# STATE v. NEGRON

221 Conn. 315 (1992) | Cited 64 times | Supreme Court of Connecticut | March 3, 1992

The defendant, Tino Negron, was chargedin a substitute information with the crimes ofmurder, felony murder, attempted robbery and carryinga pistol without a permit. After a jury trial he wasconvicted of felony murder in violation of General Statutes53a-54c[1] and carrying a pistol without a permit

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in violation of General Statutes 29-35 and 29-37 (b).[2]He was sentenced to a term of forty-five years imprisonment

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on his felony murder conviction and to a consecutiveterm of five years on his conviction of carrying apistol without a permit, for a total effective sentenceof fifty years imprisonment. The defendant took adirect appeal from that judgment to this court pursuantto General Statutes 51-199 (b).

The jury could reasonably have found, from the evidenceproduced at trial, that the defendant shot andkilled Dwayne Hollyfield on December 23, 1988, atapproximately 11:30 p.m., near the intersection ofStillman and Kossuth Streets in Bridgeport. The juryalso could reasonably have found that the shootingoccurred while the defendant was attempting to robHollyfield of a microwave oven, contained in a cardboardcarton, that Hollyfield was transporting in asupermarket shopping cart.

The defendant does not dispute the sufficiency of theevidence to prove his guilt. He does, however, claimthat he is entitled to a reversal of his conviction anda new trial because of certain rulings of the trial courtand because of comments made by the prosecutingattorney in his closing argument. We affirm thejudgment.

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I

The defendant first contends that the trial courtimproperly overruled his motion to suppress admissionsthat he had made to Detective David Silva of theBridgeport police department at the Bridgeport policeheadquarters on the evening of December 26, 1988,shortly after he was apprehended.[3] From the evidenceadduced at a suppression hearing and at trial the courtcould

reasonably have found the following relevantfacts. The defendant, who was seventeen years old andhad had prior experience with the police, was apprehendedon December 26, at the home of his girlfriend.Thereafter, he was taken to Bridgeport police headquarterswhere he was advised of his Miranda[4] rightsby Silva, who used a standard police rights form forthat purpose. At the suppression hearing Silva testifiedthat, in his presence and that of another police officer,the defendant, after he had been advised of hisrights, had executed the uppermost portion of thewaiver form, had initialed each individual warning ofrights and had signed the rights form at the bottom.Silva further testified that he was aware that thedefendant had been advised of his rights on previousoccasions and that, when advised of his rights on thisoccasion, the defendant appeared to understand themand had no trouble communicating or expressing himselfclearly. Silva also testified that after the defendanthad been advised of his rights and had executedthe waiver, the defendant had said, "I will tell you aboutit, but I wouldn't give a statement."[5] Thereafter, Silva

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testified, the defendant told him that he had been followedby Hollyfield, that the two had argued, and thatHollyfield had slapped him in the face, whereupon thedefendant had shot him. The defendant denied that hewas attempting to rob Hollyfield of the microwaveoven. Silva said that he had made no record, either writtenor taped, of the defendant's admissions.

A

The defendant initially argues in support of hissuppression claim that his admissions should have beensuppressed because they were not knowingly andintelligently made. This argument is premised on thedefendant's claim that had he fully understood theimplications of his oral admissions, i.e., that they couldbe used against him, he would not have made them.He contends that he obviously did not intend to waivehis right to remain silent because, although he agreedto tell Silva what had happened, he refused to give "astatement." The defendant argues, therefore, that inmaking his oral admissions, he did not recognize theconsequences of his action and, therefore, could nothave acted with the "full awareness" required for avalid waiver of his right to remain silent and not toincriminate himself. He claims that, as a result, his oraladmissions were not knowingly and intelligently madeand should not have been admitted at trial. We disagree.[6]

This claim of the defendant is foreclosed by our decisionin State v. Barrett, 205 Conn. 437, 450,

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534 A.2d 219 (1987). "In Barrett, we held that an accused hadknowingly and intelligently waived his federal rightagainst self-incrimination despite the fact that herefused to commit anything to writing and would provideonly oral statements to the police."[7] State v. Lewis,220 Conn. 602, 613-14, 600 A.2d 1330 (1991); see alsoState v. Harris, 188 Conn. 574, 580, 452 A.2d 634(1982), cert. denied, 460 U.S. 1089,

103 S.Ct. 1785,76 L.Ed.2d 354 (1983); State v. Frazier, 185 Conn. 211,225, 440 A.2d 916 (1981), cert. denied, 458 U.S. 1112,102 S.Ct. 3496, 73 L.Ed.2d 1375 (1982). Ananalogous factual situation and similar reasoning alsosupport the conclusion in the instant case that, as inBarrett, the defendant had validly waived his right toremain silent. Contrary to the defendant's suggestion,the law does not require the police to counsel a suspectabout the various modes of communication thatmight qualify as admissible evidence at trial, so longas the police give him appropriate Miranda warningsand ascertain his understanding that he has a right toremain silent and that anything he says can be usedagainst; him.

B

The defendant next claims that his statement shouldnot have been admitted into evidence at his trialbecause it was not made voluntarily. We are unpersuaded.

"The use of an involuntary statement of a defendantin a criminal trial violates a defendant's right to

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due process of law. State v. Boscarino, 204 Conn. 714,740, 529 A.2d 1260 (1987); State v. Smith, 200 Conn. 465,475, 512 A.2d 189 (1986). As a prerequisite toadmissibility the state is required to prove, by apreponderance of the evidence, that under all thecircumstances admissions by an accused were voluntarilymade. Lego v. Twomey, 404 U.S. 477, 489, 92 S.Ct.619, 30 L.Ed.2d 618 (1972); State v. Chung, 202 Conn. 39,53, 519 A.2d 1175 (1987); State v. Stankowski,184 Conn. 121, 131, 439 A.2d 918, cert. denied, 454 U.S. 1052,102 S.Ct. 596, 70 L.Ed.2d 588 (1981); Statev. Vollhardt, 157 Conn. 25, 34, 244 A.2d 601 (1968).The issue of whether [admissions are] voluntary andadmissible is, in the first instance, one of fact fordetermination by the trial court in the exercise of its legaldiscretion. State v. Derrico, 181 Conn. 151, 162,434 A.2d 356, cert. denied, 449 U.S. 1064, 101 S.Ct. 789,66 L.Ed.2d 607 (1980); see Jackson v. Denno, 378 U.S. 368,395, 84 S.Ct. 1774, 12 L.Ed.2d 908 (1964). Ourusual deference to the trial court's finding on questionsof this nature is qualified by the necessity for an independentexamination of the entire record to determine whetherthe trial court's finding of voluntariness is supportedby substantial evidence. State v. Toste, 198 Conn. 573,576, 504 A.2d 1036 (1986); State v. DeForge, 194 Conn. 392,398, 480 A.2d 547 (1984). State v. DeAngelis, 200 Conn. 224,232, 511 A.2d 310 (1986); State v. Chung, supra, 54."(Internal quotation marks omitted.) State v. Kane,218 Conn. 151, 160, 588 A.2d 179 (1991).

An examination of the record leads us to concludethat there is substantial evidence to support the trialcourt's finding that the defendant's admissions werefreely and voluntarily made. Our review clearly indicatesthat under all the circumstances, including thedefendant's age and experience, there was no policeconduct that "was such as to overhear [the defendant's]

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will to resist and bring about [a statement] not freelyself-determined . . . ." Rodgers v. Richmond,365 U.S. 534, 544, 81 S.Ct. 735, 5 L.Ed.2d 760 (1961);State v. Boscarino, supra, 740; State v. Smith, supra,477; State v. Shifflett, 199 Conn. 718, 727,508 A.2d 748 (1986).[8] This claim of the defendant is unfounded.

II

The defendant next contends that certain commentsmade by the prosecutor during closing argument concernedthe defendant's election not to testify and violatedhis constitutional and statutory right to remainsilent, and thereby denied him a fair trial. See Griffinv. California, 380 U.S. 609, 615, 85 S.Ct. 1229, 14L.Ed.2d 106, reh. denied, 381 U.S. 957, 85 S.Ct. 1797,14 L.Ed.2d 730 (1965); Doyle v. Ohio, 426 U.S. 610,619, 96 S.Ct. 2240, 49 L.Ed.2d 91 (1976); see alsoGeneral Statutes 54-84, 54-1b and 54-1c.

In a portion of his closing argument, the prosecutingattorney stated, "Now, the way the situation isworked out and the way that you heard it occurred,you know that there are only two people in the worldwho would tell you exactly what happened there onDecember the 23rd, 1988. You know one of the thosepeople was Dwayne Hollyfield." Then, after briefly discussingHollyfield's life style and importuning the jurynot to let that life style diminish the seriousness of theoffense, the prosecutor said, "The other person whoknows exactly what happened on December 23rd, 1988,is sitting right over there next to [defense counsel]."

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Immediately thereafter, however, the prosecutorstated, "You would not know that but for the fact thathe made three - at least three very serious mistakes - seriouserrors in judgment after he committed the murder.[Number one] in misjudging his relationship withZaida Figueroa and telling her what happened. [Numbertwo,] by failing to anticipate that by telling YenMcGee, his friend, he goes over and tells Yen McGee.Somewhere down the line Mr. McGee gets put in a situationwhere it becomes a better idea to tell what heknows than to try to mislead the police. And perhapshis biggest mistake is not realizing the significance oftelling David Silva at the police department what hetold him."

The defendant, at trial, did not object to the prosecutor'sremarks, nor did he take an exception, ask fora mistrial or a curative instruction, or otherwise indicateto the court any displeasure with the prosecutor'sargument. Because he failed to preserve his claim attrial, the defendant now requests that we review theclaim under State v. Evans, 165 Conn. 61,327 A.2d 576 (1973), and State v. Golding, 213 Conn. 233,567 A.2d 823 (1989). He also argues that it should bereviewed as plain error under Practice Book 4185.[9]

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In determining whether a prosecutor's commentshave encroached upon a defendant's right to remainsilent we have espoused the following criterion. "`Atest for evaluating a prosecutor's argument that hasbeen adopted by several courts> and approved by theCourt of Appeals of this circuit in United States ex rel.Leak v. Follette, 418 F.2d 1266, 1269 (2d Cir.), cert.denied sub nom. Leak v. Follette, 397 U.S. 1050, 90S.Ct. 1388, 25 L.Ed.2d 665 [1970], seems adequate andproper [, that is]: "Was the language used manifestlyintended to be, or was it of such character that the jurywould naturally and necessarily take it to be a commenton the failure of the accused to testify?"'" State v.Walker, 206 Conn. 300, 307, 537 A.2d 1021 (1988).

In this case, we conclude that the prosecutor'sremarks would reasonably have been interpreted by thejury, not as a comment on the defendant's failure totestify, but rather to have been an observation that thedefendant, who knew what had happened, had informedthree others that he had shot someone on StillmanStreet on December 23, 1988, that the three in turnhad testified as to what they had been told, and thatthe jury, therefore, had for its consideration the defendant'sown account of what had transpired. That, indeed,appears to be the more cogent construction to beattributed to the prosecutor's argument. At any rate,the segment of the argument complained of was not"manifestly intended to be, [nor] was it of such characterthat the jury would naturally and necessarily takeit to be a comment on the failure of the accused to testify."(Internal quotation marks omitted.) State v.Walker, supra, 307; United States ex rel. Leak v.Follette, supra, 1269. "[A] court should not lightly inferthat a prosecutor intends an ambiguous remark to haveits most damaging meaning or that a jury, sittingthrough lengthy exhortation, will draw that meaningfrom the plethora of less damaging interpretations."

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Donnelly v. DeChristoforo, 416 U.S. 637, 647, 94 S.Ct.1868, 40 L.Ed.2d 431 (1974). Because there was noclear constitutional violation, and the defendant did notraise this issue at trial, we refuse to review it further.State v. Golding, supra, 240. Moreover, the failure ofthe trial court, sua sponte, to take action was not plainerror given the interpretation that could reasonably beplaced on the prosecutor's remarks.[10]

III

The defendant next claims that the trial court violatedhis rights to confront witnesses, to present adefense, to due process and to a fair trial when it deniedhim the opportunity to present extrinsic evidence thathis former paramour, Zaida Figueroa, had not beentruthful in her response to some questions asked of heron cross-examination.

On cross-examination, counsel for the defendantinquired extensively of Figueroa concerning her relationshipwith the defendant. At one point in that inquiryhe asked Figueroa if she had communicated with thedefendant while he had been in custody since his arrest.She denied having

done so. Thereafter, when shownletters addressed to the defendant's custodial lodging,she denied having written them.

In an effort to impeach Figueroa's credibility bydemonstrating that the facts were inconsistent with hertestimony on cross-examination, the defendant attemptedto enter the letters into evidence. In his effort to doso, he made an offer of proof outside the presence ofthe jury. That offer consisted of the testimony ofDeborah Fabrizi, who had been a close friend of

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Figueroa. Fabrizi identified the letters as having beenwritten by Figueroa to the defendant. She testified thatshe was knowledgeable as to the source of the lettersbecause she had seen Figueroa write them; she had readsome of the letters; and she recognized Figueroa'shandwriting. She described the letters as "lovey dovey"letters from Figueroa to the defendant. She also testifiedthat she knew that the defendant had received theletters because she was aware that the defendant andFigueroa had discussed them over the telephone.

The state objected to the admission of the letters andFabrizi's testimony. The trial court sustained the state'sobjection on the ground that the evidence was collateraland irrelevant. The defendant took an exception to thecourt's ruling. He did not, however, in the trial courtmake any constitutional claim in conjunction with hisexception. See Practice Book 288.[11] See also Maysv. Mays, 193 Conn. 261, 268, 476 A.2d 562 (1984). Thedefendant argues again, however, that we should nowexamine the constitutional claim he raises on appealunder State v. Evans, supra, and State v. Golding,supra. We disagree.

A witness may not be impeached by contradicting hisor her testimony as to collateral matters, that is, mattersthat are not directly relevant and material to themerits of the case. State v. Burns, 173 Conn. 317, 327,377 A.2d 1082 (1977); State v. Carbone, 172 Conn. 242,262, 374 A.2d 215, cert. denied, 431 U.S. 967, 97S.Ct. 2925, 53 L.Ed.2d 1063 (1977); State v. Wilson,

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158 Conn. 321, 324, 260 A.2d 571 (1969). Further, thetrial court has broad discretion in ruling on the admissibilityof evidence and the scope of cross-examinationto show contradictory statements. State v. Miller,202 Conn. 463, 482, 522 A.2d 249 (1987); State v. Reed,174 Conn. 287, 304, 386 A.2d 243 (1978). We will not disturbthat discretion unless a clear abuse is demonstrated.State v. Parker, 197 Conn. 595, 601,500 A.2d 551 (1985).

In this instance we conclude that it was within thetrial court's discretion to have made a determinationthat the letters and Fabrizi's testimony were collateralto any issue linked to a proper determination of thedefendant's responsibility for Hollyfield's death andwere, therefore, not

admissible. Because the court's rulingwas within its discretion, the defendant's constitutionalrights were not violated. See State v. Fullwood,199 Conn. 281, 284, 507 A.2d 85 (1986). The defendant'srights to confront and cross-examine witnessesand to present a defense do not give him the right tohave admitted any evidence he chooses. "`In the exerciseof [those rights], the accused, as required of theState, must comply with the established rules of procedureand evidence designed to assure both fairnessand reliability in the ascertainment of guilt and innocence.'Chambers v. Mississippi, 410 U.S. 284, 302, 93S.Ct. 1038, 35 L.Ed.2d 297 (1973) . . . ." State v.Kemp, 199 Conn. 473, 479, 507 A.2d 1387 (1986). Statev. Kelly, 208 Conn. 365, 376, 545 A.2d 1048 (1988).

Because the record fails to disclose that a constitutionalviolation clearly exists, we refuse to review further thisclaim of the defendant. State v. Golding, supra, 240.[12]

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IV

The defendant's final claim is that the trial courtimproperly allowed the jury to hear testimony that thedefendant was a sentenced prisoner. The defendantcontends that divulging this information to the jury wasso prejudicial that it deprived him of a. fair trial andrequires reversal. We disagree.

During the course of the trial, Edward Davies, thedeputy warden of the Bridgeport Correctional Center,was called as a witness by the defendant. Davies, whowas in possession of the defendant's institutional records,testified as to the number of visits by Figueroato the defendant while the defendant was housed in theManson Youth Institution in Cheshire.[13] During thecross-examination of Davies by the state, Davies wasasked if he knew whether the defendant's status atCheshire had been that of a sentenced or unsentencedprisoner. The defendant objected to the question. Thecourt thereupon told that witness that he could answerthe question, "yes" or "no." Davies, however, apparentlynot understanding the court's admonition, answered,"At the time he was at Manson, he was sentenced."[14]The trial court immediately, sua sponte,granted an "exception" to the defendant.

The defendant did not move that Davies' answer bestricken, nor did he move for a mistrial or request acurative instruction. Immediately after Davies' answer,the inquiry took another tack, and there was no furtherexploration of the defendant's status as a sentencedor unsentenced prisoner. No explanation was

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given to the jury concerning the difference between asentenced and an unsentenced prisoner, no mentionwas made of any of the crimes for which the defendanthad been sentenced and the state did not refer tothe defendant's status when it made its final arguments.Moreover, despite the lack of a request, the trialcourt incorporated a curative instruction addressingDavies' answer in its charge to

the jury. That instructionclearly informed the jury that any reference inDavies' testimony to the defendant's status was notto be used as evidence of guilt.[15]

There appears to have been no justification for theadmission into evidence of Davies' answer to the prosecutor'squestion and the state does not argue that theanswer was admissible. The state does argue, however,that this issue has assumed an importance on appealthat it does not appear to have had at trial. We agree.At trial, Davies' answer was not viewed by the defendantas sufficiently prejudicial to warrant a motion tostrike, a motion for a mistrial, or a request for a curativeinstruction. When counsel does not choose to makea request for a curative instruction or a mistrial, "hepresumably does not view the remarks as so prejudicialthat his client's right to a fair trial is seriouslyjeopardized." State v. Falcone, 191 Conn. 12, 23 n. 13,463 A.2d 558 (1983).

Moreover, despite the lack of a request for a curativeinstruction, the trial court did deliver a charge tothe jury that clearly informed the jurors that they werenot to consider the defendant's status as any evidence

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of guilt. "The jury are presumed to follow the court'sdirections in the absence of a clear indication to thecontrary." State v. Griffin, 175 Conn. 155, 160,397 A.2d 89 (1978); State v. Glenn, 194 Conn. 483, 497,481 A.2d 741 (1984); State v. Washington, 182 Conn. 419,429, 438 A.2d 1144 (1980).

In view of the fact that Danes' answer was solitary,was not pursued and was the subject of a curativeinstruction, we conclude that the inadvertent admissioninto evidence of that single answer, in the contextof the entire trial, was harmless. See State v. Glenn,supra, 497.

The judgment is affirmed.

In this opinion the other justices concurred.

1. "[General Statutes] Sec. 53a-54c. FELONY MURDER. A person isguilty of murder when, acting either alone or with one or more persons,he commits or attempts to commit robbery, burglary, kidnapping, sexualassault in the first degree, sexual assault in the first degree with afirearm, sexual assault in the third degree, sexual assault in the thirddegree with a firearm, escape in the first degree, or escape in the seconddegree and, in the course of and in furtherance of such crime or of flighttherefrom, he, or another participant, if any, causes the death of a personother than one of the participants, except that in any prosecution underthis section, in which the defendant was not the only participant in theunderlying crime, it shall be an affirmative defense that the defendant:(A) Did not commit the homicidal act or in any way solicit, request,command, importune, cause or aid the commission thereof; and (B) was notarmed with a deadly weapon, or any dangerous instrument; and (C) had noreasonable ground to believe that any other participant was armed with sucha weapon or instrument; and (D) had no reasonable ground to believe thatany other participant intended to engage in conduct likely to result indeath or serious physical injury."

2. "[General Statutes] Sec. 29-35. CARRYING OF PISTOL OR REVOLVERWITHOUT PERMIT PROHIBITED. EXCEPTIONS. (a) No person shall carry any pistolor revolver upon his person, except when such person is within hisdwelling house or place of business, without a permit to carry the sameissued as provided in section 29-28. The provision i of this subsectionshall not apply to the carrying of any pistol or revolver by any sheriff,parole officer or peace officer of this state, or sheriff, parole officeror peace officer of any other state while engaged in the pursuit of hisofficial duties, or federal marshal or federal law enforcement agent, or toany member of the armed forces of the United States, as defined by section27-103, or of this state, as defined by section 27-2, when on duty or goingto or from duty, or to any member of any military organization when onparade or when going to or from any place of assembly, or to thetransportation of pistols or revolvers as merchandise, or to any personcarrying any pistol or revolver while contained in the package in which itwas originally wrapped at the time of sale and while carrying the same fromthe place of sale to the purchaser's residence or place of business, or toany person removing his household goods or effects from one place toanother, or to any person while carrying any such pistol or revolver fromhis place of residence or business to a place or person where or by whomsuch pistol or revolver is to be repaired or while returning to his placeof residence or business after the same has been repaired, or to any personcarrying a pistol or revolver in or through the state for the purpose oftaking part in competitions or attending any meeting or exhibition of anorganized collectors' group if such person is a bona fide resident of theUnited States having a permit or license to carry any firearm issued by theauthority of any other state or subdivision of the United States, or to anyperson carrying a pistol or revolver to and from a testing range at therequest of the issuing authority, or to any person carrying an antiquepistol or revolver, as defined in section 29-33. "(b) The holder of a permit issued pursuant to section 29-28 shall carrysuch permit on his person while carrying such pistol or revolver." General Statutes 29-37, entitled "Penalties," provides in pertinent part:"(b) Any person violating any provision of subsection (a) of section 29-35may be fined not more than one thousand dollars and shall be imprisonednot less than one year nor more than five years, and, in the absence of anymitigating circumstances as determined by the court, one year of thesentence imposed may not be suspended or reduced by the court. The courtshall specifically state the mitigating circumstances, or the absencethereof, in writing for the record. Any pistol or revolver found in thepossession of any person in violation of any provision of subsection (a) ofsection 29-35 shall be forfeited."

3. The state does not dispute that the defendant was in custody atthe time he gave the statement and that the statement was in response topolice interrogation.

4. Miranda v. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694(1966).

5. An express written or oral waiver is strong proof of the validityof the waiver. North Carolina v. Butler, 441 U.S. 369, 373. 99 S.Ct. 1755,60 L.Ed.2d 286 (1979).

6. "We have noted that it is a common experience of life that inmany circumstances persons are willing to convey information orally but arereluctant to put the same thing in writing. State v. Frazier,[185 Conn. 211225, 440 A.2d 916 (1981), cert. denied, 458 U.S. 1112, 102 S.Ct. 3496, 73L.Ed.2d 1375 (1982)], quoting United States v. Cooper, 499 F.2d 1060,1062 (D.C. Cir. 1974). . . ." (Internal quotation marks omitted.) State v.Whitaker, 215 Conn. 739, 756, 578 A.2d 1031 (1990).

7. The defendant purports to rely on both the federal and stateconstitutions to support his claims. There is, however, no

separate analysisof his state constitutional claims. We have consistently declined toconsider state constitutional claims in criminal cases in the absence of anindependent analysis of the particular state constitutional provisions atissue. State v. Perez, 218 Conn. 714, 723, 591 A.2d 119 (1991), State v.Mooney, 218 Conn. 85, 89 n. 5, 588 A.2d 145, cert. denied, ___ U.S. ___,112 S.Ct. 330, 116 L.Ed.2d 270 (1991).

8. The defendant argued that one of the reasons that his confessionwas involuntary was that he had used marijuana earlier on the day that hewas apprehended. However, in response to a request during the suppressionhearing to describe what effect the smoking of two marijuana "joints" washaving on him at the time he was arrested, the defendant replied, "Theyreally didn't have no effect. All marijuana does to you is get you in amellow mood to go to sleep."

9. "[Practice Book] Sec. 4185. (Formerly Sec. 3063). ERRORSCONSIDERED. "The supreme court shall not be bound to consider a claim unless it wasdistinctly raised at the trial or arose subsequent to the trial. The supremecourt may in the interests of justice notice plain error not brought to theattention of the trial court. "In jury trials, where there is a motion, argument, or offer of proof orevidence in the absence of the jury, whether during trial or before,pertaining to an issue that later arises in the presence of the jury, andcounsel has fully complied with the requirements for preserving anyobjection or exception to the judge's adverse ruling thereon in the absenceof the jury, the matter shall be deemed to be distinctly raised at the trialfor purposes of this rule without a further objection or exception providedthat the grounds for such objection or exception, and the ruling thereon aspreviously articulated, remain the same."

10. "`[Plain error review] is reserved for truly extraordinarysituations where the existence of the error is so obvious that it affectsthe fairness and integrity of and public confidence in the judicialproceedings.' State v. Hinckley, 198 Conn. 77, 87-88, 502 A.2d 388 (1985)."State v. Foreshaw, 214 Conn. 540, 546-47, 572 A.2d 1006 (1990).

11. [Practice Book] Sec. 288. OBJECTIONS TO EVIDENCE "Whenever an objection to the admission of evidence is made, counselshall state the grounds upon which it is claimed or upon which objectionis made, succinctly and in such form as he desires it to go upon the record,before any discussion or argument is had. Argument upon such objectionshall not be made by either party unless the court requests it and, if made,must be brief and to the point. An exception to the ruling must be takenin order to make it a ground of appeal."

12. Even if the trial court's ruling were incorrect it wouldconstitute evidentiary, not constitutional, error. "Every evidentiary rulingwhich denies a defendant a line of inquiry to which he thinks he is entitledis not constitutional error." State v. Vitale, 197 Conn. 396, 403,497 A.2d 956 (1985). Because there was substantial other evidenceadmitted at trial attacking Figueroa's credibility, the defendant wouldbe unable to sustain his burden of proving that the trial court's rulingwas harmful. State v. Jones, 205 Conn. 723, 732,535 A.2d 808 (1988).

13. The defendant had been housed at the Manson Youth Institutionprior to his transfer to Bridgeport for the trial of this matter. When hewas transferred, apparently his records also were transferred

14. Prior to the time he was tried for Hollyfield's murder, thedefendant had been convicted and sentenced for other, unrelated crimes.

15. The trial