

CONNECTICUT APPELLATE COURT

State v. Nathan S.

State v. Nathan S. · No. AC46561 · Decided December 23, 2025

SUMMARY

This concurrence in State v. Nathan S. addresses the admission of testimony that the defendant made comments to his son about the physical appearances of middle school girls. The concurring judge agrees that the defendant could not establish harm but concludes that the evidence was improperly admitted under the Connecticut Code of Evidence provisions concerning propensity and other sexual misconduct. The concurrence reasons that the comments were not misconduct and were not committed upon a person similar to the alleged victim.

CASE DETAILS

COURT	Connecticut Appellate Court
WRITING FOR THE COURT	Wilson, J.
JURISDICTION	Connecticut Appellate Court
DECIDED	December 23, 2025
DOCKET	AC46561
DISPOSITION	other
PROCEDURAL POSTURE	The defendant appealed from a criminal judgment following the trial court's admission of evidence concerning comments he made about the physical appearance of middle-school girls. The concurrence agrees with the majority's result because the defendant failed to establish harm, but concludes that the evidentiary ruling was erroneous.
STANDARD OF REVIEW	Interpretation of the Connecticut Code of Evidence is reviewed plenary; when the trial court applies a correct legal standard, the evidentiary ruling is reviewed for abuse of discretion. For a nonconstitutional evidentiary error, the defendant bears the burden of demonstrating harm.
PRECEDENTIAL VALUE	Published concurrence; the concurrence's reasoning is not a majority holding.
PARTIES	Nathan S. v. State of Connecticut

TOPICS

evidence

character evidence

criminal procedure

standard of review

appellate procedure

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the defendant's comments about middle-school girls constituted other sexual misconduct admissible to prove propensity under § 4-5 (b) of the Connecticut Code of Evidence.
2. Whether the comments were admissible under § 4-5 (c) to prove the defendant's specific intent to obtain sexual gratification.
3. Whether the evidentiary error was harmful when the defendant failed to demonstrate that the admission of the evidence affected the result.

HOLDINGS

1. The comments did not fall within § 4-5 (b). They were private comments that may have been in poor taste but were not improper, wrong, or unlawful misconduct, and they were not misconduct committed upon a person similar to the alleged victim.
2. The trial court abused its discretion by admitting the comments under § 4-5 (c) to prove specific intent because the evidence was cumulative of the victim's testimony and other available evidence, and the defendant's intent would not reasonably have been in doubt if the alleged physical contact occurred.
3. The defendant could not prevail because he failed to satisfy his burden of proving that the nonconstitutional evidentiary error was harmful.

KEY QUOTATIONS

"In my view, these comments may have been in poor taste, but I do not view them as improper or wrong. And they certainly are not unlawful." (at 12-13)

"We are particularly concerned about the dangerous prejudicial weight that uncharged misconduct evidence can bring to a trial, considering the powerful potential for this type of evidence to impermissibly demonstrate a defendant's propensity for criminal behavior" (at 19-20)

"prior misconduct evidence should not be the state's tool of first resort in proving an element of the charged crime, considering the typically slight value and particularly grave danger of such evidence." (at 20-21)

"Accordingly, I conclude that the evidence was merely cumulative in nature and, thus, the court abused its discretion in admitting the evidence under § 4-5 (c) of the Connecticut Code of Evidence." (at 22)

FACTUAL BACKGROUND

The defendant's son, U, testified that when the defendant drove him to middle school, the defendant commented on the physical appearance of female middle-school students, including that one had a "nice butt" and another was "very pretty." The comments were made privately to U and were not alleged to have been directed to or

heard by the girls. The charged case involved alleged sexual contact between the defendant and an eleven-year-old victim, with the state required to prove that the defendant acted for the purpose of sexual gratification.

PROCEDURAL HISTORY

During the criminal trial, the court admitted testimony from the defendant's son concerning the defendant's comments about middle-school girls under § 4-5 (b) and, alternatively, § 4-5 (c) of the Connecticut Code of Evidence. The defendant challenged the admission on appeal. The concurrence concludes that admission under both provisions was improper or an abuse of discretion, but agrees with the majority that the defendant failed to prove harmful error and therefore concurs in the result.

DISPOSITION

other

CASES CITED

- State v. Myers, 352 Conn. 770, 779-80, 338 A.3d 1088 (2025)
- State v. Juan J., 344 Conn. 1, 20, 22, 276 A.3d 935 (2022)
- State v. DeJesus, 288 Conn. 418, 470-72, 953 A.2d 45 (2008)
- State v. Marcello E., 351 Conn. 345, 357-65, 330 A.3d 577 (2025)
- State v. Onofrio, 179 Conn. 23, 29, 425 A.2d 560 (1979)
- State v. Bonds, 172 Conn. App. 108, 116-17, 158 A.3d 826, cert. denied, 326 Conn. 907, 163 A.3d 1206 (2017)
- State v. Daniel W., 180 Conn. App. 76, 88, 182 A.3d 665, cert. denied, 328 Conn. 929, 182 A.3d 638 (2018)
- State v. Maguire, 310 Conn. 535, 572, 78 A.3d 828 (2013)
- Cochran v. Dept. of Transportation, 350 Conn. 844, 851, 327 A.3d 901 (2024)
- State v. Papineau, 182 Conn. App. 756, 780, 190 A.3d 913, cert. denied, 330 Conn. 916, 193 A.3d 1212 (2018)
- State v. Baldwin, 224 Conn. 347, 356, 618 A.2d 513 (1993)

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