STATE OF CONNECTICUT *v.* CHRISTOPHER CALHOUN (SC 20497)

Robinson, C. J., and McDonald, D'Auria, Mullins, Ecker and Alexander, Js.

Syllabus

Convicted of murder in connection with the shooting death of the victim, the defendant appealed to this court. The defendant had been arrested several years after the shooting, after two individuals, C and K, came forward and claimed to have witnessed the defendant shoot the victim. At trial, the state's case rested almost entirely on the testimony of C and K, who were incarcerated both at the time of trial and when they first approached the police with information about the shooting. The trial court admitted into evidence the entirety of the cooperation agreements that C and K had with the state, and the prosecutor used those agreements to rehabilitate C and K during their respective direct examinations, before either witness had been impeached. Defense counsel thoroughly cross-examined C and K, including about their cooperation agreements, but the trial court precluded defense counsel from questioning K about certain details of a prior arrest, which occurred after K testified before the grand jury in the present case and while he was released on parole. The trial court also declined defense counsel's request for a jailhouse informant instruction with respect to C and K and, instead, gave the jury a special credibility instruction in which it noted that C and K had entered into cooperation agreements and urged the jury to examine their testimony with "careful scrutiny" and "particular care . . . ." On the defendant's appeal from the judgment of conviction, *held*:

1. The trial court gave an adequate special credibility instruction and did not abuse its discretion in declining to give the requested jailhouse informant instruction:

   Although the trial court's instruction was not in the exact form of the requested jailhouse informant instruction, the substance of the requested instruction was very similar to the instruction that the jury was given, the jury having been cautioned that C and K were receiving benefits from the state in return for testifying, that they might have a motive to lie, and that their testimony therefore should be examined with "careful scrutiny" and "particular care," and, of all the witnesses who testified, the trial court singled out C and K as the only individuals whose credibility warranted such treatment.

It was no consequence that the instruction the jury was given did not explicitly mention that C and K were incarcerated or identify them as jailhouse informants because, in light of the admission into evidence of the cooperation agreements, there was no need to warn the jury about the risk that C and K might be expecting a benefit from the state when the jury knew that they were expecting such a benefit.

Moreover, the requested instruction was poorly suited to jailhouse informants who, like C and K, were also eyewitnesses to the charged crime, as the requested instruction invited the jury to consider the extent to which the witness' testimony contained details known only by the perpetrator and the extent to which the details of the witness' testimony could be obtained from a source other than the defendant.

2. The trial court did not abuse its discretion in admitting the entirety of C's and K's cooperation agreements into evidence or in permitting the prosecutor to use those agreements during direct examination, before the witnesses had been impeached:

The provisions in the cooperation agreements providing that, if the state's attorney's office or a judge determines that the witness is lying, then the witness will be subject to prosecution, did not serve to improperly vouch for the credibility of C and K, as those provisions did not imply that the state or the judge knew that the witnesses were telling the truth or that the state or the judge possessed information or means, unavailable to the jury, to determine the veracity of the witnesses' testimony, and the references to prosecution in those provisions were truthfully stated and were not gratuitously repeated in the remainder of the cooperation agreements.

Moreover, because defense counsel made it clear that she intended to cross-examine C and K about the cooperation agreements, it was within the trial court's discretion to permit the prosecutor to use the cooperation agreements to rehabilitate C and K in advance, during direct examination.

3. The trial court did not abuse its discretion in precluding defense counsel from cross-examining K about certain details of his prior arrest:

The trial court properly allowed cross-examination of K on the fact that he gave the police a false name when, prior to his arrest, the police pulled over the car that he was driving, as that fact had special significance and directly related to K's truthfulness, whereas it properly precluded cross-examination with respect to other details of K's arrest, including the fact that his car smelled of marijuana and that he resisted arrest, neither of which related directly to K's truthfulness.

Notwithstanding the defendant's argument that evidence regarding the smell of marijuana coming from K's car and his resisting arrest contradicted his statement to the grand jury that he intended to give up his

"criminal lifestyle," the link between that evidence and K's truthfulness was indirect at best, and the trial court reasonably could have concluded that any limited probative value of this evidence was outweighed by the potential to sidetrack the trial.

Moreover, there was no merit to the defendant's argument that the evidence surrounding the traffic stop was relevant to show that K would do anything, including falsely implicating the defendant, to avoid returning to prison, because, although the jury heard testimony that K gave a false name to the police when he was pulled over, and defense counsel was free to argue that giving false testimony was not so different, such an analogy did not extend as readily to the allegations involving marijuana and resisting arrest, and such an inference would have been too uncertain to require the trial court to admit such evidence.

Argued October 13, 2022—officially released March 7, 2023

Procedural History

Substitute information charging the defendant with the crime of murder, brought to the Superior Court in the judicial district of New Haven and tried to the jury before *Alander, J.*; verdict and judgment of guilty, from which the defendant appealed to this court. *Affirmed.*

Kevin Smith, assigned counsel, with whom, on the brief, was *Norman A. Pattis*, assigned counsel, for the appellant (defendant).

Nancy L. Chupak, senior assistant state's attorney, with whom, on the brief, were *Patrick J. Griffin*, former state's attorney, *Kevin M. Black, Jr.*, former special deputy assistant state's attorney, and *Seth Garbarsky*, senior assistant state's attorney, for the appellee (state).

Opinion

ECKER, J. Isaiah Gantt was shot and killed in New Haven's Church Street South housing project in April, 2011. The crime went unsolved for many years, until two men, Eric Canty and Jules Kierce, came forward claiming to have been eyewitnesses to Gantt's murder. Both men identified the defendant, Christopher Calhoun, as Gantt's killer. The defendant was arrested in 2018 and charged with murder under General Statutes

§ 53a-54a (a). The outcome of the trial rested largely on the jury's assessment of the credibility of Canty and Kierce. Their motivations were subject to impeachment because each of them was incarcerated when they first contacted the state about the case, and they each received consideration from the state in return for testifying pursuant to cooperation agreements. The jury returned a verdict finding the defendant guilty of murder.[1] The defendant claims on appeal that the trial court made three erroneous rulings requiring reversal, namely, (1) declining to give the jury a jailhouse informant instruction, (2) admitting into evidence the entirety of Canty's and Kierce's cooperation agreements, and (3) not allowing defense counsel to cross-examine Kierce regarding certain details of a prior arrest. We affirm the judgment of conviction.

The jury reasonably could have found the following facts. Gantt and the defendant both sold drugs in the Church Street South housing project. Although they had grown up as friends, they fell out when Gantt began to accuse the defendant of stealing customers. The evening Gantt was killed, he openly confronted the defendant about stolen customers. Canty, a younger friend of the defendant, was present for this argument. The defendant told Canty to go home, but he hid nearby instead to see what would happen next.

Around this time, Kierce, a mutual friend of Gantt and the defendant, received a series of phone calls from Gantt. Gantt sounded worried and asked Kierce to bring him a handgun that was hidden in a nearby apartment. As he spoke with Gantt, Kierce could hear an argument in the background. Kierce did not immediately get the gun for Gantt but went to see what was happening. He found Gantt and the defendant standing together with Montrell "Wooly" Dobbs. The atmosphere was tense.

[1] The defendant was sentenced to forty-five years of incarceration.

Kierce asked Gantt if he still needed the gun. Gantt said he did, so Kierce went to retrieve it for him.

Kierce returned just in time to see the defendant shoot Gantt multiple times in the back. Canty saw the same thing from his hiding place in the alley. When the police arrived, Gantt had already died from his gunshot wounds. Later that night, Kierce encountered the defendant again, at the apartment of Latisha Parker. Although the two did not talk about the shooting, Kierce saw the defendant empty shells out of a gun and dump them into a toilet. A few days later, Canty also encountered the defendant, who at that time admitted to Canty that he had shot Gantt.

At trial, the state's case rested almost entirely on the testimony of Canty and Kierce. There was little other evidence inculpating the defendant. Ballistics and medical evidence confirmed that Gantt had been shot and killed by a .22 caliber revolver in a manner consistent with the testimony of Canty and Kierce. One witness saw the defendant, Gantt, and Dobbs together on the evening of the murder and sensed that "something was up." Another testified that the defendant had told her that Gantt was making too much money selling drugs and that Gantt had to stop or the defendant would make him stop. Otherwise, the case depended on the testimony of the two eyewitnesses, Canty and Kierce.

Both Canty and Kierce were thoroughly cross-examined by defense counsel. The jury learned that they each had criminal records and that each had entered into a cooperation agreement with the state. These agreements were admitted into evidence. The jury also heard testimony from the defense's investigator. According to this testimony, Kierce had contacted the defense team and told them that he was lying to the state and had not seen the defendant shoot Gantt.

Ultimately, the jury needed to decide whether to credit the testimony of Canty and Kierce. The jury's verdict speaks for itself. This appeal is narrowly focused on three issues: (1) the trial court's failure to give the jury a jailhouse informant instruction; (2) its admission of the cooperation agreements; and (3) its refusal to allow cross-examination on the details of a prior arrest of Kierce.[2]

I

THE JAILHOUSE INFORMANT INSTRUCTION

The defendant claims that the trial court abused its discretion by denying defense counsel's request for a jailhouse informant instruction. Specifically, he contends that Canty and Kierce are jailhouse informants and that a special credibility instruction was therefore required by our holdings in *State* v. *Patterson*, 276 Conn. 452, 469, 886 A.2d 777 (2005), and its progeny. We conclude that the trial court provided an adequate special credibility instruction under the circumstances of this case.

A jailhouse informant is any incarcerated witness who testifies to inculpatory statements made to him by the defendant. See *State* v. *Bruny*, 342 Conn. 169, 204–205, 269 A.3d 38 (2022); see also *State* v. *Jones*, 337 Conn. 486, 501, 508, 254 A.3d 239 (2020). We have recognized that such testimony should be subject to a higher degree of scrutiny for three reasons: "(1) [the witness] ha[s] an unusually strong motive to [lie] . . . (2) confession evidence may be the most damaging evidence of all . . . and (3) false confessions are easy to fabricate, but difficult to subject to meaningful cross-examination . . . . [F]alse confession evidence from informants is *the* leading factor associated with wrong-

[2] The defendant appealed directly to this court pursuant to General Statutes § 51-199 (b) (3).

ful convictions in capital cases and a major factor contributing to wrongful convictions in noncapital cases." (Citations omitted; emphasis in original; internal quotation marks omitted.) *State* v. *Jones*, supra, 501–502. In *Patterson*, we held that the trial court must warn the jury that jailhouse informant testimony should "be reviewed with particular scrutiny and weighed . . . with greater care than the testimony of an ordinary witness." (Internal quotation marks omitted.) *State* v. *Patterson*, supra, 276 Conn. 465.

We will assume for purposes of this opinion that both Canty and Kierce should have been considered jailhouse informants.[3] We nonetheless conclude that the trial court gave an adequate special credibility instruction for both witnesses and did not abuse its discretion by declining to give the instruction requested by defense counsel. Although the trial court's instruction was not in the exact form of the jailhouse informant instruction requested, it was good enough to warn the jury that Canty and Kierce had a powerful motivation to lie and that their testimony should be reviewed with scrutiny and weighed with greater care than that of an ordinary witness.

[3] In *Bruny*, we distinguished between jailhouse informants' testimony about *statements* made by the defendant, on the one hand, and jailhouse informants' testimony about their *observations of events* relating to the crime, on the other. See *State* v. *Bruny*, supra, 342 Conn. 205–206. We held that a special credibility instruction was mandatory for the former but not for the latter. Id. In the present case, Canty testified about both his own eyewitness observations at the time of the murder and a statement the defendant made to him a few days later. See *State* v. *Jones*, supra, 337 Conn. 508 and n.14 (requiring credibility instruction for jailhouse informant's testifying both to statements made by defendant and observed events). The parties dispute whether Kierce's testimony included more than his eyewitness observations during the events leading up to the murder. There is no need to resolve this dispute because we assume, arguendo, that Canty and Kierce both should have been treated as jailhouse informants. Our decision to do so does not alter the definition of jailhouse informants set out in *Bruny* and *Jones*.

"Our review of [an omitted jury instruction] requires that we examine the [trial] court's entire charge to determine whether it is reasonably possible that the jury could have been misled by the omission of the requested instruction. . . . If a requested charge is in substance given, the court's failure to give a charge in exact conformance with the words of the request will not constitute a ground for reversal." (Internal quotation marks omitted.) *State* v. *Dehaney*, 261 Conn. 336, 368, 803 A.2d 267 (2002), cert. denied, 537 U.S. 1217, 123 S. Ct. 1318, 154 L. Ed. 2d 1070 (2003). "[T]he language used in the model jury instructions, although instructive . . . is not binding on this court." (Internal quotation marks omitted.) *State* v. *Ortiz*, 343 Conn. 566, 599, 275 A.3d 578 (2022).

In this case, the trial court gave the following special credibility instruction: "Two of the witnesses in this case, Eric Canty and Jules Kierce, testified that they entered into cooperation agreements with the state's attorney's office . . . . I must caution you to give careful scrutiny to the testimony of each of these witnesses in determining their credibility and the weight to give their testimony in this case. . . . In weighing their testimony, you may consider whether either witness' testimony has been influenced by that agreement. You must therefore look with particular care at the testimony of such a witness before deciding to accept it as a basis for convicting the defendant in a criminal prosecution."

The court also gave the standard general credibility instruction, explaining that, in assessing the credibility of each witness, "you may take into account a number of factors, including . . . (1) was the witness able to see or hear or know the things about which that witness testified? (2) How well was the witness able to recall and describe those things? (3) What was the witness' manner and demeanor while testifying? (4) Did the witness have an interest in the outcome of this case? (5)

How much time passed before the witness came forward with the information? (6) Did the witness have any bias or prejudice concerning any party or any matter involved in the case? (7) How reasonable was the witness' testimony in light of all the evidence in the case? And (8) was the witness' testimony contradicted by what that witness said or did at another time, or contradicted by the testimony of other witnesses or by other evidence?"

Not given by the court was the jailhouse informant instruction requested by defense counsel: "[The] [s]tate's witnesses, Jules Kierce and Eric Canty, who are currently incarcerated, testified in this case as informants. At the time these witnesses first provided information to [the] police, they were also incarcerated for crimes unrelated to the crime in this case. When an informant testifies, as Mr. Kierce and Mr. Canty did here, their testimony must be examined with greater scrutiny than the testimony of an ordinary witness. You should determine the credibility of these witnesses in light of any motive that they may have [had] for testifying falsely and inculpating the accused. In considering the testimony of these two witnesses, you may consider [1] [w]hether the informants have received, been offered, or reasonably expect anything from the state . . . in exchange for their testimony that would motivate them to testify falsely against the defendant, [2] [a]ny belief they may have that these benefits are contingent [on] their ability to produce evidence of criminal conduct, [3] [a]ny other case in which the informants testified or offered statements against another individual, and whether the informants received any deal, promise, inducement or benefit in exchange for their testimony or statements, [4] [w]hether the informants have ever changed their testimony/statement, [5] [t]he extent to which their testimony is confirmed by other evidence, [6] [t]he specificity of their testimony, [7] [t]he

extent to which their testimony contains details known only by the perpetrator, [8] [t]he extent to which the details of their testimony could be obtained from a source other than the defendant, [9] [t]heir criminal record[s], and [10] [t]he circumstances under which they initially provided the information to the police or prosecutor."

The substance of this requested instruction is very similar to the instruction that the jury in fact heard. The jury was cautioned that Canty and Kierce were receiving benefits from the state in return for testifying, that they might have a motive to lie, and that their testimony should therefore be examined with "careful scrutiny . . . ." This cautionary instruction took on special force because only Canty and Kierce, of all the witnesses who testified at trial, were singled out as individuals whose credibility warranted "careful scrutiny" and "particular care . . . ." The jury also was encouraged to consider the source of the witnesses' knowledge, their potential bias, whether their testimony was corroborated by other witnesses, and whether they contradicted themselves.

There are only two material respects in which the content of the instruction the defendant requested went beyond the instruction he received. In the circumstances of this case, we conclude that neither difference misled the jury.

First, the requested jailhouse informant instruction explicitly mentions that Canty and Kierce are incarcerated criminals and identifies them as jailhouse informants. In the absence of a cooperation agreement, these facts are important because they suggest that the witnesses might be hoping for favorable treatment from the state in return for their testimony. In the context of this case, however, there was no need to warn the jury about the risk that Canty and Kierce *might* be

expecting a benefit from the state because the jury knew that Canty and Kierce *were* expecting a benefit from the state. The witnesses had written cooperation agreements that had been admitted into evidence, and they each had been subject to extensive cross-examination regarding, among other things, the benefits they hoped to receive from the state in exchange for their testimony. In this respect, the trial court's instructions provided a stronger warning than the jailhouse informant instruction the defendant requested. The former reminded the jury of the reality that Canty and Kierce expected to benefit by their testimony while the latter would have merely warned about the possibility of that expectation.

Second, the requested jailhouse informant instruction invites the jury to consider "[t]he extent to which [the witnesses'] testimony contains details known only by the perpetrator" and "[t]he extent to which the details of their testimony could be obtained from a source other than the defendant . . . ." This part of the jailhouse informant instruction is well suited to most jailhouse informants, but it is poorly suited to a jailhouse informant who is also an eyewitness. Canty and Kierce both claimed to be eyewitnesses, so it would make no sense to ask the jury to consider whether the details of their testimony could be known only by the defendant. The trial court was right not to give this part of the requested instruction. Jury instructions are not "one size fits all formulations," which is why trial courts must sometimes modify jury instructions to meet the needs of a case. (Internal quotation marks omitted.) *State* v. *Ortiz*, supra, 343 Conn. 600.

When the trial court's jury instructions are read as a whole, and taken in the context of the case, it becomes clear that the substance of the requested jailhouse informant instruction was given to the jury. Canty and Kierce both had cooperation agreements with the state pursu-

ant to which they expected to benefit from their testimony, they were both eyewitnesses to the actual crime and could provide detailed testimony about what they observed, and they were both thoroughly cross-examined on the details they witnessed, on their criminal records, and on their cooperation agreements. In these particular circumstances, the trial court did not err in providing a cooperating witness instruction along with a general credibility instruction, instead of the jailhouse informant instruction requested by defense counsel.

II

THE COOPERATION AGREEMENTS

The defendant next claims that the trial court abused its discretion by admitting the entirety of Canty's and Kierce's cooperation agreements into evidence. These agreements provide that Canty and Kierce are obligated to tell the truth and may be prosecuted if they lie. The defendant contends that these provisions of the cooperation agreements constitute vouching for the witnesses and should not have been admitted. The defendant also contends that, even if these provisions could have been used to rehabilitate Canty and Kierce, the trial court abused its discretion in permitting the prosecutor to use them during direct examination, before the witness had been impeached. We disagree.

Whether and when to admit the text of a cooperation agreement presents a sensitive issue for a trial court. Understanding the terms of a cooperation agreement can help the jury to assess the credibility of the witness. See *Marquez* v. *Commissioner of Correction*, 330 Conn. 575, 610–13, 198 A.3d 562 (2019) (*Palmer*, *J.*, concurring). However, it is also a document authored by the state, and, as we have recently observed, trial courts must ensure that prosecutors do not gain an unfair advantage from the way the cooperation agreement is

drafted. See *State* v. *Flores*, 344 Conn. 713, 736, 740, 281 A.3d 420 (2022).

Our case law has established a few rules to help guide trial courts undertaking this balancing act. First, it is well established that the prosecutor may use the text of a witness' cooperation agreement to rehabilitate that witness after they have been impeached on the basis of their cooperation with the state. See id., 738. Second, if defense counsel indicates that they intend to cross-examine the witness regarding the benefits the witness may receive from the state in return for testifying, then the trial court has the discretion to permit the prosecutor to use the text of the agreement to rehabilitate the witness in advance, during direct examination, without waiting for defense counsel to impeach the witness. See id. Third, and regardless of whether the witness is impeached, the text of the cooperation agreement may not be used by the prosecutor to vouch for the witness. See id., 745–49.

Vouching occurs when the state expressly or impliedly attests to the credibility of a witness. See, e.g., *United States* v. *Roundtree*, 534 F.3d 876, 880 (8th Cir. 2008). Although the state would not put on a witness it did not believe, the state's confidence in its witnesses may not be stated or implied to the jury. The jurors' assessment of a witness' credibility should depend on their impression of the witness, not their faith in the probity of the state. Federal courts have identified several ways in which the text of a cooperation agreement might constitute impermissible vouching: (1) if the text in any way suggests that the prosecutor knows or believes that the witness is telling the truth; see *United States* v. *Certified Environmental Services, Inc.*, 753 F.3d 72, 86–88 (2d Cir. 2014); (2) if the text in any way suggests the existence of facts outside the record that support the witness' version of events; see *United States* v. *Benitez-Meraz*, 161 F.3d 1163, 1167 (8th Cir. 1998); or

(3) if the text in any way suggests that the state has the means of determining whether the witness is lying and will use those means to ensure that the witness tells the truth. See *United States* v. *Bowie*, 892 F.2d 1494, 1498–99 (10th Cir. 1990); see also *State* v. *Flores*, supra, 344 Conn. 745–48. Vouching in any of these forms can never be presented to the jury.

Closely related to vouching is the inclusion of gratuitous references to the witness' obligation to tell the truth, or to the possible consequences of lying. Such a reference is gratuitous if it is repetitive or goes beyond simply memorializing the agreement between the witness and the state. We have noted that gratuitous references of this kind may constitute vouching in some cases. See *State* v. *Flores*, supra, 344 Conn. 749. Moreover, because gratuitous references do not shed any new light on the agreement between the witness and the state, their probative value is negligible and outweighed by their prejudicial effect. To avoid this danger, "the state must take care in drafting its cooperation agreements, and trial courts must carefully examine their language before admitting them fully into evidence." Id., 736.

The defendant contends that the following language, contained in both Canty's and Kierce's cooperation agreements, constitutes vouching: "Should it reasonably be determined by a judge of the Superior Court or the state's attorney's office that [the witness] has given false, incomplete or misleading testimony or information . . . he shall thereafter be subject to prosecution for any state criminal offense of which this office has knowledge, including, but not limited to . . . perjury and hindering prosecution." We disagree because we do not consider this provision to be vouching.

The provision states that, if the state, or a judge, determines that the witness is lying, then the witness

will be subject to prosecution. As written, the provision does not imply that the state or judge knows that the witness presently is telling the truth, or that they possess information or means, unavailable to the jury, to determine the veracity of the witness' testimony. Although conditional statements, if not carefully drafted, may vouch for a witness, this provision of the cooperation agreements does not do so. Nor do we consider the statement regarding the consequences of lying—that the witness will be subject to prosecution—to be gratuitous as drafted. A cooperation agreement may refer to the consequences of lying, as long as those consequences are accurately stated and not needlessly repeated. See *State* v. *Flores*, supra, 344 Conn. 748–49. The reference to prosecution is truthfully stated and is not gratuitously repeated in the rest of the cooperation agreement. Taken as a whole, therefore, the trial court did not abuse its discretion by admitting these cooperation agreements into evidence.

We further conclude that the trial court did not abuse its discretion by permitting the prosecutor to use the cooperation agreements to fortify the credibility of Canty and Kierce during direct examination, before they were impeached by defense counsel. As we held in *Flores*, if defense counsel makes it clear that they intend to cross-examine a witness on that witness' cooperation agreement, then the trial court has discretion to permit the state to use the text of the cooperation agreement to rehabilitate the witness in advance, during direct examination.[4] See id., 738. Defense counsel in this case made it clear that she intended to cross-examine Canty and Kierce on their cooperation agreements. The trial court therefore did not abuse its discretion in permitting

[4] *Flores* was not decided when this trial occurred, but it is nevertheless controlling on appeal. See, e.g., *State* v. *Elias G.*, 302 Conn. 39, 45, 23 A.3d 718 (2011).

the prosecutor to use the cooperation agreements during the direct examinations of Canty and Kierce.

III

CROSS-EXAMINATION ON PRIOR MISCONDUCT

Lastly, the defendant contends that the trial court abused its discretion in not allowing defense counsel to cross-examine Kierce about the details of a prior arrest.[5] The following factual background is relevant to this claim. Two years before trial, Kierce testified to the grand jury about the defendant's role in the murder. In this testimony, Kierce stated that he had come forward belatedly because he "wanted to do the right thing," he "no longer wanted to be associated with the criminal lifestyle," and he "wanted to make a clean break . . . ." After his grand jury testimony, Kierce was released on parole. He violated parole by absconding from a halfway house and was later arrested during a traffic stop and returned to prison. At trial, defense counsel wanted to ask Kierce about the details of the traffic stop that lead to his capture and return to prison. Specifically, defense counsel wanted the jury to hear that Kierce initially refused to pull his car over when signaled by the police, that there was an odor of marijuana coming from Kierce's car, that Kierce initially gave a false name, and that he resisted arrest.

Outside the presence of the jury, defense counsel argued that all these details were appropriate subjects for cross-examination, because they showed that Kierce would do anything to avoid returning to prison and that he was being untruthful when he told the grand jury that he was giving up his "criminal lifestyle." The trial court ruled that defense counsel could ask Kierce about whether he was pulled over and whether he gave a false

[5] The defendant frames this claim as an evidentiary issue, not a constitutional violation.

name to the police. The jury also heard from Kierce that he was returned to prison after being pulled over because he had absconded from the halfway house. The court did not allow defense counsel to ask about the other details of the arrest. We conclude that it was within the trial court's discretion to make this evidentiary ruling.

"The law in Connecticut on impeaching a witness' credibility provides that a witness may be cross-examined about specific acts of misconduct that relate to his or her veracity." *State* v. *Annulli*, 309 Conn. 482, 492, 71 A.3d 530 (2013). However, "[t]he right to cross-examine a witness concerning specific acts of misconduct is limited in three distinct ways. First, cross-examination may . . . extend [only] to specific acts of misconduct other than a felony conviction if those acts bear a special significance [on] the issue of veracity . . . . Second, [w]hether to permit cross-examination as to particular acts of misconduct . . . lies largely within the discretion of the trial court. . . . Third, extrinsic evidence of such acts is inadmissible." (Internal quotation marks omitted.) *State* v. *Colon*, 272 Conn. 106, 206, 864 A.2d 666 (2004), cert. denied, 546 U.S. 848, 126 S. Ct. 102, 163 L. Ed. 2d 116 (2005); see Conn. Code Evid. § 6-6 (b), commentary.

Kierce was subject to extensive cross-examination on his criminal background, his possible bias, and his prior inconsistent statements. On the subject of the traffic stop, defense counsel was permitted to cross-examine Kierce on the fact that he was pulled over and the fact that he provided a false name. The fact that Kierce gave a false name to the police has special significance for his truthfulness, and the trial court was correct to allow cross-examination on that fact. By contrast, the other details of Kierce's arrest—the allegations that he pulled over slowly, smelled of marijuana, and resisted arrest—do not directly relate to his truth-

fulness. See, e.g., *State* v. *Ortiz*, supra, 343 Conn. 588; *Vogel* v. *Sylvester*, 148 Conn. 666, 675–76, 174 A.2d 122 (1961).

The defendant argues that these facts contradict Kierce's statement to the grand jury that he intended to give up his "criminal lifestyle." Although the trial court may have acted within its discretion had it allowed the sought after cross-examination, it did not abuse its discretion in drawing the line where it did by prohibiting testimony about the smell of marijuana and allegations of resisting arrest. A court has discretion to exclude evidence of prior misconduct if the relevance of that evidence to the issue of veracity is outweighed by its tendency to delay or confuse the litigation. See *State* v. *Annulli*, supra, 309 Conn. 494–95. Other than providing a false name to the police, the link between the details of the traffic stop and Kierce's truthfulness was indirect at best. A single arrest on such charges does not provide compelling evidence that Kierce knowingly misled the grand jury. The excluded details would have added little to the jury's overall impression of Kierce's truthfulness, which was subject to extensive impeachment by defense counsel on other grounds. The trial court reasonably could have concluded that any limited probative value was outweighed by the potential to sidetrack the trial.

For the same reasons, we reject the defendant's claim that the evidence surrounding the traffic stop was relevant to show that Kierce would do anything—including falsely implicating the defendant—to avoid returning to prison. The jury heard that Kierce gave a false name to the police when he was pulled over. The defense was free to argue that giving false testimony was not so different. But the analogy does not extend as readily to the other allegations of wrongdoing involving marijuana and resisting arrest. That inference is too uncertain to require the trial court to admit such evidence.

See, e.g., *State* v. *Pinnock*, 220 Conn. 765, 782–83, 601 A.2d 521 (1992) (trial court did not abuse its discretion by precluding cross-examination on details of cooperating witness' prior conviction); *State* v. *Moye*, 214 Conn. 89, 95–97, 570 A.2d 209 (1990) (trial court did not abuse its discretion in concluding that misconduct evidence relating to witness' failure to appear and respond to subpoena showed witness' fear of committing perjury and, therefore, was relevant to his credibility). We conclude that there was no abuse of discretion in limiting the cross-examination on the details of the traffic stop.

The judgment is affirmed.

In this opinion the other justices concurred.

STATE OF CONNECTICUT *v.* SHAILA M. CURET (SC 20521)

Robinson, C. J., and McDonald, D'Auria, Mullins, Ecker and Alexander, Js.

Syllabus

Convicted, on a conditional plea of nolo contendere, of the crime of possession of narcotics with intent to sell, the defendant appealed to the Appellate Court, claiming that the trial court improperly had denied her motion to suppress certain evidence seized by the police following their warrantless entry into her apartment. Z, a police officer, had been dispatched to an apartment building in which the defendant resided in response to a 911 call from C, a resident of the building, reporting gunshots and an attempted burglary. C reported seeing a man in a hooded shirt exit a vehicle outside the building and then hearing an altercation and gunshots. C also reported that the man in the hooded shirt then exited the building's front door and fled in the vehicle, that a second man exited the building's back door and fled in a different vehicle, and that, after they had left, C found a knife with white paint chips on it in the building's laundry room. When Z arrived, C gave Z the knife and recounted the incident. C stated to Z that he had seen the man in the hooded shirt enter the building, that he heard loud banging on the defendant's door, and that an altercation then occurred in the hallway in front of the defendant's apartment. According to C, the altercation moved into the laundry room, which was a few feet away from the defendant's apartment, before C heard gunshots and saw the man in

the hooded shirt run out of the front door. Z then proceeded to investigate the building and, upon entering the laundry room, found, among other things, a spent shell casing, what appeared to be a bullet fragment embedded in a wall, a bullet hole in the molding around the laundry room's back door, and a fresh, blood like stain on the wall next to it. In the apartment building hallway, Z observed footprints on the wall across from the defendant's apartment, indicative of a struggle, white paint chips at the base of the defendant's door, and fresh pry marks on the door and doorframe. C informed Z that two people lived in the defendant's apartment and that he feared that one of them could have been involved in the altercation. C confirmed that the defendant's car was in the building's parking lot and expressed concern to Z that the defendant may be inside her apartment suffering from a gunshot or stab wound. Z then attempted to look inside the defendant's apartment through a window, but the blinds were drawn, and he received no response when he knocked repeatedly on the defendant's door. Concerned that someone inside might be injured, Z and his superior officer, without first obtaining a warrant, forced their way into the defendant's apartment. Although no one was found in the apartment, Z observed, in plain view, various drug paraphernalia. At that point, the search was stopped, and the police obtained a search warrant. A subsequent search yielded, inter alia, narcotics. After a hearing on the defendant's motion to suppress the narcotics seized from her apartment, the trial court denied the motion, concluding that the exigent circumstances and emergency aid doctrines justified the warrantless entry into the defendant's apartment. On appeal from the judgment of conviction, the Appellate Court reversed and remanded the case with direction to grant the defendant's motion to suppress, concluding that the exigent circumstances doctrine was inapplicable because there was no basis on which a reasonable police officer would believe that probable cause justified entry into the defendant's apartment and that the emergency aid doctrine was inapplicable because a reasonable police officer would not have believed that a medical emergency existed inside the apartment. On the granting of certification, the state appealed to this court.

Held that, although the Appellate Court correctly concluded that the exigent circumstances doctrine did not support the officers' warrantless entry into the defendant's apartment, it incorrectly concluded that the entry was not justified under the emergency aid doctrine, and, accordingly, this court reversed the Appellate Court's judgment and remanded the case with direction to affirm the trial court's judgment:

The exigent circumstances doctrine applies exclusively to situations in which the police, acting in their crime fighting capacity, have probable cause to believe that a crime has been or is about to be committed and reasonably believe that, in the time it would take for them to obtain a warrant, the suspect would be able to destroy evidence, flee, or endanger

the safety of others, whereas the emergency aid doctrine, which is rooted in the police's community caretaking function, does not require that the police have probable cause to enter a home if their purpose in doing so is to render emergency assistance, provided there is an objectively reasonable basis for believing that an occupant is seriously injured or is imminently threatened with serious injury.

The state did not claim that the police had probable cause to search the defendant's apartment for evidence or to make an arrest but, instead, argued on appeal that the warrantless entry was for the purpose of rendering medical aid to someone inside the apartment injured in the altercation overheard by C, and, accordingly, the warrantless entry was not supported by the exigent circumstances doctrine.

Although the police were acting in their crime control function when they arrived at the apartment building, it was apparent that, by the time they entered the defendant's apartment, they were acting pursuant to their community caretaking function, as the police were responding to reports of gunshots and an attempted burglary, and, in addition to the inherent risk of violence that generally accompanies burglaries, there were numerous signs of violence, including bullet holes, shell casings, and signs of a struggle that would have heightened the officers' concerns that someone may have been injured during the commission of the crimes in question, and, given the sequence of events reported by C, it was reasonable for the police officers to have believed that the person injured in the altercation was someone from the defendant's apartment who either interrupted an attempted burglary, was the intended victim of the burglary, or had some other reason to engage in an argument that spilled out into the hallway outside of the defendant's apartment and into the laundry room.

In evaluating the constitutionality of the warrantless entry under the emergency aid doctrine, the Appellate Court should have applied the reasonable belief standard, which is applied by reference to the circumstances then confronting the officers, including the need for prompt assessment of sometimes ambiguous information concerning potentially serious consequences, and which questions whether the officers would have been derelict in their duty if they had acted otherwise.

On the basis of the totality of the facts known to the police officers at the time of their entry, including the breaking and entering into the apartment building, the damage to and banging on the defendant's apartment door, the altercation in the hallway in front of the defendant's apartment, the gunshots, the blood stain, the knife, and the fact that, although the defendant's car was in the parking lot, she did not respond to Z's repeated knocking on her door, it was objectively reasonable for the officers to believe that someone inside the defendant's apartment was in need of emergency medical assistance, that immediate entry into

the apartment was necessary to protect life, and that a failure to take such action would constitute a dereliction of duty.

Argued October 19, 2022—officially released March 7, 2023

Procedural History

Information charging the defendant with the crimes of possession of more than one-half ounce of cocaine and operation of a drug factory, brought to the Superior Court in the judicial district of Waterbury, geographical area number four, where the court, *Cremins*, *J.*, denied the defendant's motion to suppress certain evidence; thereafter, the state filed a substitute information charging the defendant with the crime of possession of narcotics with intent to sell; subsequently, the defendant was presented to the court, *Fasano*, *J.*, on a conditional plea of nolo contendere to the charge of possession of narcotics with intent to sell; judgment of guilty in accordance with the plea, from which the defendant appealed to the Appellate Court, *Devlin* and *Bear*, *Js.*, with *Prescott*, *J.*, dissenting, which reversed the trial court's judgment and remanded the case with direction to grant the defendant's motion to suppress and to render judgment dismissing the charge of possession of narcotics with intent to sell, and the state, on the granting of certification, appealed to this court. *Reversed*; *judgment directed*.

Michele C. Lukban, senior assistant state's attorney, with whom, on the brief, were *Maureen Platt*, state's attorney, and *Amy Sedensky*, senior assistant state's attorney, for the appellant (state).

Emily H. Wagner, assistant public defender, for the appellee (defendant).

Opinion

ALEXANDER, J. The state appeals[1] from the judgment of the Appellate Court reversing the conviction

[1] We granted the state's petition for certification to appeal, limited to the following issue: "Did the Appellate Court correctly conclude that the warrantless entry by the police into the defendant's apartment was not

of the defendant, Shaila M. Curet, following her conditional plea of nolo contendere to the charge of possession of narcotics with intent to sell in violation of General Statutes (Rev. to 2015) § 21a-277 (a).[2] On appeal, the state claims that the Appellate Court incorrectly determined that the defendant's motion to suppress evidence seized by the police following a warrantless entry into her apartment should have been granted. We agree and reverse the judgment of the Appellate Court.

The following facts were either found by the trial court or are undisputed. On June 22, 2015, at approximately 3:26 p.m., Anthony Cruz telephoned the Waterbury police to report gunshots on the first floor of his apartment building at 130 Woodglen Drive in Waterbury. Cruz, who lived on the second floor of the building, told the 911 operator that, just before he heard the gunshots, he saw a white Kia pull up in front of the building and a Hispanic male wearing a light blue hoodie exit the vehicle. Cruz stated that "there must have been an altercation because we heard banging and stuff." Cruz further stated that, after the altercation, the man in the hoodie ran out of the front door of the building and jumped into the Kia, while a second man ran out the back door and got into a different vehicle. Both vehicles then sped away. Cruz told the operator that, when he and his friend went downstairs to investigate, they found a knife with white paint on it on the laundry room floor. They also saw white paint chips on the hallway floor in front of the defendant's apartment. Cruz informed the operator that it appeared that the man in the hoodie had used the knife to break into the building and then used it to try to break into the

justified under the exigent circumstances doctrine or the emergency [aid] doctrine?" *State* v. *Curet*, 335 Conn. 969, 240 A.3d 287 (2020).

[2] Hereinafter, all references to § 21a-277 are to the 2015 revision of the statute.

defendant's apartment. Specifically, Cruz stated: "[Y]ou can see the door that he tried to [enter] because I don't think these people are home. And you could see the door . . . the paint's all over and the knife's got white paint on it."[3]

Waterbury Police Officer Raim Zulali was dispatched to the scene at approximately 3:55 p.m. The information he was provided enroute to the call, which was displayed on a computer screen in his police vehicle, stated: "HM

[3] An audio recording of Cruz' 911 call was entered into evidence at the hearing on the defendant's motion to suppress and played for the trial court. A written transcript of the call was also entered into evidence. It provides in relevant part:

"[Cruz]: Hi operator. Operator, I'm up on 130 [Woodglen] Drive, Unit A. It has nothing to do with me, but we just almost caught someone trying to break into someone's apartment. We believe there was an altercation downstairs in the laundry room. We heard what we thought were shots. I have a knife here that they tried to work the door with. I have not touched it. I, you know, it was at the bottom of the door. And I seen this guy come in . . . a white Kia and, you know, [long sleeve] shirt—

"[The Operator]: Black, White or Hispanic?

"[Cruz]: I'm sorry, ma'am?

"[The Operator]: What race was he?

"[Cruz]: Um, Latino.

"[The Operator]: Hispanic male. And what did he have on?

"[Cruz]: It was like a powder blue, you know, like a light blue, powder blue hoodie. And it was kind of [silky like] looking—

"[The Operator]: So, a light blue hoodie?

"[Cruz]: Yes. But he left his hat here, so there must have been an altercation because we heard banging and stuff. I didn't know what it was at first. So—

"[The Operator]: So, he tried to break in?

"[Cruz]: He tried to break into someone else's house, ma'am. And, you know, when we went downstairs, we could hear something going on in the laundry room, then one ran out and jumped in the car, and another one came out from the back and jumped in another car, and they took off. But you can see the door that he tried to—because I don't think these people are home. And you could see the door there's been—the paint's all over, and the knife's got white paint on it. So, he holds this knife, this is how he got into the building. I seen him walk in, but I thought he was with somebody . . . from the building because we got all kinds of crap going on—

"[The Operator]: So, he fled in a white Kia?

"[Cruz]: Yes, ma'am. . . .

"[The Operator]: All right. We'll get someone over there."

LSW LIGHT BLUE HOODIE TRIED TO BREAK INTO SOMEONE ELSES HOUSE AND THERE WAS [A LOT] OF NOISE COMING FROM LAUNDRY ROOM AND AN ALTERCATION WITH ANOTHER MALE BOTH PARTIES FLED // COMP[LAINANT] FOUNDKNIFE THAT [HM] GOT INTO THE BLDG WITH."

When Zulali arrived at the scene, Cruz let him into the building, gave him the knife he had found in the laundry room, and told him about the man in the blue hoodie. Cruz informed Zulali that, as the man approached the building, he pulled his cap down over his eyes and his hood over his head as if trying to conceal his identity. After the man entered the building, Cruz heard loud banging on the door to the defendant's apartment, after which an altercation broke out in the hallway in front of the defendant's apartment. Cruz informed Zulali that the altercation then moved into the laundry room, which was right below Cruz' apartment and just a few feet away from the defendant's apartment. During the altercation, Cruz heard what he believed to be two gunshots. Cruz informed Zulali that, after hearing the gunshots, he saw the man in the hoodie run out of the front door of the building and drive away in the white Kia. At the hearing on the defendant's motion to suppress, Cruz clarified that, although he told the 911 operator that a second man had fled through the back door, he did not personally see that man. Cruz stated that someone he was with told him about the second man.[4]

[4] At the hearing on the defendant's motion to suppress, the trial court pressed Cruz on whether he had seen two men exit the building on the day in question. Cruz responded that he had personally saw only one man, the man in the white Kia, enter and exit the building. Cruz explained that he had been told by a person he was with that a second man fled through the back door after the altercation. Although Cruz did not identify the person who had told him this, we assume it was the person Cruz referenced in his 911 call, when he told the operator, "[*w*]*e* believe there was an altercation downstairs in the laundry room. *We* heard what we thought were shots." (Emphasis added.) See footnote 3 of this opinion.

While walking through the building, Zulali observed that the laundry room was in disarray, with the washing machines and dryers pushed out of place. The laundry room had two entrances, one facing the front of the building and one facing the back. On the floor near the back entrance, Zulali found a spent shell casing and a single flip-flop. He later found the matching flip-flop in the parking lot behind the building, near the back entrance. Zulali also observed a mark on the laundry room floor and what he believed to be a bullet fragment embedded in a wall. On the basis of his training and experience, Zulali believed that a bullet had ricocheted off the floor and hit the wall. Zulali observed a second bullet hole in the molding around the back laundry room door and a fresh, one-half centimeter, blood like stain on the wall next to it.

Moving from the laundry room into the back hallway, Zulali noticed footprints on the wall across from the defendant's apartment, suggestive of a struggle, and white paint chips at the base of the defendant's door. He also observed what appeared to be fresh pry marks on the defendant's door and in the doorjamb. Cruz informed Zulali that a man and woman lived in the defendant's apartment and that he feared that one of them could have been involved in the altercation. Zulali asked Cruz whether the couple's car was in the parking lot. Cruz looked outside and saw that it was, at which point he and Zulali exited the building to look at the car. While outside, Zulali tried to see inside the defendant's apartment, but the blinds were drawn. Because Cruz' apartment faces the front of the building, he was unaware when he called 911 that the defendant's car was in the parking lot behind the building. Upon seeing the car and recalling the altercation and gunshots, Cruz expressed concern to Zulali that the defendant could be "laying on her floor in her kitchen" suffering from a gunshot or stab wound.

At this point, Zulali called for backup. Officer Michael Gerrity was the first officer to respond to the scene. At Zulali's request, Gerrity asked the police dispatcher to contact area hospitals to determine if anyone had sought treatment for a gunshot or stab wound. While Gerrity secured the crime scene, Zulali canvassed the building to determine if everyone was okay and if anyone had seen or heard anything. Zulali managed to speak with all the building's residents except the occupants of the defendant's apartment, who did not respond to his repeated knocking. Most of the people Zulali spoke with seemed nervous and reluctant to share any information beyond assuring him that they were fine.

Concerned that someone inside the defendant's apartment had been injured in the altercation, Zulali tried to enter the apartment, but the door was locked. He then decided to force his way into the apartment. Before doing so, he called his superior officer, Sergeant Gaetano Tiso, to explain the situation to him. Tiso told him to wait until he got there before entering the apartment. When Tiso arrived a few minutes later, Zulali once again apprised him of the situation, the evidence he had discovered in the laundry room, and his concerns about the couple residing in the defendant's apartment. The decision was then made to enter the apartment using a battering ram that Tiso kept in his police vehicle. When the door was breached, it triggered the defendant's security alarm.

"After a search of the defendant's apartment, it was determined that no one was in the one bedroom apartment. While searching the apartment, Zulali observed in plain view two scales covered in white residue, clear plastic bags, and a safe in the closet. At this point, the search stopped, and a search warrant was sought for the items that were in plain view.

"When the police executed the search warrant, they seized a total of approximately 186 small plastic bags

containing cocaine weighing 123.5 grams, 2 plastic bags containing cocaine weighing 43.8 grams, and $41,720 in cash. The defendant was arrested and charged with possession of more than one-half ounce of cocaine in violation of General Statutes [Rev. to 2015] § 21a-278 (a) and operation of a drug factory in violation of § 21a-277 (c)." *State* v. *Curet*, 200 Conn. App. 13, 20, 244 A.3d 927 (2020).

The defendant filed a motion to suppress the evidence seized from her apartment on the ground that the initial warrantless entry was not justified by any exception to the warrant requirement. The state opposed the motion, arguing that the exigent circumstances and emergency aid doctrines supported the warrantless entry because the police had probable cause to believe that someone inside the defendant's apartment was involved in a violent altercation during an attempted burglary. The state further argued that, given the totality of facts known to the officers at the time of entry, it was reasonable for them to believe that a victim was inside the defendant's apartment suffering from a stab or gunshot wound.

The trial court denied the defendant's motion to suppress in an oral decision. The court agreed with the state that the exigent circumstances and emergency aid doctrines supported the warrantless entry because, based on the totality of facts known to the officers at the time of entry, it was objectively reasonable for them to believe that someone inside the defendant's apartment had been shot or stabbed in an attempted burglary of the defendant's apartment.

The defendant appealed to the Appellate Court, claiming that the trial court incorrectly had determined that the exigent circumstances and emergency aid doctrines supported the warrantless search of her apartment. Id., 16. In a divided opinion, the Appellate Court agreed with the defendant and reversed her conviction.

Id. The Appellate Court concluded that the exigent circumstances doctrine was inapplicable because "there was no basis on which a reasonable officer would believe that probable cause justified entry [into the defendant's apartment] in pursuit of a suspect . . . ."[5] Id., 28. It also concluded that the emergency aid doctrine was inapplicable because a reasonable officer would not have believed that a medical emergency existed inside the apartment. Id., 31. In so concluding, the Appellate Court examined all the evidence the trial court had relied on in reaching a contrary conclusion and determined that none of it supported an objectively reasonable belief that someone from the defendant's apartment was involved in the altercation overheard by Cruz. See id., 31–32. The Appellate Court reasoned that, "although Cruz observed [two] individuals enter the building, there was no witness . . . who observed either individual enter the defendant's apartment; nor did a witness observe anyone emerge from the defendant's apartment to engage in the altercation. . . . Moreover, Zulali received information that two individuals had entered the building, engaged in an altercation, and then fled from the building in separate vehicles. Zulali was unaware of any evidence that a third party was involved in the altercation and remained in the building or was . . . in the defendant's apartment." Id., 33–34.

With respect to the blood stain, bullet holes, and shell casing recovered from the laundry room, the Appellate

[5] The Appellate Court noted that, in evaluating the applicability of the exigent circumstances doctrine, the trial court had failed to address an essential component of that doctrine—namely, whether the police had probable cause to search the defendant's apartment. *State* v. *Curet*, supra, 200 Conn. App. 26 n.5; see also *State* v. *Kendrick*, 314 Conn. 212, 231, 100 A.3d 821 (2014) ("[a]lthough the exigent circumstances doctrine allows the police to act [on] their reasonable belief that immediate action is necessary to protect the safety of those present, or to prevent the flight of a suspect or the destruction of evidence, the police must have had probable cause for an arrest or search at the outset" (emphasis omitted)).

Court reasoned that, "[although] a reasonable officer . . . might likely conclude that there was an altercation in the laundry room and someone might have been injured in the laundry room as a result of the altercation," there was no evidence that, after the altercation, "[the] injured person . . . retreated to the defendant's apartment" in "a separate area of the building . . . ." (Emphasis omitted.) Id., 35. "The most reasonable interpretation of the facts," the court concluded, "is that two men, after entering the building, unsuccessfully attempted to enter the defendant's apartment [and then fled]." Id., 40 n.6.

In reaching its decision, the Appellate Court distinguished three cases in which this court upheld a warrantless entry under the emergency aid doctrine. Id., 33–39; see *State* v. *DeMarco*, 311 Conn. 510, 538–40, 88 A.3d 491 (2014); *State* v. *Fausel*, 295 Conn. 785, 797–802, 993 A.2d 455 (2010); *State* v. *Blades*, 225 Conn. 609, 621, 626 A.2d 273 (1993). The Appellate Court interpreted these cases as requiring "substantial evidence . . . clearly demonstrating that someone was in danger of losing life or limb"; *State* v. *Curet*, supra, 200 Conn. App. 39; before a warrantless entry may be conducted pursuant to the emergency aid doctrine—evidence the Appellate Court found to be lacking in this case. Id., 39–40.

Judge Prescott dissented from the Appellate Court's opinion. He concluded that the clear and substantial evidence standard applied by the majority was not the correct legal standard for evaluating the constitutionality of a warrantless entry under the emergency aid doctrine. Id., 53 (*Prescott*, *J.*, dissenting). Contrary to the position taken by the majority, Judge Prescott observed, among other things, that the emergency aid doctrine does not require that an officer's belief concerning the existence of an emergency be the "most reasonable interpretation" of the evidence, only that it be an objec-

tively reasonable interpretation. (Emphasis omitted; internal quotation marks omitted.) Id., 53 and n.12 (*Prescott*, *J.*, dissenting). Applying this standard, Judge Prescott concluded that Zulali's belief that someone inside the defendant's apartment might have been in need of medical assistance was as reasonable as the interpretation advanced by the majority, namely, that two men entered the building, unsuccessfully attempted to enter the defendant's apartment, fought one another in the hallway, and then fled in separate vehicles. See id., 49–50 (*Prescott*, *J.*, dissenting); see also id., 28–29. Judge Prescott noted that "Cruz was only an earwitness and never directly observed the altercation. Thus, the mere fact that, after the altercation ended, he saw two men fleeing the scene did not necessarily mean that there were only two persons present during the relevant events. Given the fact that Cruz heard loud banging on the defendant's apartment door immediately preceding the altercation, it [was] not unreasonable to infer that the altercation involved someone in the defendant's apartment who either interrupted an attempted burglary, was the intended victim of the burglary, or had some other reason to engage in an argument that spilled out into the hallway and into the laundry room." Id., 49 (*Prescott*, *J.*, dissenting).

Judge Prescott also disagreed with the majority that there was insufficient evidence connecting the defendant's apartment to the altercation in the laundry room. In his view, the officers reasonably could have concluded that "any party injured during the altercation could have fled from the laundry room back into the defendant's apartment, locking the door behind him or her. The pry marks on the doorframe of the defendant's apartment door and the paint chips further link the defendant's apartment to the altercation, either because the altercation began as a result of a break-in or an attempted break-in or because someone attempted to

pursue a fleeing victim. In short, under the totality of the circumstances, it [was objectively] reasonable for officers to [believe] that someone shot, stabbed, or otherwise injured during the altercation could have sought refuge in the defendant's apartment and might be in need of medical attention. The fact that no one answered the door could have meant that the injured party had lost consciousness, making the need for an emergency warrantless entry that much more compelling."[6] Id., 50–51 (*Prescott*, *J.*, dissenting).

On appeal, following our grant of certification, the state challenges the Appellate Court's conclusion that the exigent circumstances and emergency aid exceptions to the warrant requirement did not support the warrantless entry into the defendant's apartment. The state contends that the Appellate Court, in reaching its conclusion, applied an incorrect legal standard, ignored the totality of the trial court's factual findings, and relied on numerous "factual inaccuracies . . . ." According to the state, the factual inaccuracies on which the Appellate Court relied include: (1) "Zulali received information that two individuals had entered the building, engaged in an altercation, and then fled from the building in separate vehicles"; *State* v. *Curet*, supra, 200 Conn. App. 34; (2) "Cruz observed [two] individuals enter the building"; id., 33; and (3) the defendant's apartment was in a "separate area of the building" from the laundry room. Id., 35.

The defendant disputes the state's assertion that the Appellate Court misapplied the law, ignored the trial court's factual findings, or based its decision on factual errors. The defendant argues that the Appellate Court

[6] Because Judge Prescott concluded that the officers' warrantless entry was justified under the emergency aid doctrine, he did not reach the issue of whether the police had probable cause to enter the apartment under the exigent circumstances doctrine. See *State* v. *Curet*, supra, 200 Conn. App. 40 n.1 (*Prescott*, *J.*, dissenting).

simply recognized that the trial court's factual findings were "antithetical" to its legal determination that the warrantless entry was justified under the exigent circumstances and emergency aid doctrines. For the reasons set forth hereinafter, we agree with the Appellate Court that the exigent circumstances doctrine did not support the warrantless entry into the defendant's apartment. We disagree, however, that the entry was not supported by the emergency aid doctrine.[7]

The fourth amendment to the United States constitution provides that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. Const., amend. IV. The United States Supreme Court has long held that "searches and seizures inside a home without a warrant are presumptively unreasonable." *Payton* v. *New York*, 445 U.S. 573, 586, 100 S. Ct. 1371, 63 L. Ed. 2d 639 (1980). It is equally well settled that "the police may not enter the home without a warrant or consent, unless

[7] "As a general matter, the standard of review for a motion to suppress is well settled. A finding of fact will not be disturbed unless it is clearly erroneous in view of the evidence and pleadings in the whole record . . . . [W]hen a question of fact is essential to the outcome of a particular legal determination that implicates a defendant's constitutional rights, [however] and the credibility of witnesses is not the primary issue, our customary deference to the trial court's factual findings is tempered by a scrupulous examination of the record to ascertain that the trial court's factual findings are supported by substantial evidence. . . . [When] the legal conclusions of the court are challenged, [our review is plenary, and] we must determine whether they are legally and logically correct and whether they find support in the facts set out in the memorandum of decision . . . . Accordingly, the trial court's legal conclusion regarding the applicability of the exigent circumstances doctrine is subject to plenary review." (Citation omitted; internal quotation marks omitted.) *State* v. *Kendrick*, 314 Conn. 212, 222, 100 A.3d 821 (2014).

one of the [three] established exceptions to the warrant requirement is met. Indeed, [p]hysical entry of the home is the chief evil against which the wording of the fourth amendment is directed." (Internal quotation marks omitted.) *State* v. *Ryder*, 301 Conn. 810, 821, 23 A.3d 694 (2011). "The exigent circumstances doctrine is one of [the] three exceptions to the warrant requirement that are triggered by the need for swift action by the police. All three exceptions, the exigent circumstances doctrine, the protective sweep doctrine and the emergency [aid] doctrine, must be supported by a reasonable belief that immediate action was necessary." *State* v. *Kendrick*, 314 Conn. 212, 225, 100 A.3d 821 (2014).

The test for determining when exigent circumstances justify a warrantless search or seizure is "whether, under the totality of the circumstances, the police had reasonable grounds to believe that if an immediate arrest [or entry] were not made, the accused would be able to destroy evidence, flee or otherwise avoid capture, or might, during the time necessary to procure a warrant, endanger the safety or property of others. This is an objective test; its preeminent criterion is what a reasonable, [well trained] police officer would believe, not what the . . . officer actually did believe. . . . Put simply, given probable cause to arrest or search, exigent circumstances exist when, under the totality of the circumstances, the officer reasonably believed that immediate action was necessary to protect the safety of those present, or to prevent the flight of a suspect, or the destruction of evidence." (Citation omitted; internal quotation marks omitted.) Id., 227–28.

By contrast, "[t]he emergency [aid] exception to the warrant requirement allows [the] police to enter a home without a warrant when they have an objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with such injury. . . . The need to protect or preserve life or [to] avoid serious

injury is justification for what would be otherwise illegal absent an exigency or emergency. . . . As a result, the use of the emergency [aid] doctrine evolves outside the context of a criminal investigation and does not involve probable cause as a prerequisite for the making of an arrest or the search for and seizure of evidence. . . . [*United States* v. *Barone*, 330 F.2d 543, 545 (2d Cir.) ([t]he right of the police to enter and investigate in an emergency without the accompanying intent to either search or arrest is inherent in the very nature of their duties as peace officers, and derives from the common law), cert. denied, 377 U.S. 1004, 84 S. Ct. 1940, 12 L. Ed. 2d 1053 (1964)]. Nevertheless, the emergency [aid] doctrine does not give the state an unrestricted invitation to enter the home. [G]iven the rationale for this very limited exception, the state actors making the search must have reason to believe that life or limb is in immediate jeopardy and that the intrusion is reasonably necessary to alleviate the threat. . . . The police, in order to avail themselves of this exception, must have valid reasons for the belief that an emergency exists, a belief that must be grounded in empirical facts rather than subjective feelings . . . . It is an objective and not a subjective test. The test is not whether the officers actually believed that an emergency existed, but whether a reasonable officer would have believed that such an emergency existed." (Citations omitted; internal quotation marks omitted.) *State* v. *Fausel*, supra, 295 Conn. 794–95.

Any search conducted pursuant to the exigent circumstances or emergency aid exceptions must be "strictly circumscribed by the exigencies" that justified it. (Internal quotation marks omitted.) *Mincey* v. *Arizona*, 437 U.S. 385, 393, 98 S. Ct. 2408, 57 L. Ed. 2d 290 (1978). The state bears the burden of demonstrating that a warrantless entry falls within one of the exceptions to the warrant

requirement. See, e.g., *State* v. *Samuolis*, 344 Conn. 200, 214, 278 A.3d 1027 (2022).

Applying these principles, we agree with the Appellate Court that the warrantless entry was not supported by the exigent circumstances doctrine because the police lacked probable cause to search the defendant's apartment for evidence or to make an arrest. Probable cause is required under the exigent circumstances doctrine because this exception applies exclusively to situations in which the police, acting in their crime fighting capacity, *have probable cause* to believe that a crime has been or is about to be committed and reasonably believe that, in the time it would take for them to obtain a warrant, the suspect would be able to destroy evidence, flee, or endanger the safety of others. See, e.g., *State* v. *Kendrick*, supra, 314 Conn. 227–28. Indeed, the state does not claim otherwise. Rather, the state consistently has argued on appeal—first in the Appellate Court and now before this court—that the warrantless entry in the present case was justified for purposes of rendering medical aid to someone inside the defendant's apartment injured in the altercation overheard by Cruz.[8] The United States Supreme Court has explained that, if the officers' purpose in entering a home is to render emergency assistance, then they need not have probable cause to enter the home. See, e.g., *Michigan* v. *Fisher*, 558 U.S. 45, 47, 130 S. Ct. 546, 175 L. Ed. 2d 410 (2009) (emergency aid doctrine "requires only an objectively reasonable basis for believing . . . that a person within [the house] is in need of immediate aid" (citation omitted; internal quotation marks omitted)). This is so because the "emergency aid doctrine has its roots in

[8] In its brief to the Appellate Court, the state argued that the search was supported by the exigent circumstances doctrine because it "pertained to a risk of danger to human life, *not pursuit of a suspect*." (Emphasis added.) *State* v. *Curet*, Conn. Appellate Court Briefs & Appendices, March Term, 2020, State's Brief pp. 18–19.

the police's caretaking function, as opposed to its law enforcement function . . . ." (Footnote omitted.) *State* v. *Samuolis*, supra, 344 Conn. 215.

We recognize that "it is not always a simple matter to delineate precisely pursuant to which function [the] police are acting in carrying out a particular search or seizure. In fact, we expressly have acknowledged . . . [that the] [p]olice often operate in the gray area between their community caretaking function and their function as criminal investigators. Often there is no bright line separating the one from the other . . . . In many instances, however, it is possible to discern whether the police are acting in their crime control or investigative functions, or instead are acting pursuant to their community caretaking function." (Citation omitted; internal quotation marks omitted.) *State* v. *Kendrick*, supra, 314 Conn. 233. This is one such instance.

Although there can be no doubt that the police were acting in their crime control function when they arrived at the building, it is equally apparent that, by the time they entered the defendant's apartment, they were acting pursuant to their caretaking role. This transition—from crime solving to caretaking—is a common one and is to be expected given the myriad situations officers confront when responding to a call and the "complex and multiple tasks" they are expected to perform when they do. (Internal quotation marks omitted.) *State* v. *Fausel*, supra, 295 Conn. 800–801. Because the police were acting in their caretaking role, the only issue is whether it was objectively reasonable for them to believe that someone inside the apartment was in need of emergency medical assistance. On the basis of the totality of facts known to the officers at the time of entry, we conclude that it was.

To begin with, the police were responding to reports of gunshots and an attempted burglary. In *Fausel*, this

court held that "there are an infinite variety of situations in which entry for the purpose of rendering aid is reasonable. Included are those in which entry is made . . . *to seek possible victims of violence in premises apparently burglarized recently* . . . . 3 W. LaFave, Search and Seizure (4th Ed. 2004) § 6.6 (a), pp. 459–61. The rationale is that burglary is a crime of violence and bystanders are likely to be injured by the perpetrator. See *State* v. *Amado*, 254 Conn. 184, 201, 756 A.2d 274 (2000) (crimes against the person like . . . burglary are, in common experience, likely to involve danger to life in the event of resistance by the victim . . .)." (Emphasis in original; footnote omitted; internal quotation marks omitted.) *State* v. *Fausel*, supra, 295 Conn. 798–99; see also *United States* v. *Cooks*, 920 F.3d 735, 745 (11th Cir.) ("[i]nherent in a residential burglary is the risk that the homeowner will catch the perp[etrator] in the act and wind up a victim"), cert. denied, U.S. , 140 S. Ct. 218, 205 L. Ed. 2d 137 (2019); *Montanez* v. *Carvajal*, 889 F.3d 1202, 1210–11 (11th Cir. 2018) ("[B]ecause the [f]ourth [a]mendment has to be applied on the spur (and in the heat) of the moment, the object in implementing its command of reasonableness is to draw standards sufficiently clear and simple to [apply] . . . . Our holding—pursuant to which the burglary itself creates (or more accurately is) the exigency that justifies a limited warrantless entry to search for . . . victims—provides [the] police, citizens, and reviewing courts the sort of readily administrable standard that the [United States] Supreme Court has deemed essential in the [f]ourth [a]mendment context." (Citation omitted; emphasis omitted; internal quotation marks omitted.)); *Sandoval* v. *Las Vegas Metropolitan Police Dept.*, 756 F.3d 1154, 1163 (9th Cir. 2014) (for purposes of emergency aid doctrine, "burglary and attempted burglary are considered to carry an inherent risk of violence"), cert. denied, 574 U.S. 1153, 135 S. Ct. 1401, 191 L. Ed.

2d 360 (2015); *United States* v. *Castillo*, 48 Fed. Appx. 611, 613 (9th Cir. 2002) ("[t]he officers' initial entry into the apartment and search of the apartment . . . for a victim . . . were lawful under the emergency [aid] exception to the warrant requirement because the officers had received a burglary call, and upon arriving at the apartment, observed signs of a burglary"); *State* v. *Woods*, 136 N.C. App. 386, 391, 524 S.E.2d 363 ("[s]tate and federal courts . . . generally agree that [when] an officer reasonably believes that a burglary is in progress or has been recently committed, a warrantless entry of a private residence to ascertain whether . . . there are people in need of assistance does not offend the [f]ourth [a]mendment"), review denied, 351 N.C. 370, 543 S.E.2d 147 (2000).

Second, apart from the inherent risk of violence that accompanies every burglary, in the present case, there were numerous extrinsic signs of violence—bullet holes, shell casings, and obvious signs of a struggle in the hallway. This type of evidence would have only heightened the officers' concerns that someone may have been injured during the commission of the crimes in question. As Judge Prescott aptly observed, given the sequence of events reported by Cruz, which began with banging on the defendant's door, it was reasonable for the officers to believe that the person injured in the altercation was someone from the defendant's apartment "who either interrupted an attempted burglary, was the intended victim of the burglary, or had some other reason to engage in an argument that spilled out into the hallway and into the laundry room." *State* v. *Curet*, supra, 200 Conn. App. 49 (*Prescott*, *J.*, dissenting). Courts routinely have upheld warrantless entries under comparable circumstances. See, e.g., *United States* v. *Huffman*, 461 F.3d 777, 784–85 (6th Cir. 2006) (officers responding to reports of gunshots at residence, who subsequently observed bullet holes in home's exterior

and received no response after knocking on door, lawfully entered home under emergency aid doctrine to ensure nobody inside was injured), cert. denied, 549 U.S. 1299, 127 S. Ct. 1863, 167 L. Ed. 2d 353 (2007); *United States* v. *Holloway*, 290 F.3d 1331, 1332–33, 1338 (11th Cir. 2002) (When 911 caller reported gunshots and loud arguing, and shotgun casings were found outside home, "the officers reasonably believed an emergency situation justified a warrantless search of [the defendant's] home for victims of gunfire. The possibility of a gunshot victim lying prostrate in the dwelling created an exigency necessitating immediate search."), cert. denied, 537 U.S. 1161, 123 S. Ct. 966, 145 L. Ed. 2d 897 (2003); *People* v. *Lomax*, 975 N.E.2d 115, 125 (Ill. App.) (when police received multiple 911 calls complaining that gunshots had been fired in apartment and one call specified that shots had come from first floor rear unit, "[a]lthough the police had no specific details about the identity or appearance of either the shooter or any potential victim, the probability that someone had been shot was sufficient to create a reasonable belief that an emergency existed"), appeal denied, 981 N.E.2d 1001 (Ill. 2012), cert. denied, 569 U.S. 935, 133 S. Ct. 1835, 185 L. Ed. 2d 844 (2013).

In reaching a contrary conclusion, the Appellate Court reasoned that there was insufficient evidence connecting the altercation in the laundry room to the defendant's apartment, and, therefore, it was not objectively reasonable for the officers to believe that someone from the defendant's apartment was injured in that altercation. See *State* v. *Curet*, supra, 200 Conn. App. 28–29, 35. As the state argues, however, underpinning the Appellate Court's analysis were three factual inaccuracies: (1) the defendant's apartment was in a "separate area of the building" from the laundry room; id., 35; (2) "Zulali received information that two individuals had entered the building, engaged in an altercation, and

then fled from the building in separate vehicles"; id., 34; and (3) "Cruz observed [two] individuals enter the building . . . ." Id., 33. On the basis of this information, the Appellate Court determined that it was unreasonable for Zulali to believe that anyone other than the two individuals observed by Cruz were involved in the altercation. See id., 34–35. The information the Appellate Court is referring to is the information Zulali received from the police dispatcher while en route to the scene. See id., 34. As the state argues, however, the dispatcher did not state that two individuals had entered the building. The dispatcher stated that *one* individual had attempted to break into an apartment, that an altercation ensued, and that, afterward, two persons were seen fleeing the building. Furthermore, at the hearing on the motion to suppress, the trial court asked Cruz whether he personally had seen two men entering or exiting the building. Cruz responded that he had seen only one man, the man in the Kia, but "was told by somebody else" that a second man had left following the gunshots. Thus, contrary to the reasoning of the Appellate Court, Zulali was not informed that two individuals had entered the building, engaged in an altercation, and then fled in separate vehicles; nor did the trial court make any such findings.[9] The trial court found,

[9] In her brief to this court, the defendant insists that the trial court found that Cruz observed two men enter and leave the building and, further, that the trial court found that those men were the only individuals Cruz heard fighting in the laundry room. The defendant bases her argument on certain statements, taken out of context, that the trial court made during its oral ruling. In particular, the defendant relies on the trial court's statement, when summarizing Cruz' 911 call, that "Cruz eventually saw the male and the second male run out of the building and flee in separate vehicles." As we indicated, however, the trial court was aware that Cruz did not personally see two men run from the building. The transcript of the 911 call is ambiguous on this point, and the court sought clarification of it during the hearing on the motion to suppress. The defendant's assertions to the contrary notwithstanding, we do not read the trial court's ruling as limiting the number of individuals involved in the altercation to the two men seen leaving when it ended. Indeed, the trial court's ruling belies any such suggestion because the court concluded that it was objectively reasonable for the officers to

rather, that, after the man in the Kia entered the building, Cruz heard pounding on the defendant's door followed by a fight in the hallway in front of the defendant's door. The trial court further found that the fight eventually spilled over into the laundry room, which, contrary to the assertion of the Appellate Court, was located "just a few feet away" from the defendant's apartment, not in a separate area of the building.[10] On the basis of this and other evidence, the trial court concluded that it was objectively reasonable for the officers to believe that someone from the defendant's apartment may have been injured during the altercation, "possibl[y] due to a shooting or a stabbing, and would be in need of immediate . . . medical attention."

Even if there was evidence to support the Appellate Court's theory "that two men, after entering the building, unsuccessfully attempted to enter the defendant's apartment"; *State* v. *Curet*, supra, 200 Conn. App. 40 n.6; it would not change our view of the reasonableness of the officers' belief that someone from the defendant's apartment was involved in the altercation. This is so because the Appellate Court's analysis does not account for the fact that the altercation was preceded by loud knocking on the defendant's door and began in the hallway in front of the defendant's apartment. If the two men who entered the building were acting in concert, as the Appellate Court's analysis at times would seem to suggest, and no one from the defendant's apartment was involved in the altercation, then who were the two

believe that someone inside the defendant's apartment may have been shot or stabbed during the altercation and may have been in need of emergency medical assistance.

[10] Specifically, the trial court found that Cruz told Zulali that, "[a]fter the male gained entry into the building, Cruz . . . heard someone knocking very hard [on] the [defendant's door]. Cruz was sure the knocking was on the [defendant's door]. Cruz then heard an altercation, which started in front of the hallway of [the defendant's apartment] and moved over to the laundry room . . . [which] was just a few feet away . . . ."

men shooting at in the laundry room? We agree with Judge Prescott that an objectively reasonable interpretation of the evidence is that the two men were fighting with someone from the defendant's apartment after the defendant's door was opened—either forcibly by the intruders or voluntarily by someone inside the apartment in response to the loud knocking. See id., 49 (*Prescott*, *J.*, dissenting). Furthermore, because there was evidence that the intruders were carrying a firearm and a knife, it was reasonable for the officers to believe that, once the door was opened, anyone inside the apartment was at immediate risk of serious bodily injury.

We further agree with Judge Prescott that the quantum of evidence the Appellate Court required to justify a warrantless entry under the emergency aid doctrine—namely, "substantial evidence . . . clearly demonstrating that someone was in danger of losing life or limb"; id., 39; or "clearly demonstrat[ing] that there was a victim or bystander . . . injured [in the altercation]"; id., 34;—is not supported by the case law. See id., 53 and n.11 (*Prescott*, *J.*, dissenting). If this were the standard, then the police would never be permitted to enter a home without a warrant following a burglary. It is not the standard. "Officers do not need ironclad proof of a likely serious, life-threatening injury to invoke the emergency aid exception," they need "an objectively reasonable basis for believing" that such emergency assistance is required. (Internal quotation marks omitted.) *Michigan* v. *Fisher*, supra, 558 U.S. 49; see also *State* v. *Fausel*, supra, 295 Conn. 800 ("we do not read [prior case law] to require direct evidence of an emergency situation" (internal quotation marks omitted)).

The reasonable belief standard "is a less exacting standard than probable cause";[11] *United States* v. *Que-*

[11] "Probable cause, broadly defined, comprises such facts as would reasonably persuade an impartial and reasonable mind not merely to suspect or conjecture, but to believe that criminal activity has occurred." (Internal quotation marks omitted.) *State* v. *Blades*, supra, 225 Conn. 622.

zada, 448 F.3d 1005, 1007 (8th Cir. 2006); and "must be applied by reference to the circumstances then confronting the officer, including the need for prompt assessment of sometimes ambiguous information concerning potentially serious consequences. As one court usefully put it, the question is whether the officers would have been derelict in their duty had they acted otherwise. This means, of course, that it is of no moment that it turns out there was in fact no emergency. . . . 3 W. LaFave, [Search and Seizure (6th Ed. 2020)] § 6.6 (a), pp. 629–31; see also . . . *United States* v. *Cooks*, [supra, 920 F.3d 743] (we must be mindful that the police must act quickly, based on hurried and incomplete information . . .) . . . ." (Citation omitted; internal quotation marks omitted.) *State* v. *Samuolis*, supra, 344 Conn. 227–28; see id., 227 ("[i]t defies common sense to conclude that, if there is any plausible, nonemergency explanation for the facts presented, no entry can be made until there is definitive proof that a person is present who is in need of emergency aid"); see also *Sutterfield* v. *Milwaukee*, 751 F.3d 542, 559 (7th Cir.) ("[w]hen [the] police are acting in a swiftly developing situation . . . a court must not indulge in unrealistic second-guessing" (internal quotation marks omitted)), cert. denied, 574 U.S. 933, 135 S. Ct. 478, 190 L. Ed. 2d 362 (2014); *State* v. *Ortiz*, 95 Conn. App. 69, 83, 895 A.2d 834 ("[t]he fact that a person in need of assistance was not present in the apartment does not in any way detract from the objectively reasonable interpretation of the facts that were before the police officers in their haste to render whatever assistance was necessary"), cert. denied, 280 Conn. 903, 907 A.2d 94 (2006).

Applying this standard, we conclude that the totality of facts known to the officers supported an objectively reasonable belief that someone inside the defendant's apartment was in need of emergency medical aid. The facts known to the officers included the breaking and

entering into the building, the damage to the defendant's apartment door, the banging on the defendant's door, the fight that broke out in front of the defendant's apartment, the gunshots, the blood stain, the knife, and the fact that, although the defendant's car was in the parking lot, she did not respond to the officers' repeated knocking on her door. With respect to this final fact, Cruz testified that, when he realized the defendant's car was in the parking lot, he informed Zulali of his growing concern for the defendant's welfare. We agree with the state that Zulali reasonably could have inferred from this that Cruz, a resident of the building, was sufficiently familiar with the defendant's comings and goings to associate the presence of her car with her being at home, thereby heightening the overall sense of urgency. In such circumstances, and taking into account all the other facts known to the officers, it was reasonable for the officers to believe that immediate entry into the defendant's apartment was necessary to protect life and that a failure to take such action would constitute a dereliction of duty.[12] For all of these reasons, we cannot agree with the Appellate Court that the emergency aid doctrine did not support the warrantless entry into the defendant's apartment.

The judgment of the Appellate Court is reversed and the case is remanded to that court with direction to affirm the judgment of the trial court.

In this opinion the other justices concurred.

[12] In the absence of any of the facts known to the officers, our decision might be different. Such is the nature of the fourth amendment totality of the circumstances inquiry, in which every factor is integral and often indispensable to the decision reached concerning the reasonableness of the challenged conduct. See, e.g., *United States* v. *Banks*, 540 U.S. 31, 36, 124 S. Ct. 521, 157 L. Ed. 2d 343 (2003) (reasonableness under fourth amendment is "a function of the facts of cases so various that no template is likely to produce sounder results than examining the totality of circumstances in a given case; it is too hard to invent categories without giving short shrift to details that turn out to be important in a given instance, and without inflating marginal ones").