

SUPREME COURT OF CONNECTICUT

State v. O'Neil

261 Conn. 49 (2002) · Decided July 23, 2002

SUMMARY

The Connecticut Supreme Court affirmed Caesar O’Neil’s murder conviction. The court held that the trial court’s Chip Smith anti-deadlock instruction was not impermissibly coercive and did not violate the defendant’s constitutional rights. The court also rejected the defendant’s challenge to the admission of information concerning unrelated pending criminal matters.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Zarella, J.; Sullivan, C.J.; Katz, J.; Palmer, J.
JURISDICTION	Connecticut
DECIDED	July 23, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed from a judgment of conviction rendered after a jury trial. He challenged the use of a Chip Smith deadlock instruction and the admission of evidence concerning two unrelated criminal matters pending against him. The Supreme Court of Connecticut affirmed.
STANDARD OF REVIEW	An unpreserved constitutional claim was reviewed under State v. Golding. The admissibility of prior-misconduct evidence was reviewed for abuse of discretion, with the trial court's ruling upheld unless abuse of discretion was manifest or an injustice appeared.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Caesar O'Neil v. State

TOPICS

- jury instructions
- criminal procedure
- evidence
- due process
- equal protection

PRACTICE AREAS

- criminal procedure
- criminal evidence
- constitutional law
- jury instructions

QUESTIONS PRESENTED

1. Whether the trial court's Chip Smith instruction impermissibly coerced minority-view jurors and violated the defendant's state and federal constitutional rights to a unanimous jury verdict, due process, equal protection, and a jury selected from a fair cross-section of the community.
2. Whether the trial court abused its discretion by admitting testimony concerning two unrelated criminal matters pending against the defendant and the portion of a coded letter referring to those matters.

HOLDINGS

1. A Chip Smith instruction is an acceptable method of encouraging a deadlocked jury to reach unanimity when, viewed as a whole, it encourages consideration of fellow jurors' views while reminding jurors not to surrender their conscientiously held beliefs or acquiesce merely to reach a verdict. The instruction used in this case was not unduly coercive and did not violate the defendant's constitutional rights.
2. The court declined to overrule its prior decisions approving the Chip Smith charge and reaffirmed the charge's validity.
3. The trial court did not abuse its discretion by admitting limited evidence concerning the existence of the two pending criminal matters and the second paragraph of the coded letter because the evidence was relevant to establishing the defendant's authorship of the letter and the probative value outweighed its prejudicial effect.

KEY QUOTATIONS

"After carefully considering the widely divergent treatment of antideadlock instructions by the federal courts and the courts of other states, we reaffirm the use of the Chip Smith charge as an acceptable method of encouraging jury unanimity." (73-74)

"Do not ever change your mind just because other jurors see things differently or to get the case over with. As I told you before, in the end, your vote must be exactly that—your own vote." (75-76)

"We, therefore, conclude that the trial court did not abuse its discretion in concluding that the probative value of the evidence outweighed its prejudicial effect." (82-83)

FACTUAL BACKGROUND

At approximately 2:50 a.m. on July 4, 1993, Orlando Suter was shot during a vehicle pursuit and exchange of gunfire in Bridgeport; he later died. While awaiting trial, the defendant wrote a coded letter soliciting another person to kill the state's key witness, Eddie Smalls, and the letter also referred to two unrelated criminal matters pending against the defendant. During the retrial, the jury deadlocked, the court gave a Chip Smith instruction, and the court admitted limited evidence concerning the pending matters and the decoded letter.

PROCEDURAL HISTORY

The defendant was tried and convicted of murder after a prior trial on the murder charge ended in a mistrial because of a hung jury. During the retrial, the trial court gave a Chip Smith instruction after the jury reported that it was deadlocked and admitted testimony and a coded letter referring to two unrelated pending criminal matters.

The defendant appealed directly to the Supreme Court of Connecticut, which rejected both claims and affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- State v. Smith, 49 Conn. 376, 386 (1881)
- State v. Wooten, 227 Conn. 677, 707, 631 A.2d 271 (1993)
- State v. Feliciano, 256 Conn. 429, 431 n.3, 434-35, 437-45, 454, 778 A.2d 812 (2001)
- State v. Smith, 222 Conn. 1, 22-23, 608 A.2d 63 (1992), cert. denied, 506 U.S. 942 (1992)
- State v. Pinnock, 220 Conn. 765, 795-96, 601 A.2d 521 (1992)
- State v. Golding, 213 Conn. 233, 239-40, 567 A.2d 823 (1989)
- State v. Scott, 256 Conn. 517, 527, 779 A.2d 702 (2001)
- Allen v. United States, 164 U.S. 492, 501-02, 17 S. Ct. 154, 41 L. Ed. 528 (1896)
- Lowenfield v. Phelps, 484 U.S. 231, 237-38 & n.1, 108 S. Ct. 546, 98 L. Ed. 2d 568 (1988)
- State v. Alvarez, 257 Conn. 782, 794, 778 A.2d 938 (2001)
- State v. Vega, State v. Vega, 259 Conn. 374, 396-97, 788 A.2d 1221 (2002)
- State v. George B., 258 Conn. 779, 790-91, 794, 785 A.2d 573 (2001)
- State v. Figueroa, 235 Conn. 145, 161, 665 A.2d 63 (1995)
- State v. Stepney, 191 Conn. 233, 250-54, 464 A.2d 758 (1983), cert. denied, 465 U.S. 1084 (1984)
- State v. Outlaw, 216 Conn. 492, 497-98, 582 A.2d 751 (1990)
- State v. Kulmac, 230 Conn. 43, 63, 644 A.2d 887 (1994)
- State v. Taft, 258 Conn. 412, 421, 781 A.2d 302 (2001)
- Smalls v. Batista, 191 F.3d 272, 279, 283 (2d Cir. 1999)