

and procedural history are relevant to this claim. “On April 6, 2015, the defendant and two other individuals, Dwayne ‘Hoodie’ Sayles and Leighton Vanderberg, were travelling together in a green Ford Focus driven by Vanderberg. The defendant sat in the front passenger seat and was wearing sweatpants, a gray hoodie, and dark sneakers. . . .

“The three men drove to Eddy’s Food Centre (Eddy’s) located at 276 Howard Avenue in New Haven. Once they arrived, the defendant exited the car, while Vanderberg and Sayles remained inside. . . . [The defendant] went into Eddy’s for a few minutes, returned to the car, and then went back into the store a second time. [An individual, later identified as the defendant, was captured on Eddy’s surveillance video footage.] Upon his return to the car the second time, the defendant handed Sayles a pair of black gloves. He also retrieved his revolver and put it in the waistband of his sweatpants.

“Thereafter, the three men drove to the Fair Haven section of New Haven. Vanderberg pulled onto Kendall Street toward Fulton Terrace and parked the car, intending to smoke ‘dutches’.<sup>3</sup> Not having enough cigars, someone suggested that they buy more cigars from a nearby store. The defendant and Sayles then exited the vehicle and walked up Fulton Terrace, with the defendant a few steps in front of Sayles, while Vanderberg remained in the car. The defendant entered the Pay Rite convenience store (Pay Rite) connected to a CITGO gas station located at 262 Forbes Avenue.

“Pay Rite surveillance videos captured the defendant, wearing a black mask, black gloves, a gray hoodie, gray sweatpants, and dark sneakers, walk to the counter and point a gun at the clerk, Sanjay Patel, the victim in this case. While pointing the gun at the victim, the defendant

<sup>3</sup> “A ‘dutch’ is a marijuana filled cigar.” *State v. Sumler*, supra, 199 Conn. App. 190 n.2.

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walked behind the counter. The surveillance footage captured a second individual . . . later determined to be Sayles . . . entering the store and walking up to the counter. The victim struggled with the defendant and picked up a wooden stool. Sayles then pulled out a gun, aimed it at the victim, fired, and put the gun away in his hoodie pocket. The defendant, pointing his gun at the victim, used his other hand to pass items over the counter to Sayles, who put the items in his pocket before turning and leaving the store. As the defendant bent down to take . . . items, the victim hit him on his upper body with the stool. The defendant then shot the victim and ran out of the store. The victim subsequently died from his injuries.” (Footnote omitted; footnote in original.) *Id.*, 190–91.

“On April 17, 2015, detectives met with [Jayme] DeNardis, the defendant’s previous probation officer. DeNardis viewed a still photograph from video surveillance footage captured from Eddy’s on April 6, 2015. She signed the photograph and identified the defendant as the individual in the footage and as being one of her probationers. The defendant filed a motion in limine to preclude DeNardis from testifying at trial about the identity of the individual captured on surveillance video footage from Eddy’s.<sup>4</sup> He claimed that her identification

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<sup>4</sup> We read the motion in limine to have requested that DeNardis be precluded from testifying about the identity of the defendant in both the photograph taken from the surveillance video and the surveillance video itself. The motion in limine asked the court to exclude DeNardis’ testimony concerning the identification of the defendant in the surveillance video. During the hearing on the motion in limine, the court established that the photograph in which DeNardis identified the defendant was undisputedly taken from the surveillance video. The state intended to elicit testimony from DeNardis regarding her identification of the defendant in the photograph. The state also intended to have DeNardis attempt to identify the defendant in the surveillance video when she viewed the video for the first time at trial before the jury. Thus, the motion in limine sought to preclude DeNardis from testifying about the identity of the defendant in the surveillance video itself as well as the identity of the defendant in the photograph taken from the surveillance video.