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constitute enterprise under RICO [emphasis omitted]), cert. denied, 568 U.S. 1011, 133 S. Ct. 623, 184 L. Ed. 2d 396 (2012); *United States v. Rogers*, 89 F.3d 1326, 1337 (7th Cir.) (“[t]he continuity of an informal enterprise and the differentiation among roles can provide the requisite structure to prove the element of enterprise” [internal quotation marks omitted]), cert. denied, 519 U.S. 999, 117 S. Ct. 495, 136 L. Ed. 2d 387 (1996).

Applying these principles to the record in the present case, we conclude that the evidence of an association in fact enterprise is insufficient to sustain the jury’s verdict, even when the evidence is viewed in the light most favorable to the state. We begin our review of the evidence with the June 25, 2010 transaction.¹⁸ Specifically, Hannon went to the corner of Pembroke and Ogden Streets intending to make a controlled narcotics purchase from the defendant. Prior to Hannon’s arrival, Detective Jason Amato had observed the defendant standing in front of his house with Moreland and Mathis and then observed the defendant leaving the area. After Hannon arrived, Moreland informed him that the defendant had gone to the police station to seek victims’ compensation for injuries he had sustained in a shooting. Hannon purchased cocaine from Moreland, who had returned to the porch of the defendant’s home to obtain it from Mathis. A review of the videotape evidence demonstrates that the porch of the defendant’s home, and its short set of access steps, directly abutted the sidewalk on Pembroke Street.

With respect to the June 30, 2010 sale, which the jury found to be one of the two predicate acts in the pattern of racketeering, Hannon called Ortiz, an “associate” of the defendant on Ortiz’ mobile phone, looking to

¹⁸ Although the defendant was not charged with the sale of narcotics in connection with the transaction on June 25, 2010, as noted in part I of this opinion, the evidence relating to that transaction is relevant to prove the existence of an enterprise for purposes of CORA.

NOTE: These pages (325 Conn. 297 and 298) are in replacement of the same numbered pages that appear in the Connecticut Law Journal of 18 April 2017.

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purchase drugs. While Hannon was on his way to the corner of Pembroke and Ogden, the defendant called Hannon to ask why he had not yet arrived. When Hannon arrived at that location, he called the defendant to indicate his arrival. Once Hannon arrived at the defendant's home, the defendant gestured to Ortiz and the two of them made the sale to Hannon as described by the Appellate Court. See *State v. Bush*, supra, 156 Conn. App. 263–64.

The state also relied on evidence from sales on August 6, 2010, and August 24, 2010. In particular, the August 24, 2010 sale was precipitated by a telephone call from Hannon to the defendant's home phone number, which the defendant had given to Hannon after selling him cocaine on August 6. To complete the August 24, 2010 sale to Hannon, the defendant obtained cocaine from Lopez on his front porch.

Finally, we review the November 9, 2010 sale, which the jury found to be the second predicate act of racketeering. First, Hannon set up the purchase by calling the defendant on the mobile phone number that he previously had used to contact Ortiz,¹⁹ to let him know that he was on the way to meet him. The remainder of the transaction took place as described by the Appellate Court, including the fact that the defendant, upon learning of Hannon's desire to purchase cocaine, called Moreland to obtain the cocaine. The defendant took Hannon's money, and Moreland himself delivered the cocaine to Hannon on Pembroke Street. The defendant later contacted Hannon to confirm that the delivery had occurred, and discussed further Hannon's stated interest in having the defendant help him purchase a gun. See *id.*, 264–65.

We conclude that this evidence was insufficient to prove the association in fact necessary to establish an

¹⁹ The defendant testified that he was given the mobile phone by a female associate of Ortiz after Ortiz had been arrested.