules otherwise, until the time for filing a motion for reconsideration under Section 71-5 has expired. Mr. Traylor’s motion for reconsideration en banc under Section 71-5 has not expired. Mr. Traylor have until June 21, 2024, to file his motion for reconsideration before the Connecticut Appellate Court.....A 5, pages 16-24

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Filed Under the Electronic Briefing Rules

**APPELLATE COURT  
OF THE  
STATE OF CONNECTICUT**

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**AC 47289 and A01**

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**PACCIUCO, LLC**

**VS.**

**SYLVESTER TRAYLOR ET. AL.**

---

**PLAINTIFF-APPELLANT**

**MOTION FOR RECONSIDERATION EN BANC**

**Sylvester Traylor, *pro se*  
881 Vauxhall St. Ext.  
Quaker Hill, CT. 06375  
(860) 331-4436  
Email: syltr02@gmail.com**

Pursuant to Practice Book § 71-5, the Appellant/Defendant respectfully moves this Court to reconsider en banc because its dismissal of this appeal was premature prior to the filing of a brief and violates the Appellant's due process and equal protection rights as guaranteed by the Fourteenth Amendment to the United States Constitution and 42 U.S.C. Sec. 1983.

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The Appellant requests en banc reconsideration as an alternative to reconsideration by the panel, arguing that his equal protection and due process rights under the Fourteenth Amendment of the United States Constitution, rights to access to the court under the Connecticut Constitution of 1818 (Conn. Const. art. I, § 12 (1818)), and rights under *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 163 (1803), have been violated. Additionally, he believes the dismissal was in retaliation for his role in causing Governor Malloy to pull the reappointment of former Judge Thomas F. Parker after an incident of alleged intimidation.

**Due Process:** The Fifth and Fourteenth Amendments ensure that no person is deprived of life, liberty, or property without due process of law. This means fair procedures must be followed. In the context of appellate procedures, due process generally requires notice and an opportunity to be heard.

**Equal Protection:** The Fourteenth Amendment's Equal Protection Clause requires that individuals in similar situations be treated equally by the law.

***Mathews v. Eldridge***, 424 U.S. 319 (1976):

1. The Court outlined a three-factor balancing test to determine what process is due:
  - The private interest affected by the official action.
  - The risk of an erroneous deprivation of such interest through the procedures used and the probable value of additional or substitute procedural safeguards.

- The government's interest, including the function involved and the fiscal and administrative burdens that additional or substitute procedural requirements would entail.

The absence of specific procedures like a brief, opposition brief, or oral argument constitutes a violation of due process or equal protection depends on the context and the application of the Mathews balancing test. If these absences prevent a fair hearing or result in unequal treatment without sufficient justification, they may indeed constitute constitutional violations.

### **I. Brief History of the Case**

Mr. Sylvester Traylor is a law-abiding citizen and a veteran of the United States Army with an Honorable Discharge. Mr. Traylor was denied the right to pay his back taxes. Subsequently, he secured a Veteran Home Loan in the amount of \$120,000.00, despite ongoing disputes. He alleges that retaliation and his ethnicity as an African-American have contributed to a pattern of unrighteous discrimination in this matter.

The dismissal of his appeal by a three-judge panel without a brief, opposition brief, or oral argument is a violation of Mr. Traylor's due process. In ***Boddie v. Connecticut, 401 U.S. 371 (1971)***, the Supreme Court stated that the right to a meaningful opportunity to be heard, within the limits of practicality, must be protected, comparable to other fundamental rights such as religious freedom, free speech, or assembly.

### **II. Specific Facts Relied Upon**

Here, Mr. Traylor asserts that his right to implead third parties was violated, preventing him from calling witnesses and presenting evidence. He was denied the right to implead

the Town of Waterford's Tax Collector and PHH Mortgage. The underlying third foreclosure action by the Town of Waterford failed to acknowledge Mr. Traylor's two favorable rulings in previous foreclosure actions against PHH Mortgage concerning violations of the Connecticut Unfair Trade Practice Act (CUTPA).

It appears the State of Connecticut Court has failed to apply the Tyler decision under the supremacy doctrine, which mandates all courts in the United States to adhere to Supreme Court decisions. Additionally, the lower court within the State of Connecticut has failed to properly interpret the Excessive Fines Clause under the Eighth Amendment as applied in *Tyler v. Hennepin County, 598 U.S. (2023)*. In Mr. Traylor's case, excessive fines amounted to \$101,666.49 over a ten-year span. His actual taxes due were \$46,005.80, but the Town imposed \$55,608 in excessive fines, interest, and penalties, which represents over a 100% interest. The Town also ignored Mr. Traylor's United States Army veteran tax discount. He was denied the opportunity to pay the \$2,302.90 in two separate tax payments, due twice a year. Over ten years, his taxes totaled \$46,005.60, but he was denied the right to pay these taxes due to his race and color, and in retaliation for causing Governor Malloy to remove former Judge Parker for assaulting him in court.

### **Legal Arguments Under the Supremacy Doctrine**

#### **1. Due Process (Fourteenth Amendment) - *Boddie v. Connecticut*:**

- **Facts:** Mr. Traylor claims he was denied the right to pay his back taxes, leading to the sale of his property.
- **Legal Argument:** In *Boddie v. Connecticut, 401 U.S. 371 (1971)*, the Supreme Court held that due process requires that individuals must be



given a meaningful opportunity to be heard before being deprived of property. The dismissal of Mr. Traylor's appeal without a brief or hearing violates this principle.

## 2. Equal Protection (Fourteenth Amendment) - *Yick Wo v. Hopkins*:

- **Facts:** Mr. Traylor alleges racial discrimination in the handling of his tax payments and foreclosure.
- **Legal Argument:** In *Yick Wo v. Hopkins, 118 U.S. 356 (1886)*, the Supreme Court ruled that laws applied in a discriminatory manner violate equal protection. Mr. Traylor's allegations of racial discrimination in foreclosure proceedings echo this violation.

## 3. Takings Clause (Fifth Amendment) - *Tyler v. Hennepin County*:

- **Facts:** The state retained \$48,333.24 in excess proceeds from the sale of Mr. Traylor's property.
- **Legal Argument:** In *Tyler v. Hennepin County, 598 U.S. (2023)*, the Supreme Court held that retaining surplus proceeds from a tax sale constitutes a taking without just compensation. This applies directly to Mr. Traylor's case.

## 4. Excessive Fines (Eighth Amendment) - *Austin v. United States*:

- **Facts:** Mr. Traylor was subjected to excessive fines amounting to \$55,608.

- **Legal Argument:** In *Austin v. United States, 509 U.S. 602 (1993)*, the Supreme Court held that the Eighth Amendment's Excessive Fines Clause applies to civil forfeiture. The excessive fines in Mr. Traylor's case violate this principle.

**5. Access to Courts (Fourteenth Amendment) - Bounds v. Smith:**

- **Facts:** Mr. Traylor was denied the opportunity to fully present his case.
- **Legal Argument:** In *Bounds v. Smith, 430 U.S. 817 (1977)*, the Supreme Court recognized that access to the courts is a fundamental right. The denial of a hearing or briefing in Mr. Traylor's appeal undermines this right.

**6. Retaliation for Exercising Constitutional Rights - Mt. Healthy City School District Board of Education v. Doyle:**

- **Facts:** Mr. Traylor alleges retaliation for his role in the removal of former Judge Parker.
- **Legal Argument:** In *Mt. Healthy City School District Board of Education v. Doyle, 429 U.S. 274 (1977)*, the Supreme Court held that retaliatory actions for exercising constitutional rights violate the First Amendment. Mr. Traylor's claim of retaliation warrants consideration under this precedent.

**7. Supremacy Clause - Cooper v. Aaron:**

- **Facts:** The state court's actions are inconsistent with federal constitutional standards.

- **Legal Argument:** In *Cooper v. Aaron, 358 U.S. 1 (1958)*, the Supreme Court affirmed that state courts are bound by the Supreme Court's interpretations of the Constitution. The failure to apply federal constitutional protections in Mr. Traylor's case violates the Supremacy Clause.

#### **8. Marbury v. Madison and Judicial Review:**

- **Facts:** Mr. Traylor's case involves significant constitutional questions that require judicial review.
- **Legal Argument:** In *Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803)*, the Supreme Court established the principle of judicial review, ensuring that courts can review and strike down government actions that violate the Constitution. This foundational principle underscores the need for thorough judicial consideration of Mr. Traylor's claims.

#### **Conclusion**

Mr. Traylor's case involves potential violations of the Takings Clause, Excessive Fines Clause, and due process and equal protection rights under both the U.S. and Connecticut Constitutions. Given the precedents set by *Boddie v. Connecticut*, *Tyler v. Hennepin County*, and other Supreme Court decisions, Mr. Traylor has strong grounds to argue that the state's retention of surplus proceeds from the sale of his property and the excessive fines imposed violate his constitutional rights. Therefore, en banc reconsideration is warranted to address these significant constitutional issues properly, especially given that the three-judge panel dismissed the appeal without allowing a brief,

opposition to the brief, or oral argument, thereby violating Mr. Traylor's right to due process and equal protection.

June 6, 2024

/s/ Sylvester Traylor  
Sylvester Traylor, *pro se*  
881 Vauxhall St. Ext.  
Quaker Hill, CT. 06375  
(860) 331-4436

## CERTIFICATION

I hereby certify that: 1) a copy of the foregoing Motion for Reconsideration En Banc has been mailed on June 6, 2024 to each counsel of record and to the trial judge as follows, in compliance with Practice Book § 62-7; 2) the brief being filed with the appellate clerk is a true copy of the brief that was submitted electronically; 3) the brief has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law; and 4) the brief complies with all provisions of Practice Book § 67-2.

Yona Gregory Law Office 16 Granite St, New London, CT 06320. Phone: (860-443-9662) Email Address: yona@yonalaw.com, on behalf of Pacciuco, LLC.

Frank Liberty at Liberty Law Firm LLC. 105 Huntington St. New London, CT, 06320-6617. Phone: (860) 437-7722. Email Address:

liberty\_law\_firm@sbcglobal.net. It is also certified that this document has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order, or case law. It is also certified that this document complies with all applicable rules of appellate procedure.

/s/ Sylvester Traylor

Sylvester Traylor, *pro se*  
881 Vauxhall St. Ext.  
Quaker Hill, CT. 06375  
(860) 331-4436

## Appendix F

- A copy of my application for Stay before the Connecticut Supreme Court dated June 14, 2024.....A-6, page 25-39

A-6

Filed Under the Electronic Briefing Rules

**SUPREME COURT  
OF THE  
STATE OF CONNECTICUT**

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AC 47289, A01

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**PACCIUCO, LLC**

**VS.**

**SYLVESTER TRAYLOR ET. AL.**

---

**PLAINTIFF-APPELLANT**

**APPLICATION FOR STAY EN BANC FROM LOWER COURT'S  
PREMATURE SUMMARY PROCESS EXECUTION FOR POSSESSION  
PENDING APPEAL WITH ATTACHED APPENDIX**

**Sylvester Traylor, *pro se*  
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*A-E*

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- General Statutes § 47a-35
- Connecticut Practice Book § 61-11
- Connecticut Practice Book § 61-14 and § 71-5.

**FACTUAL AND PROCEDURAL BACKGROUND**

The petitioner, Sylvester Traylor, has been a resident of 881 Vauxhall St. Ext., Quaker Hill, CT 06375 for 25 years. This property is now at the center of a protracted legal battle initiated by Pacciuco, LLC, which claims ownership rights allegedly established through collusion with the town of Waterford. This collusion aimed to unlawfully procure Traylor’s home without allowing him the chance to settle his outstanding property taxes. This alleged anti-competitive behavior mirrors reasoning from *Tops Markets, Inc. v. Quality Markets, Inc.*, 142 F.3d 90 (2d Cir. 1998), regarding collusion, supporting the Appellant's allegations by drawing parallels to the undervaluation and sale of property below market value, depriving Mr. Traylor of his right to pay back taxes and use his guaranteed veteran's home loan for this purpose. Pursuant to Connecticut General Statutes § 47a-35 and Connecticut Practice Book § 61-11, the petitioner respectfully requests a stay en banc before the Connecticut Supreme Court from the execution of possession of the property pending the exhaustion of judicial remedies and pending appeal to prevent irreparable harm and ensure that justice is served. And pursuant Connecticut Practice Book § 61-14. “Any stay of proceedings that was in effect during the pendency of the motion for review shall continue, unless the court having appellate jurisdiction rules otherwise, until the

time for filing a motion for reconsideration under Section 71-5 has expired. Mr. Traylor's motion for reconsideration en banc under Section 71-5 has not expired.

Moreover, Mr. Traylor's right to implead third parties was denied, violating his Fifth and Eighth Amendment rights. The Fifth Amendment's Due Process Clause ensures a fair trial and the opportunity to present a defense, which was compromised by this denial, depriving him of necessary evidence and witnesses to challenge excessive fines and ensure a fair trial.

*Long v. Pfister, 874 F.3d 544 (7th Cir. 2017)*, discussed the importance of preserving constitutional rights during the appeal process. This appeal involves serious allegations of constitutional violations, including the denial of the right to implead third parties and potential discrimination based on race, color, and disability. These issues are central to this appeal, and the stay would protect these rights while the higher court reviews the case. **See Appendix A and B**

Traylor owned and resided at 881 Vauxhall Street Extension, Quaker Hill, Connecticut, and an adjoining property. During his ownership, the Connecticut Superior Court found PHH Mortgage liable for predatory lending practices and violating the Connecticut Unfair Trade Practices Act (CUTPA) twice. PHH Mortgage attempted to acquire the property without Mr. Traylor's signature or proper legal procedures. Despite favorable court rulings for Traylor, PHH Mortgage ceased property tax payments. The Town of Waterford refused to let Traylor sell a subdivided property to cover delinquent taxes, leading to foreclosure proceedings despite his attempts to pay the taxes. This case is detailed in *Town of Waterford v. Traylor*, No. KNL-CV18-6037728-S. **See Appendix C & D.**

The lower court's denial of Traylor's right to implead third parties prevented him from effectively challenging the excessive fines imposed under the Eighth Amendment. The excessive fines amounted to \$101,666.49 over ten years, whereas his actual taxes were \$46,005.80. The Town ignored his veteran tax discount and imposed fines, interest, and penalties exceeding 100% interest. Denial of his right to pay taxes based on race and color exacerbates this issue.

## **REASONS FOR GRANTING THE APPLICATION FOR A STAY**

### **I. REASONABLE PROBABILITY OF CERTIORARI AND REVERSAL BY THE U.S. SUPREME COURT**

The petition raises critical questions about the Takings Clause and the Excessive Fines Clause, unresolved by the U.S. Supreme Court. The lower court's ruling conflicts with precedents set in *Tyler v. Hennepin County* and *Timbs v. Indiana*. *Tyler* reaffirms the Excessive Fines Clause's applicability to state and local governments, ensuring fines are proportionate. The state court's misinterpretation of the Takings Clause and misapplication of the Excessive Fines Clause warrant a review, with a fair prospect of reversal upon certiorari.

**On January 18, 2024:** The Defendant, Sylvester Traylor, filed and served a Motion to Stay for a six-month stay of execution pursuant to CGS § 47a-35. This motion was based on the recent United States Supreme Court decision in *Tyler v. Hennepin County*, 598 U.S. 631 (2023), which directly impacts the case at hand.

**Lack of Timely Objection:** After the Defendant filed the Motion to Stay, PACCIUCO, LLC failed to file a timely objection. The absence of a prompt objection from the Plaintiff further supports the Defendant's position and highlights procedural oversight on the Plaintiff's part.

**On January 30, 2024:** The lower court issued an ORDER stating, "***NO ACTION NECESSARY***:" Referring to AC 47289. The case is stayed due to the pending appeal." This order is significant as it acknowledges the pending appeal and the automatic stay of execution, underscoring the necessity of adhering to procedural rules and ensuring due process.

**On April 25, 2024,** the Plaintiff, PACCIUCO, LLC filed a Motion to Dismiss 90 days late without submitting a Motion for Extension of Time or a Motion to file a late pleading within AC 47289.

## **II. IRREPARABLE HARM FROM DENIAL OF STAY**

Denying the stay will irreparably harm Traylor by causing the loss of his home and its significant equity, causing financial and emotional distress. The loss of a home disrupts stability and security, harms not easily remedied through monetary compensation. It also sets a dangerous precedent, undermining public confidence in judicial protection of constitutional rights, especially for pro se litigants and those subject to predatory practices.

*In Long v. Pfister, 874 F.3d 544 (7th Cir. 2017),* the court highlighted that the loss of a home and the associated emotional and financial burden constituted irreparable harm. This situation mirrors the Petitioner's, as the foreclosure and the imposition of excessive fines could lead to the loss of his home and significant equity. This potential harm is not easily remedied through monetary compensation alone, aligning with the reasoning in *Long v. Pfister*.

## **III. VIOLATIONS OF CIVIL RIGHTS AND DISCRIMINATION**

The Town and state court's use of Ku Klux Klan materials to intimidate Mr. Traylor violates his civil rights and undermines legal integrity. Furthermore,

denial of a military discount due to his disability status violates the ADA, and discriminatory treatment based on race and color violates the FHA.

#### **IV. RIGHT TO SEEK RECONSIDERATION EN BANC AND CERTIFICATION**

Connecticut Practice Book Rule Section 62-7 allows Mr. Traylor to correct his motion for reconsideration en banc within 15 days, ensuring timely filing.

*Griswold v. Union Labor Life Ins. Co.*, 186 Conn. 507 (1982), affirms that the right to appeal is integral to due process, emphasizing the necessity of giving litigants a reasonable opportunity to be heard on appeal before final judgment can be executed. *Capp Industries, Inc. v. Schoenberg*, 104 Conn. App. 101 (2007), recognizes the right to seek appellate review and highlights that executing a judgment before the exhaustion of appellate remedies can lead to irreparable harm to the litigant. Mr. Traylor's motion for reconsideration under Section 71-5 has not expired.

The U.S. Supreme Court has similarly recognized the fundamental nature of appellate rights under the Fifth and Eighth Amendments:

*Griffin v. Illinois*, 351 U.S. 12 (1956), establishes that denying the right to appeal can infringe on due process and equal protection under the law.

*Evitts v. Lucey*, 469 U.S. 387 (1985), reinforces that the right to an effective appeal is essential to due process, and judgments lacking procedural fairness are subject to being vacated.

#### **V. APPELLATE COURT'S FAILURE TO ADDRESS U.S. SUPREME COURT PRECEDENTS**

The appellate court failed to properly address significant constitutional issues raised by the petitioner, including Takings Clause and Excessive Fines Clause violations, in accordance with U.S. Supreme Court precedents. This failure undermines judicial process integrity, supporting the need for a stay to prevent irreversible harm pending appeal.

## **VI. PRECEDENT FOR GRANTING STAY OF EXECUTION PENDING APPEAL**

The Connecticut Supreme Court has established precedent for granting a stay of execution pending appeal in *Light Rigging Co., Inc. v. Dept. of Public Utility Control*, 219 Conn. 168 (1991). In this case, the Court recognized the necessity of staying execution to prevent irreparable harm and ensure the appellant's rights are protected while judicial remedies are pursued. This precedent supports Mr. Traylor's request for a stay, ensuring that his property rights and constitutional claims are not rendered moot by the immediate execution of possession.

Additionally, the United States Supreme Court in *Nken v. Holder*, 556 U.S. 418 (2009), provided a clear framework for granting stays pending appeal. The Court emphasized four factors for consideration: (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. Applying these factors to Mr. Traylor's case strongly supports granting the stay, as he has demonstrated a likelihood of success on the merits, significant irreparable harm without a stay, minimal harm to other parties, and a public interest in ensuring due process and fair application of constitutional protections.

The Second Circuit Court in *Jenkins v. Artuz*, 294 F.3d 284 (2d Cir. 2002), provides a relevant precedent for granting a stay of execution pending appeal. In *Jenkins*, the court emphasized several factors critical to such a decision, including the likelihood of success on the merits, the potential for irreparable injury, the harm to other parties, and the public interest. Applying these factors to the present case supports granting a stay:

- **Likelihood of Success on the Merits:** The petition raises substantial constitutional questions, including violations of the Takings Clause, the Excessive Fines Clause, and due process rights. These issues suggest a reasonable probability of success on the merits, similar to the considerations in *Jenkins*.
- **Irreparable Injury:** Denying the stay will result in the loss of the petitioner's home and significant financial and emotional distress, constituting irreparable harm, a critical factor identified in *Jenkins*.
- **Harm to Other Parties:** The issuance of a stay would primarily delay the transfer of property, causing minimal harm to the opposing party compared to the severe and irreparable harm the petitioner would face without a stay.
- **Public Interest:** Granting a stay serves the public interest by upholding constitutional protections, ensuring due process, and maintaining public confidence in the judicial system.

#### **Violation of Fifth Amendment Rights**



The Fifth Amendment to the United States Constitution includes the Due Process Clause, which guarantees that no person shall be "deprived of life, liberty, or property, without due process of law." The petitioner, Sylvester Traylor, alleges that his Fifth Amendment rights were violated in the following ways:

**Denial of Right to Implead Third Parties:**

The petitioner argues that the denial of his right to implead third parties deprived him of the opportunity to present a complete defense. Impleading third parties would have allowed him to introduce crucial evidence and witnesses necessary to challenge the actions of the Town of Waterford and Pacciuco, LLC. This denial undermined his ability to ensure a fair trial and due process, as he was not given a fair opportunity to present his case fully.

**Predatory Lending Practices:**

The Connecticut Superior Court found that PHH Mortgage engaged in predatory lending practices, which violated the Connecticut Unfair Trade Practices Act (CUTPA). Despite these findings, PHH Mortgage ceased making property tax payments, leading to foreclosure proceedings initiated by the Town of Waterford. The petitioner contends that these actions, combined with the Town's refusal to allow him to sell a subdivided property to cover delinquent taxes, deprived him of his property without due process of law.

**Violation of Fourteenth Amendment Rights**

The Fourteenth Amendment extends the protections of the Bill of Rights to include actions by state governments, specifically through its Due Process and

Equal Protection Clauses. The petitioner alleges violations of his Fourteenth Amendment rights as follows:

**Due Process Clause:**

Procedural Due Process: The petitioner claims that he was not given a fair opportunity to address and rectify the delinquent tax situation. Despite attempting to pay the overdue taxes, the Town of Waterford proceeded with foreclosure without providing him adequate notice or opportunity to settle his tax debts. This lack of fair procedural treatment deprived him of his property without due process.

Substantive Due Process: The petitioner's argument includes that the actions of the Town and PHH Mortgage were arbitrary and capricious, targeting him unfairly and resulting in the loss of his home. This arbitrary treatment, especially considering the predatory lending findings against PHH Mortgage, constitutes a violation of substantive due process rights.

Equal Protection Clause:

Discrimination Based on Race and Disability: The petitioner alleges that he was denied the right to pay his taxes and was targeted for foreclosure due to his race and color. He further claims that the Town ignored his veteran tax discount and imposed excessive fines, interest, and penalties that were not applied to others similarly situated. This discriminatory treatment violates the Equal Protection Clause of the Fourteenth Amendment, which requires that individuals in similar situations be treated equally under the law. See **Appendix E**.

### **Specific Allegations of Constitutional Violations**

Excessive Fines Clause (Eighth Amendment, incorporated through the Fourteenth Amendment): The petitioner points to the imposition of excessive fines, interest, and penalties amounting to \$101,666.49 over ten years, whereas his actual taxes due were \$46,005.80. The excessive fines far exceeded the amount of back taxes owed, constituting a violation of the Excessive Fines Clause.

Takings Clause (Fifth Amendment, incorporated through the Fourteenth Amendment): The petitioner argues that the foreclosure and loss of his home, without just compensation and in light of his attempts to pay the overdue taxes, represent a violation of the Takings Clause.

### **CONCLUSION**

The petitioner, Sylvester Traylor, asserts that the state of Connecticut, through the actions of the Town of Waterford and in collusion with Pacciuco, LLC, violated his constitutional rights under the Fifth and Fourteenth Amendments. These violations include depriving him of property without due process, imposing excessive fines, and engaging in discriminatory practices that denied him equal protection under the law. By highlighting these constitutional issues, the petitioner seeks a stay of execution of possession of his property pending the exhaustion of judicial remedies and appeal.

For these reasons, the petitioner respectfully requests a stay of execution of possession of the property pending the exhaustion of judicial remedies and appeal. This stay is essential to prevent irreparable harm and ensure justice by allowing full consideration of the significant legal issues presented.

June 14, 2024

/s/ Sylvester Traylor  
Sylvester Traylor, *pro se*  
881 Vauxhall St. Ext.  
Quaker Hill, CT. 06375  
(860) 331-4436

CERTIFICATION

I hereby certify that: 1) a copy of the foregoing Application to the Connecticut Supreme Court has been mailed on June 14, 2024 to each counsel of record and to the trial judge as follows, in compliance with Practice Book § 62-7; 2) the brief being filed with the appellate clerk is a true copy of the brief that was submitted electronically; 3) the brief has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law; and 4) the brief complies with all provisions of Practice Book § 67-2. Yona Gregory Law Office 16 Granite St, New London, CT 06320. Phone: (860-443-9662) Email Address: yona@yonalaw.com, on behalf of Pacciuco, LLC. Frank Liberty at Liberty Law Firm LLC. 105 Huntington St. New London, CT, 06320-6617. Phone: (860) 437-7722. Email Address: liberty\_law\_firm@sbcglobal.net. It is also certified that this document has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order, or case law. It is also certified that this document complies with all applicable rules of appellate procedure.

/s/ Sylvester Traylor  
Sylvester Traylor, *pro se*  
881 Vauxhall St. Ext.  
Quaker Hill, CT. 06375  
(860) 331-4436



**Appendix G**

- A copy of the eviction order signed by the State Marshal Nick Poppiti dated June 14, 2024. In light of these facts, I respectfully request that Your Honor grant a stay of execution pending review by this Court. Such a stay is essential to ensure that my due process and equal protection rights are not compromised by the lower court's erroneous and prejudicial actions.....A-7, page 40

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**SUMMARY PROCESS EXECUTION FOR POSSESSION (EVICTION)**

JD-HM-2 Rev. 4-19  
C.G.S. §§ 47a-26h, 47a-42

STATE OF CONNECTICUT  
**SUPERIOR COURT**  
www.jud.ct.gov

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

Court <input checked="" type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session	Docket number <b>KNL-CV23-6060393-S</b>	Date of judgment <b>01/12/2024</b>
---	--	---------------------------------------

Address of court location (Number, street, town and zip code)  
**70 HUNTINGTON STREET, NEW LONDON 06320**

Name and mailing address of plaintiff/landlord or attorney  
**THE LAW OFFICE OF YONA GREGORY, LLC  
16 GRANITE STREET  
NEW LONDON, CT 06320**

- Instructions to plaintiff/landlord or attorney:**
1. Complete this form.
  2. File this form with the clerk for the clerk to sign.
  3. After this execution is signed by the clerk, the clerk will upload it to the case's electronic file.
  4. Plaintiff/landlord or attorney may then print and deliver the signed execution to a State Marshal.

Name(s) of plaintiff(s)/landlord(s) <b>PACCIUCO, LLC</b>	Name(s) of defendant(s)/tenant(s) and/or occupant(s) <b>SYLVESTER TRAYLOR SYLVESTER TRAYLOR CONSULTANT, LLC</b>
---	--

Address of premises (Number, street, town and apartment number)  
**881 Vauxhall St Ext., Quaker Hill/ Waterford, CT 06385**

**TO: Any proper State Marshal**

By the authority of the State of Connecticut, you are commanded to give the plaintiff(s)/landlord(s) possession of the premises above by putting the defendant(s)/tenant(s) and any other occupant(s) bound by the judgment out of possession. If the defendant(s)/tenant(s) and such other occupant(s) have not removed all their possessions and personal effects, then you may remove them and deliver them to the place of storage designated by the chief executive officer of the town; before removal you must give the chief executive officer of the town 24 hours notice of the eviction, stating the date, time, and address of the eviction, as well as, a general description, if known, of the types and amount of property to be removed from the premises and delivered to the designated place of storage. Before giving notice to the chief executive officer you must use reasonable efforts to locate and notify the defendant(s)/tenant(s) and any other occupant(s) bound by the judgment of the date and time the eviction will take place and the possibility of a sale of their possessions pursuant to Section 47a-42 of the Connecticut General Statutes.

Serve a true copy upon each defendant/tenant and/or occupant bound by the judgment and return within 60 days.	Signed (Clerk) <i>Plinia Sanduean (oc)</i>	Date signed <b>6/13/24</b>
---	---	-------------------------------

**Notice to defendant(s)/tenant(s) and/or occupant(s) (To be completed by State Marshal)**

Your landlord (the plaintiff) won a judgment against you in this eviction case. This means that you must move out of the premises at the address above by this date:

Date <b>06/17/24</b>	At (Time) <b>1000 A.M.</b>
-------------------------	-------------------------------

If you do not remove your possessions and personal effects on or before that date, your possessions and personal effects will be removed by the State Marshal and stored at: **Town of Waterford Public Works Facility Rm 88**

You may call: **860 444 5864**

to reclaim those possessions and personal effects and to arrange to have them given back to you. (If your possessions and personal effects are removed and stored and you do not reclaim them and pay the expense of storage within 15 days, then they may be sold by the town under Section 47a-42 of the Connecticut General Statutes.)

**If you think you have a right to stay in the premises, you should contact an attorney immediately.**

This paper does not have to be handed to you personally. The place of storage was designated by the chief executive officer of the town.

**Return of Service**

By virtue of this execution,

On <b>06/14/24</b>	At (Time) <b>500 P.M.</b>
-----------------------	------------------------------

- I notified the defendant(s)/tenant(s) and/or occupant(s).
- I used reasonable efforts to locate the defendant(s)/tenant(s) and/or occupant(s) but was unable to notify the following:

and I further advised said chief executive officer, so far as known, of the general description, types, and amount of the property to be removed from said premises,

On	At (Time) __ .M.
----	---------------------

- and afterwards, the defendant's(s)/tenant's(s) and/or occupant's(s) possessions,
- had been removed.
- were removed by me and stored. The plaintiff(s)/landlord(s) were then put in possession of said premises.

Thereafter I notified the chief executive officer of the town where the premises are situated,

On <b>06/14/24</b>	At (Time) <b>1215 P.M.</b>
-----------------------	-------------------------------

Signed (State Marshal)	Date signed
------------------------	-------------

that the eviction of the defendant's(s)/tenant's(s) and/or occupant's(s) possessions and personal effects would take place,

On <b>06/17/24</b>	At (Time) <b>1000 A.M.</b>
-----------------------	-------------------------------

Fees
------

**STATE MARSHAL NICK POPPITI 860 885 8202  
A-17**

## Appendix H

- A copy of the Waterford Police Department Report setting out the hate crime that I've experience since there filing of a tax foreclosure.....A-8, pages 41-59

A8



**Waterford Police Department**

41 Avery Lane Waterford, CT 06385  
860-442-9451



Case #: 2019-00673

Incident #: 2019-00673

**Incident Detail**

**881 Vauxhall ST EXT Quaker Hill, CT CONNECTICUT**

Incident Start Date: 04/15/2019 21:05:55  
 Date Indicator:  
 Report Date/Time: 04/15/2019 21:05:00  
 Description of Incident: Harassing mail  
 Method of Operation/Entry:  
 Case Status: INACTIVE  
 Exceptional Clearance: N NOT APPLICABLE  
 File Type:  
 Photos Taken Of:  
 Warrant Status:  
 Date Transmitted to Court:  
 Court Decision:  
 DCF 136 Form Completed:  
 Order Directed To:  
 Order Seeking:  
 Reason Notification Was Delayed To  
 Customer:  
 Drug Use: No  
 Alcohol Use: No  
 DRE Evaluation: No  
 Toxicology Type:  
 M/V 48 Hour Hold:  
 Amber Alert: No  
 Silver Alert: No  
 Media Notified: No  
 Originating Agency Name:  
 Bond Type:

**Suspects (1)**

Unknown,

Related Offenses:

**Person Reporting Event Data (1)**

**Traylor, Sylvester**

Person Number: 1  
 Related Offenses:  
 Address: 881 Vauxhall ST EXT  
 City: Quaker Hill  
 State: CT CONNECTICUT  
 Zip Code: 06375  
 DOB: 11/26/1961  
 Age: 57  
 Sex: MALE  
 Race: BLACK

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Ethnicity: NON-HISPANIC  
Resident Status: RESIDENT  
License Number: 117312935  
License State: CT-CONNECTICUT

**Offenses (1)**

**53a-183 Harassment 2nd: Non-Threatening 90C DISORDERLY CONDUCT 53a-183/90C**

Family Violence: No  
Attempted/Completed: Completed  
Offender Suspected of Using: Not Applicable  
Counts: 1  
UCR/NIBRS Code: DISORDERLY CONDUCT  
Degree: 0  
Location Type: RESIDENCE/HOME  
Bias Motivation: UNKNOWN

**Vehicle (0)**

Comments:  
Business Name:  
Zip Code:

A8

**Waterford Police Department**

41 Avery Lane Waterford, CT 06385  
860-442-9451



Case #: 2019-00673

Incident #: 2019-00673

**Property (0)**

Property Sequence Number:  
Property Status:  
Recovered Date:  
EVIDENCE Recovery Date/Time:

**Narrative (1)**

**Supplemental (Suspension)**

SUPPLEMENTAL REPORT – TUESDAY August 26, 2019 at 10:00 AM

Contact: Philip Fazzino  
Supervisory Inspector  
State's Attorney's Office  
70 Huntington Street  
New London, CT 06320  
  
(P) 860-443-2835

**REPORT:**

On August 26, 2019, I called and spoke to Supervisory Inspector Fazzino. He advised that the meeting he had with his complainant did not produce any leads. Supervisory Inspector Fazzino said that he did not need me to keep my case open any further.

Due to the lack of suspects and no further investigative leads, this case will be suspended.

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Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

**Narrative From InformCAD**

[Inform CAD Comments] 4/15/2019 9:09:49 PM, Performed By: DA

[1] harrasment, threatening, hate mail

4/15/2019 10:32:43 PM, Performed By: DA

[2] Requested Case Number(s) Issued for Incident #[PATRL-2019-0008287], Jurisdiction: Patrol. Case Number(s): 2019-00673..

**Initial Report 2019-00673 04/15/19**

Lapkowski, Adam P 0651

04/16/2019

On Monday, April 15, 2019, at approximately 9:05 p.m., I met with Sylvester Traylor at the Waterford Police Department located at 41 Avery Lane, Waterford, Connecticut for the report of harassing mail.

Traylor began by telling me that around January of 2019, he has been getting all sorts of magazines and subscriptions that he has not signed up for sent to his house located at 881 Vauxhall Street Extension in Quaker Hill. The names on the address labels had racial components added to them. Some of the names were as follows: Sylvester Black-Traylor, Sylvester Emmett Till Jr, Sylvester Darkie-Traylor, Lloyd Langhammer-Lyncher Jr., Sylvester Traylor Lynched, Sylvester Rasta-Traylor, Leroy Shiffis Traylor, Shepard Langhammer-Traylor, and Lloyd Langhammer-Lyncher. Traylor is an African-American male and believed someone was trying to intimidate him with the racist names on the mail. Traylor did not say why he waited this long to report the incident since he started receiving the mail in January.

In January of this year, Traylor said that the Town of Waterford sued him for unpaid taxes. Traylor told me that he has been in a legal battle regarding his property taxes with the town since about 2005 when his taxes increased more than his neighbors' did. Traylor stated the law firm representing the Town of Waterford was the Law Offices of Lloyd L. Langhammer, LLC out of New London, Connecticut. Since some of the names on the mail he received included "Langhammer" and "Lloyd Langhammer", Traylor thought someone from that office could be perpetrating the harassment.

The first magazine that Traylor received was "Wine Spectator". Traylor took the subscription card that was in the magazine and called the company. He explained the situation and provided them with the barcode number that was on the card. Traylor told me that the company said the number he provided, WNEJ198SB31, was associated with a subscription that was delivered to the Law Offices of Lloyd L. Langhammer, LLC. The company also told Traylor that anyone could fill out a subscription card with any information on it and place it in the mail.

A-8

Traylor went on to tell me about another incident in his life a few years ago with another possible suspect. In 2011, Traylor stated he was in New London Superior Court located at 70 Huntington Street in New London, Connecticut. Traylor stated the judge overseeing the case, Judge Parker, grabbed him by the arms, got right in his face, and angrily asked Traylor, "Do you feel intimidated by me?" After the incident, Traylor stated he filed a complaint against Judge Parker. Shortly after the incident, Traylor stated a clerk, Wyatt Kopp, who worked directly for Judge Parker, was fired.

After Kopp was fired, Traylor stated his vehicle was frequently vandalized; he stated his tires were frequently slashed and his doors glued shut. Traylor said that he was often approached by Kopp in public areas. Kopp repeatedly tried to get Traylor to drop his complaint against Judge Parker, and he told Traylor who could be trusted in the courts. Traylor stated that he eventually filed a harassment complaint against Kopp, however an arrest warrant was never granted. Traylor stated that the harassment from Kopp continued. Traylor said he received emails from Kopp that he admitted to sending that had similar racial verbiage as to what was on the mail he recently received. Traylor told me that he learned Kopp committed suicide around January of 2019.

Traylor further stated that he has noticed an increase of vehicles parked near his house. He stated they drive away when he approaches them and he has been unable to obtain their license plates. He also told me that he noticed some damage to his front door where it appeared someone may have tried to gain access to his house. Traylor did not say why he never reported the suspicious activity. I advised him to call should he notice anyone suspicious around his property.

Lastly, Traylor told me that he filed a report with the New London Police Department since the Law Offices of Lloyd L. Langhammer, LLC was located in that city and he was given case #19-1300. Traylor told me that he also reported this incident to the United States Postal Service and he was given case #CA142640408. Traylor requested full prosecution on whoever was found responsible for sending him the harassing mail and he provided me with a written statement detailing the above-mentioned circumstances.

Traylor told me that he gets a few pieces of mail a week with the racial names. He had a reusable shopping bag filled with various magazines and subscription letters. I spread out the magazines and letters on the floor and took digital photographs that were later attached to the case. Some of the magazine subscriptions Traylor received were People, Western Horseman, Wine Spectator, A Far, TV Guide, Vanity Fair, Yankee, In Style, Women's Health, and others. Traylor stressed that he did not sign up for any of those magazines.

Traylor stated that he had more mail at his house, but he could not fit it all in one bag. Traylor stated he did not want to leave the mail with me at the police department at that time, as he still needed it to finish the complaint he filed with the post office. Once he was finished, he stated that would bring the mail back to the police department. I made photocopies of some of the subscription envelopes he received showing some of the names on the address label; I later secured the photocopies in the case file.

This concluded my contact with Traylor at that time.

AB

Officer First Class Lapkowski #56

Supplemental Report 2019-00673 04/21/19

Lapkowski, Adam P 0651

04/21/2019

On Sunday, April 21, 2019, at approximately 4:30 p.m., I went through an assortment of mail that Officer Malbaum of this agency retrieved from the Quaker Hill Post Office located at 132 Old Norwich Road, Quaker Hill Connecticut.

Amongst the mail were the following three magazines:

- People, addressed to Sylvester Black-Rayler
- People, addressed to Sylvester Traylor-Lynch
- Arizona Highways, addressed to Sylvester Darkie-Traylor III

There was also one envelope from Condé Nast Processing Center, addressed to Sylvester Lynch-Traylor. Condé Nast is an American mass media company that owns several magazines. I opened the letter and saw that it was a bill for \$33.32 due to Vogue magazine.

Lastly, there were the following magazine subscription cards. The address labels for these subscription cards were printed stickers, with minimal hand-written information on some of them; I noted the hand-written sections below in parenthesis:

- Forbes, addressed for Sylvester Darkie-Traylor, 881 Vauxhall Street, B, Quaker Hill, CT 06375 ("B" was hand-written)

- Time, addressed for Sylvester S.Lynch, 881 Vauxhall Street #2, Quaker Hill, CT 06375

- Psychology Today, addressed for Sylvester Black-Traylor, 881 Vauxhall Street (the "S" in street was hand-written),

Quaker Hill, CT 06375

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- Yankee, addressed for Hon. Emmet Langhamna-Lynch, 70 Huntington Street #402, New London, CT 06320 ("402"

was hand-written)

- Forbes, addressed for Laura Barker Langhamma, 85 Niantic River Rd., Waterford, CT 06385

- Yankee, addressed for Laura Barker Langhamma, 85 Niantic River Rd. #2, Waterford, CT 06385 ("#2" was

hand-written)

- Psychology Today, addressed for Laura Barker Langhamma, 85 Niantic River Rd. #R, Waterford, CT 06385 ("#R" was

hand-written)

- Rolling Stone, addressed for Laura Boomsta-Langhamma, 85 Niantic River Rd., Waterford, CT

- Time, addressed for Lloyd Paddock-Langhammer, Box 162 - 1 Main Street, Baltic, CT 06330

- Blade, addressed for D.I. Bonnano, Geraghty & Bonnano, LLC, 38 Granite Street #420, PO Box 231, New London, CT

06320 ("D.I. Bonnano" and "#420" were hand-written)

- Knives, addressed for Lloyd Langhammer, 38 Granite Street #3, New London, CT 06320 ("#3" was hand-written)

- Blade, addressed for Lloyd Paddock-Langhammer, 37 Granite Street #3, New London, CT 06320 ("#3" was

hand-written)

- True West, addressed for Lloyd Langhammer, 9511 Range Crest Avenue, Las Vegas, NV 89149

- Rolling Stone, addressed for Lloyd Langhammer, 9511 Range Crest Avenue, R, Las Vegas, NV 89419 ("R" was

2/4/2021 [https://pdmsis.waterfordct.org/InformRMSRedactedreport/1/d0128a7-a109-c8c7-6613-06d72b531671/1/Incident Default Summary Report/Inform RM...](https://pdmsis.waterfordct.org/InformRMSRedactedreport/1/d0128a7-a109-c8c7-6613-06d72b531671/1/Incident%20Default%20Summary%20Report/Inform%20RM...)  
hand-written)

- Time, addressed for Clara Langanunner-Barton, 9512 Range Crest Avenue, Las Vegas, NV 89149

- Yankee, addressed for Ray Bariballs Jr, 2 Union St #200, New London, CT 06320

- Time, addressed for Langan Youngblood, Youngblood Process Service, P.O. Box 51-1312, Punta Gorda, FL 33951-1312, (941) 505-0600 ("Langan Youngblood" was hand-written)

All of these subscriptions were scheduled to receive the most amount of issues advertised. For example, if the subscription card had the option to sign up for one year or two years' worth, the cards were signed up to receive the two-year subscription.

I conducted internet searches of the above addresses as not all of them were filled out to be sent to Sylvester Traylor's address at 881 Vauxhall Street in Quaker hill. The addresses were as follows:

- 70 Huntington Street in New London was the address to the New London Superior Court

[REDACTED]

- 38 Granite Street, New London, Connecticut showed it was the address for Geraghty & Bonnano, LLC Attorney's at

Law

- 37 Granite Street, New London, Connecticut was the address for Basilica Law Firm

[REDACTED]

[REDACTED]

[https://pdmsis.waterfordct.org/InformRMSRedactedreport/1/d0128a7-a109-c8c7-6613-06d72b531671/1/Incident Default Summary Report/Inform RM...](https://pdmsis.waterfordct.org/InformRMSRedactedreport/1/d0128a7-a109-c8c7-6613-06d72b531671/1/Incident%20Default%20Summary%20Report/Inform%20RM...) 8/17

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- 2 Union Street, New London, Connecticut was an apartment building, I did not find any resident information for #200

- Youngblood Process Service is a non-enforceable civil process service located at the address listed on the card.

These pieces of mail were later secured as evidence at the Waterford Police Department.

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Officer First Class Lapkowski #56

Supplemental Report 2019-00673 04/22/19  
Lapkowski, Adam P 0651

04/22/2019

On Monday, April 22, 2019, at approximately 3:45 p.m., I met with United States Postal Service employee Debora Church at the Quaker Hill Post Office located at 132 Old Norwich Road, Quaker Hill, Connecticut regarding Sylvester Traylor's mail.

Church told me that Traylor requested that the post office not deliver any mail to him unless it shows his name only as "Sylvester Traylor." Church said they then began sorting Traylor's mail and setting aside things addressed to names other than his.

I asked Church about the large amount of magazine subscription cards that she turned in to Officer Malbaum on April 21 since they were all outgoing mail. Church said that those were found in the outgoing mailbox in their parking lot. Since they were all addressed similarly to the few that were addressed to Traylor, she collected them all for the police.

Lastly, Church had a few more pieces of mail that she turned in to me. The mail consisted of outstanding bills for magazine subscriptions and other magazines. These pieces of mail were later secured as evidence at the Waterford Police Department.

This concluded my contact with Church at that time.

Officer First Class Lapkowski #56

Supplemental Report 2019-00673 04/29/19

Lapkowski, Adam P 0851

04/29/2019

On Monday, April 29, 2019, at approximately 4:10 p.m., I spoke on the telephone with Wine Spectator Customer Service Representative [REDACTED] regarding their subscription sent to Sylvester Traylor's residence located at 881 Vauxhall Street Extension, Quaker Hill, Connecticut.

I first asked [REDACTED] about the insert subscription cards and what appeared to be a serial number printed on the card. [REDACTED] told me that the number printed on the cards was a generic number that references that month's edition of the magazine. [REDACTED] stated the number does not provide any subscription information and she said there was no way to track the individual insert cards.

At my request, [REDACTED] then researched Traylor's address and found three subscriptions. All of them were started earlier this year and done so with the insert cards. [REDACTED] stated, however, that two of them were sent as gifts;

[REDACTED] Again, [REDACTED] stated that the "sender's" names could have been written in by anyone on the insert card. She reiterated that there was no way to track exactly who sent the insert card in for the subscription. In other words, [REDACTED] stated that someone could have filled out the insert card to give the appearance that [REDACTED] or [REDACTED] sent Traylor the subscription.

This concluded my contact with [REDACTED] at Wine Spectator magazine at that time.

Officer First Class Lapkowski #56

Supplemental Report 2019-00673 04/30/19

Lapkowski, Adam P 0651

05/07/2019

On Tuesday, April 30, 2019, at approximately 10:05 p.m., I spoke on the telephone with [REDACTED]

I briefly explained this investigation to [REDACTED] and he told me that he had been receiving unsolicited magazine subscriptions for about the past nine months. [REDACTED] said that he has made reports with the State's Attorney's Office, the New London Police Department, and the Post Office.

went on to tell me that he believed was responsible for signing him up for the magazines. stated that he was involved in a court case with regarding a piece of property in New London. said that he removed himself from the case, which upset . Shortly after, said he began receiving the mail. Lastly, said that he spoke with after he removed himself from the case. told , "Just wait until he starts signing you up for magazines."

This concluded my contact with at that time.

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Officer First Class Lapkowski #56

Supplemental Report 2019-00673 05/07/19

Lapkowski, Adam P 0651

05/07/2019

On Tuesday, May 07, 2019, at approximately 3:50 p.m., I went to the Waterford Post Office located at 222 Boston Post Road, Waterford, Connecticut and spoke with Customer Service Supervisor .

I explained this investigation to and he referred me to the Postal Inspector's Office. stated they would have access to more resources that could possibly assist with this investigation.

This concluded my contact with at that time.

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Officer First Class Lapkowski #56

Supplemental Report 2019-00673 05/07/19

Lapkowski, Adam P 0651

05/07/2019

On Tuesday, May 07, 2019, at approximately 4:25 p.m., I spoke with United States Postal Service employee at the Quaker Hill Post Office located at 132 Old Norwich Road, Quaker Hill,

AS

Connecticut.

█████ stated that they had not received any additional magazine insert cards in their mailbox. She stated that their post office has intercepted additional pieces of mail that were intended to be delivered to Sylvester Traylor's residence. Lastly, I asked █████ if there were any cameras that overlooked their parking lot and the mailbox, which there were not.

This concluded my contact with █████ at that time.

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Officer First Class Lapkowski #56

Supplemental Report 2019-00673 05/07/19  
Lapkowski, Adam P 0851

05/07/2019

On Tuesday, May 07, 2019, at approximately 8:40 p.m., I spoke with Sylvester Traylor at the Waterford Police Department.

Traylor began by telling me that he has still been getting unsolicited mail. Traylor stated that he has spoken with the postmaster and his mail carrier, Kim Malinowsky, on three separate occasions about the mail, yet he was still having it delivered. Traylor believed that Malinowsky was involved and was targeting him by continuing to deliver the mail. I advised Traylor to speak with the post master again and if he was still unsatisfied then to speak with the postmaster's supervisor.

Traylor went on to tell me that he spoke with an agent from the FBI in the New Haven office in Connecticut. He spoke with the agent regarding this investigation and told them how he thought Malinowsky was involved. The FBI then referred Traylor to his local police department. Traylor said that the FBI agent requested a copy of this report. I told Traylor that we do not make copies of open investigations, which he understood. Traylor did not know the name of the FBI agent he spoke with, however Traylor said he provided the agent with my contact information. I told Traylor that the FBI agent could contact me anytime with questions.

Lastly, Traylor spoke about his incident with Judge Parker. Traylor stated the court case was regarding a Doctor Awwa. Traylor stated Judge Parker and Doctor Awwa were friends, and a statement Traylor made in court was what prompted Judge Parker to grab him.

I advised Traylor that the investigation was on-going and he could contact me should he learn any new information. This concluded my contact with Traylor at that time.

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Officer First Class Lapkowski #56

Supplemental Report 2019-00673 05/10/19

Lapkowski, Adam P 0681

05/12/2019

On Friday, May 10, 2019, I received a copy of a letter that [REDACTED] sent to Inspector Philip Fazzino of the New London Superior Court located at 70 Huntington Street, New London, Connecticut.

[REDACTED] was providing an update to Inspector Fazzino regarding the complaint he filed against [REDACTED]. According to the letter [REDACTED] has been committing similar mail harassment to various judges across the state. [REDACTED] listed in his letter that [REDACTED] has committed other forms of harassment against him, including using [REDACTED] email address to sign him up for cruises, vacations, etc., and [REDACTED] has listed [REDACTED] vehicle for sale resulting in numerous unwanted telephone calls.

[REDACTED] also stated that [REDACTED] had sent to [REDACTED] a copy of the foreclosure complaint that [REDACTED] initiated on behalf of the Town of Waterford against Sylvester Traylor. Traylor had previously told me about his history with Judge Parker, which made [REDACTED] concerned when he received a copy of the foreclosure complaint.

The above letter was retained in the case file.

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Officer First Class Lapkowski #56

Supplemental Report (Postal Inspector)

Carroll, Raymond 2223

06/11/2019

SUPPLEMENTAL REPORT - TUESDAY JUNE 11, 2019 at 8:45 AM

Contact: Jeremy S Tendler

Postal Inspector, Boston Division

U.S. Postal Inspection Service

A-8

50 Brewery Street  
New Haven, CT 06511

Email: [jstendler@uspis.gov](mailto:jstendler@uspis.gov)  
(P) 203-782-7042  
(F) 203-782-7072

**REPORT:**

On June 11, 2019, I spoke to U.S. Postal Inspector Jeremy Tendler via telephone. Tendler was returning my call after I left a message with his office the previous day. My reason for calling was to see if he or someone in his office was investigating the complaint made by Sylvester Traylor (CA142640408). Tendler was unable to locate that complaint number, but said that his office handled criminal complaints/investigations, and that Traylor's complaint was possibly a civil complaint. Tendler provided me with a phone number to call to try to speak to the correct department, 1-800-ASK-USPS. Tendler added that in his past experience, the U.S.P.S. would have no way of tracking the identity of the sender of the magazines because the magazines are dropped off at the Post Office as a bulk delivery, and each magazine would have been already addressed to the intended receiver.

Supplemental Report (1-800-ASK-USPS)  
Carroll, Raymond 2223

06/11/2019

SUPPLEMENTAL REPORT - TUESDAY JUNE 11, 2019 at 9:20 AM

Contact: 1-800-ASK-USPS

**REPORT:**

On June 11, 2019, I called the number provided by Postal inspector Tendler, 1-800-ASK-USPS. I was connected to an automated system, and after several prompts was asked to enter a case number. I entered the case number provided by Sylvester Traylor, CA142640408. The system advised that the case had been investigated and resolved. I was unable to find an option to speak to an actual employee.

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**Waterford Police Department**

41 Avery Lane Waterford, CT 06385

860-442-9451



Case #: 2019-00673

Incident #: 2019-00673

**Supplemental Report (Traylor/Closing)**

Carroll, Raymond 2223

06/11/2019

SUPPLEMENTAL REPORT - TUESDAY JUNE 11, 2019 at 9:30 AM

Contact: Sylvester Traylor

881 Vauxhall Street

Waterford, CT 06385

(C) 860-331-4436

**REPORT:**

On June 11, 2019, I called Sylvester Traylor and advised him of my recent actions regarding the investigation of his complaint. I also explained that due to no viable leads or identifiable suspects, I was going to suspend this case. Traylor said that he understood, and added that he was no longer receiving magazines, although they may still be going to the Post Office.

**Supplemental Report (Inspector Fazzino)**

Carroll, Raymond 2223

06/11/2019

SUPPLEMENTAL REPORT - TUESDAY JUNE 11, 2019 at 11:25 AM

Contact: Philip Fazzino

Supervisory Inspector

State's Attorney's Office

70 Huntington Street

New London, CT 06320

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(P) 860-443-2835

REPORT:

On June 11, 2019, I called and spoke to Inspector Fazzino regarding this case. He advised that his complainant, [REDACTED] was scheduled to meet with him within the following two weeks to provide him with an Internet Protocol (I.P.) address that was associated with a magazine subscription that he had received. Inspector Fazzino said that he would contact me after the meeting and advise me of any leads that may be produced.

Officer (1)	
Investigating Officer:	Carroll, Raymond (57)
Supervisor:	Sgt. Edward DeLauro
Reporting Officer:	Lapkowski, Adam P (0651)

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**Appendix I**

A copy of the two favorable Connecticut Unfair Trade Practice Act (CUTPA) ruling against PHH mortgage.....A-9, pages 60-69

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Exhibit "C"

NO. CV 07 5004315

PHH MORTGAGE CORP., f/k/a  
PHH MORTGAGE SERVICES

SUPERIOR COURT

JUDICIAL DISTRICT OF NEW LONDON  
AT NEW LONDON

V.

SYLVESTER TRAYLOR, ET AL

JUNE 9, 2010

MEMORANDUM OF DECISION RE:  
MOTION FOR SUMMARY JUDGMENT (# 150)

BACKGROUND

On September 4, 2007, the plaintiff, PHH Mortgage Corporation f/k/a PHH Mortgage Services, filed the present foreclosure action against the defendant, Sylvester Traylor. In its complaint, the plaintiff alleges the following facts. The defendant executed a note dated December 9, 2004, pursuant to which he became obligated to repay Emporio, LLC (Emporio) the original principal amount of \$37,000, together with interest and all costs of collection as set forth in the terms of the note and mortgage. To secure the note, the defendant executed and delivered a mortgage to Emporio on a parcel of land, together with the improvements thereon, located at 881 Vauxhall Street Extension, Waterford, Connecticut (the property). Said mortgage was dated December 9, 2004, and recorded on March 14, 2005, in Volume 764 at Page 289 of the Waterford land records. The mortgage was subsequently assigned to the plaintiff pursuant to an assignment of mortgage, dated December 14, 2005, and recorded on December 23, 2005, in Volume 841 at Page 180 of the Waterford land records. The defendant has failed to make a payment on the loan since February 1, 2005.

FILED

JUN 09 2010

SUPERIOR COURT  
NEW LONDON JUDICIAL DISTRICT  
AT NORWICH

Copies to Counsel & Rob Don 6/9/10

A-9

On November 28, 2008, the defendant filed an amended answer and special defense, in which he alleged a violation of the Connecticut Unfair Trade Practices Act, General Statutes § 42-110b (CUTPA). In his special defense, the defendant alleges the following facts. The defendant entered two transactions with Albert R. Annunziata, the principal and sole member of Emporio, to borrow personal loans from Emporio for \$5,000 on October 6, 2004, and for another \$5,000 on October 8, 2004. On October 18, 2004, at the suggestion of Annunziata and Jack Gregory, a representative for Temple Investments, LLC (Temple), the defendant entered into a purchase and sale agreement (the agreement), pursuant to which the defendant sold the property to Temple, which would assume ownership of the property on December 6, 2004. Under the terms of the agreement, Temple would pay the defendant \$25,000 in cash, which represented the remaining equity in the property after the first mortgage was paid off, and the defendant would continue to make the first mortgage payments until Temple found another purchaser. The agreement also recited a \$18,000 deposit, and the amounts previously loaned to the defendant by Emporio were recharacterized as advances on said deposit.

According to the defendant's allegations, Emporio made the defendant's first mortgage payments on October 18, 2004, and on October 21, 2004. As of October 18, 2004, Emporio had advanced \$18,200 to the defendant, of which \$200 had been paid to Annunziata as an attorney's fee. On that date, Emporio induced the defendant to sign a deed and note for \$18,000 to secure the deposit advances under the agreement. The defendant did not understand that the deed and note recited different obligations between the parties than the agreement, or that the deed and note characterized the deposit advances as commercial transactions. The defendant's reliance on the promises and misrepresentations made by

Annunziata induced him to sign the deed and note.

The defendant further alleges that Temple subsequently breached its obligation pursuant to the agreement to purchase the property. The note had a maturity date of February 1, 2005, but Emporio did not attempt to foreclose on the property due to the existence of the defendant's defense of fraudulent conduct against it. The plaintiff, after failing in earlier litigation to obtain possession of the property, approached Emporio and arranged to purchase the defaulted note for an amount greater than that originally advanced by Emporio to the defendant on or after March 14, 2005. The transaction involving the defaulted note between the parties was not a typical secondary mortgage purchase, and the plaintiff entered the agreement with the intent to conspire with Emporio to target the defendant and obtain possession of the property.

On June 22, 2009, the plaintiff filed a motion for summary judgment as to liability only against the defendant. The plaintiff filed a memorandum in support of its motion. On April 20, 2010, the defendant filed an objection to the plaintiff's motion, together with his memorandum of law. The plaintiff filed a supplemental memorandum of law in support of its motion on May 11, 2010.

#### LAW AND ANALYSIS

"Practice Book § 17-49 provides that summary judgment shall be rendered forthwith if the pleadings, affidavits and any other proof submitted show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. In deciding a motion for summary judgment, the trial court must view the evidence in the light most favorable to the nonmoving party." (Internal quotation marks omitted.) *Provencher v.*

*Enfield*, 284 Conn. 772, 790-91, 936 A.2d 625 (2007).

“In ruling on a motion for summary judgment, the court’s function is not to decide issues of material fact, but rather to determine whether any such issues exist.” *Nolan v. Borkowski*, 206 Conn. 495, 500, 538 A.2d 1031 (1988). “In seeking summary judgment, it is the movant who has the burden of showing the nonexistence of any issue of fact. The courts are in entire agreement that the moving party for summary judgment has the burden of showing the absence of any genuine issue as to all the material facts, which, under applicable principles of substantive law, entitle him to a judgment as a matter of law. The courts hold the movant to a strict standard. To satisfy his burden the movant must make a showing that it is quite clear what the truth is, and that excludes any real doubt as to the existence of any genuine issue of material fact. . . . As the burden of proof is on the movant, the evidence must be viewed in the light most favorable to the opponent. . . . When documents submitted in support of a motion for summary judgment fail to establish that there is no genuine issue of material fact, the nonmoving party has no obligation to submit documents establishing the existence of such an issue. . . . Once the moving party has met its burden, however, the opposing party must present evidence that demonstrates the existence of some disputed factual issue” (Internal quotation marks omitted.) *Zielinski v. Kotsoris*, 279 Conn. 312, 318-19, 901 A.2d 1207 (2006).

“The traditional defenses available to a foreclosure defendant are payment, discharge, release, satisfaction or invalidity of a lien. . . . Additional defenses available to a foreclosure defendant are mistake, accident, unclean hands, breach of implied covenant of good faith and fair dealing, equitable estoppel, laches, CUTPA, and refusal to agree to a favorable sale to a

third party." (Citation omitted; internal quotation marks omitted.) *Antonio v. Johnson*, Superior Court, judicial district of New London at Norwich, Docket No. CV 05 4103360 (October 23, 2007, *Devine, J.*). "The purpose of a special defense is to plead facts that are consistent with the allegations of the complaint but demonstrate, nonetheless, that the plaintiff has no cause of action. . . . A valid special defense at law to a foreclosure proceeding must be legally sufficient and address the making, validity or enforcement of the mortgage, the note or both. . . . Where the plaintiff's conduct is inequitable, a court may withhold foreclosure on equitable considerations and principles. . . . Our courts have permitted several equitable defenses to a foreclosure action." (Internal quotation marks omitted.) *Chase Manhattan Mortgage Corp. v. Machado*, 83 Conn. App. 183, 188, 850 A.2d 260 (2004).

The plaintiff argues that its motion for summary judgment should be granted because the defendant's special defense fails to allege any fraud on the part of the plaintiff, or that the plaintiff was aware of or participated in any fraud associated with Emporio. The defendant counters that the plaintiff's motion for summary judgment should be denied because the defendant's special defense alleges that the plaintiff intentionally purchased a defaulted mortgage with the sole purpose of conspiring with Emporio to target the defendant and obtain possession of the property.

"CUTPA provides in relevant part that [n]o person shall engage in unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce. General Statutes § 42-110b (a). It is well settled that in determining whether a practice violates CUTPA [our appellate courts] have adopted the criteria set out in the cigarette rule by the federal trade commission for determining when a practice is unfair: (1) [W]hether the

practice, without necessarily having been previously considered unlawful, offends public policy as it has been established by statutes, the common law, or otherwise -- in other words, it is within at least the penumbra of some common law, statutory, or other established concept of unfairness; (2) whether it is immoral, unethical, oppressive, or unscrupulous; (3) whether it causes substantial injury to consumers, [competitors or other businesspersons]. . . . All three criteria do not need to be satisfied to support a finding of unfairness. A practice may be unfair because of the degree to which it meets one of the criteria or because to a lesser extent it meets all three." (Internal quotation marks omitted.) *Centimark Corp. v. Village Manor Associates Ltd. Partnership*, 113 Conn. App. 509, 523, 967 A.2d. 550, cert. denied, 292 Conn. 907, 973 A.2d 103 (2009). "Whether a practice is unfair and constitutes a violation of CUTPA is a question of fact." (Internal quotation marks omitted.) *Kosiorek v. Smigelski*, 112 Conn. App. 315, 321, 962 A.2d 880 (2009).

In the present case, the defendant alleges that the plaintiff conspired with Emporio to purchase the defaulted note for purposes of targeting the defendant and taking possession of the property. "In light of the remedial nature of CUTPA [and] the mandate that it is to be interpreted 'generously' to implement its remedial purpose . . . [it has been held] that a person who . . . conspires with another who commits an unfair trade practice may be liable for the other's action." (Citation omitted; internal quotation marks omitted.) *Feen v. Benefit Plan Administrators, Inc.*, Superior Court, judicial district of New Haven, Docket No. CV 99 0406726 (September 7, 2000, *Levin, J.*) (28 Conn. L. Rptr. 137, 141). Viewing the evidence in the light most favorable to the defendant, a genuine issue of material fact exists as to whether the plaintiff's conduct constitutes a violation of CUTPA, and therefore, the



defendant's special defense is legally sufficient. As a result, the plaintiff's motion for summary judgment as to liability only must be denied.

ORDER

Based on the foregoing, the court hereby denies the plaintiff's motion for summary judgment as to liability only.

  
Devin, J.

COP  
Exhibit "B"

NO. CV 07 5004315

PHH MORTGAGE SERVICES

SUPERIOR COURT

V.

JUDICIAL DISTRICT OF NEW LONDON  
AT NEW LONDON

SYLVESTER TRAYLOR, ET AL

May 15, 2014

MEMORANDUM OF DECISION  
RE: MOTION FOR SUMMARY JUDGMENT (#185)

The plaintiff, PHH Mortgage Corporation, commenced this foreclosure action in September 4, 2007. In this action it seeks to foreclose a mortgage on property located at 81 Vauxhall Street Extension, Quaker Hill, Connecticut and now owned by the defendant, Sylvester Traylor,. PHH Mortgage Services filed the instant motion for summary judgment on the complaint. The defendant has filed defenses and a counterclaim. A prior motion for summary judgment filed by the plaintiff was denied.

On April 7, 2014, this court denied the defendant, Traylor's, motion for a continuance and an extension of time with regard to argument on this motion for summary judgment. The court proceeded to hear extensive argument (approximately two hours) from the plaintiff and the defendant. The court also denied the defendant's motion to recuse the court (Motion #227) because the defendant had failed to comply with the appropriate Practice Book procedures for bringing this issue to the court's attention. Further, the court notes that the defendant previously, when represented with counsel, had raised the issue of recusal and the court, in accordance to with the Practice Book, referred the matter to another judge for a hearing. The other judge, *Devine, J.*, determined that there were no grounds for the recusal request.

**FILED**

MAY 15 2014

SUPERIOR COURT - NEW LONDON  
JUDICIAL DISTRICT AT NEW LONDON

185,50

5/15/14 copies sent

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The court presumes that all parties are familiar with the standard that governs the courts review and decision on a motion for summary judgment.

The court finds that there are material disputes of fact that require the denial of this motion. The plaintiff's affidavits submitted in support of this motion and the attachments contain contradictory and confusing documentation. The court will highlight just three of those areas of factual uncertainty, any one of which would require the denial of this motion.

The defendant executed a note in the amount of \$37,000 in favor of Emporio, LLC on December 9, 2004. This note was endorsed "Pay to the order of PHH Mortgage Corporation, f/k/a PHH Mortgage Services by Albert G. Annuziata the sole member and duly authorized agent for Emporio, LLC on April 16, 2008." PHH brought this action to foreclose the mortgage six months earlier on September 4, 2007. Also attached to the note in question is a "Correcting Allonge" which asserts that the note was transferred from Emporio, LLC to the plaintiff as of December 14, 2005, the same date when a assignment of the mortgage which secured the note was recorded on the land records in Volume 764, p. 288, of the Town of Waterford. The assignment of the mortgage to PHH was recorded in Volume 841, p. 180 of the Land Records on December 23, 2005.

The copy of the mortgage attached to the plaintiff's motion for summary judgment references a note dated October 10, 2004 in the amount of \$18,000. (Docket entry 185, pages 17-21). This is clearly a different instrument than the instrument dated December 9, 2004 in the amount of \$37,000 that is referenced in the supporting affidavits and the complaint.

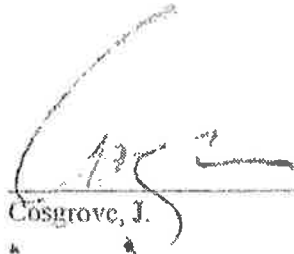
Further the only notice of default that the plaintiff claims it has provided to the defendant Sylvester Traylor is a letter addressed to Roberta Traylor (the estate of). ( Docket

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entry 185, pages 56-59). This does not support the assertion that the plaintiff has given notice of default to the defendant Sylvester Traylor.

The court need not address whether any of the defenses or counterclaims of the defendant have merit.

The motion for summary judgment is denied.

  
\_\_\_\_\_  
Cosgrove, J.

**DOCKET NUMBER**

**24-691-cv**

**UNITED STATES COURT OF APPEALS**  
**FOR THE SECOND CIRCUIT**

**SYLVESTER TRAYLOR**  
*Plaintiff-Petitioner,*

:  
:

**DOCKET NO. 24-691-cv**

**V.**

:  
:

**PACCIUCO ET. AL.,**  
*Defendants-Appellees,*

:  
:

**Dated: June 18, 2012**

**PETITIONER'S BRIEF**

**ON APPEAL FROM  
THE UNITED STATES  
DISTRICT COURT FOR  
THE DISTRICT OF CONNECTICUT**

**Submitted By:**

**Sylvester Traylor  
881 Vauxhall St. Ext.  
Quaker Hill, CT. 06375  
Tel: 860.331.4436**

**ORAL ARGUMENT REQUESTED**

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## PRELIMINARY STATEMENT

The Town of Waterford foreclosed on the home of Plaintiff-Appellant, a pro se litigant, despite a clear offer to pay back taxes that he had received no notice about. It then sold that home, allegedly in collusion with the purchaser, for an amount that recouped substantial funds for the Town but still significantly undervalued the home. In this action, Plaintiff-Appellant alleged that the excess payments and value Waterford received constituted a taking for which he was owed just compensation pursuant to the Supreme Court's recent decision in *Tyler v. Hennepin Cnty.*, 598 U.S. 631 (2023), and that the amount claimed by the Town constituted an excessive fine.

On a motion to dismiss, a plaintiff's well-pleaded allegations are taken as true. Although the district court here deemed Plaintiff-Appellant's allegations "disturbing if true," it nevertheless dismissed the action overlooking the review standard that treated it as true and liberally construed, the additional solicitude due a pro se litigant, and avoided addressing Plaintiff-Appellant's right to discovery to develop facts that countered the Defendants-Appellees' contrary version and the facts that the district court deemed subject to judicial notice. See the

language in the final sentence of Footnote 38 (page 15) of the district court's final decision: *"While Traylor's allegations are disturbing if true, they are better addressed by a state court."* This indicates judicial error, as it contradicts the court's earlier statement on page one in the "Background" section of the Order. This suggests that the court recognizes the gravity of the harm the Plaintiff-Appellant has faced and the irreparable consequences of losing his home. This acknowledgment underscores the urgency of the Plaintiff-Appellant's appeal and the need for swift action to rectify the injustice he has endured.

Moreover, in requiring the Plaintiff-Appellant to accept the auction amount for his property as the fair market value relevant to just compensation, the district court misunderstood and misapplied the relevant precedent.

A person's home is properly described as their castle. To permit a cavalier attitude by those who would take it for their own purposes without owing any obligation to the homeowner cannot be constitutionally tolerated.

## **JURISDICTIONAL STATEMENT**

The District Court had subject-matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1343. This Court has jurisdiction over this appeal under 28 U.S.C. § 1291 because the District Court entered judgment dismissing the action on February 28, 2024, and Plaintiff-Appellant filed a timely notice of appeal on March 1, 2024, Doc. 188.

### **STATEMENT OF THE ISSUES FOR REVIEW**

1. Whether a foreclosure sale by a state actor that undervalues the home and related property imposes a duty of just compensation that includes the fair value of the property sold under the Takings and Excessive Fines Clause and pursuant to the Supreme Court's decision in *Tyler v. Hennepin Cnty.*, 598 U.S. 631 (2023) so that the excess of the sale and the amount the property was undervalued is due in payment to the original owner?
2. Did the district court err in dismissing that valid claim to be instead pursued under the Connecticut Constitution while also failing to indicate that the order of dismissal was without prejudice?
3. Were the fines and interest charged on the allegedly due back taxes excessive?

## STATEMENT OF THE CASE

Plaintiff-Appellant Traylor owned and resided at 881 Vauxhall Street Extension, Quaker Hill (Waterford), Connecticut (“Traylor Home”). He also owned an adjoining property. During his ownership of his home, the State of Connecticut Superior Court found that PHH Mortgage engaged in predatory lending practices and violated the Connecticut Unfair Trade Practices Act (CUTPA) on two separate occasions. PHH Mortgage was deemed a predatory mortgage company because they attempted to obtain the plaintiff's property on the date of his wife's death without obtaining Mr. Traylor's signature, conducting a title search, or taking out property tax title insurance, which would have shown that Mr. Traylor was on the deed of his home. To date, Mr. Traylor has never signed a mortgage with PHH Mortgage.

Once the court determined that PHH Mortgage had possibly violated CUTPA, the company withdrew their foreclosure actions and ceased making any further property tax payments. Despite Mr. Traylor having two favorable court rulings stating that PHH Mortgage had violated CUTPA and had withdrawn their foreclosures, the Town of Waterford refused to allow him to sell his subdivided property to cover

the costs of the delinquent taxes. When Mr. Traylor attempted to pay the overdue taxes, the Town of Waterford refused, citing that they were set to receive payments from PHH Mortgage. Instead, the town initiated foreclosure proceedings on his home. This situation was detailed in both the district court case, *Traylor v. Pacciuco, LLC*, 3:23-cv-00329-JAM and the case *Town of Waterford v. Traylor*, No. KNL-CV18-6037728-S. See hereto marked Appendix A, B, C and D.

The Connecticut Superior Court held a hearing on Waterford's motion for summary judgment, despite Traylor's motion for a continuance because he could not participate in the hearing on that day. *Town of Waterford v. Traylor*, No. KNL-CV18-6037728-S, Dkt. Nos. 203, 203.01 (Motion for Continuance; Order); *id.*, Dkt. No. 178.50 at 1 n.1. The Court nonetheless granted Waterford's motion for summary judgment on liability. *Id.*, Dkt. Nos. 178.02, 178.50 (Order; Memorandum of Decision).

On April 29, 2021, Plaintiff appealed the decision, *Town of Waterford v. Traylor*, AC 44678, but the appeal was dismissed.

The Superior Court on remand entered a judgment of foreclosure. See *Town of Waterford v. Traylor*, No. KNL-CV18-6037728-S, Dkt. Nos. 213.02, 232.00 (Order; Notice of Judgment of Foreclosure by Sale).

Despite attempts to challenge the foreclosure and sales date, the Superior Court granted Waterford's Motion for Termination of Prospective Stay. *Town of Waterford v. Traylor*, No. KNL-CV18-6037728-S, Dkt. Nos. 216, 216.01, 216.50 (Motion; Order; Memorandum of Decision).

The back taxes, including penalties and interest, amounted to \$101,666.49. Doc. 119 and 130, ¶ 8. The home and adjoining property had an undisputed value of at least \$240,000, which also represented significant equity that Traylor had achieved during the course of his ownership.

An auction on the foreclosed property took place on December 11, 2021. Waterford awarded the home to Defendant Pacciuco, LLC on the basis of a bid of \$150,000. *Town of Waterford v. Traylor*, No. KNL-CV18-6037728-S, Dkt. No. 259 (Committee Report). The sale closed on December 30, 2021, and on January 24, 2022, the Superior Court issued its approval. *Id.*, Dkt. Nos. 258.01, 283 (Order; Return of Sale). The court inexplicably held that Traylor owed \$172,086.39, including \$7,905.51 for the sale and appraisal process and \$164,180.88 for back property taxes.

Refer to Appendix H, the check submitted for payment for back taxes in the amount of \$101,666.49.

*Id.*, Dkt. No. 301. The assessment of what was owed did not credit Traylor for the veterans' discount that he was entitled to.

In February 2023, Pacciuco filed a summary process action at the Superior Court seeking immediate possession of the Traylor Home. *Id.*, Dkt. No. 100.31 (Complaint). Plaintiff counterclaimed, and that proceeding is still pending.

Traylor filed this action in federal court in March 2023. The key aspect of the current complaint at issue in this appeal was the Town of Waterford's failure to provide Traylor with the excess value of his home and property above any alleged tax liability, pursuant to the Takings Clause of the Fifth Amendment, the Excessive Fines Clause of the Eighth Amendment, and its similar provisions in the Connecticut Constitution. The complaint alleges that failure to sell the Traylor Home at its appraised value was improper and that Plaintiff is owed the difference between the proper sales price and the amount appropriate to discharge the adjudicated debt. Traylor further alleged that, actually, his "back taxes were \$98,000.00, but they sold Mr. Traylor's \$350,000.00 home for

\$120,000.00,” and wrongfully retained the excess. Doc. 119 and 130, ¶¶ 8, 18–20.

Here is the breakdown of the back taxes:

Actual taxes due: \$46,005.80

Excessive fines, interest, and penalties: \$55,608

This results in a total of \$101,666.49, with the excessive fines representing more than 100% of the actual taxes due. The town also ignored my United States Army veteran tax discount. I was denied the opportunity to pay the \$2,302.90 in two separate tax payments, due twice a year. Over ten years, my taxes totaled \$46,005.60, but I was denied the right to pay these taxes due to my race and color. See hereto marked Appendix E, check paid to the Town of Waterford for delinquent tax.

The district court held that this claim was not otherwise barred, but found it “do[es] not state a plausible cause of action.” Doc. 184, at 9-10. The court declined. In addition to that claim, the district court dismissed all other claims, largely as foreclosed by the *Rooker-Feldman* doctrine.

Finally, the court ordered the case closed. Doc. 184, at 16.



## SUMMARY OF ARGUMENT

Waterford had a duty to sell the Traylor Home and property for an appropriate value, rather than some lesser sum. The Fifth Amendment's requirement of just compensation for a taking obligates the government to provide any difference between what is properly owed the government and what must be paid to the person whose property was taken a fair market value that reflects what the person lost.

In this case, the Town of Waterford sold a home and subdivided property for less than their value and imposed a 100% excessive fine and interest on the taxes due under the color of law because of Mr. Traylor's race. They recouped \$46,005.80 for back taxes and imposed an excessive fine of \$55,608, selling the property for a total of \$150,000. This left a surplus of \$103,994.20, including the subdivided property, which was not listed in the sale. According to *Tyler v. Hennepin County*, 598 U.S. 631 (2023), the U.S. Supreme Court ruled that the government cannot retain surplus proceeds from the sale of a seized property beyond the amount owed without compensating the property owner, as this violates the Takings Clause of the Fifth Amendment. This ruling implies that the

government must return any excess value to the property owner, ensuring fair compensation and protecting property rights.

As alleged, it did so in collusion with the purchaser. By maneuvering so that only its interests were taken care of, it avoided a constitutionally imposed obligation. The district court erred in failing to recognize it, and its decision must be reversed.

In addition, on this issue, the district court declined to exercise supplemental jurisdiction over the similar claims under the Connecticut Constitution. When doing so, 28 U.S.C. § 1367 obligates that the dismissal be without prejudice. The district court failed to denote that its dismissal was without prejudice and that constituted additional error.

### STANDARD OF REVIEW

This Court reviews decisions granting a motion to dismiss under Federal Rule of Civil Procedure 12(b)(1) or 12(b)(6) *de novo*. *See, e.g., Selevan v. N.Y. Thruway Auth.*, 584 F.3d 82, 88 (2d Cir. 2009). When doing so, this Court must “assume all well-pleaded factual allegations to be true, and determine whether they plausibly give rise to an entitlement to relief.” *Id.* 88 (internal citations and quotation marks omitted); *see also*

*Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Claims satisfy the plausibility standard “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Plausibility should not be equated with probability, but instead “asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.*

Complaints are construed in this Court liberally, with all reasonable inferences drawn in the plaintiff’s favor. *Chambers v. Time Warner, Inc.*, 282 F.3d 147, 152 (2d Cir.2002). Where, as here, the plaintiff is a *pro se* litigant, the Court that liberal construction becomes broader yet, and the complaint is interpreted it to raise the strongest grounds for relief that its allegations suggest. *See, e.g., Sykes v. Bank of Am.*, 723 F.3d 399, 403 (2d Cir. 2013) (*per curiam*).

## ARGUMENT

### I. THE DISTRICT COURT ERRED IN HOLDING THAT WATERFORD HAD NO DUTY TO OBTAIN A FAIR PRICE FOR THE FORECLOSED PROPERTY AND COMPENSATE PLAINTIFF.

#### A. Just Compensation Is Required.

Waterford had a duty to sell the Traylor Home and property for an appropriate value, rather than some lesser sum. After proceeding without substantial regard for Traylor's rights to take the property and then auction it off to pay an asserted tax liability, Waterford undertook several duties to Traylor that are imposed upon the town by the Constitution.

The Fifth Amendment prohibits government from taking private property for public use "without just compensation." U.S. Const. amend. V. The Connecticut Constitution repeats that requirement by stating that the "property of no person shall be taken for public use, without just compensation therefor." Conn. Const. art. I, § 11.

Supplementing the anti-takings mandate, the U.S. Constitution also prohibits the imposition of "excessive fines." U.S. Const. amend. VIII. Again, the Connecticut Constitution provides a similar guarantee. Conn. Const. art. I, § 8.

What the federal Takings Clause requires, with the Connecticut counterpart providing a double protection, is that "[w]hen the government physically takes possession of an interest in property for some public purpose, it has a categorical duty to compensate the former

owner, regardless of whether the interest that is taken constitutes an entire parcel or merely a part thereof.” *Brown v. Legal Found. of Washington*, 538 U.S. 216, 233 (2003) (internal citation omitted). The requirement that the Constitution imposes on the government applies “no matter how small” it may be. *Id.* at 234.

In *Tyler v. Hennepin Cnty.*, 598 U.S. 631 (2023), the U.S. Supreme Court acknowledged that, with respect to taxes, a state may “seize and sell property, including land, to recover the amount owed.” *Id.* at 638. However, because the plaintiff’s sold property yielded more money than the county had claimed, the Court held that the government “could not use the toehold of the tax debt to confiscate more property than was due.” *Id.* at 639.

By doing so, “it effected a ‘classic taking in which the government directly appropriates private property for its own use.’” *Id.* (quoting *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302, 324 (2002)). The plaintiff in *Tyler*, just like the Plaintiff here, “stated a claim under the Takings Clause and is entitled to just compensation” by alleging that the money taken was excessive. *Id.*

There can be no doubt that Traylor has similarly and sufficiently alleged a Takings. *See, e.g.*, Doc. 119 and 130 ¶ 13 (citing *Tyler*). Moreover, it is also clear that *Tyler*, relying as it did on prior precedent that stated what a “classic taking” is, is fully applicable here. Plaintiff has expressly alleged a classic taking, and it was error to dismiss it.

Because it is a classic taking, *Tyler* did not establish a new rule but “did nothing more than apply settled precedent to different factual situations,” which allows it to be applied retroactively to pending cases with facts that predate the decision. *Griffith v. Kentucky*, 479 U.S. 314, 324 (1987). *Tyler* noted that a similar result had obtained more than a century earlier in *United States v. Lawton*, 110 U.S. 146 (1884), where the Court “held that the taxpayer was still entitled to the surplus under the statute, just *as if* the Government had sold the property.” *Tyler*, 598 U.S. at 643 (emphasis added).

**B. The District Court Erred in Allowing Waterford to Define the Property’s Value.**

The district court erroneously believed that Traylor failed to provide a legal basis for the claim that Waterford was “require[d] to compensate a debtor for any deficiency between the assessed market

value of a property and the sale price at a foreclosure auction.” Doc. 184, at 10. The assertion ignores Traylor’s citations to authority.

First, as argued below, the government does not determine for itself what constitutes just compensation. Even in the 19th century, the Supreme Court recognized that just compensation meant that “no private property shall be appropriated to public uses unless a full and exact equivalent for it be returned to the owner.” *Monongahela Nav. Co. v. United States*, 148 U.S. 312, 326 (1893). As the Court explained, governmental units “may determine what private property is needed for public purposes,” . . . [b]ut when the taking has been ordered, then the question of compensation is judicial.” *Id.* at 327. The “ascertainment of that [compensation] is a judicial inquiry.” *Id.*

The *Monongahela* Court favorably quoted the venerable decision in *Proprietors of Charles River Bridge v. Proprietors of Warren Bridge*, for the proposition that “the legislature has undertaken to do what a jury of the country only could constitutionally do—assess the amount of compensation to which the complainants are entitled.” *Monongahela*, 148 U.S. at 327 (citing 36 U.S. 420, 571 (1837)).

The law has not changed in the nearly two centuries since *Charles River Bridge* was decided. In *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987), the Supreme Court rejected an argument that a state could, consistent with the federal Takings Clause, enact a general law that all property the state designates as easements for roadways, no matter the size or assessed value of the property, cannot be worth more than \$50,000. *Id.* at 831.

Moreover, the Court has long held that “just compensation normally is to be measured by ‘the market value of the property at the time of the taking.’” *Horne v. Dep’t of Agric.*, 576 U.S. 350, 368-69 (2015) (quoting *United States v. 50 Acres of Land*, 469 U.S. 24, 29 (1984)). That market value “is measured by the property owner’s loss rather than the government’s gain.” *Brown v. Legal Found. of Washington*, 538 U.S. 216, 235-36 (2003); see also *Boston Chamber of Commerce v. Boston*, 217 U.S. 189, 195 (1910) (Holmes, J.) (“the question is what has the owner lost, not what has the taker gained.”). By treating the amount Waterford gained at auction as conclusive, the district court reversed what precedent demands.



The auction may or may not reflect that market value, as well as what Traylor lost, but there is no reason to presume that it does when alternative measures provide a different number and where, as here, there are allegations of collusion to arrive at a price between Waterford and the purchaser. Doc. 119 and 130, ¶¶ 84, 160, 167.3.

Consider what happened in *Tyler*. Hennepin County sold the plaintiff's home for \$40,000 to satisfy a \$15,000 real property tax bill. *Tyler*, 598 U.S. at 634. The plaintiff did not dispute the home's value, but merely wanted the return of the \$25,000 collected in excess of that bill. *Id.* However, if Hennepin County had decided that collecting the tax bill required speed and chose to sell it for \$15,000 to recoup owed taxes and nothing more, the district court's ruling would have found the "just compensation" requirement of the Constitution satisfied. Yet such a result does not constitute just compensation according to the precedents cited that demonstrate market value and pecuniary value to the person from whom the property was taken provides the proper measure. Where the appropriate compensation is in dispute, the issue is one for a jury to decide. *See City of Monterey v. Del Monte Dunes at Monterey, Ltd.*, 526 U.S. 687, 720, 722 (1999).

**C. The Precedents Mustered by the District Court Do Not Apply Here.**

The district court reached a different result by relying on *BFP v. Resolution Trust Corp.*, 511 U.S. 531 (1994). It answered the question of

whether the consideration received from a noncollusive, real estate mortgage foreclosure sale conducted in conformance with applicable state law conclusively satisfies the Bankruptcy Code's requirement that transfers of property by insolvent debtors within one year prior to the filing of a bankruptcy petition be in exchange for "a reasonably equivalent value.

*Id.* at 533 (quoting 11 U.S.C. § 548(a)(2)).

*BFP* is inapplicable here for two reasons. First, it is an application of the bankruptcy code's "reasonably equivalent value" requirement, rather than the Constitution's just-compensation mandate. Notably, the words "just compensation" appear nowhere in the opinion. Instead, the Court undertook a construction of bankruptcy law, concluding that a "bankruptcy court must compare the price received by the insolvent debtor and the worth of the item when sold and set aside the transfer if the former was substantially ([un]reasonabl[y]) 'less than' the latter."

*Id.* at 552 (parenthetical in orig.). Yet, even that reading leaves open the door to the claims advanced in this matter. Still, just compensation does

not allow for insubstantial or reasonable variation from the appropriate value, even if bankruptcy law does.

Second, *BFP* is premised on the absence of allegations of collusion. *Id.* at 533. As already stated, those allegations are present here. For these reasons, *BFP* provides no precedential guidance on this issue. In addition, *BFP* was pre-*Tyler* and did not have the benefit of its reaffirmation that excess sale requires reimbursement to the original property owner.

The district court also cited two non-controlling decisions. In one post-*Tyler* decision cited, the Sixth Circuit held that the plaintiff “is entitled to the amount of the sale above his debt and no more.” *Freed v. Thomas*, 81 F.4th 655, 659 (6th Cir. 2023). It cited an in-circuit decision that presaged *Tyler*, but that case, *Hall v. Meisner*, 51 F.4th 185, 194 (6th Cir. 2022), did not involve a dispute over what constituted just compensation, but only whether the taking of absolute title as payment for comparatively small tax delinquencies required repayment to the original owners of the excess.

The other out-of-circuit decision cited by the District Court chides the plaintiff for failing to cite “any constitutional, statutory, precedential,

or other authority to support his theory that he is entitled to the equity amount (fair market value less tax debt) of the tax-foreclosure sale,” rather than any surplus from the actual sale. *Pung v. Cnty. of Isabella*, 632 F. Supp. 3d 743, 751–52 (E.D. Mich. 2022). Critically, that observation by the Eastern District of Michigan came in response to a summary-judgment motion, *id.* at 752, and not, as here, a motion to dismiss. Traylor had no obligation to cite authority in his amended complaint, but cited cases rehearsed in this brief as well for his argument.

Instead, Plaintiff submits that *Tyler* implies that when government takes property to satisfy a debt and thus has an obligation to pay any excess to the original property holder, it undertakes a fiduciary duty to seek market value so that it has not improperly limited its just-compensation responsibility, which cases like *Nollan* establish is improper.

## **II. THE DISTRICT COURT ERRED IN FAILING TO ACKNOWLEDGE THAT DISMISSAL OF THIS CLAIM MUST BE WITHOUT PREJUDICE.**

The district court declined to exercise supplemental jurisdiction over the state-constitutional claims that raise the same takings and excessive-fines issues. Doc. 184, at 11. The supplemental jurisdiction

statute permits a district court to exercise jurisdiction over related state claim that form the same case or controversy. 28 U.S.C. § 1367(a). District courts may also decline to exercise supplemental jurisdiction for a number of reasons. *Id.* at § 1367(c). When a federal court does so, it must be without prejudice. *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988); *see also Norton v. Town of Brookhaven*, No. 22-1015-CV, 2023 WL 3477123, at \*5 (2d Cir. May 16, 2023).

### **III. THE DISTRICT COURT FAILED TO ADDRESS THE EXCESSIVE FINES ARGUMENT.**

Plaintiff-Appellant also argued that the penalties and interest attached to the back taxes allegedly owed constitute an excessive fine under the Eighth Amendment. As demonstrated earlier, the fines and penalties exceed the amount of back taxes allegedly owed. Connecticut interest rate laws place a ceiling on the amount of interest a creditor can charge. The maximum is 12 percent in most cases, but can be 8 percent on court judgments and for property loaned at a fixed valuation. See GSC 37-1, *et seq.* A charge of penalties and interest of \$55,608 for back taxes of \$46,005.80 amounts to a usurious rate of nearly 121 percent, more than Connecticut considers appropriate. It is therefore excessive.

#### IV. CONCLUSION

For the foregoing reasons, the decision dismissing the takings and excessive fines claims should be reverse and claims where the court declined to exercise supplemental jurisdiction should only be dismissed without prejudice.

DATED: June 18, 2024

PETITIONER,  
Sylvester Traylor

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## PETITIONER'S APPENDIX

### Appendix A

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### Appendix B

- Order being appealed..... A-2

### Appendix C

- Notice of Appeal..... A-3

### Appendix D

- A copy of the two favorable Connecticut Unfair Trade Practice Act (CUTPA) rulings against PHH mortgage..... A-4

### Appendix E and Appendix F

- A copy of the tax collector's correspondence and the subdivided property..... A-5

### Appendix G

- The Town of Waterford appraised my property at \$250,000 under oath, which was an inaccurate valuation. The true value of my home, including the subdivided property, is \$387,000..... A-6

**Appendix H**

- **The check submitted for payment of back taxes in the amount of \$101,666.49..... A-7**

**Appendix I**

- **A copy of the Waterford Police Department Report setting out the hate crimes against Mr. Traylor that he has experienced since the Town of Waterford filed their tax foreclosure..... A-8**



**United States Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Court House  
40 Foley Square, New York, N.Y. 10007**

**SYLVESTER TRAYLOR ET. AL  
Plaintiff-Petitioner,**

**Docket No. 24-691-cv**

**V.**

**PACCIUCO ET. AL.,  
Defendant-Appellee,**

**CERTIFICATION PAGE**

I hereby certify that on June 18, 2024 the foregoing Petitioner's Brief for was filed electronically in the District Court. Notice of this filing was sent by e-mail to all parties by operation of the court's electronic filing system.

**This document has been sent to the following counsel of record:**

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