

SUPREME COURT OF CONNECTICUT

State v. Vega

State v. Vega, 259 Conn. 374 (2002) · Decided February 12, 2002

SUMMARY

The Connecticut Supreme Court affirmed Joe Burgos Vega’s convictions for two counts of first-degree assault and one count of second-degree kidnapping. The court rejected claims concerning replacement or withdrawal of defense counsel after the defendant filed a grievance, concluding that the trial court adequately investigated the alleged conflict of interest. The court also upheld the admission of expert testimony concerning battered women’s syndrome and addressed claims involving case-specific testimony, prior misconduct evidence, and evidence from an allegedly unconstitutional search and seizure.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Norcott, J.
JURISDICTION	Connecticut
DECIDED	February 12, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed his jury convictions for two counts of first-degree assault and one count of second-degree kidnapping. The appeal was transferred from the Appellate Court to the Supreme Court of Connecticut pursuant to Practice Book § 65-1 and General Statutes § 51-199 (c).
STANDARD OF REVIEW	Claims concerning the trial court’s refusal to appoint new counsel or permit withdrawal were reviewed under the Sixth Amendment conflict-of-interest principles. Unpreserved constitutional claims were reviewed under State v. Golding. Evidentiary rulings, including admission of expert testimony and prior-misconduct evidence, were reviewed for abuse of discretion, with plain-error review applied to the unpreserved challenge to case-specific expert testimony. The constitutional search claim failed under the third prong of Golding.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Joe Burgos Vega v. State of Connecticut

TOPICS

ineffective assistance

right to counsel

expert testimony

character evidence

search and seizure

PRACTICE AREAS

criminal law

criminal procedure

evidence

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court's refusal to remove appointed defense counsel after the defendant filed a grievance and counsel moved to withdraw constituted a per se violation of the Sixth Amendment right to effective assistance of counsel.
2. Whether the alleged grievance created an actual conflict of interest or lapse of representation requiring reversal.
3. Whether the trial court properly qualified and admitted testimony from a clinical social worker concerning battered women's syndrome.
4. Whether the social worker's testimony impermissibly addressed the particular victim's credibility and, if so, whether its admission constituted plain error.
5. Whether evidence of the defendant's prior assaults against the victim was admissible to show a system or escalating pattern of criminal activity and whether its probative value outweighed its prejudicial effect.
6. Whether police constitutionally searched the defendant's coat without a warrant and properly admitted the knife discovered in the coat.

HOLDINGS

1. The filing of a grievance against defense counsel, standing alone, does not establish a per se violation of the defendant's Sixth Amendment right to effective assistance of counsel.
2. The trial court conducted an adequate inquiry into the alleged conflict and properly denied the defendant's motion for new counsel and counsel's motion to withdraw.
3. The trial court acted within its discretion in qualifying the clinical social worker as an expert and admitting her testimony on battered women's syndrome.
4. The admission of the clinical social worker's testimony did not constitute plain error because the testimony remained sufficiently general and explained behavior patterns of battered women rather than directly vouching for the particular victim's credibility.
5. Evidence of the defendant's prior assaults and escalating violence against the victim was admissible to demonstrate a system of criminal activity and to place the charged conduct in context; its probative value outweighed its prejudicial effect.
6. The warrantless search of the defendant's coat before police placed it on him was reasonable under the protective-search exception, and the knife discovered in the pocket was properly admitted.

KEY QUOTATIONS

“We conclude that the filing of a grievance in and of itself is insufficient to establish a violation of a defendant’s sixth amendment rights.” (388)

“We conclude that the trial court conducted an appropriate inquiry as to the conflict of interest alleged by Hopkins and the potential violation of the defendant’s sixth amendment rights.” (391)

*“The search was not unconstitutional and, therefore, does not satisfy the third prong of *Golding*.” (402)*

FACTUAL BACKGROUND

The defendant engaged in a relationship with the sixteen-year-old victim that developed into an escalating pattern of physical abuse. On January 7 and 8, 1996, while the victim and her infant son were staying with the defendant at a Bridgeport apartment, the defendant repeatedly stabbed and beat the victim, cut off her nipple, and forced her to swallow it. He then transported her to a Branford motel without permitting her to obtain medical attention, washed her bloodied clothing, forced her to smoke crack and have sex, and was arrested when police arrived. Police later found a knife in the breast pocket of the defendant's coat while searching the coat before placing it on him in a blizzard.

PROCEDURAL HISTORY

After a jury trial, the defendant was convicted and sentenced to an effective term of sixty years. The Appellate Court appeal was transferred to the Connecticut Supreme Court, which affirmed the trial court's judgment, rejecting claims concerning replacement of appointed counsel, expert testimony on battered women's syndrome, prior-misconduct evidence, and a warrantless search.

DISPOSITION

affirmed

CASES CITED

- State v. Crespo, 246 Conn. 665, 685-88, 718 A.2d 925 (1998), cert. denied, 525 U.S. 1125 (1999)
- Powell v. Alabama, 287 U.S. 45, 69 (1932)
- Festo v. Luckart, 191 Conn. 622, 626-29, 469 A.2d 1181 (1983)
- Wood v. Georgia, 450 U.S. 261, 271-72, 266 (1981)
- Glasser v. United States, 315 U.S. 60, 70 (1942)
- State v. Marion, 175 Conn. 211, 216, 397 A.2d 533 (1978)
- Strickland v. Washington, 466 U.S. 668, 685-87, 692 (1984)
- Cuyler v. Sullivan, 446 U.S. 335, 348-50 (1980)
- United States v. Stantini, 85 F.3d 9, 16 (2d Cir. 1996)
- State v. Martin, 201 Conn. 74, 77-82, 513 A.2d 116 (1986)
- Holloway v. Arkansas, 435 U.S. 475, 485-86 (1978)
- Kaplan v. United States, 375 F.2d 895, 897 (9th Cir. 1967), cert. denied, 389 U.S. 839 (1967)
- Willis v. United States, 614 F.2d 1200, 1206 (9th Cir. 1980)

- State v. Wargo, 255 Conn. 113, 123, 763 A.2d 1 (2000)
- State v. Ali, 233 Conn. 403, 431, 660 A.2d 337 (1995)
- State v. Borrelli, 227 Conn. 153, 167, 629 A.2d 1105 (1993)
- State v. Day, 233 Conn. 813, 849, 661 A.2d 539 (1995)
- State v. Woods, 250 Conn. 807, 814, 740 A.2d 371 (1999)
- State v. Spigarolo, 210 Conn. 359, 376, 379-80, 556 A.2d 112 (1989), cert. denied, 493 U.S. 933 (1989)
- State v. Cooper, 227 Conn. 417, 424-27, 630 A.2d 1043 (1993)
- State v. Santiago, 224 Conn. 325, 340, 618 A.2d 32 (1992)
- State v. Cator, 256 Conn. 785, 800, 781 A.2d 285 (2001)
- State v. Golding, 213 Conn. 233, 239-40, 567 A.2d 823 (1989)
- State v. Januszewski, 182 Conn. 142, 151-52, 438 A.2d 679 (1980), cert. denied, 453 U.S. 922 (1981)
- Chimel v. California, 395 U.S. 752, 763 (1969)
- Michigan v. Long, 463 U.S. 1032, 1049-50 (1983)
- Terry v. Ohio, 392 U.S. 1, 21, 27 (1968)
- State v. Geisler, 222 Conn. 672, 684-85, 610 A.2d 1225 (1992)
- State v. Robinson, 227 Conn. 711, 721, 631 A.2d 288 (1993)
- Luce v. United Technologies Corp., 247 Conn. 126, 142 n.22, 717 A.2d 747 (1998)
- Hayes v. Smith, 194 Conn. 52, 66 n.12, 480 A.2d 425 (1984)
- Rodriguez v. Mallory Battery Co., 188 Conn. 145, 149, 448 A.2d 829 (1982)
- Ganim v. Roberts, 204 Conn. 760, 765 n.5, 529 A.2d 194 (1987)
- Barton v. Ducci Electrical Contractors, Inc., 248 Conn. 793, 820, 730 A.2d 1149 (1999)

CITED IN

- State v. Vega, State v. Vega, 259 Conn. 374, 396-97, 788 A.2d 1221 (2002)
- State v. Vega, State v. Vega, 259 Conn. 374, 384 n.15, 788 A.2d 1221, cert. denied, 537 U.S. 836, 123 S. Ct. 152, 154 L. Ed. 2d 56 (2002)
- State v. Vega, State v. Vega, 259 Conn. 374, 788 A.2d 1221 (2002)