to "defense theory [that] related to a central and critical question before the jury" violated defendant's constitutional right to present defense); *State* v. *Cerreta*, 260 Conn. 251, 264, 796 A.2d 1176 (2002) (trial court's erroneous exclusion of evidence amounted to constitutional violation because "[t]he excluded evidence not only was relevant to the primary issue at trial, namely, the identity of the perpetrator, it was central to the defendant's claim of innocence" and "crucial to his defense"); *State* v. *Leniart*, supra, 198 Conn. App. 603 ("[t]he primary consideration in determining whether a trial court's ruling violated a defendant's right to present a defense is the centrality of the excluded evidence to the claim or claims raised by the defendant at trial" (internal quotation marks omitted)). Accordingly, our Supreme Court has recognized that "[t]he defendant's right to present a defense 'would be an empty one if the [s]tate were permitted to exclude competent, reliable evidence . . . when such evidence is central to the defendant's claim of innocence.' " *State* v. *Cerreta*, supra, 264–65, quoting *Crane* v. *Kentucky*, 476 U.S. 683, 690, 106 S. Ct. 2142, 90 L. Ed. 2d 636 (1986); see also *United States* v. *Scheffer*, 523 U.S. 303, 315, 118 S. Ct. 1261, 140 L. Ed. 2d 413 (1998) (observing that "[t]he exclusions of evidence that [the United States Supreme Court] [has] declared unconstitutional . . . significantly undermined fundamental elements of the defendant's defense"); *Pennsylvania* v. *Ritchie*, 480 U.S. 39, 56, 107 S. Ct. 989, 94 L. Ed. 2d 40 (1987) ("at a minimum . . . criminal defendants have . . . the right to put before a jury evidence that might influence the determination of guilt").

In light of these principles, the essential question in the present case of whether the defendant was afforded

a meaningful opportunity to present a complete defense involves a determination of whether the court's exclusion of the uniform arrest report significantly undermined a central aspect of the defendant's defense. See *State* v. *Cerreta*, supra, 260 Conn. 264–65; see also *United States* v. *Scheffer*, supra, 523 U.S. 315. If the evidence was central to the misidentification defense the defendant sought to present and might have influenced the jury's determination of guilt, the court's erroneous exclusion of the evidence amounted to a violation of the defendant's constitutional right to present a defense. See *State* v. *Cerreta*, supra, 264–65; see also *Pennsylvania* v. *Ritchie*, supra, 480 U.S. 56. Conversely, if the excluded evidence was not central to a theory advanced by the defendant or to a critical issue in the case, or if its substance was, or could have been, presented to the jury by other means, the defendant's constitutional right to present a defense was not violated. See *State* v. *Leniart*, supra, 198 Conn. App. 603–604.

Our analysis begins with an examination of the theories presented by the state and the defendant at trial to determine the fundamental components of the defendant's misidentification defense. The state's theory of the case was that the defendant was the perpetrator based on the facts that he identified himself as the person in the still images of the perpetrator from the video that had been shown to him by Merriam and that Sarbieski did the same. In contrast, the defense's theory of the case was that the defendant and Sarbieski incorrectly had identified the defendant as the person in the still images of the perpetrator primarily on the basis that the perpetrator had tattoos and the defendant does not have tattoos, as indicated on the uniform arrest report. The defendant also sought to admit, through the uniform arrest report, evidence pertaining to his height

who assaulted the victim. The defendant attempted to present this version of the facts by offering the uniform arrest report into evidence through the testimony of Bobrowiecki.

Moreover, nothing in the record indicates that there were other means by which the defendant adequately was permitted to present his misidentification defense.[16] The uniform arrest report was the only independent documentary evidence that was offered at trial showing the defendant's height and weight and that he did not have tattoos, at least at the time he was arrested. See *Scrimo* v. *Lee*, 935 F.3d 103, 120 (2d Cir. 2019) (defendant "was deprived of his constitutional right to present a complete defense" because "[i]n circumstances in which . . . the marginal evidence pointing to the defendant over another person is flimsy, and *the excluded evidence was the only independent source of facts essential to proving the defense's theory that the other person committed the crime*, we must conclude that the wrongfully excluded testimony would have introduced reasonable doubt where none otherwise existed" (emphasis added)). The fact that Sarbieski testified, during the state's case-in-chief, that the defendant did not have tattoos, by itself, cannot be construed as adequate other means by which to present the defendant's theory of defense. Sarbieski was the defendant's long-standing employer and, as the prosecutor pointed out to the jury, a "good friend" of the defendant. His testimony about

[16] We note that there is nothing in the record indicating that the jury was otherwise able to view the defendant's forearms at trial. Although the state directs our attention to a statement made by the trial court during a postjudgment hearing on the defendant's motion for a new trial in which the court stated that, at times during the trial, the defendant's sleeves were rolled up, the court's statement does not establish that *the jury* was able to view the defendant's forearms. The court never indicated how high the defendant's sleeves were rolled up and to what extent, if any, the defendant's forearms *were exposed to the jury*, and the statement does not convey in any way whether *the jury was able to view* the defendant's forearms during trial. Moreover, although the state makes general assertions that the jury could have viewed the defendant at trial, the state has failed to point to anything in the record indicating that the jury was able to view the defendant's forearms during trial or to any factual finding made during an evidentiary hearing to that effect. Notably, at oral argument before this court, the state expressly represented that it "was not making . . . any proffer now that we know the set up and what the jury could see . . . ."

the defendant's lack of tattoos, as juxtaposed against evidence from an objective and independent third party, the uniform arrest report, was not evidence of equivalent value to the defendant. See *State* v. *Osimanti*, supra, 299 Conn. 17 (exclusion of evidence of victim's conviction for violation of protective order and of inquiry into victim's history of domestic violence, which was offered to prove victim's "violent character," when defendant claimed self-defense, was nonconstitutional because defendant "was able to introduce evidence to that effect in the form of the victim's lengthy criminal record and gang affiliations, as well as through his cross-examination of [a witness]"); *State* v. *Papineau*, 182 Conn. App. 756, 780–82, 190 A.3d 913 (exclusion of testimony from defendant's mother concerning innocent explanation for defendant's flight—that prior to crime, he planned to travel to Massachusetts—was not constitutional in nature because "the defendant was permitted to present evidence that he had preexisting plans to travel to [Massachusetts] by means other than the narrow inquiry that was excluded," namely, through testimony of two other witnesses), cert. denied, 330 Conn. 916, 193 A.3d 1212 (2018). Therefore, we cannot conclude that the defendant was adequately permitted to present his misidentification defense through the evidence that was admitted at trial.

In sum, no reasonable review of the record could lead to the conclusion that the defendant was "adequately . . . permitted"; (internal quotation marks omitted) *State* v. *Leniart*, supra, 198 Conn. App. 604; "a meaningful opportunity to present a complete defense"; (internal quotation marks omitted) *State* v. *Cerreta*, supra, 260 Conn. 260; as the court prevented him from presenting relevant and material evidence that supported his version of the facts, that he considered to be "essential" to his misidentification theory of defense, and that was central to the critical issue of identity. See *State* v. *Torres*, supra, 343 Conn. 217; *State* v. *Cerreta*, supra, 264–65. Accordingly, we are convinced that the court's erroneous exclusion of the uniform arrest report rose to the level of a constitutional violation, as it resulted in the exclusion of evidence that was material