

SUPREME COURT OF CONNECTICUT

State v. Luurtsema

262 Conn. 179 (2002) · Decided December 24, 2002

SUMMARY

The Connecticut Supreme Court affirmed the defendant's convictions for attempted sexual assault in the first degree, first-degree kidnapping, and second-degree assault. The court held that the defendant's statement, given after a warrantless home arrest supported by probable cause, was sufficiently attenuated from the arrest's constitutional taint under the totality-of-the-circumstances test. The court also rejected the defendant's claim that the evidence was insufficient to support the kidnapping conviction.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Zarella, J.; Sullivan, C. J.; Borden, J.; Vertefeuille, J.
JURISDICTION	Connecticut
DECIDED	December 24, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed from a judgment of conviction after a jury trial for attempted sexual assault in the first degree, first-degree kidnapping, and second-degree assault, followed by a nolo contendere plea to being a persistent dangerous felony offender. He challenged the denial of his motion to suppress a statement obtained after a warrantless home arrest and the sufficiency of the evidence supporting the kidnapping conviction.
STANDARD OF REVIEW	Factual findings on a motion to suppress are reviewed for clear error, while challenged legal conclusions are reviewed to determine whether they are legally and logically correct and supported by the factual findings. Because the relevant suppression issue involved undisputed facts and a pure question of law, review was plenary. A sufficiency-of-the-evidence claim is reviewed by construing the evidence in the light most favorable to sustaining the verdict and determining whether the jury reasonably could have found guilt beyond a reasonable doubt.
PRECEDENTIAL VALUE	published precedential opinion

TOPICS

suppression of evidence

search and seizure

fourth amendment

criminal procedure

evidence

PRACTICE AREAS

criminal procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether, under article first, § 7, of the Connecticut Constitution, a statement obtained after a warrantless home arrest supported by probable cause is admissible when the statement is sufficiently attenuated from the unlawful arrest under the totality of the circumstances.
2. Whether the evidence was sufficient to establish first-degree kidnapping under General Statutes § 53a-92 (a) (2) (A), where the defendant moved the victim from a couch to the floor and forcibly restrained her during conduct also constituting sexual assault and assault.

HOLDINGS

1. Under article first, § 7, of the Connecticut Constitution, admissibility must be determined under a *Brown v. Illinois* facts-and-circumstances attenuation analysis. No single factor is dispositive; the court must consider Miranda warnings, temporal proximity, intervening circumstances, and the purpose and flagrancy of the police misconduct. The defendant's statement was sufficiently attenuated from the unlawful arrest and was properly admitted.
2. The kidnapping statute does not require a particular distance, duration, or substantial movement of the victim. Restriction of movement alone may establish the restraint and abduction elements when accomplished with the intent to prevent liberation, and kidnapping may be separately proved even when the restraint is integral or incidental to another felony. The evidence was sufficient for the jury to find first-degree kidnapping.

KEY QUOTATIONS

"We conclude, therefore, that, in light of the principles announced in Geisler III, as well as the history of case law underscoring the purpose of the attenuation doctrine, the Brown facts and circumstances test provides the proper analytical framework for determining whether the taint of a warrantless home arrest that is supported by probable cause is sufficiently attenuated." (196-197)

"Nowhere in this language is there a requirement of movement on the part of the victim. Rather, we read the language of the statute as allowing the restriction of movement alone to serve as the basis for kidnapping." (201-202)

"The proper inquiry is not whether the kidnapping was incidental to [other offenses], but whether the restraint was accomplished with the requisite intent to constitute kidnapping, as well as the state of mind required for [the other offenses]." (202-203)

FACTUAL BACKGROUND

The defendant visited the victim at her apartment, where they consumed beer and smoked crack cocaine. After a neighbor left at the defendant's request, the defendant pulled the victim from a couch to the floor, removed her clothing, forced her legs apart, and manually choked her until she could not breathe. The victim escaped to a convenience store, where police observed facial and neck injuries consistent with manual strangulation. The next day, police entered the defendant's residence without an arrest warrant, arrested him based on probable cause, and obtained a written statement approximately eleven hours later after twice advising him of his Miranda rights.

PROCEDURAL HISTORY

The trial court denied the defendant's motion to suppress, finding that the warrantless home arrest lacked the required arrest warrant even though it was supported by probable cause, but concluding that the defendant's later statement was sufficiently attenuated from the unlawful arrest. A jury convicted the defendant of the substantive offenses, and he pleaded nolo contendere to the persistent-offender charge. The trial court entered judgment and imposed a total effective sentence of forty-five years. The appeal was transferred from the Appellate Court to the Connecticut Supreme Court.

DISPOSITION

affirmed

CASES CITED

- State v. Blackman, 246 Conn. 547, 716 A.2d 101 (1998)
- State v. Clark, 255 Conn. 268, 764 A.2d 1251 (2001)
- State v. Geisler, 222 Conn. 672, 610 A.2d 1225 (1992)
- Wong Sun v. United States, 371 U.S. 471 (1963)
- United States v. Calandra, 414 U.S. 338 (1974)
- Nardone v. United States, 308 U.S. 338 (1939)
- Segura v. United States, 468 U.S. 796 (1984)
- Brown v. Illinois, 422 U.S. 590 (1975)
- New York v. Harris, 495 U.S. 14 (1990)
- State v. Geisler, 22 Conn. App. 142, 576 A.2d 1283 (1990)
- State v. Geisler, 25 Conn. App. 282, 594 A.2d 985 (1991)
- State v. Ostroski, 201 Conn. 534, 518 A.2d 915 (1986)
- State v. Dugaard, 32 Conn. App. 483, 630 A.2d 96 (1993), *aff'd*, 231 Conn. 195, 647 A.2d 342 (1994)
- Taylor v. Alabama, 457 U.S. 687 (1982)
- State v. Schroff, 206 Conn. 182, 536 A.2d 952 (1988)
- State v. Niemeyer, 258 Conn. 510, 782 A.2d 658 (2001)
- State v. Wilcox, 254 Conn. 441, 741 A.2d 966 (2000)
- State v. Gomez, 225 Conn. 347, 622 A.2d 1014 (1993)

- State v. Chetcuti, 173 Conn. 165, 377 A.2d 263 (1977)
- State v. Vass, 191 Conn. 604, 469 A.2d 767 (1983)
- State v. Hanson, 210 Conn. 519, 556 A.2d 1007 (1989)
- State v. Troupe, 237 Conn. 284, 677 A.2d 917 (1996)
- State v. Tweedy, 219 Conn. 489, 594 A.2d 906 (1991)
- State v. Jones, 215 Conn. 173, 575 A.2d 216 (1990)