

SUPREME COURT OF CONNECTICUT

State v. Bruny

Bruny · No. SC 20174 · Decided March 1, 2022

SUMMARY

The Connecticut Supreme Court affirmed Jean Bruny’s convictions for murder and criminal possession of a pistol or revolver arising from a nightclub shooting. The court held that lay and expert testimony identifying the defendant in surveillance footage was admissible under the Connecticut Code of Evidence, rejected challenges concerning a special credibility instruction and eyewitness identifications, and found sufficient evidence regarding the firearm’s barrel length. The court also concluded that any potential error concerning redirect examination testimony was harmless.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Mullins, J.; Robinson, C. J.; McDonald, J.; D’Auria, J.; Kahn, J.; Ecker, J.; Keller, J.
JURISDICTION	Connecticut
DECIDED	March 1, 2022
DOCKET	SC 20174
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of conviction for murder and criminal possession of a pistol or revolver after a jury trial on the murder charge and a court trial on the weapons-possession charge.
STANDARD OF REVIEW	Admission of lay and expert testimony, jury instructions, and suppression rulings were reviewed principally for abuse of discretion. Nonconstitutional evidentiary error was harmless if the court had fair assurance that the error did not substantially affect the verdict; constitutional identification error was harmless beyond a reasonable doubt. Sufficiency of the evidence was reviewed by construing the evidence in the light most favorable to sustaining the verdict and determining whether the fact finder reasonably could have found guilt beyond a reasonable doubt.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jean Bruny v. State of Connecticut

TOPICS

evidence

expert testimony

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the trial court improperly admitted lay-witness testimony identifying Bruny in surveillance video and photographs as opinion testimony embracing an ultimate issue.
2. Whether the trial court improperly admitted forensic video-examination testimony and an enhanced surveillance video that tracked individuals through the nightclub.
3. Whether the trial court improperly permitted testimony that an FBI agent's notes identified the person labeled MS-4 as Bruny and the shooter, or whether any error was harmful.
4. Whether the trial court improperly denied a special credibility instruction for an incarcerated witness who testified that he had observed Bruny possessing a handgun before the shooting.
5. Whether the trial court improperly denied suppression of out-of-court and in-court identifications by witness Nigel Watts.
6. Whether the evidence was sufficient to prove that the firearm used was a pistol or revolver with a barrel less than twelve inches long.

HOLDINGS

1. Lay opinion testimony identifying a criminal defendant in surveillance video or photographs is admissible when it satisfies Connecticut Code of Evidence § 7-1: the opinion must be rationally based on the witness's perception and helpful to understanding the testimony or determining a fact in issue. The trial court did not abuse its discretion in admitting the four witnesses' identification testimony.
2. Expert testimony concerning identification-related analysis of surveillance footage is admissible when it satisfies Connecticut Code of Evidence § 7-2. The trial court acted within its discretion in admitting the forensic examiner's testimony and enhanced video.
3. The court declined to decide whether the trial court improperly concluded that the defense opened the door to testimony that an FBI agent's notes identified MS-4 as Bruny and the shooter because any error was harmless.
4. A mandatory special credibility instruction for jailhouse informants applies to testimony concerning a defendant's inculpatory statements or confession, not testimony by an incarcerated witness about observed events such as seeing the defendant possess a gun. The trial court acted within its discretion in declining to give the requested instruction to Pruden.
5. Even assuming that the out-of-court and in-court identifications by Watts should have been suppressed, any error in admitting them was harmless, and the conviction was not undermined.

6. The evidence was sufficient to prove beyond a reasonable doubt that the firearm used by Bruny was a pistol or revolver with a barrel less than twelve inches long.

KEY QUOTATIONS

“Testimony identifying a defendant as depicted in surveillance video or photographs meets the requirements of § 7-1 of the Connecticut Code of Evidence and is therefore admissible “if there is some basis for concluding that the witness is more likely to correctly identify the defendant from the photograph [or video] than is the jury.”” (342 Conn. 150-51)

“expert opinion testimony that pertains to the identification of a defendant in surveillance footage is admissible if it comports with the requirements of § 7-2 of the Connecticut Code of Evidence” (part II)

“the rule does not extend to testimony regarding observed events” (part III)

“direct, numerical evidence is not required to prove barrel length.” (part V)

FACTUAL BACKGROUND

Surveillance footage from a New Haven nightclub showed a person standing behind the victim, aiming a handgun at the back of the victim's head, shooting him, and fleeing. Several witnesses who knew Bruny identified him in portions of the surveillance footage, and a forensic video examiner created an enhanced video tracking individuals through the nightclub without identifying Bruny as the shooter. The State also presented evidence linking Bruny to the nightclub, including video identifications, cell-phone records, DNA evidence, consciousness-of-guilt evidence, and testimony that he possessed a handgun approximately one month before the shooting.

PROCEDURAL HISTORY

The State charged Bruny by substitute information with murder, criminal possession of a pistol or revolver, and carrying a pistol without a permit. The Superior Court denied or denied in part motions to preclude evidence, a motion to suppress identification evidence, and a request for a special credibility instruction. A jury found Bruny guilty of murder, the court found him guilty of criminal possession of a pistol or revolver, and the court imposed a total effective sentence of fifty years; the carrying-without-a-permit charge was not pressed. The Supreme Court of Connecticut affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Gore, 342 Conn. 129 (2022)
- State v. Finan, 275 Conn. 60, 881 A.2d 187 (2005)
- State v. Leniart, 333 Conn. 88, 142, 215 A.3d 1104 (2019)
- State v. Taylor G., 315 Conn. 734, 760, 110 A.3d 338 (2015)

- State v. Fernando V., 331 Conn. 201, 215, 202 A.3d 350 (2019)
- State v. Guilbert, 306 Conn. 218, 251-52, 49 A.3d 705 (2012)
- State v. Borrelli, 227 Conn. 153, 174, 629 A.2d 1105 (1993)
- United States v. Everett, 825 F.2d 658, 662 (2d Cir. 1987), cert. denied, 484 U.S. 1069 (1988)
- United States v. Alexander, 816 F.2d 164, 167 (5th Cir. 1987)
- United States v. Green, 525 F.2d 386, 391-92 (8th Cir. 1975)
- United States v. Brown, 501 F.2d 146, 149-50 (9th Cir. 1974), rev'd on other grounds sub nom. United States v. Nobles, 422 U.S. 225 (1975)
- People v. Tran, 50 Cal. App. 5th 171, 263 Cal. Rptr. 3d 740 (2020), review denied, No. S263358 (Cal. Aug. 19, 2020)
- State v. Arroyo, 292 Conn. 558, 566, 973 A.2d 1254 (2009), cert. denied, 559 U.S. 911 (2010)
- State v. Patterson, 276 Conn. 452, 467, 886 A.2d 777 (2005)
- State v. Diaz, 302 Conn. 93, 101-13, 25 A.3d 594 (2011)
- State v. Jones, 337 Conn. 486, 254 A.3d 239 (2020)
- State v. Holliman, 214 Conn. 38, 46, 570 A.2d 680 (1990)
- State v. Covington, 335 Conn. 212, 220-22, 229 A.3d 1036 (2020)
- State v. Williams, 231 Conn. 235, 252, 645 A.2d 999 (1994)
- State v. Murray, 254 Conn. 472, 757 A.2d 578 (2000)
- State v. Miles, 97 Conn. App. 236, 242, 903 A.2d 675 (2006)