

SUPREME COURT PENDING CASES

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

STATE *v.* RICARDO CORREA, SC 20246
Judicial District of Stamford

Criminal; Search and Seizure; Whether Warrantless Search Conducted by Canine Sniff Outside Door of Defendant’s Motel Room Constituted an Illegal Search Under State Constitution; Whether Police Officer’s Warrantless Visual Sweep of Defendant’s Motel Room Justified by Exigent Circumstances. While conducting surveillance at a motel, the police observed what appeared to be a drug transaction being conducted out of the defendant’s motel room. The police conducted a canine examination of the walkway of the motel and, after the dog alerted at the bottom of the door to the defendant’s room that it had detected contraband, the police applied for a warrant to search the room. Prior to obtaining the warrant, the police detained the defendant, and an officer used his room key to open the door to look inside his room. The police officer, in conducting a visual sweep of the room, observed evidence of drug activity. The police subsequently executed the search warrant for the room and discovered a large quantity of heroin and other items consistent with drug trafficking. The defendant was charged with several drug offenses, and he filed a motion to suppress the evidence, claiming that the police officer’s warrantless visual sweep of his motel room constituted an illegal search under both the federal and state constitutions. The trial court denied the motion to suppress, and the defendant entered a nolo contendere plea to the charges conditioned on his right to appeal. On appeal, the defendant, relying on *State v. Kono*, 324 Conn. 80 (2016), claimed that the warrantless dog sniff outside the door to his motel room violated article first, § 7 of the state constitution. In *Kono*, the Supreme Court held that a warrantless canine sniff of the front door of the defendant’s condominium and an adjacent common hallway, which were located in multiunit condominium complex, for the purpose of detecting marijuana violated article first, § 7. The Appellate Court (185 Conn. App. 308) affirmed the defendant’s conviction, finding that *Kono* was distinguishable and that the defendant did not have any reasonable expectation of privacy on the outside of the door to his motel room. It noted that the hallway in *Kono* was located inside a condominium complex structure and was accessible only by a keycard, whereas the open, shared walkway of the motel here was located outside of the structure and was visible to and accessible by any member

of the public. The Appellate Court also rejected the defendant's claim that the trial court had wrongly determined that the warrantless visual sweep of his motel room was justified under the exigent circumstances exception to the warrant requirement. It ruled that, under the facts here, the police had ample reason to believe that, in the absence of swift action in opening the door to the room and performing a visual sweep, there was a significant risk of destruction of evidence. The defendant was granted certification to appeal, and the Supreme Court will decide whether the Appellate Court correctly concluded that the police canine sniff that took place outside of the defendant's motel room did not violate the defendant's rights under article first, § 7 of the state constitution. The Supreme Court will also decide whether the Appellate Court correctly concluded that the visual sweep of the defendant's motel room was justified by exigent circumstances.

STATE *v.* DURANTE D. BEST, SC 20278
Judicial District of Fairfield

Criminal; Murder; Evidence; Whether Photographs of Bloodstains in Car That Transported Victims to the Hospital Were Properly Admitted. The defendant, Durante D. Best, was arguing with his girlfriend, Erika Anderson, in the bedroom of their apartment. Erika's adult daughter, Octavia, and her friend, Rogerlyna Jones, entered the apartment and heard the argument. Octavia and Jones started to bang on the locked bedroom door and yelled for the defendant to let them inside. After the defendant retrieved a revolver from a hidden location in the bedroom, he opened the bedroom door and shot them each in the chest. Octavia and Jones fled the apartment, followed by Erika, who was also shot by the defendant as she was fleeing. Octavia and Jones were actively bleeding from their wounds while they drove themselves to the hospital, and Erika was taken to the hospital by emergency personnel. While Erika and Octavia survived the shooting, Jones died from her injuries. The defendant was convicted of one count of murder with respect to Jones, and two counts each of attempted murder and assault in the first degree with respect to Erika and Octavia. The defendant appealed, and the Appellate Court affirmed his conviction as to Erika, but ordered that the defendant receive a new trial on the counts alleging murder as to Jones and attempted murder and assault as to Octavia. On retrial, the state introduced into evidence photographs depicting bloodstains on the interior of the vehicle that Octavia and Jones had driven to the hospital. The defendant objected to the photographs, arguing that they were inflam-

matory and of no probative value. The trial court overruled the objection, and the defendant was convicted of all counts. The defendant appeals, claiming that the trial court abused its discretion by allowing the photographs into evidence because they were irrelevant and more prejudicial than probative. He also argues that the admission of the photographs was harmful because the standard jury instructions failed to cure their prejudicial effect. The state claims that, even if the photographs were improperly admitted, any error was harmless because the photographs were not central to the state's case, because there were other photographs of bloodstains that were properly before the jury, and because the evidence of the defendant's guilt was overwhelming.

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.

*John DeMeo
Chief Staff Attorney*
