

SUPREME COURT OF CONNECTICUT

State v. Lawrence, 282 Conn. 141

920 A.2d 236 (2007) · No. No. 17452 · Decided April 24, 2007

SUMMARY

The Connecticut Supreme Court affirmed David Lawrence’s convictions for narcotics offenses, including possession with intent to sell and conspiracy. The court held that the trial court did not clearly err in finding that police had not threatened Lawrence with removal of his children and grandchildren, and it declined to overrule precedent requiring the state to prove confession voluntariness by a preponderance of the evidence.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Borden, J.; Norcott, J.; Katz, J.; Palmer, J.; Vertefeuille, J.; Zarella, J.; Gruendel, J.
JURISDICTION	Connecticut
DECIDED	April 24, 2007
DOCKET	No. 17452
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed from a judgment of conviction entered after a jury trial. The Supreme Court of Connecticut considered the appeal after transferring it from the Appellate Court.
STANDARD OF REVIEW	The Supreme Court reviewed the trial court's subsidiary factual findings concerning the circumstances of the interrogation and alleged threats for clear error, while independently and plenary reviewing the ultimate legal determination of voluntariness. The unpreserved jury-instruction claim was reviewed under the third prong of State v. Golding and the plain-error doctrine.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	David Lawrence v. State of Connecticut

TOPICS

- criminal procedure
- suppression of evidence
- due process
- burden of proof
- appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court clearly erred in finding that police did not threaten to have the Department of Children and Families remove the defendant's children and grandchildren, and whether the defendant's oral and written statements were voluntary.
2. Whether the Connecticut Constitution requires the state to prove the voluntariness of a confession beyond a reasonable doubt rather than by a preponderance of the evidence.
3. Whether the trial court's jury instruction concerning the state's interest in obtaining a guilty verdict improperly undermined the presumption of innocence and the state's burden to prove guilt beyond a reasonable doubt.
4. Whether use of the challenged jury instruction constituted plain error.

HOLDINGS

1. The trial court's finding that the alleged threats did not occur was not clearly erroneous. Considering the totality of the circumstances, the defendant's oral and written statements were voluntary and were properly admitted.
2. The Connecticut Constitution requires the state to prove the voluntariness of a confession by a preponderance of the evidence, not beyond a reasonable doubt. The court declined to overrule *State v. James*.
3. The jury instruction did not undermine the presumption of innocence or the state's burden of proof because, when considered in its entirety, the charge adequately instructed the jury on those principles and did not reasonably mislead it.
4. The trial court's use of the challenged instruction did not constitute plain error because any potential danger of misunderstanding did not affect the fairness, integrity, or public confidence in the proceeding and did not result in manifest injustice.

KEY QUOTATIONS

"The state has the burden of proving the voluntariness of the confession by a fair preponderance of the evidence." (245-46)

"The preponderance standard, we believe, is entirely consonant with the general contours of a constitutional safeguard rooted in flexible principles of due process." (255)

"The judgment is affirmed." (263)

FACTUAL BACKGROUND

Police executed a search warrant at David Lawrence's Waterbury residence and found approximately 106 grams of powder cocaine, 15.5 grams of crack cocaine, packaging materials, and a digital scale. Lawrence made oral

and written statements claiming ownership of the cocaine and related paraphernalia. He later testified that a detective threatened that the Department of Children and Families would remove his children and grandchildren unless he confessed, but other officers denied hearing or making such threats, and the trial court discredited Lawrence's testimony.

PROCEDURAL HISTORY

Lawrence was convicted of two counts of possession of narcotics with intent to sell, conspiracy to possess narcotics with intent to sell, and possession of a controlled substance with intent to sell within 1,500 feet of a licensed child day care center. Before trial, the trial court denied his motion to suppress oral and written confessions allegedly induced by threats concerning removal of his children and grandchildren. The jury convicted him, and the Supreme Court affirmed, rejecting both the suppression claim and the unpreserved challenge to the jury instructions.

DISPOSITION

affirmed

CASES CITED

- State v. James, 237 Conn. 390, 678 A.2d 1338 (1996)
- Lego v. Twomey, 404 U.S. 477, 92 S. Ct. 619, 30 L. Ed. 2d 618 (1972)
- State v. Pinder, 250 Conn. 385, 736 A.2d 857 (1999)
- State v. Geisler, 222 Conn. 672, 610 A.2d 1225 (1992)
- State v. Reynolds, 264 Conn. 1, 836 A.2d 224 (2003), cert. denied, 541 U.S. 908 (2004)
- Colorado v. Connelly, 479 U.S. 157, 107 S. Ct. 515, 93 L. Ed. 2d 473 (1986)
- State v. Lapointe, 237 Conn. 694, 678 A.2d 942 (1996), cert. denied, 519 U.S. 994 (1996)
- State v. Warholc, 278 Conn. 354, 897 A.2d 569 (2006)
- State v. Wilson, 71 Conn. App. 110, 800 A.2d 653 (2002), cert. denied, 262 Conn. 905 (2002)
- State v. Golding, 213 Conn. 233, 567 A.2d 823 (1989)
- Ajadi v. Commissioner of Correction, 280 Conn. 514, 911 A.2d 712 (2006)
- State v. Allen, 28 Conn. App. 81, 611 A.2d 886 (1992), cert. denied, 223 Conn. 920 (1992)
- State v. Carpenter, 275 Conn. 785, 882 A.2d 604 (2005), cert. denied, 126 S. Ct. 1578 (2006)
- State v. Smith, 275 Conn. 205, 881 A.2d 160 (2005)
- State v. O'Neil, 261 Conn. 49, 801 A.2d 730 (2002)
- State v. Marshall, 83 Conn. App. 418, 850 A.2d 1066 (2004), cert. denied, 271 Conn. 904 (2004)
- State v. Torres, 82 Conn. App. 823, 847 A.2d 1022 (2004), cert. denied, 270 Conn. 909 (2004)
- State v. Tyson, 43 Conn. App. 61, 682 A.2d 536 (1996), cert. denied, 239 Conn. 933 (1996)
- State v. Wesley, 277 Conn. 526, 893 A.2d 389 (2006)
- Burton v. Mottoliese, 267 Conn. 1, 835 A.2d 998 (2003), cert. denied, 541 U.S. 1073 (2004)
- State v. Laracuenta, 205 Conn. 515, 534 A.2d 882 (1987), cert. denied, 485 U.S. 1036 (1988)

- In re Quanitra M., 60 Conn. App. 96, 758 A.2d 863 (2000), cert. denied, 255 Conn. 903 (2000)
- State v. Staples, 175 Conn. 398, 399 A.2d 1269 (1978)
- Rogers v. Richmond, 365 U.S. 534, 81 S. Ct. 735, 5 L. Ed. 2d 760 (1961)
- In re Winship, 397 U.S. 358, 90 S. Ct. 1068, 25 L. Ed. 2d 368 (1970)
- Nix v. Williams, 467 U.S. 431, 104 S. Ct. 2501, 81 L. Ed. 2d 377 (1984)
- Frazier v. Cupp, 394 U.S. 731, 89 S. Ct. 1420, 22 L. Ed. 2d 684 (1969)
- United States v. Byram, 145 F.3d 405 (1st Cir. 1998)
- Green v. Scully, 850 F.2d 894 (2d Cir. 1988), cert. denied, 488 U.S. 945 (1988)
- State v. Marsala, 216 Conn. 150, 579 A.2d 58 (1990)
- State v. Miranda, 274 Conn. 727, 878 A.2d 1118 (2005)