



Newark airport worker accused of threatening Obama can have guns back, appeals court says

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By **Alexi Friedman/The Star-Ledger**

NEWARK — An state appellate court today ordered a gun collection returned to the former security guard at Newark Liberty International Airport who was jailed for making threats against the president three years ago.

John Brek was arrested and his collection of 70 guns — all but one licensed — was confiscated in October 2009 after two Continental Airlines employees at Newark Airport alerted police to comments he made about cutting a hole in a fence to shoot the president. President Obama arrived at Newark Airport aboard Air Force One the next day to campaign for then-Gov. Jon Corzine.



Star-Ledger file

John Brek, seen in a 2009 photo, will get his guns back after a court ruled he was not a threat.

Brek, who spent 29 days in jail, ended up pleading guilty to a disorderly persons offense and was released. But Superior Court Judge Joseph Cassini III in Newark ruled that he was not entitled to the return of his gun collection, which Brek called a family heirloom. "Unfortunately, this time in our lives, we live in a different world," Cassini told Brek at a September 2010 court appearance. "If this incident occurred before 9/11 ... the result may have been different."

But the appellate court reversed that decision and ruled that the Essex County Prosecutor's Office did not follow proper steps according to the forfeiture statute. "Under that law, the state was required to file a civil action for forfeiture within ninety days of the seizure of the property," the two-judge appellate panel ruled in its 11-page decision. "The state neither made the requisite filing nor proffered extenuating circumstances for

an extension of that time limitation."

Brek's attorney, Moses Rambarran, who represented him in the initial criminal case, applauded the decision.

"9/11 cannot and must not be used by the judiciary and prosecutors to erode, however slight, the constitutional rights of American citizens and residents," Rambarran said in a statement. "It's just further evidence that Mr. Brek was in fact a law abiding citizen who was wrongfully arrested and jailed for 29 days without any consideration of his Second Amendment right to bear arms and Fifth Amendment right to due process. Terrorist Threats to kill President Obama and all illegal gun possession charges were dismissed in 2010 and, yet the court still retained his property."

The Essex County Prosecutor's Office, which has the guns in its possession, is reviewing the opinion, said Katherine Carter, a spokeswoman.

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