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b. The prosecutor did not improperly urge the jurors to draw speculative inferences for which there was no support in the record: the prosecutor's statement that the reason that the defendant went to the home of his girlfriend, J, to burn his clothing was to get rid of incriminating evidence was not improper speculation or a reference to facts not in evidence, as the jury reasonably could infer the defendant's state of mind from his actions, namely, that he desired to destroy any incriminating evidence; moreover, the prosecutor did not improperly speculate regarding possible explanations for the defendant's strange facial expressions that J witnessed after the shooting when the prosecutor suggested to the jurors that the defendant was trying to determine if he could trust J to tell her what he had done, as the prosecutor was offering the jurors a reasonable inference that they could draw from the circumstances; furthermore, the prosecutor's statement that the defendant may have taken his son to the hospital after the shooting to see if his victims were dead was not improper and was supported by a witness' testimony that the defendant told the witness that he had gone to the hospital to see if whomever he shot was dead; additionally, the prosecutor's statements offering possible explanations for why the defendant left the hospital before L's mother arrived, that he was nervous, and that a police officer may have come by were not improper, as those statements suggested reasonable inferences that the jury properly could draw from the evidence, namely, that the defendant was understandably anxious about the possibility of being apprehended while he was at the hospital, where he believed that at least one of his victims had been taken.

c. There was no merit to the defendant's claim that the prosecutor's use of the phrases "we know" and "you know" during her closing argument was improper on the ground that they conveyed to the jurors that the matter was undisputed, as the prosecutor merely used the phrases to introduce her statements marshaling the evidence for the jury; furthermore, the prosecutor did not improperly vouch for a witness when she summarized that witness' account of the shooting, which was the only testimony that the defendant shook C after he shot her to see if she was dead, as the prosecutor was simply marshaling the evidence and was not required to limit her argument to testimony that favored the defendant or to testimony that was undisputed; moreover, although the prosecutor's remark during rebuttal argument that "[m]urderers take risks" was improper, as the prosecutor should not have characterized the defendant as a murderer until he was found guilty of murder, the defendant could not establish prejudice because the evidence that the defendant shot and killed L and D was overwhelming, and the evidence that the defendant offered in support of his affirmative defense of extreme emotional disturbance, which, if established, would have resulted in a manslaughter rather than a murder conviction, was weak.

d. The defendant could not prevail on his claim that the prosecutor improperly commented on his failure to testify when she argued in her

NOTE: These pages (328 Conn. 451 and 452) are in replacement of the same numbered pages that appear in the Connecticut Law Journal of 17 April 2018.

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rebuttal that he had failed to prove his affirmative defense of extreme emotional disturbance, and that those remarks improperly suggested that the jury, in determining whether he had met his burden of proving that affirmative defense, was permitted to consider only evidence offered by the defense: nothing in the prosecutor's comments on the defendant's failure to offer evidence indicating that the defendant ever had been prohibited from having contact with his son, that he wanted to have contact with his son, or if he ever visited with his son, constituted a comment, even indirectly, on the defendant's failure to testify but, rather, signaled to the jury gaps in the defendant's case as to his affirmative defense, which he bore the burden of proving; moreover, the prosecutor's remarks did not amount to an improper suggestion that the jury could not consider evidence that had been presented by the state but focused on the failure of the defendant to present evidence regarding what had caused the extreme emotional disturbance.

15. The defendant's unpreserved claim that the trial court improperly had failed to inquire about whether the defendant's right to counsel was jeopardized by a potential conflict of interest failed under the first prong of *State v. Golding* (213 Conn. 233), the defendant having failed to present an adequate record for review; although the defendant claimed that his defense counsel, S, owed an ongoing duty to an individual, W, at whose murder trial the defendant had been a cooperating state's witness, insofar as W was represented by the Hartford public defender's office, where S worked, the defendant failed to point to evidence in the record that conclusively established that W was represented by the Hartford public defender's office at any time and, particularly, at the time of the defendant's trial.
16. This court declined to address the defendant's claim that it should adopt the federal cumulative error doctrine, because, even if the court were to recognize that doctrine, the improprieties of the trial court in the present case would not justify relief under that doctrine.

Argued December 14, 2016—officially released January 26, 2018***

Procedural History

Substitute information charging the defendant with one count of the crime of capital felony, two counts of the crime of murder, and one count each of the crimes of attempt to commit murder, assault in the first degree, and criminal possession of a pistol or revolver, brought to the Superior Court in the judicial district of Hartford, where the state filed a notice of the aggravating factors

*** January 26, 2018, the date that this decision was released as a slip opinion, is the operative date for all substantive and procedural purposes.