

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

v.

BRANDEN HUERTAS

Crim. No. 3:14cr141 (JBA)

March 13, 2015

ORDER GRANTING MOTION FOR SUPPRESSION HEARING

Defendant Branden Huertas, charged with one count of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e) and one count of unlawful possession of a firearm by a person subject to a protective order, in violation of 18 U.S.C. §§ 922(g)(8) and 924(a)(2), brings this motion [Doc. # 35] for a suppression hearing regarding the firearm that is the basis of the charges against him. The Government opposes, contending that a hearing is not necessary and that the motion can be decided on the basis of the parties' briefs alone.

“An evidentiary hearing on a motion to suppress ordinarily is required if the moving papers are sufficiently definite, specific, detailed, and nonconjectural to enable the court to conclude that contested issues of fact going to the validity of the search are in question.” *United States v. Pena*, 961 F.2d 333, 339 (2d Cir. 1992) (internal quotation marks and citations omitted). On the basis of Mr. Huertas's affidavit and the parties' briefs, the Court has determined that there are contested issues of fact here regarding Mr. Huertas's response to Officer Lattanzio's questioning of him on the evening of May 13, 2014. Therefore, the hearing that has been tentatively scheduled for March 16, 2015 at 9:30 a.m. will go forward. The hearing will be limited, however, to the factual issue in

