

SUPREME COURT PENDING CASES

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

STATE *v.* JESSE CULBREATH, SC 20276
Judicial District of Hartford

Criminal; Whether Defendant’s Statements Were Obtained in Violation of Rule of *Edwards v. Arizona* that Custodial interrogation Must Cease Once a Suspect Invokes *Miranda* Right to Counsel; Whether Alleged Prosecutorial Improprieties Deprived Defendant of a Fair Trial. The victim was shot and killed on Judson Street in Hartford. Based upon a tip from a confidential informant that the defendant may have been involved in the homicide, the police stopped a vehicle in which the defendant was a passenger. After a search of the vehicle uncovered a revolver, the defendant was arrested for, inter alia, firearm offenses and taken to the police station. In order to safeguard the fifth amendment privilege against self-incrimination, the United States Supreme Court, in *Miranda v. Arizona*, 384 U.S. 436 (1966), adopted a prophylactic rule that requires that suspects be informed of their right to remain silent and their right to counsel prior to any custodial interrogation. Thereafter, in *Edwards v. Arizona*, 451 U.S. 477 (1981), that court extended the prophylactic rule of *Miranda*, and held that, once suspect invokes his right to have counsel present during custodial interrogation, all questioning must cease until counsel is made available or the suspect voluntarily reinitiates conversation. Here, the defendant signed a *Miranda* rights waiver form prior to being interviewed by Detective Rykowski. During the interview, the defendant asked: “Is there anybody I can talk to?” When Detective Rykowski sought a clarification, the defendant responded, “Like . . . an attorney or something?” Detective Rykowski stated that, if the defendant wanted an attorney, the interview would have to be terminated. Detective Rykowski then left the interview room to allow the defendant time to decide whether he wanted an attorney. When the interview resumed, neither the defendant nor Detective Rykowski raised the issue of whether the defendant wanted an attorney. The defendant eventually admitted during the interview that the revolver found in the vehicle was his and that he shot the victim, but claimed that the shooting was in self-defense. The defendant was convicted of, inter alia, manslaughter in the first degree and firearm offenses, after a trial in which his inculpatory statements were admitted into evidence. On appeal, the defendant claims for the first time that his statements were obtained in violation of *Edwards v. Arizona*. The

defendant contends that he “clearly” invoked his *Miranda* right to counsel when, during the interview, he asked Detective Rykowski, “Is there anybody I can talk to?” and then, upon Detective Rykowski’s request for clarification, further stated, “Like . . . an attorney or something?” The defendant argues that Detective Rykowski’s failure to stop the interrogation at this point violated the prophylactic rule of *Edwards v. Arizona*. Alternatively, relying on *State v. Purcell*, 331 Conn. 318 (2019), the defendant claims that, if his invocation of his *Miranda* right to counsel is determined to be ambiguous, Detective Rykowski’s failure to seek clarification of his request before resuming the interview violated his right against compelled self-incrimination under article first, § 8, of the state constitution. In addition, the defendant claims that he was deprived of his constitutional right to a fair trial by prosecutorial impropriety. Specifically, he argues that during closing and rebuttal arguments, the prosecutor improperly (1) argued facts not in evidence and mischaracterized the evidence, (2) misrepresented the law related to the defendant’s claim of self-defense, and (3) remarked on the defendant’s motive to lie and Detective Rykowski’s lack of motive to lie.

The summaries appearing here are not intended to represent a comprehensive statement of the facts of the case, nor an exhaustive inventory of issues raised on appeal. These summaries are prepared by the Staff Attorneys’ Office for the convenience of the bar. They in no way indicate the Supreme Court’s view of the factual or legal aspects of the appeal.

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