

SUPREME COURT PENDING CASES

The following appeal is fully briefed and eligible for assignment by the Supreme Court in the near future.

STATE *v.* EUGENE L. WALKER, SC 20101
Judicial District of Tolland

Criminal; Whether Appellate Court Properly Determined that Defendant’s Right to Confrontation was not Violated by Admission of DNA Analyst’s Testimony Concerning DNA Profile Processed by Another DNA Analyst. The defendant was convicted of felony murder, manslaughter in the first degree and attempted robbery in connection with the shooting death of a man during an attempted robbery in a parking lot. The police recovered a black bandana from the crime scene and sent the bandana and the victim’s bloodstain to the state’s Division of Scientific Services laboratory for analysis, along with buccal swabs from the defendant. At trial, Heather Degan, a supervisory forensics examiner, testified that she performed DNA testing on the bandana and that the laboratory’s “known processing group” performed DNA testing on the defendant’s buccal swabs. She further testified that she obtained a mixture of DNA profiles from the bandana and that when she compared those DNA profiles to the defendant’s DNA profile generated by an analyst in the known processing group, the defendant’s DNA profile matched the DNA profile of the major contributor of DNA on the bandana. The defendant appealed, arguing that the trial court violated his right to confrontation by allowing Degan to testify about the results of her comparison of the DNA profiles, without requiring an analyst from the know processing group to testify. The Appellate Court (180 Conn. App. 291) rejected the defendant’s confrontation clause claim, noting that the U.S. Supreme Court has never held that the confrontation clause requires an opportunity to cross-examine each lab analyst involved in the process of generating a DNA profile and comparing it wit another. It noted that Degan was the analyst who conducted the critical analysis that connected the defendant’s DNA to the DNA found on the bandana and that Degan testified and was subject to cross-examination regarding her DNA comparison results and about the standard operating procedures of the laboratory, including the manner in which DNA samples like the one from the defendant were processed and verified. The defendant appeals, and the Supreme Court will review the Appellate Court’s determination that the defendant’s sixth amendment right to confronta-

tion was not violated by the admission of Degan's testimony regarding a known DNA profile generated from a swab processed by another analyst who did not testify at trial.

The summary appearing here is not intended to represent a comprehensive statement of the facts of the case, nor an exhaustive inventory of issues raised on appeal. This summary is prepared by the Staff Attorneys' Office for the convenience of the bar. It in no way indicates the Supreme Court's view of the factual or legal aspects of the appeal.

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