

SUPREME COURT OF CONNECTICUT

State of Connecticut v. Melinda Chantea Fisher

State of Connecticut v. Melinda Chantea Fisher · No. SC 20559 · Decided March 1, 2022

SUMMARY

The Connecticut Supreme Court affirmed Melinda Chantea Fisher’s convictions for two counts of second-degree assault. The court held that sufficient circumstantial evidence supported the jury’s finding that Fisher intended to cause serious physical injury, that the trial court properly limited cross-examination concerning the victim’s related civil action, and that a paramedic was properly permitted to testify as an expert regarding concussion symptoms.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Keller, J.; Robinson, C. J.; McDonald, J.; D’Auria, J.; Kahn, J.; Ecker, J.
JURISDICTION	Connecticut
DECIDED	March 1, 2022
DOCKET	SC 20559
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of conviction following a jury trial, and the Supreme Court of Connecticut reviewed the appeal after transferring it from the Appellate Court.
STANDARD OF REVIEW	Sufficiency of the evidence 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. Restrictions on cross-examination are reviewed first for constitutional adequacy and, if adequate, for abuse of discretion and resulting prejudice. Admission of expert testimony is reviewed for abuse of discretion, with reversal available only upon a showing of harmful error.
PRECEDENTIAL VALUE	Published Connecticut Supreme Court opinion; precedential value indicated by the official-publication notice and the source metadata.
PARTIES	Melinda Chantea Fisher v. State of Connecticut

TOPICS

criminal procedure

sixth amendment

impeachment

expert testimony

evidence

PRACTICE AREAS

criminal law

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appellate review

QUESTIONS PRESENTED

1. Whether sufficient evidence supported Fisher's conviction for second-degree assault requiring an intent to cause serious physical injury.
2. Whether the trial court improperly restricted cross-examination of the victim concerning her pending civil action against Fisher and properly excluded the civil complaint from evidence.
3. Whether the trial court properly permitted a paramedic to testify as an expert regarding the general signs and symptoms of a concussion despite not having examined the victim.

HOLDINGS

1. The evidence was sufficient to support Fisher's conviction for second-degree assault because the jury reasonably could find beyond a reasonable doubt that she intended to cause serious physical injury and caused the victim a concussion and facial disfigurement.
2. The trial court neither violated Fisher's confrontation rights nor abused its discretion by allowing inquiry into the existence and allegations of the victim's civil action while precluding more extensive inquiry into the specific damages amount and admission of the complaint.
3. The trial court properly admitted the paramedic's expert testimony concerning the signs and symptoms a paramedic looks for when evaluating a patient for a concussion, and any error would have been harmless because the testimony was cumulative.

KEY QUOTATIONS

"Cross-examination [to elicit facts tending to show] motive, bias, interest and prejudice is a matter of right and may not be unduly restricted."

"The [c]onfrontation [c]lause guarantees an opportunity for effective cross-examination, not cross-examination that is effective in whatever way, and to whatever extent, the defense might wish."

FACTUAL BACKGROUND

Melinda Chantea Fisher attacked her supervisor, Lura Terrace, at an elementary school after a confrontation about Fisher's late arrival at work. Fisher punched and scratched Terrace, pursued her down a hallway, slammed her head repeatedly against a cinder block wall, and kicked her while she was on the floor. Terrace sustained a nasal fracture, concussion, and severe postconcussion syndrome. Fisher testified that she intended to hurt Terrace but denied intending to cause serious physical injury and claimed that she could not recall much of the assault.

PROCEDURAL HISTORY

The defendant was charged in the Superior Court for the judicial district of New Britain with two counts of assault in the first degree, one count of attempted assault in the first degree, and three counts of assault in the second degree. After a jury trial before Oliver, J., she was convicted of two counts of assault in the second degree; the trial court conditionally vacated one conviction pursuant to *State v. Polanco* and sentenced her on the remaining count. The Supreme Court transferred the appeal from the Appellate Court and affirmed.

DISPOSITION

affirmed

CASES CITED

- *State v. James E.*, 327 Conn. 212, 218, 173 A.3d 380 (2017)
- *State v. Taupier*, 330 Conn. 149, 187, 193 A.3d 1 (2018), cert. denied, 139 S. Ct. 1188, 203 L. Ed. 2d 202 (2019)
- *State v. Bonilla*, 317 Conn. 758, 766, 120 A.3d 481 (2015)
- *State v. Bennett*, 307 Conn. 758, 766, 59 A.3d 221 (2013)
- *State v. Lamantia*, 336 Conn. 747, 756-757, 250 A.3d 648 (2021)
- *State v. Ayala*, 333 Conn. 225, 237, 215 A.3d 116 (2019)
- *State v. Perugini*, 153 Conn. App. 773, 782-783, 107 A.3d 435 (2014), cert. denied, 315 Conn. 911, 106 A.3d 305 (2015)
- *State v. Aviles*, 107 Conn. App. 209, 218-219, 944 A.2d 994 (2008), cert. denied, 287 Conn. 922, 951 A.2d 570 (2008)
- *State v. Corona*, 69 Conn. App. 267, 269, 277-279, 794 A.2d 565 (2002), cert. denied, 260 Conn. 935, 802 A.2d 88 (2002)
- *State v. Cecil J.*, 291 Conn. 813, 821-822, 970 A.2d 710 (2009)
- *State v. Bermudez*, 341 Conn. 233, 271, A.3d (2021)
- *State v. Clark*, 260 Conn. 813, 826-830, 801 A.2d 718 (2002)
- *State v. Edwards*, 334 Conn. 688, 706, 224 A.3d 504 (2020)
- *State v. Milum*, 197 Conn. 602, 609-612, 500 A.2d 555 (1985)
- *State v. Arline*, 223 Conn. 52, 61, 612 A.2d 755 (1992)
- *State v. Colton*, 227 Conn. 231, 250-251, 630 A.2d 577 (1993)
- *State v. Ballas*, 180 Conn. 662, 676-677, 433 A.2d 989 (1980)
- *State v. Reis*, 33 Conn. App. 521, 524-526, 636 A.2d 872 (1994), cert. denied, 229 Conn. 901, 640 A.2d 118 (1994)
- *State v. Murdick*, 23 Conn. App. 692, 696, 583 A.2d 1318 (1991), cert. denied, 217 Conn. 809, 585 A.2d 1233 (1991)
- *United States v. Cohen*, 163 F.2d 667, 668-669 (3d Cir. 1947)
- *Maslin v. State*, 124 Md. App. 535, 541-542, 723 A.2d 490 (1999), cert. denied, 354 Md. 115, 729 A.2d 406 (1999)

- State v. Tiernan, 941 A.2d 129, 132, 137 (R.I. 2008)
- State v. Williams, 317 Conn. 691, 701-702, 119 A.3d 1194 (2015)
- State v. Guilbert, 306 Conn. 218, 230, 49 A.3d 705 (2012)
- State v. Polanco, 308 Conn. 242, 61 A.3d 1084 (2013)
- State v. Tomlinson, 340 Conn. 533, 553 n.7, 264 A.3d 950 (2021)
- State v. Dawson, 340 Conn. 136, 141 nn.7-8, 263 A.3d 779 (2021)
- State v. Collins, 206 Conn. App. 438, 443-444, 260 A.3d 507, cert. denied, 339 Conn. 914, 262 A.3d 135 (2021)
- Nicholson v. Commissioner of Correction, 186 Conn. App. 398, 421, 199 A.3d 573 (2018), cert. denied, 330 Conn. 961, 199 A.3d 19, cert. denied sub nom. Nicholson v. Cook, 140 S. Ct. 70, 205 L. Ed. 2d 76 (2019)
- State v. Jackson, 334 Conn. 793, 812, 224 A.3d 886 (2020)
- Kairon v. Burnham, 120 Conn. App. 291, 295-296, 991 A.2d 675, cert. denied, 297 Conn. 906, 995 A.2d 634 (2010)
- State v. Pjura, 68 Conn. App. 119, 121, 789 A.2d 1124 (2002)