

Pizarro because Pizarro had already been arrested by Justin Kasperzyk at the time White gave his allegedly false identification of Pizarro to the nominal arresting officer, Paul Bicki. In support of his argument, he cites State v. Torres, 85 Conn. App. 303, 313 (Conn. App. 2004). Torres held, in accordance with a long line of precedents, that a criminal defendant's Fourth Amendment rights as expressed in the holding of Miranda v. Arizona, 384 U.S. 436 (1966) attach at the moment a person is seized. The court determined that this seizure occurs at the time, objectively, that a reasonable person would not feel free to leave the presence of the police. White argues that, applying this decision, Pizarro was arrested at the time that Kasperzyk first laid hands on him and thus, White's allegedly false identification of him to Bicki was constitutionally meaningless. This is not the holding of Torres. It offers no support for the proposition that Pizarro's Fourth Amendment rights could not be further violated after an initial arrest. As White has failed to show any controlling precedent overlooked by the Court, his motion for reconsideration must be denied on this ground.

_____ White also argues that the Court erred in denying him qualified immunity. The Court previously identified the standard for granting qualified immunity as, "was it objectively reasonable for the officers to believe that probable cause existed, or could officers of reasonable competence disagree on whether the probable cause test was met?" Lennon v. Miller, 66 F.3d 416, 425 (2d. Cir. 1995). As in his prior argument, White argues that Kasperzyk had already made a probable cause determination in arresting Pizarro, and that White's conduct thereafter was insulated from scrutiny by virtue of Kasperzyk's actions. While

