

SUPREME COURT OF CONNECTICUT

State v. Torres

Torres · Decided May 10, 2022

SUMMARY

Justice Ecker, joined by Justices McDonald and D’Auria, dissents from the judgment affirming Quavon Torres’s convictions for murder and carrying a pistol without a permit. The dissent concludes that the trial court improperly excluded evidence that a key defense witness had been assaulted by the sister of the alleged third-party culprit, and that the error was harmful because it affected the witness’s credibility and the defendant’s third-party culpability defense.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Ecker, J.; McDonald, J.; D’Auria, J.
JURISDICTION	Connecticut
DECIDED	May 10, 2022
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from the defendant's second jury-trial convictions for murder and carrying a pistol without a permit; the dissent would reverse because the trial court improperly excluded evidence relevant to the defendant's third-party culpability defense and would remand for a new trial.
STANDARD OF REVIEW	Evidentiary relevancy rulings are reviewed for abuse of discretion, with every reasonable presumption made in favor of upholding the trial court's ruling. Whether an evidentiary error was harmless is determined by whether the reviewing court has fair assurance that the error did not substantially affect the verdict.
PRECEDENTIAL VALUE	Published dissenting opinion; the dissent's reasoning is nonbinding.
PARTIES	Quavon Torres v. State

TOPICS

- evidence
- relevance
- impeachment
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court improperly excluded evidence that a key witness had been physically assaulted shortly before testifying at the defendant's first trial.
2. Whether the excluded assault evidence was relevant and admissible to support the defendant's third-party culpability defense, demonstrate Pickette's connection to the charged crimes, and explain or rehabilitate Milton's prior inconsistent statements.
3. Whether exclusion of the assault evidence was harmless error.

HOLDINGS

1. The dissent concluded that evidence of Milton's assault was relevant and admissible because the record established a sufficient link between Pickette, the allegedly culpable third party, and the assault, and because the evidence supported an inference of Pickette's culpability and consciousness of guilt.
2. The dissent concluded that the assault evidence was independently admissible to show Milton's state of mind, explain why she did not implicate Pickette at the first trial, and rehabilitate her inconsistent testimony at the second trial, even without a link between Pickette and the assault.
3. The dissent concluded that exclusion of the assault evidence was harmful nonconstitutional error because Milton was central to the third-party culpability defense, her credibility was pivotal, and the state's evidence identifying Torres as the shooter was conflicting and lacked physical corroboration.

KEY QUOTATIONS

“Relevant evidence is evidence that has a logical tendency to aid the trier in the determination of an issue.”

“The harmlessness of an error depends [on] its impact on the trier and the result; not on whether the evidence, when viewed in the light most favorable to the jury’s verdict, was sufficient to support an inference of guilt.”

“It cannot be harmless error to remove from the fact finder the very tools by which to make a credibility determination.”

FACTUAL BACKGROUND

Torres was charged with murdering Donald Bradley and carrying a pistol without a permit. His defense claimed that Freddy Pickette was the shooter and that Pickette brought the murder weapon to an apartment after the shooting. A key defense witness, Tasia Milton, gave trial testimony supporting the third-party culpability theory but had previously made inconsistent statements that implicated Torres and omitted Pickette's possession of the gun. Before the first trial, Pickette threatened Milton, and two days later Pickette's sister allegedly participated in an assault on Milton; the trial court admitted evidence of the threat but excluded evidence of the assault.

PROCEDURAL HISTORY

Torres was convicted at an initial trial, but the Connecticut Appellate Court reversed and remanded for a new trial based on a suggestive in-court identification. At the second trial, the defendant was again convicted of murder and carrying a pistol without a permit. The Supreme Court majority affirmed, while this dissent concluded that the exclusion of evidence that a key defense witness had been assaulted was harmful error requiring reversal and a new trial.

DISPOSITION

other

REMAND INSTRUCTIONS

The dissent would reverse the judgment of conviction and remand the case for a new trial. The majority's actual disposition is not reproduced in the provided text.

CASES CITED

- State v. Best, 337 Conn. 312, 317-18, 253 A.3d 458 (2020)
- State v. Whelan, 200 Conn. 743, 753, 513 A.2d 86 (1986), cert. denied, 479 U.S. 994, 107 S. Ct. 597, 93 L. Ed. 2d 598 (1986)
- State v. Wilson, 308 Conn. 412, 429, 64 A.3d 91 (2013)
- State v. Baltas, 311 Conn. 786, 810-11, 91 A.3d 384 (2014)
- State v. Arroyo, 284 Conn. 597, 610, 935 A.2d 975 (2007)
- State v. Walker, 214 Conn. 122, 129-31, 571 A.2d 686 (1990)
- State v. Robertson, 254 Conn. 739, 756-57, 760 A.2d 82 (2000)
- State v. Taft, 25 Conn. App. 578, 584-85, 595 A.2d 918 (1991), cert. denied, 220 Conn. 921, 598 A.2d 144 (1991)
- State v. Alvarez, 216 Conn. 301, 320, 579 A.2d 515 (1990)
- State v. Talton, 63 Conn. App. 851, 855-57, 779 A.2d 166, cert. denied, 258 Conn. 907, 782 A.2d 1250 (2001)
- State v. Fernando V., 331 Conn. 201, 215, 223-24, 202 A.3d 350 (2019)
- State v. Cerreta, 260 Conn. 251, 265, 796 A.2d 1176 (2002)
- State v. Colton, 227 Conn. 231, 254, 630 A.2d 577 (1993)
- State v. Rinaldi, 220 Conn. 345, 357-58, 599 A.2d 1 (1991)
- State v. Bruno, 197 Conn. 326, 336, 497 A.2d 758 (1985), cert. denied, 475 U.S. 1119, 106 S. Ct. 1635, 90 L. Ed. 2d 181 (1986)
- State v. Thompson, 305 Conn. 806, 823 n.16, 48 A.3d 640 (2012)
- State v. Morgan, 274 Conn. 790, 800, 877 A.2d 739 (2005)
- State v. Torres, 175 Conn. App. 138, 154, 167 A.3d 365 (2017), cert. denied, 327 Conn. 958, 172 A.3d 204 (2017), cert. denied, 138 S. Ct. 1303, 200 L. Ed. 2d 474 (2018)
- State v. Dickson, 322 Conn. 410, 453, 141 A.3d 810 (2016), cert. denied, 137 S. Ct. 2263, 198 L. Ed. 2d 713 (2017)

- *Curtis v. Bradley*, 65 Conn. 99, 109, 31 A. 591 (1894)

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