

SUPREME COURT OF CONNECTICUT

State v. Spencer, 275 Conn. 171

881 A.2d 209 (2005) · No. No. 17199 · Decided August 30, 2005

SUMMARY

The Connecticut Supreme Court reviewed the reversal of Anthony Spencer’s convictions for kidnapping, sexual assault, and risk of injury to a child based on prosecutorial misconduct during closing argument. The court held that although misconduct deprived Spencer of a fair trial on the kidnapping and first-degree sexual-assault convictions, the evidence supporting the second-degree sexual-assault and risk-of-injury convictions was overwhelming and the misconduct was not central to those charges. The court therefore reversed the Appellate Court in part.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Vertefeuille, J.; Borden, J.; Norcott, J.; Palmer, J.; Zarella, J.
JURISDICTION	Connecticut
DECIDED	August 30, 2005
DOCKET	No. 17199
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The state appealed, following the Supreme Court of Connecticut's grant of certification, from the Appellate Court's judgment reversing the defendant's convictions on multiple criminal counts because of prosecutorial misconduct.
STANDARD OF REVIEW	De novo review of whether prosecutorial misconduct deprived the defendant of due process and a fair trial, applying the Williams factors to the entire trial. The impact of misconduct is examined separately as to each conviction. The court also reviewed de novo whether to exercise its supervisory authority.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Connecticut
PARTIES	State of Connecticut v. Anthony Spencer

TOPICS

- prosecutorial misconduct
- due process
- criminal procedure
- appellate procedure
- statutory interpretation

PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether prosecutorial misconduct during closing argument deprived the defendant of a fair trial on the convictions for second-degree sexual assault and risk of injury to a child.
2. Whether the impact of prosecutorial misconduct must be analyzed separately for each conviction rather than only as to the trial as a whole.
3. Whether the court should exercise its supervisory authority to order a new trial on all counts because of recurring prosecutorial misconduct.

HOLDINGS

1. When prosecutorial misconduct has occurred, an appellate court must apply the Williams factors to the entire trial regardless of whether the defendant objected at trial; the specific Golding test is superfluous in this context.
2. The inquiry into whether prosecutorial misconduct deprived a defendant of a fair trial requires examination of the misconduct's impact on each conviction; some convictions may stand while others are reversed.
3. The misconduct did not deprive Spencer of a fair trial on those two convictions because the state's evidence was overwhelming, the misconduct was not central to the critical issues for those charges, and defense counsel effectively conceded the charges.
4. The court declined to invoke its supervisory authority to order a new trial on the convictions that were allowed to stand.

KEY QUOTATIONS

“In light of these observations, we conclude that, following a determination that prosecutorial misconduct has occurred, regardless of whether it was objected to, an appellate court must apply the Williams factors to the entire trial.” (214-15)

“Thus, the inquiry into whether there was a fair trial requires an examination of the impact of the misconduct on each conviction. Depending on the outcome of the analysis, the conviction on some charges may be allowed to stand, while others may be reversed.” (216-17)

“We conclude that the overwhelming strength of the state's case, the lack of centrality of the misconduct to the conviction of sexual assault in the second degree and risk of injury to a child, and defense counsel's apparent concession of guilt on these charges during his closing argument outweigh the other Williams factors, and, thus, the Appellate Court improperly determined that the defendant was deprived of his right to a fair trial on these charges.” (220)

FACTUAL BACKGROUND

A twenty-four-year-old defendant forced a fourteen-year-old girl into his car, drove her to a motel, threatened her with a partially concealed knife, and engaged in sexual intercourse with her. The victim reported the incident after escaping at her boyfriend's residence. At trial, the defendant admitted having sexual intercourse with the victim but claimed it was consensual and that he believed she was eighteen; DNA evidence corroborated the occurrence of intercourse.

PROCEDURAL HISTORY

A jury convicted Spencer of first-degree kidnapping, first- and second-degree sexual assault, and risk of injury to a child. The Appellate Court reversed the convictions and ordered a new trial on all counts, concluding that unobjected-to prosecutorial misconduct during closing argument deprived Spencer of a fair trial. The Supreme Court of Connecticut agreed that the misconduct required a new trial on the kidnapping and first-degree sexual-assault charges, but held that the misconduct did not prejudice the convictions for second-degree sexual assault and risk of injury to a child.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse in part the Appellate Court's judgment; direct that court to affirm the trial court's judgment as to the convictions for second-degree sexual assault and risk of injury to a child, and remand the case to the trial court for a new trial on first-degree kidnapping and first-degree sexual assault.

CASES CITED

- State v. Spencer, 81 Conn. App. 320, 840 A.2d 7 (2004)
- State v. Ancona, 270 Conn. 568, 854 A.2d 718 (2004)
- State v. Williams, 204 Conn. 523, 529 A.2d 653 (1987)
- State v. Coney, 266 Conn. 787, 835 A.2d 977 (2003)
- State v. Thompson, 266 Conn. 440, 832 A.2d 626 (2003)
- State v. Beaulieu, 274 Conn. 471, 876 A.2d 1155 (2005)
- State v. Aponte, 249 Conn. 735, 738 A.2d 117 (1999)
- State v. Perruccio, 192 Conn. 154, 471 A.2d 632 (1984)
- State v. Pickering, 180 Conn. 54, 428 A.2d 322 (1980)
- State v. Jason B., 248 Conn. 543, 729 A.2d 760 (1999)
- State v. Blake, 63 Conn. App. 536, 777 A.2d 709 (2001)
- State v. Plude, 30 Conn. App. 527, 621 A.2d 1342 (1993)
- State v. Couture, 194 Conn. 530, 482 A.2d 300 (1984)
- State v. Pelletier, 196 Conn. 32, 490 A.2d 515 (1985)
- State v. James G., 268 Conn. 382, 844 A.2d 810 (2004)

- State v. Payne, 260 Conn. 446, 797 A.2d 1088 (2002)
- State v. Singh, 259 Conn. 693, 793 A.2d 226 (2002)
- State v. Butler, 255 Conn. 828, 769 A.2d 697 (2001)
- State v. Golding, 213 Conn. 233, 567 A.2d 823 (1989)
- State v. Ramos, 261 Conn. 156, 801 A.2d 788 (2002)
- State v. DeJesus, 260 Conn. 466, 797 A.2d 1101 (2002)
- Ramos v. Commissioner of Correction, 248 Conn. 52, 727 A.2d 213 (1999)

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