

APPENDIX A

**Opinion of the Connecticut Supreme Court, *State of Connecticut*
v. Edwin Franqui, SC 21014 (April 21, 2026)**

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STATE OF CONNECTICUT v. EDWIN FRANQUI
(SC 21014)

Mullins, C. J., and McDonald, D'Auria, Ecker,
Alexander, Dannehy and Bright, Js.

Syllabus

Convicted of conspiracy to commit murder, accessory to murder, and accessory to assault in the first degree in connection with the shooting of the victim and another person, the defendant appealed to this court. Two individuals in an Infiniti had approached the vehicle that the victim was driving, and the passenger in the Infiniti shot and killed the victim, which caused the victim's vehicle to crash. At the scene of the crash, O, who was the victim's girlfriend and one of the passengers in his vehicle, immediately identified the perpetrators to a responding police officer as the defendant and his elder brother, E. Later that day, O submitted a signed, written statement to the police in which she identified the defendant as the driver of the Infiniti and E as the passenger who fired the shots that caused the victim's death. The following day, E admitted to J, his other brother, that E had killed the victim. At trial, O identified E as the shooter sitting in the passenger seat of the Infiniti but testified that she was not sure that the defendant was the driver. The prosecutor then introduced O's written statement that the defendant was the driver as a prior inconsistent statement for substantive purposes under *State v. Whelan* (200 Conn. 743) and the Connecticut Code of Evidence (§8-5 (1)). On appeal, the defendant claimed, inter alia, that his conviction violated his constitutional right to due process because it was based solely on O's uncorroborated, prior inconsistent statement identifying him as the driver of the Infiniti from which E shot and killed the victim. *Held:*

The defendant could not prevail on his unpreserved claim that this court should overrule *Whelan* on the ground that the admission of prior inconsistent statements for substantive purposes violates principles of due process because of the unreliability of such statements.

The defendant's conclusory legal arguments were insufficient to establish that *Whelan*'s rejection of arguments challenging the ability of jurors to assess the truthfulness of a prior inconsistent out-of-court statement was incorrect when that case was decided or that *Whelan* should otherwise be overruled on constitutional grounds, and, accordingly, the defendant's claim failed under the third prong of *State v. Golding* (213 Conn. 233).

This court declined the defendant's request to overrule *State v. Newsome* (238 Conn. 588), which allows an uncorroborated *Whelan* statement to comprise the sole evidentiary basis for a conviction under certain circumstances, as that particular holding in *Newsome* was inapplicable to the defendant's case because O's prior inconsistent statement identifying the defendant as the driver of the Infiniti was corroborated by other evidence and, therefore, was not the sole evidence of the defendant's guilt.

This court declined the defendant's request to exercise its supervisory authority over the administration of justice to abrogate the hearsay exception for

State v. Franqui

spontaneous utterances because, even if the defendant were correct that the broader spontaneous utterance exception has a flawed doctrinal basis, the existing law governing this hearsay exception would have accommodated the defendant's challenge at trial to the admissibility of O's statement that she had made to a police officer identifying the defendant as one of the perpetrators.

The defendant could not prevail on his claim that, because the state had failed to present sufficient evidence that he was the driver of the Infiniti from which the shooting occurred, the jury could not reasonably have found him guilty of the charged offenses, as the evidence was sufficient to support the jury's guilty verdict.

Argued December 4, 2025—officially released April 21, 2026

Procedural History

Substitute information charging the defendant with the crimes of conspiracy to commit murder, accessory to murder and accessory to assault in the first degree with a firearm, brought to the Superior Court in the judicial district of Hartford, where the case was tried to the jury before *Gustafson, J.*; verdict and judgment of guilty, from which the defendant appealed to this court. *Affirmed.*

Cameron L. Atkinson, for the appellant (defendant).

Laurie N. Feldman, assistant state's attorney, with whom were *Sharmese L. Walcott*, state's attorney, *Michael W. Riley*, supervisory assistant state's attorney, and *Casey Flynn*, assistant state's attorney, for the appellee (state).

Opinion

McDONALD, J. A jury found that the defendant, Edwin Franqui, drove the car from which his brother shot and killed Junny Lara-Velazquez on Capitol Avenue in Hartford. The defendant now appeals from the judgment of conviction, rendered after a jury trial, of conspiracy to commit murder in violation of General Statutes §§ 53a-54a (a) and 53a-48, accessory to murder in violation of § 53a-54a (a) and General Statutes § 53a-8, and accessory to assault in the first degree with a firearm in violation of General Statutes § 53a-59 (a) (5) and § 53a-8. The

defendant challenges his conviction on four grounds. He primarily claims that the evidence was not sufficient to establish that he was the driver of the car from which the murder was committed. Second, he claims that the conviction violated his federal right to due process because it was based solely on an uncorroborated prior inconsistent out-of-court statement, identifying him as the driver of the car, which was admitted into evidence pursuant to *State v. Whelan*, 200 Conn. 743, 753, 513 A.2d 86, cert. denied, 479 U.S. 994, 107 S. Ct. 597, 93 L. Ed. 2d 598 (1986). The defendant also contends that we should (1) overrule the *Whelan* doctrine, and (2) exercise our supervisory authority to abrogate the “excited utterance” exception to the rule against hearsay. We disagree with these claims and affirm the judgment of conviction.

The jury reasonably could have found the following facts. Shortly after midnight, on July 6, 2020, the victim was involved in an altercation at a gathering on Wolcott Street in Hartford, in which he attempted to hit a woman who had thrown fireworks¹ at him. The defendant and his older brother, who is also named Edwin Franqui (elder Franqui), stopped the victim from hitting the woman. The defendant tried to grab the victim’s neck, wounding it in the process. The elder Franqui told the victim that he was a “dead man,” after which the defendant and the elder Franqui aggressively invaded the victim’s personal space. A physical altercation ensued as the men wrestled for control over a gun that belonged to the elder Franqui. After the elder Franqui took control of the gun, he told the victim to leave.

At some point after the victim left, he called someone in the Franqui brothers’ group, threatening to “light it up,” i.e., shoot at the group. The elder Franqui also called the victim to threaten him. Subsequently, two cars approached the Franqui brothers’ group on Wolcott Street. The victim was in one car, while someone in the other car shot at the group, striking the girlfriend of

¹ Although the thrown items are most frequently referred to as “fireworks,” there is some evidence in the record indicating that the items may have been firecrackers.

another Franqui brother, Johanny Franqui, in her neck. Also at some point after the victim left the gathering, his housemate called him, claiming that the defendant and the elder Franqui had entered his house and had threatened to kill him.

Later that morning, the three Franqui brothers met at the back of a house on Wolcott Street. During the meeting, the elder Franqui said that he was going to kill the victim. The defendant left this meeting together with the elder Franqui. The shooting that led to the defendant's conviction took place approximately one hour after the Franqui brothers left that meeting, as the victim was driving his Honda Accord westbound on Capitol Avenue, in the direction of Prospect Avenue. The victim's sixteen year old girlfriend, Dayzani Ortiz, was in the passenger seat of the Honda, and Ortiz' friend, Delymar Rios, was in the back seat. Ortiz saw a tan Infiniti that was two cars behind them. She recognized the car as belonging to the defendant and the elder Franqui because, about one week earlier, the victim had sold it to them after tinting the windshield in a distinctive manner that was familiar to Ortiz. Ortiz noticed that the Infiniti was swerving in traffic. The victim began to pull over to the side of the road to allow the car between the Honda and the Infiniti to pass him. The Infiniti then entered the eastbound lane and pulled up next to the Honda.

The elder Franqui, who was sitting in the passenger seat of the Infiniti, began shooting at the Honda. The victim and his passengers ducked to avoid being shot but were unsuccessful. After Rios, who was in the back seat, exclaimed that she had been shot, the victim reacted by raising his head, at which time the elder Franqui shot him in the head, fatally wounding him. Although Ortiz grabbed the steering wheel to take control of the Honda, the victim's foot remained stuck on the gas pedal, and the Honda crossed over Prospect Avenue, ultimately crashing into a Subway restaurant on Boulevard in West Hartford.

At the scene of the crash, Ortiz immediately identified the perpetrators to responding police officers as the defendant and the elder Franqui, who were driving the Infiniti on Capitol Avenue. Later that day, after being treated in the hospital, Ortiz completed and signed a written statement in which she identified the defendant as the driver of the Infiniti and the elder Franqui as the passenger who fired the shots that killed the victim and injured Rios.

Johanny Franqui, the third Franqui brother, learned from a Facebook post later that day that the victim's Honda had crashed into a building and that the victim had been shot and killed. That night, the elder Franqui called Johanny Franqui and told him that he was not going to be around for some time. The following day, the elder Franqui admitted to Johanny Franqui that he had killed the victim.

The state charged the defendant with conspiracy to commit murder, accessory to murder, and accessory to first degree assault with a firearm. The trial court joined the defendant's case with the elder Franqui's case for trial. The case was tried to a jury, which found the defendant guilty on all counts. The trial court rendered a judgment of conviction in accordance with the jury's verdict and sentenced the defendant to a total effective sentence of fifty years of imprisonment. The defendant now appeals directly to this court. See General Statutes § 51-199 (b) (3).

I

We first address the defendant's claim that we should overrule *State v. Whelan*, supra, 200 Conn. 743, because, as he contends in his brief, "admitting prior inconsistent statements [for their substantive use] violates the fourteenth amendment's due process clause" by virtue of their unreliability.² For this reason, the defendant

²We do not address the claims in the order presented in the defendant's brief because it is somewhat unclear at times whether his sufficiency of the evidence analysis, which is the first claim presented, is grounded in

argues that the admission of Ortiz’ *Whelan* statement identifying him as the driver of the Infiniti violated his right to due process.³ The state responds that this claim is evidentiary in nature and that the defendant waived it in the trial court. In the alternative, the state argues that stare decisis requires adherence to *Whelan*.

The following additional facts and procedural history are relevant to our resolution of the defendant’s claim that the admission of Ortiz’ *Whelan* statement violated his right to due process. At trial, Ortiz identified the elder Franqui as the shooter sitting in the passenger seat of the Infiniti, but she did not identify the driver by name. She testified that the driver and the defendant both had long hair, but she could not say whether the defendant was the driver. The prosecutor then sought to introduce Ortiz’ written statement from the day of the shooting, which identified the defendant as the driver and the elder Franqui as the passenger and the shooter. Because Ortiz signed this written statement, had personal knowledge of the facts, testified at trial, and was subject to cross-examination, the trial court admitted her prior inconsistent statement as substantive evidence pursuant to *State v. Whelan*, supra, 200 Conn. 753. See Conn. Code Evid. §8-5 (1). Defense counsel raised no objection, evidentiary or otherwise, at trial.

The defendant concedes that he did not preserve this constitutional claim and seeks review under *State v.*

all of the admitted evidence viewed collectively, as is the usual course for analyzing sufficiency claims. See, e.g., *State v. Robles*, 348 Conn. 1, 29–30, 301 A.3d 498 (2023). We also understand the defendant’s claims to attack the sufficiency of the evidence in the absence of the *Whelan* statements and excited utterances that he attacks substantively, with some of those claims grounded in concepts of sufficiency rather than harmless error. See, e.g., *State v. Newsome*, 238 Conn. 588, 603, 682 A.2d 972 (1996). For the purpose of clarity, we address the defendant’s sufficiency claims last in this opinion, after we analyze his substantive challenges to the evidence underlying his conviction.

³The defendant does not appear to claim that the admission of Johanny Franqui’s *Whelan* statement, which establishes that the elder Franqui had admitted to killing the victim, violated the defendant’s right to due process, even though he challenges the constitutionality of *Whelan* statements generally.

Golding, 213 Conn. 233, 239–40, 567 A.2d 823 (1989), as modified by *In re Yasiel R.*, 317 Conn. 773, 781, 120 A.3d 1188 (2015). It is well settled that “a defendant can prevail on a claim of constitutional error not preserved at trial only if *all* of the following conditions are met: (1) the record is adequate to review the alleged claim of error; (2) the claim is of constitutional magnitude alleging the violation of a fundamental right; (3) the alleged constitutional violation . . . exists and . . . deprived the defendant of a fair trial; and (4) if subject to harmless error analysis, the state has failed to demonstrate harmlessness of the alleged constitutional violation beyond a reasonable doubt.” (Emphasis in original; internal quotation marks omitted.) *State v. Holley*, 327 Conn. 576, 590 n.8, 175 A.3d 514 (2018); see *State v. Golding*, *supra*, 239–40; see also *In re Yasiel R.*, *supra*, 781 (modifying third prong of *Golding*).

“We do not lightly overrule our existing precedent. This court repeatedly has acknowledged that because the doctrine of [s]tare decisis, although not an end in itself, serves the important function of preserving stability and certainty in the law . . . a court should not overrule its earlier decisions unless the most cogent reasons and inescapable logic require it. . . . Stare decisis is justified because it allows for predictability in the ordering of conduct, it promotes the necessary perception that the law is relatively unchanging, it saves resources and it promotes judicial efficiency. . . . It is the most important application of a theory of decisionmaking consistency in our legal culture and . . . is an obvious manifestation of the notion that decisionmaking consistency itself has normative value.” (Citations omitted; internal quotation marks omitted.) *State v. Lockhart*, 298 Conn. 537, 549, 4 A.3d 1176 (2010). “Stare decisis principles require a clear showing that an established rule is incorrect and harmful before it is abandoned A claimant must demonstrate not merely the preferability of a different rule but provide reasons that are so inescapable as to compel this court to overrule precedent.” (Citation omitted; internal quotation marks omitted.) *State v. Haynes*, 352 Conn. 236, 245, 336 A.3d 1139 (2025).

We have previously explained our holding in *Whelan* and contextualized its departure from the rule that it replaced. “In *State v. Whelan*, supra, 200 Conn. [753], we held that the substantive use of a prior written inconsistent statement is permitted, provided that the statement has been signed by the declarant, who has personal knowledge of the facts stated, when the declarant testifies at trial and is subject to cross-examination. . . . This rule has been codified at §8-5 [1] of the Connecticut Code of Evidence. It is well settled that changes in position, denial[s] of recollection, and omissions can satisfy the inconsistency element of *Whelan*. . . . For a prior inconsistent statement to be admitted under *Whelan* and §8-5 [1], however, the declarant must be available to testify at trial and be subject to cross-examination.” (Citations omitted; footnote omitted; internal quotation marks omitted.) *State v. Jacques*, 353 Conn. 122, 153, 340 A.3d 1073 (2025).

The *Whelan* rule “abandoned the traditional view that a prior inconsistent statement of a nonparty witness is inadmissible hearsay if offered to prove the truth of the matters asserted therein and, therefore, is admissible only for impeachment purposes. . . . In *Whelan*, we carefully considered the rationale for the common law prohibition on the substantive use of prior inconsistent statements and the criticisms of that rule. We noted that [t]he logic of [the] orthodox rule is that the prior inconsistent statement of a witness is too unreliable to be admitted as substantive evidence because the declarant was not (1) under oath and subject to punishment for perjury, (2) in the presence of the trier of fact, or (3) subject to cross-examination. . . . We acknowledged, however, the view of many scholars and commentators that the oath is not as strong a guaranty of trustworthiness as it once may have been, and that the requirements that the jury observe the declarant and that the defendant have the opportunity to cross-examine are met when the declarant takes the stand and is subject to cross-examination. . . .

“Further, we agreed with several commentators that when the declarant is available for cross-examination the

jury has the opportunity to observe him as he repudiates or varies his former statement. The cross-examination to which a recanting witness will be subjected is likely to be meaningful because the witness will be forced either to explain the discrepancies between the earlier statements and his present testimony, or to deny that the earlier statement was made at all. If, from all that the jury sees of the witness, they conclude that what he says now is not the truth, but what he said before, they are none the less deciding from what they see and hear of that person and in court. . . . The jury can, therefore, determine whether to believe the present testimony, the prior statement, or neither. . . .

“We concluded that the prevailing reasons for refusing to allow any prior inconsistent statement to be used as substantive evidence are no longer valid . . . and that an exception to the hearsay rule was appropriate where the statements are made under conditions deemed to render them equal in reliability and trustworthiness to those made under the sanction of an oath and the test of cross-examination. . . . In this regard, however, we declined to follow the modern view favoring substantive admissibility for all prior inconsistent statements where the [declarant] is in court and subject to cross-examination, concluding that certain additional criteria of admissibility were appropriate to ensure the reliability of such statements for substantive use. . . . Noting the many hazards associated with the reporting and use of prior oral statements . . . we adopted a rule allowing the substantive use of prior written inconsistent statements, signed by the declarant, who has personal knowledge of the facts stated, when the declarant testifies at trial and is subject to cross-examination.” (Citations omitted; internal quotation marks omitted.) *State v. Newsome*, 238 Conn. 588, 601–603, 682 A.2d 972 (1996).

Assuming that the record is adequate for review and that this claim is of a constitutional magnitude, alleging the violation of a fundamental right, we conclude that this claim fails under the third prong of *Golding* because the defendant’s arguments are insufficient to

establish that *Whelan* should be overruled on constitutional grounds. Indeed, the defendant offers only conclusory legal arguments to support overruling *Whelan*. With no citation to authority to support his substantive arguments, the defendant contends that the status quo as it existed before *Whelan* was constitutionally mandated. That is, he contends that, before *Whelan* allowed the admission of certain prior inconsistent statements for substantive use, “the historical common-law rule made a deliberate choice grounded in fundamental fairness to the accused and with respect to what the state must show to rebut his presumption of innocence. . . . It was a universal commitment throughout American history to preserving the viability of the ‘proof of guilt beyond a reasonable doubt’ standard. . . . It was an essential part of the fundamental fairness guaranteed by the fourteenth amendment’s due process clause.”

The defendant accompanies this assertion with the contention, again made without citation to any authority, that the pre-*Whelan* law of evidence “recognized that jurors lacked any meaningful ability to reliably determine whether [a witness’] trial testimony or the prior inconsistent statement was true because they had no opportunity to observe the witness at the time [the witness] made the prior inconsistent statement to observe the visual indications that help a jury make credibility determinations,” and that “[n]othing would be available to show whether a witness’ demeanor in making the earlier statement was equally unimpressive as [the witness’] trial performance”

The defendant’s conclusory, narrative characterizations of various legal doctrines do not establish that “the most cogent reasons and inescapable logic require” overruling *Whelan*, or that *Whelan*’s “established rule is incorrect and harmful” (Internal quotation marks omitted.) *State v. Haynes*, supra, 352 Conn. 245. Specifically, he has not established that *Whelan*’s rejection of arguments challenging jurors’ ability to assess the truthfulness of a prior inconsistent statement; see *State*

v. *Newsome*, supra, 238 Conn. 601–603; is an inescapably harmful precedent—or, as he contends, that it was incorrect when decided. See *State v. Hinton*, 352 Conn. 183, 208, 336 A.3d 62 (2025) (“[w]e decline to overrule or modify *Newsome* because the defendant offers us no cogent reasons or inescapable logic to justify departing from our holding in that case”). Thus, we decline to overrule *Whelan* on the basis of these unsupported legal arguments and conclude that the defendant’s unreserved constitutional claim fails under the third prong of *Golding*.

II

The defendant next claims that his conviction violated his right to due process because it was based solely on an uncorroborated *Whelan* statement, namely, Ortiz’ identification of him as the driver of the Infiniti. He asks us to overrule *State v. Newsome*, supra, 238 Conn. 612, 616–19, which allows an uncorroborated *Whelan* statement to comprise the sole evidentiary basis for a conviction under certain circumstances. He argues that this “court should . . . reconsider *Newsome*’s refusal to adopt a corroboration requirement when the state seeks to procure a conviction based on a prior inconsistent statement regarding identification.” The state responds that *Newsome*’s holding does not apply to this case because “ample evidence corroborates Ortiz’ mutually corroborating out-of-court statements and supports the jury’s verdict.” The state also responds that *Newsome* should not be overruled.

In *Newsome*, this court considered “whether a prior inconsistent statement admitted for its substantive value pursuant to *Whelan* that constitutes the *sole* evidence identifying the accused is sufficient to support a conviction.” (Emphasis added.) *State v. Newsome*, supra, 238 Conn. 603. The court “reject[ed] the defendant’s [argument] . . . that a prior inconsistent statement that provides the sole evidence of identification is, as a matter of law, insufficient to sustain a conviction.” *Id.*, 611–12. The court instead held that “the sufficiency of a prior

inconsistent statement to support a conviction depends on its reliability, which is tested by examination of the statement itself and by the totality of the other evidence in the record, including the explanation of the witness who purportedly made the statement.” *Id.*, 616; see also *State v. Hinton*, *supra*, 352 Conn. 209 (“[m]uch like the declarant’s statements in *Newsome*, [the witness’] statements to the police were reliable because they were recorded and given less than one day after the shooting”).

We again assume that the record is adequate to review this claim and that the claim is of a constitutional magnitude, alleging the violation of a fundamental right. We nevertheless conclude that this unpreserved claim fails under the third prong of *Golding* because the defendant’s conviction was not based solely on Ortiz’ *Whelan* statement, as he contends, rendering inapplicable the holding of *Newsome* that he now challenges as unconstitutional. Our holding in *Newsome* is inapplicable to this case because there is corroboration of Ortiz’ *Whelan* statement identifying the defendant as the driver of the Infiniti. See *State v. Hinton*, *supra*, 352 Conn. 209 (“contrary to the defendant’s claim, [the witness’] video-recorded interviews did not constitute the only evidence the jury could have relied on”). Ortiz’ excited utterance to the responding police officers at the scene of the crash provided an immediate eyewitness identification of the defendant and the elder Franqui as the perpetrators in the Infiniti during the shooting. Given that the elder Franqui admitted to Johanny Franqui that he had personally shot and killed the victim, the jury could have made a “reasonable and logical” inference; (internal quotation marks omitted) *State v. Brown*, 345 Conn. 354, 369, 285 A.3d 367 (2022); that the only other person identified in the Infiniti—the defendant—must have been the driver. Further, Johanny Franqui’s *Whelan* statement established that he had met with the defendant and the elder Franqui the morning before the shooting and that, during this meeting, they had discussed both the events of the previous night and the elder Franqui’s intention to kill the victim. The defendant and the elder Franqui then

left the meeting together approximately one hour before the shooting. Finally, Ortiz’ statement was corroborated by evidence of the defendant’s motive to participate in the victim’s murder, including evidence of the rapidly escalating and violent feud between them, and evidence that the defendant had the opportunity and means to drive the Infiniti that he owned or co-owned with the elder Franqui. See, e.g., *State v. Patrick M.*, 344 Conn. 565, 598, 280 A.3d 461 (2022) (“evidence of uncharged misconduct involving the same victim is especially relevant to demonstrate motive”); see also, e.g., *id.*, 572–73, 575–76 (evidence of defendant driving car that was near crime scene when crimes were committed reasonably supported finding that “[t]he defendant also had the opportunity and means to commit the crimes with which he was charged”). Because Ortiz’ *Whelan* statement was corroborated and was not the sole evidence of the defendant’s guilt, *Newsome* did not require a heightened assessment of the reliability of this statement or of the credibility of Ortiz’ trial testimony.

Thus, the defendant’s due process challenge to the holding of *Newsome* fails under the third prong of *Golding*. The constitutional violation that the defendant claims to have occurred in the trial court—that an uncorroborated *Whelan* statement constituted the sole evidence of his guilt—simply does not exist in this case. See, e.g., *State v. Holley*, *supra*, 327 Conn. 590 n.8.

III

The defendant next asks us to exercise our supervisory authority over the administration of justice to abrogate the excited utterance exception to the rule against hearsay, which is codified at §8-3(2) of the Connecticut Code of Evidence. In response, the state contends that (1) the defendant waived this claim in the trial court, (2) the record is not adequate to review this claim, and (3) the defendant has not shown a reason for this court to exercise its supervisory authority with respect to this claim.

The following additional facts and procedural history are relevant to our resolution of the defendant’s claim

that we should exercise our supervisory authority to abrogate the excited utterance exception to the rule against hearsay. At trial, the prosecutor called Michael Rousseau, a West Hartford police officer, as a witness. Rousseau testified that, on the day of the shooting, he had received a call regarding “possible shots fired” and “a vehicle [that] crash[ed] into a building.” Once he arrived at the scene of the crash, he witnessed Ortiz in the car with the deceased victim. Rousseau testified that Ortiz was “[v]ery distraught, very stressed, emotional, screaming, crying,” and “in a serious state of emergency.” When presented with dashcam video of these events at trial, Rousseau identified himself and Ortiz in the video at the scene of the crash. The video footage indicates that Ortiz, without Rousseau having asked her any questions to elicit responses, spontaneously volunteered that the perpetrators’ vehicle was a tan Infiniti traveling on Capitol Avenue. She identified the perpetrators as the defendant and the elder Franqui, using their respective nicknames, “ATM” and “Cama.”⁴ When the trial court admitted this hearsay statement into evidence as an excited utterance, defense counsel objected only to “the prejudicial aspect of these two individuals being identified by their nickname[s]” Defense counsel otherwise conceded that “it’d be disingenuous to argue against” this application of the excited utterance exception and that the exception “seems to be satisfied.” Now, on appeal, the defendant seeks to invoke our supervisory authority to abrogate the excited utterance exception as a matter of law.

“Supervisory authority is an extraordinary remedy that should be used sparingly Although [a]ppellate courts possess an inherent supervisory authority over the administration of justice . . . [that] authority . . . is not a form of free-floating justice, untethered to legal principle. . . . Our supervisory powers are not a last bastion of hope for every untenable appeal. They are an *extraordinary* remedy to be invoked only when circumstances are such that the issue at hand, [although] not

⁴The transcript misspells the elder Franqui’s nickname as “Gama.”

rising to the level of a constitutional violation, is nonetheless of utmost seriousness, not only for the integrity of a particular trial but also for the perceived fairness of the judicial system as a whole. . . . Constitutional, statutory and procedural limitations are generally adequate to protect the rights of the [litigant] and the integrity of the judicial system. Our supervisory powers are invoked only in the rare circumstance [in which] these traditional protections are inadequate to ensure the fair and just administration of the courts. . . . Overall, the integrity of the judicial system serves as a unifying principle behind the seemingly disparate use of our supervisory powers Thus, we are more likely to invoke our supervisory powers when there is a pervasive and significant problem . . . or when the conduct or violation at issue is offensive to the sound administration of justice” (Citations omitted; emphasis in original; internal quotation marks omitted.) *In re Aisjaha N.*, 343 Conn. 709, 724–25, 275 A.3d 1181 (2022). “This demanding standard is perfectly appropriate when we are asked to reverse a conviction under our supervisory powers.” *State v. Carrion*, 313 Conn. 823, 851, 100 A.3d 361 (2014).

An excited utterance, also known as a spontaneous utterance, provides a well established exception to the general rule against the admission of hearsay statements. Conn. Code Evid. §8-3 (2); see also, e.g., *State v. Tomlinson*, 340 Conn. 533, 584–85, 264 A.3d 950 (2021). It “is defined as [a] statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.” (Internal quotation marks omitted.) *State v. Tomlinson*, *supra*, 584–85. Under the four-pronged test set forth in *State v. Kelly*, 256 Conn. 23, 41–42, 770 A.2d 908 (2001), “[a] statement properly is admitted as a spontaneous utterance when (1) the declaration follows a startling occurrence, (2) the declaration refers to that occurrence, (3) the declarant observed the occurrence, and (4) the declaration is made under circumstances that negate the opportunity for deliberation and fabrication

by the declarant.” (Internal quotation marks omitted.) *State v. Tomlinson*, supra, 585.

Connecticut appellate courts have developed a body of case law applying the fourth prong of *Kelly*. “In determining whether a declaration is admissible as a spontaneous utterance, the court should look at various factors, including [t]he element of time, the circumstances and manner of the accident, the mental and physical condition of the declarant, the shock produced, the nature of the utterance, whether against the interest of the declarant or not, or made in response to question, or involuntary, and any other material facts in the surrounding circumstances” (Internal quotation marks omitted.) *State v. Daley*, 161 Conn. App. 861, 884, 129 A.3d 190 (2015), cert. denied, 320 Conn. 919, 132 A.3d 1093 (2016); see also, e.g., *State v. Tomlinson*, supra, 340 Conn. 585.

“The ultimate question is whether the utterance was spontaneous and unreflective and made under such circumstances as to indicate absence of opportunity for contrivance and misrepresentation. . . . Whether an utterance is spontaneous and made under circumstances that would preclude contrivance and misrepresentation is a preliminary question of fact to be decided by the trial judge. . . . The trial judge exercises broad discretion in deciding this preliminary question, and that decision will not be reversed on appeal absent an unreasonable exercise of discretion.” (Citations omitted; footnote omitted; internal quotation marks omitted.) *State v. Stange*, 212 Conn. 612, 617, 563 A.2d 681 (1989); see also, e.g., *State v. Tomlinson*, supra, 340 Conn. 585.

In support of his claim that this court should invoke its supervisory authority to abrogate the excited utterance exception to the hearsay rule, the defendant contends that the doctrinal foundation for that exception, which is that such statements are reliable because they are made “under such circumstances as to indicate absence of opportunity for contrivance and misrepresentation”; (internal quotation marks omitted) *State v. Stange*, supra, 212 Conn. 617; has been eroded by contemporary

social science research, as well as by decisions from other jurisdictions that have cited these studies, indicating that lies can indeed be “spontaneous.” He relies on, for example, dictum in *Lust v. Sealy, Inc.*, 383 F.3d 580 (7th Cir. 2004), in which the United States Court of Appeals for the Seventh Circuit observed that “[t]he rationale for these exceptions is that spontaneous utterances, especially in emotional circumstances, are unlikely to be fabricated . . . because fabrication requires an opportunity for conscious reflection. . . . As with much of the folk psychology of evidence, it is difficult to take this rationale entirely seriously, since people are entirely capable of spontaneous lies in emotional circumstances. ‘Old and new studies agree that less than one second is required to fabricate a lie.’” (Citations omitted.) *Id.*, 588, quoting D. McFarland, “Present Sense Impressions Cannot Live in the Past,” 28 Fla. St. U. L. Rev. 907, 916 (2001); see also, e.g., S. Baicker-McKee, “The Excited Utterance Paradox,” 41 Seattle U. L. Rev. 111, 114 (2017) (“Psychological studies suggest that stressful events trigger the ‘[fight]-or-flight’ response, and that deceptive statements are not only possible, they can be a natural component of the fight-or-flight response Not only are witness statements under intense stress not immutably truthful, but psychology also informs us that these witness statements are also inherently inaccurate. A traumatic event dramatically increases cognitive load, leading to perception deficits and distortions. Thus, excited witness perceptions tend to be unreliable for many reasons.”).

We are not persuaded that the exercise of our supervisory powers is warranted in this case. At trial, the defendant could have introduced his arguments about the reliability of excited utterances in connection with the third or fourth prong of *Kelly*. By failing to raise these claims in the trial court, the defendant did not create a record about whether Ortiz had a sufficient opportunity to observe the driver of the Infiniti, for purposes of the third *Kelly* prong. See *State v. Kelly*, *supra*, 256 Conn. 41 (hearsay statement may properly be admitted into

evidence under excited utterance exception when “the declarant observed the occurrence”). Nor did the defendant, for purposes of the fourth *Kelly* prong, create a record about whether Ortiz’ excited utterance was—or whether any excited utterance can ever be—“made under circumstances that negate the opportunity for deliberation and fabrication by the declarant.” *Id.*, 41–42. Thus, even if the defendant is correct that the broader excited utterance exception has a flawed doctrinal basis, the existing law governing this hearsay exception would have accommodated the defendant’s challenge at trial to the admissibility of Ortiz’ statement.⁵ This counsels against the invocation of our supervisory authority to reach this unpreserved claim. See, e.g., *State v. Jacques*, supra, 353 Conn. 162 (declining to exercise supervisory authority in part because “the concerns raised by the defendant are adequately addressed under the present analytical framework”); *State v. Lockhart*, supra, 298 Conn. 577 (declining to adopt, via this court’s supervi-

⁵See, e.g., *State v. Tomlinson*, supra, 340 Conn. 586–87 (citing cases); see also, e.g., *id.*, 587–88 (fact that declarant’s excited utterance answered question did not render it unreliable “[g]iven [the declarant’s] emotional state and the surrounding circumstances,” including that “the short passage of time between the shooting and her statements was insufficient to provide an opportunity for [her] to deliberate or to fabricate”); *State v. Slater*, 285 Conn. 162, 179–80, 939 A.2d 1105 (“[t]he victim’s emotional state . . . indicates that her statement was made under circumstances that had negated the opportunity for deliberation or fabrication”), cert. denied, 553 U.S. 1085, 128 S. Ct. 2885, 171 L. Ed. 2d 822 (2008); *State v. Alicea*, 191 Conn. App. 421, 445, 215 A.3d 184 (2019) (trial court did not abuse its discretion when it “determined that the defendant had time to fabricate and embellish his statement”), aff’d, 339 Conn. 385, 260 A.3d 1176 (2021); *State v. Serrano*, 123 Conn. App. 530, 538, 1 A.3d 1277 (2010) (when declarant “implored the defendant not to strike the victim,” her “emotional state indicate[d] that her statements were made under circumstances that negated an opportunity for deliberation or fabrication”), cert. denied, 300 Conn. 909, 12 A.3d 1005 (2011); *State v. Nelson*, 105 Conn. App. 393, 408, 937 A.2d 1249 (“[c]onsidering the infliction of injuries that [the declarant] experienced during the robbery, as well as the apparent pain and fear that he felt during the telephone call, we find unavailing the defendant’s allegation that [the declarant’s] statements to the 911 operator were not made under stress sufficient to negate the opportunity for fabrication”), cert. denied, 286 Conn. 913, 944 A.2d 983 (2008).

sory authority, claimant’s proposed recording requirement for police interrogations “[g]iven the procedures already in place to prevent the admission into evidence of involuntary or untrustworthy confessions”). Accordingly, we decline to exercise our supervisory authority in this case to abrogate the excited utterance exception to the hearsay rule.

IV

Finally, we address the defendant’s claim that, because the state failed to present sufficient evidence that he was the driver of the Infiniti from which the shooting occurred, the jury could not reasonably have found him guilty of the charged offenses. First, the defendant argues that Ortiz’ *Whelan* statement was insufficient evidence to identify him as the driver because it does not satisfy the heightened reliability requirements of *State v. Newsome*, supra, 238 Conn. 602–603. Second, he contends that Ortiz’ excited utterance at the scene of the crash, identifying the defendant and the elder Franqui as the perpetrators in the Infiniti, was insufficient to support his conviction because it did not establish that the defendant was the driver. Third, he asserts that the jury should not have credited this excited utterance because Ortiz might not have seen him in the car at all. The state responds that the evidence was sufficient to support the jury’s guilty verdict. We agree with the state.

“[T]he question of identity of a perpetrator of a crime is a question of fact that is within the sole province of the jury to resolve.” (Internal quotation marks omitted.) *State v. Patrick M.*, supra, 344 Conn. 574. “The standard of review we apply to a claim of insufficient evidence is well established. In reviewing the sufficiency of the evidence to support a criminal conviction we apply a [two part] test. First, we construe the evidence in the light most favorable to sustaining the verdict. Second, we determine whether [on] the facts so construed and the inferences reasonably drawn therefrom the [jury] reasonably could have concluded that the cumulative

force of the evidence established guilt beyond a reasonable doubt. . . .

“We note that the jury must find every element proven beyond a reasonable doubt in order to find the defendant guilty of the charged offense, [but] each of the basic and inferred facts underlying those conclusions need not be proved beyond a reasonable doubt. . . . If it is reasonable and logical for the jury to conclude that a basic fact or an inferred fact is true, the jury is permitted to consider the fact proven and may consider it in combination with other proven facts in determining whether the cumulative effect of all the evidence proves the defendant guilty of all the elements of the crime charged beyond a reasonable doubt. . . .

“Moreover, it does not diminish the probative force of the evidence that it consists, in whole or in part, of evidence that is circumstantial rather than direct. . . . It is not one fact, but the cumulative impact of a multitude of facts [that] establishes guilt in a case involving substantial circumstantial evidence. . . . In evaluating evidence, the [jury] is not required to accept as dispositive those inferences that are consistent with the defendant’s innocence. . . . The [jury] may draw whatever inferences from the evidence or facts established by the evidence it deems to be reasonable and logical. . . .

“Finally, [a]s we have often noted, proof beyond a reasonable doubt does not mean proof beyond all possible doubt . . . nor does proof beyond a reasonable doubt require acceptance of every hypothesis of innocence posed by the defendant that, had it been found credible by the [jury], would have resulted in an acquittal. . . . On appeal, we do not ask whether there is a reasonable view of the evidence that would support a reasonable hypothesis of innocence. We ask, instead, whether there is a reasonable view of the evidence that supports the [jury’s] verdict of guilty.” (Internal quotation marks omitted.) *State v. Brown*, supra, 345 Conn. 369–70.

As previously discussed, Ortiz’ excited utterance and *Whelan* statement, along with Johanny Franqui’s

Whelan statement, support the key finding underlying the jury's verdict of guilty, namely, that the defendant was the driver of the Infiniti from which the elder Franqui fired the shots that killed the victim and injured Rios. These statements also establish that the shooting was motivated by the altercation the night before, which culminated in the victim's participation in a shooting that injured Johanny Franqui's girlfriend.

Ordinarily, a sufficiency analysis would end here, with the identification of evidence in the record, viewed in the light most favorable to the jury's verdict, that squarely supports that verdict. The defendant, however, disputes the sufficiency of the foregoing evidence on three specific grounds. First, the defendant argues that Ortiz' *Whelan* statement was insufficient evidence to identify him as the driver of the Infiniti because it does not satisfy the heightened reliability requirements of *State v. Newsome*, supra, 238 Conn. 602–603. We disagree. As previously discussed in part II of this opinion, *Newsome*'s heightened reliability requirements do not apply to this case because, as the state argues, “ample evidence corroborates Ortiz' mutually corroborating out-of-court statements and supports the jury's verdict.”

Second, the defendant argues that Ortiz' excited utterance identifying him and the elder Franqui as the perpetrators in the Infiniti from which the shots were fired is insufficient evidence of his guilt because she did not specifically identify him as the driver of the Infiniti in this excited utterance, requiring the jury to assume that he was the driver. This argument fails because, as previously discussed, the elder Franqui's admission to Johanny Franqui that he killed the victim provided the jury with a sufficient basis to reasonably conclude that the elder Franqui had not been driving and that the defendant—as the only other person whom Ortiz identified in the car—must have been the driver. Ortiz' excited utterance was admissible evidence that reasonably could have supported a guilty verdict on the basis that the defendant, as the only other person in the Infiniti, must have been its driver.

Third, the defendant argues that Ortiz’ identification of the defendant as one of the perpetrators in the Infiniti “does not shed any light on the source of her accusation” and “was based on nothing more than a hunch” derived from the violent events of the previous night.⁶ He argues that Ortiz “had received so much information alleging that [the defendant] and [the elder] Franqui . . . were going to kill [the victim] that she assumed that [the defendant] had to be involved, even though she never saw him. Nothing in the evidence . . . supports any inference that her ‘excited utterance’ was based on the fact that she saw [the defendant] in the car from which [the victim] was shot. Any such inference would flow from prejudice and speculation and, thus, [would] be patently unreasonable.” In other words, the defendant argues that Ortiz may not have seen him in the car at all, even though she identified him by name in her excited utterance.

We reject the defendant’s attempt to use the sufficiency claim to bootstrap an unpreserved claim that Ortiz’ excited utterance should not have been admitted into evidence under the excited utterance exception to the hearsay rule. See *State v. Kelly*, supra, 256 Conn. 41 (hearsay statement properly is admitted into evidence as spontaneous utterance when “the declarant observed the occurrence”). “In assessing the sufficiency of the evidence . . . we consider *all* evidence admitted at trial.” (Emphasis in original.) *State v. Ervin B.*, 202 Conn. App. 1, 9 n.6, 243 A.3d 799 (2020); see, e.g., *State v. Robles*, 348 Conn. 1, 29–30, 301 A.3d 498 (2023). “Claims of evidentiary insufficiency in criminal cases are always addressed independently of claims of evidentiary error.” (Internal quotation marks omitted.) *State v. Chemlen*, 165 Conn. App. 791, 818, 140 A.3d 347, cert. denied, 322 Conn. 908, 140 A.3d 977 (2016).

On the other hand, to the extent that the defendant intends to argue that the jury should have given relatively

⁶The defendant also argues that the purported insufficiency of this excited utterance forced the jury to rely solely on Ortiz’ *Whelan* statement. This is of no moment, insofar as that *Whelan* statement was both admissible evidence and sufficient, along with Johanny Franqui’s *Whelan* statement, to establish the defendant’s guilt.

little weight to Ortiz’ excited utterance, he does not establish that it would have been unreasonable for the jury to credit this statement. The defendant’s arguments, namely, that Ortiz might have incorrectly assumed that she saw him in the Infiniti and that the jury instead should have credited Ortiz’ trial testimony that she could not positively identify the defendant as the driver, fail to establish that there is no “reasonable view of the evidence that supports the jury’s verdict of guilty.” (Internal quotation marks omitted.) *Id.*, 817. Once Ortiz’ excited utterance was admitted into evidence, in the absence of any objection from defense counsel, the jury was free to consider it for its truth and to weigh it against the other evidence that the defendant finds more compelling. See, e.g., *State v. Nichols*, 234 Conn. App. 455, 468–70, 343 A.3d 537 (2025) (explaining difference between weight and sufficiency analyses).

In sum, we decline the defendant’s invitations to overrule *Whelan*, to revisit *Newsome*, and to abrogate the excited utterance exception to the hearsay rule, and we conclude that there was sufficient evidence admitted at trial to support the jury’s verdict of guilty on all counts.

The judgment is affirmed.

In this opinion the other justices concurred.

APPENDIX B

**Judgment, *State of Connecticut v. Edwin Franqui*,
HHD-CR20-0738845-T (Conn. Super. Ct. May 22, 2024)**

STATE OF CONNECTICUT
SUPERIOR COURT - JUDICIAL DISTRICT OF HARTFORD
THE HONORABLE MICHAEL GUSTAFSON

HHD-CR20-0738845-T

STATE OF CONNECTICUT

v.

EDWIN FRANQUI

May 22nd, 2024

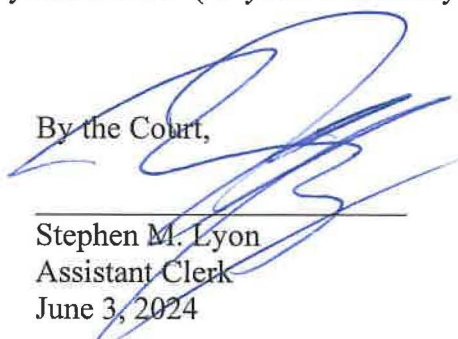
JUDGMENT

Upon the information of the state, charging the defendant with the crimes of: in Count 1, Conspiracy to Commit Murder, in violation of Connecticut General Statutes §53a-48/53a-54a(a), in Count 2, Accessory to Murder, in violation of Connecticut General Statutes §53a-8/53a-54a(a), and in Count 3, Accessory to Assault in the First Degree, in violation of Connecticut General Statutes §53a-8/53a-59a(5), as on file.

The accused appeared on January 3rd, 2024, and made the following pleas: not guilty, as to all counts, and elected to be tried by a jury. After a full hearing, the case was committed to the jury on January 22nd, 2024, which returned a verdict of guilty, as to all counts.

WHEREUPON, on May 22nd, 2024, per order of the Honorable Michael Gustafson, the defendant was committed to the custody of the Commissioner of Correction for a period of: in Count 1, 20 years, in Count 2, 50 years to serve (25 years mandatory minimum), and in Count 3, 50 years to serve (25 years mandatory minimum), with all counts to run concurrently, for a Total Effective Sentence of 50 years to serve (25 years mandatory minimum).

By the Court,



Stephen M. Lyon
Assistant Clerk
June 3, 2024

APPENDIX C

Excerpted Trial Testimony of Dayzani Ortiz, *State of Connecticut v. Edwin Franqui*, HHD-CR20-0738845-T (Conn. Super. Ct. January 18, 2024)

HHD CR 20 0738943 T : SUPERIOR COURT
STATE OF CONNECTICUT : G.A. #14
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI : JANUARY 18, 2024

HHD CR 20 0738945 T : SUPERIOR COURT
STATE OF CONNECTICUT : G.A. #14
v. : AT HARTFORD, CONNECTICUT
EDWIN L. FRANQUI : JANUARY 18, 2024

TRANSCRIPT OF PROCEEDINGS
EXCERPT
TESTIMONY OF DAYZANI ORTIZ
BEFORE THE HONORABLE MICHAEL J. GUSTAFSON, JUDGE
AND JURY

A P P E A R A N C E S :

Representing the State of Connecticut:

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ATTORNEY CASEY J. FLYNN
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Recorded By:
Justin Pina

Transcribed By:
Sabrina Agbede
Court Recording Monitor
80 Washington Street
Hartford, Connecticut 06106

1 **DAYZANI ORTIZ**, called as a witness,
2 having been duly sworn, was examined
3 and testified under oath as follows:

4 THE CLERK: Please state your name, spelling
5 your last name for the record.

6 THE WITNESS: Dayzani Ortiz.

7 THE CLERK: Spell your last name for the record,
8 please.

9 THE WITNESS: Oh, spell it? O-r-t-i-z.

10 THE COURT: Thank you. Please have a seat.

11 I'm just going to ask you to keep your voice up
12 in response to the questions.

13 THE WITNESS: Oh yeah, my voice going to be real
14 up.

15 THE COURT: Okay. Thank you.

16 Attorney Flynn.

17 ATTY. FLYNN: Good afternoon, Ms. Ortiz.

18 THE WITNESS: Hello.

19 DIRECT EXAMINATION BY ATTY. FLYNN:

20 Q So I'm going to have a conversation with you, okay?

21 A Uh-huh.

22 Q All right. So, you're here today to discuss an
23 incident. Did something happen to you on July 6th of 2020?

24 A Uh-huh.

25 Q All right, and what happened?

26 A An accident.

27 Q Okay. Did anything else happen with that accident?

1 A Mm-hmm.

2 Q And what was that?

3 A A shooting.

4 Q Okay. So you were in an accident and there was a
5 shooting on July 6th, correct?

6 A Mm-hmm.

7 Q All right, so I want to back up a little bit to the
8 night of July 5th. Was there an incident that night as well?

9 A Yeah.

10 Q All right, and where was that?

11 A Wolcott.

12 Q Wolcott Street?

13 A Yep.

14 Q And is that in Hartford?

15 A Mm-hmm.

16 Q Okay. And who was present on Wolcott Street at this
17 time?

18 A Who was there?

19 Q Who -- yes.

20 A Everybody.

21 Q Okay. When you say "everybody" who's that?

22 A Her right there in the green, these two, and me and
23 my baby's father and a few other people.

24 Q Okay. So, let's start with you were there. You said
25 your baby father was there?

26 A Yeah.

27 Q All right, who's your baby father?

1 A Junny.

2 Q Okay. What's his last name?

3 A Velasquez.

4 Q Okay. And then you said these two. I don't want you
5 to point to them, but what are their names.

6 A Belmont and ATM (phonetic).

7 Q Okay. Do you know what their legal names are?

8 A Nope.

9 Q Do you know what the last name is?

10 A Nope.

11 Q Do you know what their first name is?

12 A Mm-mm.

13 Q Do they have the same name?

14 A Mm-hmm.

15 Q All right, and what is that name that they both --

16 A Edwin.

17 Q Edwin?

18 A Yeah, I forgot. They got the same name. It's Edwin
19 Franqui.

20 Q Okay. Please don't point to them, okay?

21 A Mm-hmm.

22 Q All right, so Edwin is the first name. Do you
23 remember what the last name is?

24 A I just said it.

25 Q Can you say it again, please, so we can hear it?

26 A Franqui.

27 Q Okay. So they're both named Edwin Franqui.

1 A Mm-hmm.

2 Q Okay. And you used two other names. What were those
3 names?

4 A I just said them, too. I'm not going to say they name
5 a thousand of times.

6 Q Did you say the name Cama (phonetic)?

7 A Yeah.

8 Q Okay, and did you say the name ATM?

9 A Yep.

10 Q Okay.

11 ATTY. HUSSEY: Objection. These are all leading
12 questions.

13 THE COURT: She was just clarifying the
14 testimony. I'll allow it.

15 BY ATTY. FLYNN:

16 Q Okay. So they're all present and there was other
17 people there as well?

18 A Mm-hmm.

19 Q Okay. So, what happens?

20 A We talk about the one on Wolcott, right?

21 Q Correct.

22 A It was an argument.

23 Q And what was that argument over?

24 A A firework.

25 Q All right, and who was involved in that argument?

26 A Everybody.

27 Q Okay.

1 A Everybody that was there.

2 Q Okay.

3 A And I already said who was there.

4 Q Okay. You said there was a firework. Was that thrown
5 at someone?

6 A Yeah.

7 Q Who was it thrown at?

8 A My baby father, Junny.

9 Q Okay, and who threw the firework.

10 A Her friend.

11 Q Okay, please don't point to anybody.

12 A Uh-huh.

13 Q So there was a girl --

14 A Her friend.

15 Q A girl who was there threw the firework.

16 A Jazzy friend, Alizae (phonetic).

17 Q And after the firework was thrown, what happened?

18 Please just talk to me, okay?

19 A Mm-hmm. Yeah, I am.

20 Q Okay. so after the firework what happened?

21 A It was an argument.

22 Q And who was that argument between?

23 THE WITNESS: What?

24 ATTY. FLYNN: Dayzani, please just speak to me.

25 THE COURT: Okay. So Ms. Ortiz, can I ask
26 you -- one second. Are you looking at someone in the
27 audience?

1 THE WITNESS: Yep.

2 THE COURT: Okay. So I'm going to ask you to
3 focus on the questioner. So in this case, it's the
4 prosecutor, Attorney Flynn. Just look at the
5 prosecutor and then when the defense lawyer's ask you
6 questions, just look at them, It'll be a lot easier
7 for you. Thank you.

8 ATTY. FLYNN: Okay.

9 THE WITNESS: Nah, I'm not gonna lie. Mm-mm.

10 ATTY. FLYNN: Okay. So I want you to look at me
11 over here, okay?

12 THE WITNESS: I'm trying to tussle her right
13 there.

14 ATTY. FLYNN: Okay. That's not what we're doing
15 right now. I need you to have a conversation with me,
16 okay?

17 THE WITNESS: Uh-uh.

18 ATTY. HUSSEY: Your Honor, can we have a
19 sidebar, please?

20 THE COURT: Yeah.

21 (A sidebar is held.)

22 THE WITNESS: I don't know, I'm gonna go. These
23 people are getting me irritated.

24 ATTY. FLYNN: Please stay seated there.

25 THE MARSHAL: Have a seat.

26 THE COURT: I got it. Ms. Ortiz, please.

27 THE MARSHAL: You need to have a seat.

1 THE WITNESS: No, I'm straight. I want to go.

2 THE COURT: You need to take the witness stand.

3 Just please one second. Take the witness stand.

4 THE WITNESS: Mm-mm.

5 THE MARSHAL: You need to have a seat over
6 there, ma'am?

7 THE WITNESS: What up with ya'll?

8 THE COURT: One second.

9 THE MARSHAL: You need to have seat.

10 THE COURT: Okay, one second.

11 Ladies and gentlemen of the jury, what I'm going
12 to ask you folks to step out for a moment. I need to
13 handle the matter here in court.

14 THE WITNESS: I want to tussle with this bitch
15 right here.

16 THE MARSHAL: That's not going to happen. Just go
17 have a seat.

18 (The jury exits the courtroom.)

19 THE WITNESS: I want to fight this bitch right
20 here 'cause I'm not -- bro...

21 You ever got spit on? 'Cause ya'll bout to get
22 spit on.

23 THE COURT: Okay, so --

24 THE WITNESS: No, bro, I want to fight this
25 bitch right here, dog. No.

26 I want to go. I don't want to be here.

27 THE MARSHAL: Inspector, do you want to put her

1 in a private room in the back?

2 THE WITNESS: I want to go.

3 THE COURT: Sir.

4 THE WITNESS: No, I don't want to go into no
5 private room. I want to leave. I don't want to be
6 here.

7 (Pause)

8 THE WITNESS: No, ya'll not bringing me back
9 shit. Ya'll gonna have to (indiscernible).

10 (Pause)

11 THE WITNESS: No bro. I'm gonna whup this bitch
12 ass.

13 FEMALE VOICE: You wish.

14 THE WITNESS: You don't even known.

15 THE MARSHAL: Ma'am.

16 THE WITNESS: You don't even know.

17 FEMALE VOICE: You don't even know

18 THE MARSHAL: Just have her set out.

19 FEMALE VOICE: All right, no problem.

20 THE WITNESS: No, don't let her leave. Don't let
21 her leave.

22 FEMALE VOICE: I'm gonna wait for you outside.

23 THE WITNESS: Okay, in the little Honda, the
24 gray one?

25 FEMALE VOICE: Yeah, I'm gonna be outside.

26 THE WITNESS: Okay.

27 FEMALE VOICE: The same way you talking shit

1 about my brother, I'm gonna beat your ass.

2 THE WITNESS: Fuck your brother, bitch.

3 FEMALE VOICE: I'm gonna beat your ass.

4 THE WITNESS: Fuck your brother, bitch.

5 THE MARSHAL: She's gone.

6 THE WITNESS: Nah.

7 THE MARSHAL: She's gone.

8 THE WITNESS: Fuck Tito and fuck ya'll. I'll
9 spit on ya'll.

10 No. No. His mom, too. I'm about to smack the
11 fuck out of you, too, bitch, you too. You too, bitch.

12 No, I don't give a fuck. I don't give a fuck. I
13 don't care. No, I don't care. I don't care. Kimberly,
14 I want to (indiscernible) this bitch (indiscernible).

15 No, fuck them. He's about to do time anyway
16 'cause I'm talking. It's only me.

17 I'm gonna smack the shit out of ya'll mom, too.
18 Fuck you talking about. No, no, no. No, I don't want
19 to talk. I want to -- bro. Bro.

20 (Recess)

21 THE COURT: Good afternoon Marshal DeForge.

22 Good afternoon, everyone, thank you. Please have
23 a seat.

24 So, for the record, then, the defendants are
25 here, their lawyers are here, Attorney Flynn is here.
26 I don't see Attorney -- Attorney Riley's here as
27 well. Okay, thank you.

1 So, before we -- before we sent the jury out,
2 Ms. Ortiz, you started your testimony. And I
3 understand that from prior evidence in the case that
4 you were in a car at the time of the shooting.

5 THE WITNESS: Mm-hmm.

6 THE COURT: It was a traumatic event. I think
7 we'd all agree on that.

8 You're here today I think under a subpoena. Is
9 that, correct?

10 ATTY. FLYNN: That's correct, Your Honor.

11 THE WITNESS: Yeah, 'cause if not, I would've
12 never been here.

13 THE COURT: Okay. You're here to testify. And
14 I'm only interested in an orderly proceeding. We've
15 got these jurors here who are trying to figure out
16 the case and the way they do that is by listening to
17 the witnesses who take the witness stand. There are a
18 number of people who've come before you and I think
19 there will be others after you.

20 So we're simply looking to have you answer the
21 questions that any lawyer asks you. In this case,
22 it'll be Attorney Flynn from the State. She's going
23 to ask you questions. And then I'm going to turn it
24 over to the lawyers who are standing here, Attorney
25 Jelly and Attorney Hussey. They're going to have
26 questions for you, and then Attorney Flynn may have
27 some more. That's the process here. I'm simply -- I

1 don't -- I have no interest in what your testimony
2 will be. My interest is that you give the testimony,
3 you answer the questions that are put to you by the
4 lawyers.

5 So I get it, it's traumatic, and coming to
6 court's hard for anyone. And so right before I sent
7 the jury out, I think you were seen leaving
8 the -- the witness stand, so we need you to stay here
9 in the chair and focus on the question. Take your
10 time and answer the questions, and then when the
11 other lawyers ask questions, take your time, answer
12 their questions. And then it'll be over.

13 THE WITNESS: Mm-hmm.

14 THE COURT: And I say this last part not to
15 sound like a tough guy or anything, but my job is to
16 make sure that witnesses, when they are subpoenaed,
17 do testify. So there's the thought of what's called
18 "contempt of court", which is if a person is not
19 cooperating, leaves the witness stand, or is talking
20 to people in the audience versus talking to the
21 lawyers who are asking the questions, then that's a
22 problem for me. I have to think about the next steps
23 there and none of them are good for the witness.

24 THE WITNESS: Mm-hmm.

25 THE COURT: I might have to, you know --

26 THE WITNESS: Yeah, you could do what you do,
27 though.

1 THE COURT: All right. So I just wanted to make
2 sure that you're in a good place, you're ready to
3 answer the questions as put to you by Attorney Flynn
4 and then Attorney Hussey and Attorney Jelly.

5 THE WITNESS: Mm-hmm.

6 THE COURT: Okay.

7 Attorney Jelly and Attorney Hussey, you guys are
8 on your feet. What's up?

9 ATTY. HUSSEY: Well, I think -- I would like to
10 have on the record --

11 THE COURT: Sure.

12 ATTY. HUSSEY: -- that this is the second day in
13 a row where there's been threats in the courtroom.
14 Yesterday, a family member of the decedent in a -- in
15 a loud Spanish, you know, tirade got up when -- when
16 testimony was going on and threatened the -- the
17 brothers' families and children, said they were going
18 to be killed.

19 THE COURT: Mm-hmm.

20 ATTY. JELLY: And then, we had what we just
21 experienced here with the shouting match. This is a
22 difficult climate to try to have a serious case on.

23 THE COURT: Understood.

24 ATTY. HUSSEY: Yeah, I'd like to just make a
25 record, Your Honor.

26 THE COURT: Yep.

27 ATTY. HUSSEY: So there was a situation with the

1 victim's brother said something in Spanish. I didn't
2 know what he said. I'm relying on their translation,
3 but essentially that he was going to kill them and
4 their family.

5 Furthermore, outside he threatened their mother
6 and the other person with their mother. I'm not sure
7 of their -- her relationship.

8 THE COURT: Mm-hmm.

9 ATTY. HUSSEY: Where he had indicated to not
10 only he was going to kill them but their children and
11 there was a 12-year-old present.

12 THE COURT: Mm-hmm.

13 ATTY. HUSSEY: After you left the bench and some
14 of the jury members were still trying to get out,
15 this witness threatened the mother of our -- my
16 client among other people and had a shouting match
17 with someone that's now been ejected where they
18 threatened each other. That was mutual, but clearly,
19 their mother hasn't done a damn thing and she's being
20 threatened by this witness. And I think some of the
21 jury caught it.

22 THE WITNESS: (Indiscernible).

23 ATTY. HUSSEY: So I don't know what to do at
24 this point. I don't know if there's a way to fix it.
25 I've never experienced anything like this and, you
26 know, quite frankly, I was considering making a move
27 for a mistrial but I -- let's see how it goes. But I

1 think something needs to be said about her conduct.

2 THE COURT: Mm-hmm. Okay. So, I guess -- thank
3 you.

4 Attorney Jelly. With respect to what your
5 comments were, I can tell you that the -- the Court's
6 perspective yesterday is I did not hear the
7 individual. The gentleman, I know his name now at
8 this point 'cause I've asked the marshals to exclude
9 him from the courtroom. He's not going to be back for
10 the trial based on -- on the conduct yesterday. I did
11 not hear what he said. I did not hear him say
12 anything, actually. I didn't know if it was in
13 Spanish -- I didn't know he said something in Spanish
14 'cause I didn't hear what he said, but I did see
15 direct comments toward Mr. Franqui's family. He's not
16 coming back, so he's out.

17 ATTY. JELLY: I heard it clearly, but I don't
18 speak fluent Spanish.

19 THE COURT: Okay.

20 ATTY. JELLY: I had it interpreted by my
21 clients.

22 THE COURT: Okay. Okay.

23 ATTY. JELLY: Thank you.

24 THE COURT: So if there's -- at this point, I'm
25 interested in proceeding with the trial with this
26 witness's testimony. I am working through my head
27 what we should say to the jury, but if any of the

1 lawyers have anything you want to submit in writing,
2 or if it's short enough you want to give me
3 something, I can take it down. I'm happy to do that
4 and I think something should be done. I just, at this
5 point, don't have the -- I think the appropriate
6 words. I used to say the magic words; that's not
7 right, but I don't have the appropriate words in my
8 head but we will address it somehow. But certainly,
9 if any of the lawyers want to submit something, I'll
10 take that under advisement as well.

11 I also, just as a housekeeping matter, and I'll
12 address this later, Court Exhibit 2 is that juror
13 that had that question about the ID and the full
14 exhibit. She did reduce it to writing so we will
15 cross that bridge later today, but that's out there,
16 too, so I've marked that as Court Exhibit 2.

17 ATTY. HUSSEY: What number?

18 THE COURT: Is it Court Exhibit 2?

19 THE CLERK: Yes.

20 THE COURT: I have it as Court Exhibit 2.

21 Okay. so with that in mind, if anyone has any
22 suggestions, certainly give it some thought, put it
23 in writing for me as to what we ought to say to the
24 jury.

25 My inclination is to bring them back, Ms. Ortiz.

26 THE WITNESS: I could say something real quick?

27 THE COURT: Yeah.

1 THE WITNESS: Okay. I'm not gonna say no crazy
2 shit, right. So I wasn't gonna come today. I was
3 gonna let ya'll do the little warrant thingy because
4 I didn't have nothing against them no more, right.
5 But, this ATM baby mother want to keep starting with
6 me.

7 THE COURT: All right.

8 THE WITNESS: I'm about to let the whole tea
9 spill right now.

10 THE COURT: So that's -- that's not helpful. I
11 want to have you answer the questions from the
12 lawyers and then your -- your role here will be done
13 once you're done answer the questions.

14 THE WITNESS: Okay.

15 THE COURT: Okay?

16 THE WITNESS: Yeah, when we gonna start, right
17 now?

18 THE COURT: We're gonna bring them in right now.
19 Let's do that.

20 (The jury enters the courtroom.)

21 THE WITNESS: Hi guys. I'm sorry. I got
22 emotional.

23 ATTY. HUSSEY: Judge, the witness can't be
24 talking to the jury.

25 THE WITNESS: No, all I said was I'm sorry.

26 THE COURT: So listen, for the record, our
27 jury's back in the courtroom, the parties here as

1 well.

2 Ms. Ortiz --

3 THE WITNESS: Yeah. I'm not saying nothing else.

4 THE COURT: Correct.

5 THE WITNESS: Other than the questions they bout
6 to ask.

7 THE COURT: My instructions to you is just look
8 at the lawyers asking the questions, answer the
9 question they put to you, keep it simple like that.

10 THE WITNESS: Okay.

11 THE COURT: Attorney Flynn, are you ready?

12 ATTY. FLYNN: Yes, Your Honor, are you okay if I
13 stand --

14 THE COURT: Wherever you need to.

15 THE WITNESS: We're here so I feel like
16 (indiscernible).

17 ATTY. FLYNN: Yes.

18 And can the court monitor hear me from here?

19 Okay.

20 CONTINUED DIRECT EXAMINATION BY ATTY. FLYNN:

21 Q So Ms. Ortiz, we left off talking about how there was
22 an argument the night before.

23 A Mm-hmm.

24 Q Who was that argument between?

25 A Junny and -- Junny, Cama, ATM, and the girl Alizae.

26 Q Okay. And --

27 A And me.

1 Q What was said during that argument?

2 ATTY. HUSSEY: Objection. That calls for
3 hearsay.

4 THE COURT: I'll sustain the objection.

5 ATTY. FLYNN: Okay.

6 BY ATTY. FLYNN:

7 Q Was the argument between all four of those parties?

8 A Yeah.

9 Q Okay. Was it verbal or did it get physical at any
10 point?

11 A It got a little physical.

12 Q Okay, and how did it get physical?

13 A Cama -- right, I could say his name?

14 Q Yes.

15 A He was trying to grab Junny. They was tussling back
16 and forth over the gun and then at one point he got the gun
17 in his hand and then told Junny that he could not go back to
18 Wolcott Street and --

19 ATTY. HUSSEY: Objection. That calls for
20 hearsay. May that be stricken, please?

21 THE COURT: Who said it?

22 ATTY. HUSSEY: The decedent.

23 ATTY. FLYNN: Oh, no she --

24 ATTY. HUSSEY: Or actually no --

25 ATTY. FLYNN: That was said by one of the
26 defendant so it's statement by a party opponent.

27 THE COURT: Yeah, so I think it's a hearsay

1 exception.

2 THE WITNESS: Wait, what?

3 ATTY. FLYNN: Don't -- don't worry about it.

4 BY ATT. FLYNN:

5 Q Okay. So, I want to back that up a little bit. So
6 there's a little tussle.

7 A Mm-hmm.

8 Q Did Junny get injured at any point during this?

9 A Yeah, they had scratched him in the neck.

10 Q Okay, when you say "they", who's they?

11 A I'm not sure if it was Cama or ATM, but one of them
12 while they was tussling with him, like his shirt got ripped
13 and he had a few scratches on his neck.

14 Q Okay. And then you said there was a gun.

15 A Mm-hmm.

16 Q Who had the gun on them at first?

17 A Junny.

18 Q Was it his?

19 A I don't think so.

20 Q Okay. Do you know what type it was?

21 A No.

22 Q And as they're tussling, what happens to the gun?

23 A Um... it went back to Cama.

24 Q Did Cama take it from Junny?

25 A Yeah.

26 Q Okay. And what happens after he takes that gun back?

27 A He told Junny that he couldn't be there no more.

1 That's what I just said.

2 Q Did he make any other statement to him?

3 A That he was a dead man and all that extra stuff.

4 Q All that extra stuff?

5 A They were just arguing -- they were still arguing
6 back and forth after. It was just arguing.

7 Q Okay, but he did state that Junny was a dead man?

8 A Yep.

9 Q Okay. So what do you -- what did you do next.

10 A We left.

11 Q When you say "we", who's that?

12 A Me and Junny.

13 Q Okay, and how did you leave?

14 A In his car.

15 Q And is that the Honda --

16 A Honda coupe.

17 Q Okay.

18 A The gray Honda coupe.

19 Q And you guys leave. Where do you go?

20 A We was just driving around.

21 Q Okay. And while you're driving around, what happened?

22 A We received a call that they had went in -- Cama and
23 ATM had went into Junny's house and trashed the house.

24 ATTY. HUSSEY: Objection. This definitely calls
25 for hearsay. Received a call from other people.

26 THE COURT: Yeah, so I'm going to sustain the
27 objection to that last response is stricken.

1 THE WITNESS: Okay, so I got information that
2 they was in the house.

3 ATTY. HUSSEY: Objection, Your Honor. I mean
4 that's --

5 THE COURT: Okay.

6 ATTY. FLYNN: Let me rephrase the question.

7 THE WITNESS: Yeah rephrase the question.

8 ATTY. HUSSEY: Can that all be stricken, please?

9 THE COURT: So one second. So that's all
10 stricken, those last two responses.

11 Next question.

12 BY ATTY. FLYNN:

13 Q Okay. Throughout the night, did you learn that Cama
14 had gone to Junny's house?

15 A Mm-hmm.

16 Q And did you learn that something had happened to
17 Junny's room?

18 A Mm-hmm.

19 Q Okay. Did anything else happen that night that you're
20 aware of?

21 A No. No. I don't think so.

22 Q Were you aware of any shooting that happened that
23 night?

24 A Yeah, there was a shooting on Wolcott, but I'm not
25 sure from who.

26 Q Okay, you weren't there for it?

27 A No.

1 Q Was Junny there for it?

2 A No.

3 Q Was he with you the whole night?

4 A Yeah.

5 Q Okay. So now we go to July 6th.

6 A Mm-hmm.

7 Q Can you walk me through your day beginning with where
8 you were when you woke up.

9 A Okay, so I woke up in -- I was at my dad house.

10 Q Where does your dad live?

11 A Hartford.

12 Q Okay.

13 A I woke up, I was at my father's house in Hartford and
14 then I had one of my brothers take me to Junny's house on
15 Capitol. And when I got there, he was -- 'cause he wasn't
16 answering my phone calls, so I thought something had already
17 happened to him. So when I got there, he was already
18 sleeping. So I woke him up and I'm like, What are you doing
19 here? Like, didn't they just come last night over here, so
20 like how do you even feel comfortable even staying the night
21 here, you know. So he woke up, he was confused --

22 Q Okay, let me pause you there.

23 A Uh-huh.

24 Q Okay. Was someone else with you at this time?

25 A Dely.

26 Q And what's her full name?

27 A Delymar.

1 Q What -- do you know what her last name is?

2 A Rios.

3 Q Okay. So I'll let you continue.

4 A Mm-hmm. Wait --

5 Q Okay, so you left off you wake him up.

6 A Oh, yeah. Okay, so I woke him up. He woke up. I don't
7 know, I'ma say -- I can say what I want to say, right? So we
8 received a picture saying that they was having --

9 Q I'm going to stop you there, okay.

10 A Mm-hmm.

11 Q Who received pictures?

12 A I received a picture.

13 Q Okay.

14 A From Juny's sister.

15 Q Okay.

16 A Showing Cama and them in a meeting in the back of a
17 house on Wolcott.

18 Q Okay.

19 A So then we was leaving the house, we was walking to
20 the car, got in the car.

21 Q All right. Let me pause you there again.

22 A Mm-hmm.

23 Q 'Cause I want to break it down a little bit.

24 A Mm-hmm.

25 Q All right, so you're leaving the house. When you say
26 "we leave the house", who's leaving?

27 A Me, Juny, and Dely.

1 Q And you go down to the car.

2 A Mm-hmm.

3 Q What type of car is that?

4 A A Honda coupe, gray Honda coupe.

5 Q Okay.

6 A Two door.

7 Q Okay, and that's Junny's car?

8 A Yeah.

9 Q All right, so you guys get into the car?

10 A Mm-hmm.

11 Q What happens then -- let me ask you this: where are
12 you sitting?

13 A I'm sitting on the passenger side, the front
14 passenger.

15 Q Where is Junny sitting?

16 A The driver seat.

17 Q He's driving?

18 A Yeah.

19 Q Okay, and where's Dely sitting?

20 A In the back of the driver.

21 Q Okay so you get in the car. What happens next?

22 A We hit the stop sign, we took a left. Like, not even
23 halfway going through that first -- like, right before we
24 hit Rowe, I seen the Infint (phonetic), so I told Junny,
25 Junny, the Infint's behind us. I knew it was the Infint
26 because they got half window shield tint and Juny had just
27 sold it to them. And then --

1 Q Okay, so let me pause you there again. You're saying
2 the -- what type of car did you say again?

3 A Theirs?

4 Q The car that you were talking about that you saw.

5 A The tan Infiniti.

6 Q The tan Infiniti, okay.

7 A Mm-hmm.

8 Q How many doors is that?

9 A Four.

10 Q Okay. Is there anything -- and you -- sorry, you
11 started talking about how this was --

12 A How I know specifically it's that car?

13 Q Yes.

14 A It was the window tint.

15 Q Okay.

16 A It has half window tint, not full window tint.

17 Q And whose car did you know that to be?

18 A Cama's.

19 Q And how do you know that?

20 A Because Junny just sold it to them a week prior.

21 Q Okay. And I want to -- I didn't establish this at the
22 beginning. How do you know Junny?

23 A That's -- I know Junny -- that's -- I was with him
24 for three years.

25 Q Okay. In a relationship?

26 A Mm-hmm.

27 Q And is he the father of your child?

1 A Mm-hmm.

2 Q All right, and Delymar, how do you know her?

3 A From school.

4 Q Okay. So let's go back. So you see the Infiniti.

5 A Mm-hmm.

6 Q Where -- what road are you on at this point?

7 A Capitol.

8 Q Capitol Ave?

9 A Mm-hmm.

10 Q Is that in Hartford?

11 A Yep.

12 Q Okay. And could you see who was driving the Infiniti
13 at this point?

14 A No.

15 Q So what do you guys do?

16 A I really don't remember, but I do remember that
17 like -- we went to go like pull over a little bit or -- I
18 don't know -- I don't know if it was specifically like
19 pulled over but we had like went to the side a little bit
20 and then --

21 Q And this is on Capitol Ave?

22 A Mm-hmm.

23 Q Okay.

24 A Right next -- right in front of Rowe, so like Rowe
25 and then Capitol right here. So then...

26 Q Okay, so let me ask you some questions.

27 A Mm-hmm.

1 Q Do you start -- you spot this Infiniti. Do you say
2 anything?

3 A Yeah. I told him. I said the Infiniti's behind us.

4 Q Okay. And you guys pulled over, correct?

5 A Mm-hmm.

6 Q All right, what happens --

7 A Well, like, I don't know, we didn't like pull over.
8 We like went to the side a little bit.

9 Q Okay.

10 A And then I just started hearing gunshots. So, I told
11 everybody to duck in the car. Junny ducked. Dely said she
12 got hit. So when she said she got hit, Junny lifted his head
13 up. When he lifted his head up, all I seen was a bullet come
14 out his head. So, I like went into like a... hold on.

15 Q Take a moment.

16 (Pause)

17 A I'm mad.

18 Q It's okay.

19 (Pause)

20 Q Okay. So let me ask you this question: where did
21 those bullets come -- do you know where those shots came
22 from?

23 A The Infint.

24 Q The Infiniti?

25 A Mm-hmm.

26 Q Okay, and where was it in relation to where you were?

27 A I don't understand that question.

1 Q Okay, so if you're -- you said you were in the
2 passenger seat of the Honda, correct?

3 A Mm-hmm.

4 Q So if you're sitting in that passenger seat, where
5 did you see the Infiniti?

6 A To the side Junny was at. So the passenger side was
7 to the driver door of the Honda. The passenger side of the
8 Infiniti was to the driver's door of the Honda.

9 Q And it was traveling in the same direction as you?

10 A Mm-hmm.

11 Q Okay. And could you see into the Infiniti at that
12 point?

13 A No.

14 Q Okay. And so you said Junny got shot in the head.

15 A Mm-hmm.

16 Q What happens next?

17 A I like panic a little bit so I just started praying.
18 And then I heard Dely, she was basically telling me like
19 we're gonna crash into the gas station, so like I -- I
20 lifted myself up, I put myself on top of Junny. I was trying
21 to press the brake, but since it was dead weight already on
22 the gas -- we wasn't really going pretty fast. There was a
23 car coming. I was going to smack the car but I was able
24 to -- to turn the car. I was able to turn the car and we
25 just smacked the Subway.

26 Q Okay. Do you remember going up -- while you're still
27 on Capitol before you hit the Subway, do you remember going

1 up onto the sidewalk at any point?

2 A I went -- no. I remember going up to the sidewalk
3 when I -- before I smacked the Subway.

4 Q Okay. Did you see a firearm or a gun at any point?

5 A Where?

6 Q When you were --

7 A No.

8 Q -- being shot at? You did not see one.

9 A No.

10 Q Okay. But you heard the sound of gunshots.

11 A Mm-hmm.

12 Q All right, do you know how many you heard?

13 A No.

14 Q Okay, so after you crash, what happens?

15 A I low-key thought I was dead until I opened my eyes.
16 And then I was still on earth, so like I jumped to the
17 passenger seat, I opened the door, and I -- I didn't know if
18 Dely was okay or not so like I put -- I lifted the -- it's a
19 coupe, so I had to open -- put the seat up so she -- so it
20 could come forward so she could come out. So when she
21 came -- she was okay. When I looked at her, she was okay.
22 The car was really foggy on the inside so she stand -- she
23 stood up like next to me and she was like, Did I get shot?
24 And when I looked, she had a bullet hole in her butt and she
25 had like blood coming down.

26 So, that's -- then that's when the undercover came
27 out of nowhere and he was like, Put your hands up. And I was

1 looking at him like he was crazy. I didn't -- I'm like, what
2 are you talking about? Me put my hands up? Like, what the
3 hell I did? You know, but I guess that's protocol, so yeah,
4 that's what happened.

5 Q Okay.

6 A And then --

7 Q And where was Junny at this point?

8 A He was in the car.

9 Q Still in the car?

10 A Mm-hmm.

11 Q Okay. So the undercover shows up, they tell you to
12 put your hands up. What happens next?

13 A I went to the ambulance.

14 Q Okay. Did you speak to anyone on the scene? Do you
15 remember?

16 A I don't remember.

17 Q Do you remember a -- any officers keeping you on the
18 scene preventing you from leaving?

19 A No.

20 Q Okay. SO you said you went in the ambulance, correct?

21 A Mm-hmm.

22 Q Okay. Do you know what hospital you went to?

23 A Nope.

24 Q And when you go to the hospital, what happened there?

25 A They just make sure I was fine because of the car
26 crash and basically what I had just went through -- went
27 through. They was making sure like my oxygen, my heart rate,

1 everything was good. Everything was fine. I think so.

2 Q Okay. Did anyone come to speak to you at the
3 hospital?

4 A I don't remember.

5 Q Do you remember if a detective came to speak to you?

6 A I don't --

7 ATTY. HUSSEY: I think that was asked and
8 answered. "I don't remember."

9 THE COURT: I'll allow the question.

10 THE WITNESS: What he say?

11 BY ATTY. FLYNN:

12 Q A detective came to speak to you?

13 A I don't remember.

14 Q Okay. Do you remember speaking to any detectives at
15 any point that day?

16 A I remember speaking to people. I don't know if they
17 was detectives or not.

18 Q Okay. Dym giving a statement that day?

19 A Yep.

20 Q All right, and where did you give that statement?

21 A Where?

22 Q Where?

23 A In the... in the investigating room.

24 Q The investigating room?

25 A Mm-hmm. I think that's what you call it.

26 Q Do you remember what type of building it was?

27 A Yeah, the one right there on High Street.

1 Q The police department?

2 A Mm-hmm.

3 Q Okay. And did you go straight there from the
4 hospital?

5 A Mm-hmm.

6 Q Okay. And did you go there voluntarily?

7 A Yep.

8 Q And did you give the statement voluntarily?

9 A Yep.

10 Q And while you were speaking to the detectives, did
11 you identify the shooter at any point?

12 A I don't remember.

13 Q Okay. If I were to show you you're statement, would
14 you remember?

15 A Remember what?

16 Q If you identified the shooter or not. Would that
17 refresh your memory?

18 A Ask me the question one more time from the beginning.

19 Q Did you identify the shooter to the detective?

20 A Yeah, in the lineup. Right?

21 Q So what I'm asking is at any --

22 A I don't know. I'm confused.

23 Q At a point, did you give a name to the detective.

24 A Yes. Yes, I did.

25 Q Okay. And what name did you give?

26 A Cama and ATM.

27 Q So you gave two names.

1 A Mm-hmm.

2 ATTY. HUSSEY: Your Honor, I hate to interrupt
3 but there was something -- may we discuss on sidebar?

4 THE COURT: It's five of 1:00. We're going to
5 take the lunch recess at this point. You know, we can
6 discuss it at that point.

7 ATTY. HUSSEY: Thank you.

8 THE COURT: So ladies and gentlemen of the jury,
9 I'm going to let you go to lunch in a few minutes --

10 THE WITNESS: I'm not coming back. I hope you
11 know that. I'm gone.

12 THE COURT: All right, you need to sit down for
13 one second.

14 I'm going to excuse the folks in the jury. I'll
15 see you back here at 2:00. Leave your notebooks on
16 the seats. Don't discuss the case with one another.

17 THE WITNESS: I'm over this.

18 THE COURT: Don't let anyone talk to you about
19 the case.

20 THE WITNESS: I lived it three years ago. I'm
21 not about to keep my -- bro.

22 (The jury exits the courtroom.)

23 THE WITNESS: This is not for me.

24 THE COURT: Thank you. So Ms. Ortiz, I'm going
25 to have you come back at 2:00. We take a lunch recess
26 at 1:00 every day, so the lawyers would not have time
27 to ask you their questions in the next few minutes

1 and the State is still asking you questions. So I'm
2 going to have you back here at 2:00. You need to be
3 back here at 2:00 'cause you're under a subpoena. I
4 know you're not happy with that, but that's the way
5 it is. You're free to go now, though.

6 THE WITNESS: Ya'll could have fun looking for
7 me. I'm out.

8 (Pause)

9 THE MARSHAL: Your Honor, recess?

10 THE COURT: No, I want to hear what -- thank
11 you, though.

12 Attorney Hussey, what was it you wanted to bring
13 up at sidebar?

14 ATTY. HUSSEY: Yeah, the reason why -- I'm
15 sorry --

16 THE COURT: Yeah, no.

17 ATTY. HUSSEY: It was about the lineup, okay,
18 which was an array that was shown to her by an
19 officer that later experienced some problems, so I
20 thought that we weren't going to -- I'm not
21 suggesting he made her say that by any means --

22 THE COURT: No.

23 ATTY. HUSSEY: -- but I was worried that we were
24 going to continue down that vein?

25 THE COURT: Okay.

26 ATTY. RILEY: No.

27 THE COURT: Yeah, okay.

1 ATTY. HUSSEY: And I'm not suggesting that was
2 done, but I -- with her, she's a wildcard and I
3 didn't know if she was going to get into that.

4 THE COURT: Okay. Okay.

5 ATTY. RILEY: I think we could go down the idea,
6 but what -- I mean, we'll have to ferret some more
7 out from the witness.

8 THE COURT: Say that again?

9 ATTY. RILEY: We might go down the ID road
10 without mentioning the lineup, Your Honor --

11 THE COURT: Sure.

12 ATTY. RILEY: -- because of -- but we still have
13 to go down that road.

14 THE COURT: Right.

15 ATTY. RILEY: And I think she blurted that out.
16 I don't think it was from Attorney Flynn's
17 questioning.

18 THE COURT: No.

19 ATTY. HUSSEY: No, I -- and --

20 THE COURT: And I think it's very unclear as to
21 what she was talking about, candidly.

22 ATTY. RILEY: Yes.

23 ATTY. HUSSEY: Yeah, I'm not suggesting that was
24 elicited through intention on your part.

25 THE COURT: Okay, but you didn't want to have
26 the State walk down that path. It doesn't sound like
27 they were trying to go there but now we're all on the

1 same page.

2 ATTY. HUSSEY: Yeah. And she's a wildcard, we
3 can agree, so thank you.

4 THE COURT: And so, just -- okay, so we'll
5 reconvene at 2:00.

6 A couple things. I think you've asked her not to
7 point to the defendants, but at some point, is it
8 your intention to have her ID folks or not?

9 ATTY. FLYNN: I was going to ask for permission
10 for an in-court identification.

11 THE COURT: Okay.

12 ATTY. FLYNN: So I would be asking for that.

13 THE COURT: Okay.

14 ATTY. FLYNN: Obviously a little nervous to do
15 that, just based on what we've seen.

16 THE COURT: Yeah.

17 ATTY. FLYNN: But I think it is necessary.

18 THE COURT: I think it is necessary. I wasn't
19 sure if you were not doing it by some reason I wasn't
20 aware of. But an in -- she's testified she knows
21 them. If you want to supplement the record more to do
22 that, I think that'd be fine, but that's be
23 permissible.

24 So language for what I want to tell the jury,
25 I'm going to think about it at lunchtime, too. I
26 think if lawyers want to submit something or make a
27 suggestion, I'd be happy to hear that as well.

1 And then with Johany Franqui, has the state had
2 an opportunity to --

3 ATTY. RILEY: We're going to -- I'm going to do
4 that now.

5 THE COURT: Okay.

6 Okay. If he needs a lawyer or wants a lawyer,
7 let me know that, please.

8 ATTY. RILEY: I will. First, are you going to --

9 THE COURT: I'll be upstairs, upstairs.

10 ATTY. RILEY: Okay, I'll come look.

11 THE COURT: Okay.

12 Okay. Sounds good, so we'll stand in recess,
13 then, thank you.

14 (Luncheon Recess)

15 ATTY. JELLY: Good afternoon, Marshal DeForge.

16 Good afternoon, everyone. Thank you. Please have
17 a seat.

18 So we're here for the afternoon session of State
19 versus Edwin Franqui. Both defendants are here, their
20 lawyers are here. The state's attorneys are here as
21 well.

22 I think the plan is to bring in Ms. Ortiz and
23 our jury is ready to come in, too, right?

24 THE MARSHAL: I don't know if they're down yet.

25 ATTY. JELLY: State.

26 THE COURT: Okay.

27 THE MARSHAL: He was going up to get them.

1 THE COURT: Okay.

2 ATTY. JELLY: State, not plaintiff.

3 THE COURT: Oh, sorry.

4 THE MARSHAL: They're just arriving right now.

5 THE COURT: Awesome. I like when a plan comes
6 together.

7 Thank you, Ms. Ortiz. I'm going to bring the
8 jury in now and we'll continue with your testimony,
9 then we'll let you go.

10 (Pause)

11 (The jury enters the courtroom.)

12 THE COURT: All right, good afternoon, everyone,
13 thank you. Please have a seat, folks.

14 So the jury is fully assembled and back in the
15 courtroom. The parties are all here and Ms. Ortiz is
16 in the witness stand.

17 Attorney Flynn, whenever you're ready, you can
18 resume the direct examination.

19 ATTY. FLYNN: Thank you, Your Honor.

20 CONTINUED DIRECT EXAMINATION BY ATTY. FLYNN:

21 Q All right, so Ms. Ortiz...

22 A Yes.

23 Q So we left off with you identifying who the shooter
24 was.

25 A Mm-hmm.

26 Q Can you state again who you identified as the
27 shooter?

1 A Cama.

2 Q Can you say that a little bit louder?

3 A Cama.

4 Q Okay. And can you spell that? Do you know how that's
5 spelled?

6 A I think it's C-a-m-a.

7 Q Okay, thank you. And so he was the shooter, correct?

8 A Mm-hmm.

9 Q Was there another individual in the car with him?

10 A Mm-hmm.

11 Q And who was that?

12 A I'm not really sure.

13 Q Okay.

14 A I seen long hair.

15 Q Okay. If I were to show you your statement, would
16 that help refresh your memory?

17 A No. I know what I seen.

18 Q Okay. So, Let's start with this first. So you said
19 Cama.

20 A Mm-hmm.

21 Q Do you see him in the courtroom today?

22 A Mm-hmm.

23 Q All right. Can you describe what he's -- the clothing
24 that he's wearing?

25 A He got on a white little collar thingy right here.

26 Q Okay.

27 A He just sat backwards.

1 Q Is he seating -- what table is he seated at?

2 A To the left.

3 Q The left table, okay. And he closest to Attorney
4 Hussey or Attorney Jelly?

5 A Hussy.

6 ATTY. FLYNN: Okay. Can we let the record
7 reflect she did identify Edwin Franqui who's born in
8 1991.

9 THE COURT: Correct. The record reflects as
10 much.

11 ATTY. FLYNN: Okay.

12 BY ATTY. FLYNN:

13 Q And did you see him with a gun when he was shooting?

14 A I seen his -- his like figure, yeah. I didn't
15 specifically see him.

16 Q Okay, but you know it was -- your -- you feel
17 comfortable that it was him?

18 A Mm-hmm.

19 Q Okay. And while...

20 ATTY. FLYNN: If I could have one moment.

21 THE COURT: Yes.

22 (Pause)

23 BY ATTY. FLYNN:

24 Q All right, so you stated that you remembered giving a
25 statement, correct?

26 A Mm-hmm.

27 Q So I'm going to hand that statement to you. This has

1 been previous marked as State's 56 for identification
2 purposes. Do you recognize what I just handed you?

3 A Mm-hmm.

4 Q And what is that?

5 A The statement I wrote the day of July 6th.

6 Q Okay, and how do you know it's that statement?

7 A 'Cause I remember writing it.

8 Q Okay do you see your name on there anywhere?

9 A Uh-huh.

10 Q Do you see your signature?

11 A No. Oh, yeah.

12 Q You can flip through if you need to.

13 A No.

14 Q Okay.

15 A I know. I seen it. I wrote it.

16 ATTY. FLYNN: All right, so at this point, the
17 State would like to offer it as a full exhibit
18 under -- based on the witness statement.

19 ATTY. HUSSEY: Absolutely object to that, Your
20 Honor.

21 THE COURT: Yeah. So I think that we need to
22 have a conversation about that outside the presence
23 of the jury.

24 ATTY. FLYNN: Okay.

25 THE COURT: So we could -- do you have any other
26 questions of the witness at this point?

27 BY ATTY. FLYNN:

1 Q You stated that there's another individual by the
2 name of ATM?

3 A Mm-hmm.

4 Q Was he involved in this?

5 A I think so.

6 Q You think so. Do you see him in the courtroom today?

7 A Yes.

8 Q All right. Just as you did --

9 A He's closer to the -- Jelly.

10 Q Okay what is he wearing?

11 A Red.

12 Q Okay. Does he have long hair or short hair?

13 A Long.

14 ATTY. FLYNN: All right, let the record reflect
15 she did identify Edwin Franqui born in 1996.

16 THE COURT: The record will reflect that.

17 ATTY. FLYNN: All right, I have no further
18 questions at this time.

19 THE COURT: Okay.

20 ATTY. FLYNN: Oh, I -- I take that back.

21 THE COURT: Yep.

22 (Pause)

23 ATTY. FLYNN: I apologize, Your Honor. I do have
24 two quick follow-up questions.

25 THE COURT: Sure.

26 BY ATTY. FLYNN:

27 Q All right, how do you know Cama and ATM?

1 A They was friends with my baby father, with Junny.

2 Q Okay. How long did you know them for prior to this
3 incident?

4 A I don't know, probably like two, three months. I
5 don't really know them.

6 Q Okay. But you were familiar with them?

7 A Mm-hmm.

8 Q You can recognize them?

9 A Mm-hmm.

10 Q And you knew that they were friends with Junny?

11 A Mm-hmm.

12 ATTY. FLYNN: I have no further questions.

13 THE COURT: Okay.

14 Cross-examination, Attorney Jelly or Hussy?

15 Attorney Jelly?

16 ATTY. JELLY: Be right there, Judge?

17 THE COURT: Sure.

18 CROSS-EXAMINATION BY ATTY. JELLY:

19 Q You described in your earlier testimony the
20 description of the car that drove -- drove past you on
21 Capitol Avenue.

22 A Mm-hmm.

23 Q And what did you -- what was that description?

24 A The description of the car?

25 Q Yeah.

26 A It's a tan Infiniti. I don't remember the year,
27 'cause I would've said the year. A tan Infiniti that

1 literally just my baby father -- Junny just had the Infint
2 not even a week prior to this situation, so I know it has
3 half tint in the front window shield.

4 Q Half tints on the front?

5 A Mm-hmm.

6 Q What about the rest of the car?

7 A I didn't really get to see the rest of the car but I
8 seen the front of the car, which I recognized it.

9 Q You claim there are half tints on the front of the
10 car and you don't -- don't know what the rest were.

11 A The front win -- the front window tint?

12 Q Yeah.

13 A Yeah.

14 Q Okay. There was an incident around midnight.

15 A Mm-hmm.

16 Q Before the day of that there was shooting out -- out
17 on Capitol Avenue. Is that correct?

18 A Say that again?

19 Q There was an incident that you and Junny were at
20 on -- in Hartford.

21 A It was in -- on Wolcott Street.

22 Q On Wolcott Street.

23 A Yeah.

24 Q And who else was there with you and Junny?

25 A It was just me and Junny. We went there together, me
26 and Junny.

27 Q Okay.

1 A Uh-huh.

2 Q And what were you doing there?

3 A We was just chilling. Everybody was chilling,
4 everybody was drinking, chilling, a regular night.

5 Q Who's everybody?

6 A Cama, ATM, Jazzy, Alizae, me, Junny. That's all I
7 remember.

8 Q Was their other brother there?

9 A I don't remember. Oh, I think so.

10 Q With his girlfriend?

11 A Mm-hmm.

12 Q Okay. Did you know the other brother and his
13 girlfriend?

14 A Nope.

15 Q Okay. At some point in the night, there was a
16 disagreement over some firecrackers.

17 A Mm-hmm.

18 Q Is that fair to say?

19 A Mm-hmm.

20 Q What happened?

21 A Um... um... the firecracker hit Junny leg. He was
22 trying to hit the girl. Cama and ATM didn't let him, so they
23 started arguing.

24 Q Okay.

25 A Uh-huh.

26 Q And they got into a -- a wrestling match?

27 A Uh-huh.

1 Q And did you say that one of them took a gun away from
2 Junny?

3 A Mm-hmm.

4 Q All right. What did you -- how did Junny -- Junny
5 react to that?

6 A He was just in shock that they was more on the girl's
7 side than his side 'cause those was his friends. So he was
8 just really in a in-shock state of mind so he was just
9 talking shit. That's really what he was doing, just talking
10 shit.

11 Q Did he threaten them?

12 A I don't remember.

13 Q Okay. Did he do anything about his madness when he
14 walked away from them?

15 A No.

16 Q Did he go back on the street?

17 A No, we had left and we was driving around after that.

18 Q Where was his car parked?

19 A When the -- when everybody was arguing?

20 Q Yes.

21 A It was on Wolcott, to the left.

22 Q Close to where you were --

23 A Close to the pizza shop.

24 Q And when you got in the car, where'd you go.

25 A We was just driving around.

26 Q Which way, towards Park Street?

27 A Park Street, Capitol, West Hartford, East Hartford,

1 New Britain. We was just driving around.

2 Q All right. Was -- were any of his other friends
3 following in other cars?

4 A No, not that I remember.

5 Q Were there other people there with you in him
6 in -- in other cars?

7 A No, it was just -- no, we was there by -- it was just
8 me and him that night.

9 Q When you were leaving Wolcott Street going up to Park
10 or wherever you went, were you aware of any shots being
11 fired?

12 A Like an hour after, yeah.

13 Q An hour after?

14 A Mm-hmm.

15 Q You were -- and you -- you and he were back in that
16 area again an hour later?

17 A No. Nope. An hour later, we received a call that
18 basically somebody had got shot on Wolcott.

19 Q Okay. Did you ever learn who that was?

20 A No. I don't know.

21 Q Did you have any information about who did the
22 shooting?

23 A No.

24 Q In the -- in the afternoon of that late night, that's
25 when you were on Capitol Avenue?

26 A Say that again, please?

27 Q Is -- was it in the afternoon of the following, you

1 know, 12, 14 hours that you were out in the car with Junny
2 on Capitol Avenue?

3 A The next day?

4 Q Yes.

5 A Yeah.

6 Q Okay.

7 ATTY. JELLY: May I have a moment?

8 THE COURT: Yes, sir.

9 (Pause)

10 BY ATTY. JELLY:

11 Q When you were in the car, I believe you testified
12 before the lunch break that you heard shots when you were
13 driving, but you didn't see anybody shooting. Is that
14 correct?

15 A Mm-hmm. I seen a figure.

16 Q I'm sorry?

17 A I seen a figure, a small figure out the front
18 passenger window, which looked like Cama, but not sure.

19 Q Front, not the back window?

20 A Nope, front passenger.

21 Q You -- you --

22 A I think.

23 Q You couldn't say who was -- who was firing? Did they
24 have a hat on, a yellow hat?

25 A I don't remember what they had on. I just seen a
26 little figure that resembled Cama.

27 Q Could you -- you couldn't seen the driver?

1 A Nah, all I really seen was long hair.

2 Q I'm sorry, but I couldn't hear you.

3 A All I seen was this piece, this piece right here,
4 so --

5 Q You couldn't -- but you couldn't identify who was the
6 driver.

7 A Nope.

8 Q Did you -- did you see a gun?

9 A Waving, yep.

10 Q Where?

11 A Waving out the window of the car.

12 Q All right.

13 A But once I seen it, I looked away so it was just like
14 I seen a glimpse but it just -- I just looked straight after
15 that.

16 Q All right, so you didn't see any gunshots being
17 fired, see them?

18 A Coming out the -- the gun hole, no, I didn't.

19 Q All right. And you were not aware -- you don't not
20 remember the car you were in running off the road on Capitol
21 and hitting a wooden series of steps?

22 A You said if I didn't know -- and first of all, it
23 wasn't no steps. It was smacking into the side of a Subway
24 wall. It wasn't no steps.

25 Q Oh, I'm -- excuse me for interrupting you. I don't
26 mean the crash into the Subway. I mean, after you left and
27 were driving west on Capitol Avenue, do you recall --

1 A Going on the sidewalk, no.

2 Q -- your car -- the car you were in swerving to the
3 right and hitting some steps on the right side of Capitol
4 Avenue?

5 A Nope, I don't recall that.

6 Q Okay. How far up Capitol Avenue were you when you
7 first heard or saw shots?

8 A Right before the -- right before the club, I think.

9 Q Which club?

10 A On Capitol.

11 Q Beacon?

12 A No.

13 Q What's the club?

14 A It's not on Beacon. It's right in front of Rowe
15 Street.

16 Q In front of what?

17 A Rowe. Like, if you were was coming down Rowe, it
18 would be like right there, to the left of you.

19 Q But you couldn't see who was driving.

20 A No.

21 ATTY. JELLY: Okay. That's it.

22 THE COURT: Thank you.

23 Attorney Hussey?

24 ATTY. HUSSEY: I just have a few questions.

25 THE COURT: Sure.

26 ATTY. HUSSEY: Good afternoon.

27 I just have a few questions for you, okay?

1 CROSS-EXAMINATION BY ATTY. HUSSEY:

2 Q So I'm trying to -- I'm trying to understand. There
3 was a situation the night before, it was late at night --

4 A Mm-hmm.

5 Q Where there was an argument, right, between these
6 guys and the -- your boyfriend, correct?

7 A Mm-hmm.

8 Q But, your testimony is your boyfriend never shot at
9 these guys the night before. Is that right?

10 A Right.

11 Q Okay, you just -- you left, right?

12 A Yeah, we had left.

13 Q Okay, and I think you were testifying early, and
14 correct me if I'm wrong, but you were on Capitol Avenue. Did
15 you spend the night there?

16 A I didn't spend the night there, no.

17 Q Okay. Where'd you spend the night?

18 A I spent the night at my father's house, but I got
19 dropped off -- it wasn't even a night. I got dropped off
20 like at -- we didn't -- we wasn't trying to go back to
21 Capitol.

22 Q Okay.

23 A To Junny's house on Capitol.

24 Q Okay, so --

25 A So, we was just driving around that night. I didn't
26 get dropped off to my dad's house 'til like 7:00, 8:00 in
27 the morning. Then I fell asleep, woke up around 10:00,

1 11:00, and then got to Junny's house.

2 Q Okay, how'd you get there?

3 A My -- one of my brothers took me.

4 Q Okay. And when did -- do you call her Dely?

5 A Delymar, yeah.

6 Q Yeah. When did she come into the -- the situation? Do
7 you remember?

8 A Before -- when we was driving -- the time we was
9 driving around all night, we had -- she told me she wanted
10 to get picked up so we picked her up from her grandma's
11 house.

12 Q Okay.

13 A And then we was just chilling with her from there,
14 and then that's when every -- she stood with me at my dad's
15 house.

16 Q Okay.

17 A Then we went together to Juny's house, and then
18 that's when everything started.

19 Q Okay. So you get dropped off at Junny's, get in
20 Junny's car, you're going down Capitol Avenue, right?

21 A Uh-huh.

22 Q And that's when everything happened, right?

23 A Right.

24 Q Now listen, you -- you were pretty young when this
25 happened, right?

26 A Uh-huh.

27 Q I think 16 maybe?

1 A I just turned 16, yes.

2 Q Yeah, so I mean, it's a -- it's a terrible
3 experience.

4 A Right.

5 Q To say the least, right, and there's -- there's a lot
6 of things going on when you're going down the street. You
7 see a gun, you hear a noise, you duck. I think that's what
8 you testified, right which --

9 A Yep.

10 Q -- normal people would do, right?

11 And I think Dely ducked as well and -- and Junny
12 tried to duck and he was hit by -- by a bullet, right?

13 A Mm-hmm.

14 Q And unfortunately, you witnessed all that. Then the
15 car's out of control and you're thinking you're going to
16 die, right?

17 A Yep.

18 Q And you're saying your prayers and you just try
19 to -- try to save the situation, right?

20 A Right.

21 Q Okay. So, it's -- it's a crazy scene.

22 A Mm-hmm.

23 Q Would that be fair to say?

24 And I think you've talked about there was a car that
25 you think was a tan Infiniti, right?

26 A Right. No, I don't think, I know.

27 Q Okay. You're positive about that.

1 A Positive.

2 Q Tan Infiniti with a half tint, right?

3 A Uh-huh.

4 Q Okay, that much we can tell -- we agreed-upon. That's
5 what you're saying, hundred percent, no doubt about it?

6 A Mm-hmm.

7 Q All right. But after that, when Mr. Jelly was asking
8 you about who was driving the car, it seems to me that
9 you've identified --

10 A Who was driving the car. I'm not really positive
11 about how was driving the vehicle.

12 Q Okay. Somebody with long hair is about the best we
13 could do there, right?

14 A Exactly.

15 Q Okay. In terms of talking about my client, you said
16 you think it could be him but you -- would it be fair to say
17 you're not sure?

18 A No, I know it was him.

19 Q Well, I think the words you used were --

20 A Well now I'm using these words. I know it was Cama.

21 Q Okay, well the question to me when -- just a couple
22 of minutes ago --

23 A Mm-hmm.

24 Q -- actually, before we went to lunch -- by the way,
25 who'd you spend lunch with?

26 A By myself.

27 Q And you weren't with anyone from the state's

1 attorney's office.

2 A No.

3 Q By yourself completely.

4 A Yes.

5 Q No one talked to you about the case?

6 A No. It was just me and Junny's family.

7 Q Okay. So, when you originally talked to the State you
8 did not say that you saw anyone shoot you. After lunch, you
9 come back and you say you saw a figurine that kind of
10 resembled Cama. Now you're saying without a doubt you know
11 it's him?

12 A Uh-huh.

13 Q So what's changed?

14 A Nothing really. It's just my memory is coming back.

15 Q Oh, it's coming back.

16 A Yeah.

17 Q So, earlier today, you memory wasn't a hundred
18 percent, right?

19 A No, 'cause I was angry and I was trying to whoop some
20 ass. So yeah.

21 Q Who's ass were you trying to whoop?

22 A Nobody's --

23 ATTY. FLYNN: Objection, Your Honor.

24 THE WITNESS: Nobody in this courtroom. You're
25 asking me irrelevant questions.

26 THE COURT: Well, I'm going to overrule the
27 objection. It's cross-examination.

1 BY ATTY. HUSSEY:

2 Q So, you -- you come in here angry. Is that right?

3 A No, I came in here on -- cool until she was smiling
4 at me thinking shit was funny and nothing funny about this
5 situation at all.

6 Q No one said it's funny, but --

7 A Exactly.

8 Q You came in here angry.

9 A No, I did not.

10 Q You didn't threaten people in the audience.

11 A After the fact that she kept thinking something was a
12 joke, yes.

13 Q Did you --

14 A And why is that a relevant question to what we're
15 talking about.

16 Q I'm asking the questions here. And did you threaten
17 their mother?

18 A I did.

19 Q And what did she have to do with it?

20 A Actually, they was making little posts -- the sister
21 and stuff was making posts when it first happened.

22 Q Okay. So, you threatened to kick her ass.

23 A Yeah.

24 Q Their mother.

25 A Yes.

26 Q Among other people.

27 A Uh-huh.

1 Q Okay. And then, when you testified, you didn't say
2 either one of these two were involved 'cause you said you
3 heard shots and you ducked, right? When you were mad, when
4 you were angry, and you had your first chance to talk to
5 this jury, you never said that these two were involved in
6 this case, did you?

7 A Wait, what?

8 Q It's very simple. When you first testified, you never
9 once said that he was driving, you never once said that my
10 client shot a gun; you said you heard a gunshot and you
11 ducked and then you took over the car 'cause you thought you
12 were going to die and you almost hit the gas station.

13 A Sir, if that's what you want to keep it as, then you
14 can keep it as that.

15 Q No, that's your words, not mine?

16 A Okay, so why are you bringing it up?

17 Q Well, my question to you is you go to lunch with the
18 family -- the victim's family and now you're coming out and
19 saying, Oh, by the way, yeah, I -- my memory's coming back
20 now and your client shot Junny. So why wouldn't you say that
21 right off the bat if you were so angry?

22 A I just told you, I was trying to whoop some ass.

23 Q You were trying to whoop some ass?

24 A So I really was not giving a -- about this situation.

25 Q Well, this isn't important to you?

26 A Oh, no, it is, but you know, her thinking it was
27 funny was a little more important to me.

1 Q So --

2 A 'Cause I was trying to been show her something, but
3 yeah.

4 Q Okay, so it was more important to you to whoop
5 someone's ass than testify in a murder case is what you're
6 telling this jury.

7 ATTY. FLYNN: Your Honor, I'm going to object
8 again at this point.

9 THE COURT: Okay.

10 Attorney Hussey, I think you're getting into
11 some closing arguments with your questions along, so
12 if you could maybe move it along.

13 So I'll sustain the objection. It's argument.

14 ATTY. HUSSEY: Fair enough.

15 BY ATTY. HUSSEY:

16 Q Let's go to the night before.

17 A Uh-huh.

18 Q Let's tell the jury what really happened.

19 A Uh-huh.

20 Q You and Junny went back with another car and lit up
21 that street. About 20 or maybe 10, 12 shots were fired?

22 A No.

23 Q Their brother's girlfriend was struck by a bullet.
24 You know that to be true.

25 A No, I don't.

26 Q You said you heard from someone that called you up --

27 A A hour later --

1 Q Oh, okay.

2 A -- after we left Wolcott --

3 Q Let me ask you this --

4 A -- I got a call.

5 THE COURT: All right, one at a time.

6 ATTY. HUSSEY: -- who'd you get a call from?

7 THE COURT: One at a time, Attorney Hussey.

8 THE WITNESS: As a matter of fact, when they ran
9 into Junny's house and trashed his house that I have
10 a video of, after when they called --

11 BY ATTY. HUSSEY:

12 Q My question to you is who did you get a call from?

13 A No, listen.

14 ATTY. HUSSEY: Can this be stricken, please,
15 Your Honor?

16 THE WITNESS: I got a call from the person that
17 was staying in the house.

18 ATTY. HUSSEY: Nonresponsive.

19 THE COURT: One second. One second. Let's start
20 over.

21 ATTY. HUSSEY: Yes.

22 THE COURT: He's going to ask you a question.

23 THE WITNESS: Uh-huh.

24 THE COURT: And then you can answer a question.
25 Go ahead, Attorney Hussey.

26 BY ATTY. HUSSEY:

27 Q Who called you to tell you about a shooting?

1 A The person that was living in the house.

2 Q What house?

3 A Junny's house.

4 Q Who was that person?

5 A John.

6 Q John who?

7 A I don't know his fucking last name.

8 Q Okay, so John called you and told you about a
9 shooting. So your testimony to this jury is --

10 A No, John called saying that Cama and ATM had went
11 into the house and trashed --

12 ATTY. HUSSEY: That's not what I'm talking
13 about. That's nonresponsive and I ask it be stricken.

14 THE COURT: Well --

15 BY ATTY. HUSSEY:

16 Q My question to you is who called you about the
17 shooting --

18 A I said John.

19 Q -- on Wolcott?

20 THE COURT: Yeah, and then there was follow-up.

21 THE WITNESS: Oh, no who called about the
22 shooting on Wolcott?

23 BY ATTY. HUSSEY:

24 Q Yes.

25 A When Cama and ATM was at the house, they let us know
26 that somebody had got shot over there and let us know that
27 they was going to end up killing Junny. That's exactly how

1 we knew.

2 Q Okay, so who exactly called you, then?

3 A John. You asked me this question three times. How
4 many more times are you going to ask me the same question?

5 Q Until we get an answer.

6 A John.

7 Q And who is John?

8 A Like, what the fuck?

9 ATTY. FLYNN: So Your Honor, this has been asked
10 and answered multiple times at this point. Objection,
11 just to make it clear.

12 THE WITNESS: How many times do you want me to
13 say the same shit? John.

14 THE COURT: Let's break it down 'cause I think
15 you're talking about two different things. So, that's
16 why it's being asked and it's being answered over and
17 over and over.

18 So let's break it down, Attorney Hussey. I'm not
19 going to strike anything 'cause I think it -- these
20 answers are somewhat responsive to some questions,
21 so, that are compound.

22 THE WITNESS: Okay, I'm going to explain it and
23 then you could ask me another question.

24 THE COURT: No, no.

25 ATTY. HUSSEY: No, that's not how it works.

26 THE COURT: Attorney Hussey's going to ask --

27 THE WITNESS: Okay, 'cause you're not

1 understanding and I'm not understanding you, so we're
2 not going to get nowhere.

3 THE COURT: That's right, so we're going to
4 break it down. Attorney Hussey's going to start with
5 a new question.

6 THE WITNESS: What the fuck.

7 THE COURT: Go ahead.

8 ATTY. HUSSEY: I'm sorry, what'd you say?

9 THE WITNESS: I said what the fuck.

10 ATTY. FLYNN: So, Your Honor, can we sidebar,
11 please?

12 THE WITNESS: Like...

13 THE COURT: You want to do that?

14 ATTY. FLYNN: Yes, please, Your Honor.

15 THE COURT: Okay.

16 THE WITNESS: Keeps going with the same shit.

17 (A sidebar is held.)

18 THE WITNESS: Yeah, I hope they're arguing all
19 this because you're pissing me off. I'm trying to
20 answer your questions the best I could.

21 (A sidebar is held.)

22 THE COURT: So let's all take a deep breath.
23 Attorney Hussey's going to ask a question. Ms. Ortiz,
24 listen to the question and give him the answer.

25 Let's go.

26 ATTY. HUSSEY: Okay.

27 BY ATTY. HUSSEY:

1 Q Around midnight, there was a shooting on Wolcott
2 Street. You found out about that, correct?

3 A An hour later, yes.

4 Q And someone called you by the name of John, correct?

5 A Yes.

6 Q And that was Junny's brother.

7 A No.

8 Q Whose brother was it?

9 A Nobody's brother, somebody who was living in the
10 house with Junny.

11 Q Okay, so that's how you have knowledge of that
12 shooting?

13 A Yes.

14 Q Okay, and it's your testimony before this jury that
15 Junny was no way involved in that shooting?

16 A Yeah.

17 Q Okay. Suffice to say you're angry, right?

18 A Say that again.

19 Q You're angry.

20 A Now I'm angry, yes, really angry.

21 Q Mm-hmm. I get it, but you also understand this is a
22 process, right?

23 A Mm-hmm.

24 Q We have to ask questions, right?

25 A Yep, and I'm being patient.

26 Q Trying to be patient.

27 A And I'm trying to work with you.

1 Q Okay, fair enough. I'm just going to end it with, you
2 certainly, when all this happened to you, like we started,
3 you were very young, very -- very tough experience, right?

4 A Right.

5 Q And unfortunately, your boyfriend was shot in front
6 of you, right?

7 A Right.

8 Q And at that point in time, unfortunately, he fell
9 near you, you saw the blood, and you -- the car was out of
10 control, right?

11 A Mm-hmm.

12 Q And your focus is on trying to save you the best you
13 can because the car looks like it's going to crash, right?

14 A Mm-hmm.

15 Q So would it be fair to say after the shot was fired,
16 your focus is on trying to save the situation as far as you
17 were concerned.

18 A Right.

19 Q Okay. And any car that shot at you was behind you
20 when the shots were fired, right?

21 A It was on the side of us, yes.

22 Q Yeah, a little bit behind?

23 A I seen the front of the car towards where Junny was,
24 so that means the passenger window was towards the back seat
25 of the Honda, so that means they was pretty close to us.

26 Q Okay, fair enough. Did you see anybody in a yellow
27 hat?

1 A I don't remember.

2 Q Okay. So, do you have a good idea of what the shooter
3 looked like?

4 A Yeah.

5 Q You said it looked like --

6 A He's little.

7 Q Little.

8 A Littler than me.

9 Q Okay.

10 A Um... um... I really can't explain nothing else.

11 Q Okay. I mean, how tall are you?

12 A I'm five-two.

13 Q All right, so you think someone smaller than you?

14 A Not like totally smaller but yeah, a little bit.

15 Q All right. Let me just ask you why you think that.

16 A Say that again.

17 Q I'm just wondering why do you think the person was
18 smaller than you?

19 A Because he had to come all the way out the window
20 when I seen them. They was -- okay, so say this was the
21 window, right.

22 Q Right.

23 A They was already all the way out the window.

24 Q Mm-hmm.

25 A So you see this piece of the person, this whole piece
26 of the person.

27 Q Okay. And you didn't see a gun?

1 A I did see a gun, but I didn't see what kind of gun it
2 was.

3 Q You weren't focused on the gun when you saw it?

4 A No. No. Why would I be focused on a gun that's
5 shooting?

6 Q Well, why wouldn't you be, is the question.

7 A You obviously look away. You start hearing shots,
8 ATTY. HUSSEY: what is your first thing to do? You look at
9 the person shooting? No.

10 ATTY. HUSSEY: Right. All right, I'll end it
11 with that. Thank you.

12 THE COURT: Thank you.

13 Attorney Flynn?

14 (Pause)

15 ATTY. FLYNN: Your Honor, I have no
16 recross -- or sorry, redirect at this point, but I
17 would like to have a hearing outside the presence of
18 the jury on a statement.

19 THE COURT: Yeah. This witness can be excused at
20 this point, though, right?

21 ATTY. FLYNN: Yes, Your Honor.

22 THE COURT: Yeah.

23 THE WITNESS: I could go?

24 THE COURT: One second, I'm making sure. Don't
25 leave the stand until I say so.

26 ATTY. FLYNN: Yes, Your Honor.

27 THE COURT: You're all set then?

1 ATTY. FLYNN: Yes.

2 THE COURT: Okay.

3 So Ms. Ortiz, you're all set. You can leave now.

4 THE WITNESS: Okay. Thank you.

5 (Pause)

6 THE WITNESS: Wait, I got to come back?

7 THE COURT: No, your all set.

8 THE WITNESS: Oh, I was about to say.

9 END TRANSCRIPT

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HHD CR 20 0738943 T : SUPERIOR COURT
STATE OF CONNECTICUT : G.A. #14
V. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI : JANUARY 18, 2024

HHD CR 20 0738945 T : SUPERIOR COURT
STATE OF CONNECTICUT : G.A. #14
V. : AT HARTFORD, CONNECTICUT
EDWIN L. FRANQUI : JANUARY 18, 2024

E L E C T R O N I C
C E R T I F I C A T I O N

I hereby certify the foregoing 67 pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, G.A. #14, Hartford, Connecticut, before the Honorable Michael J. Gustafson, Judge, on the 18th day of January, 2024.

Dated this 19th day of January, 2024 in Hartford, Connecticut.

Sabrina Agbede
Court Recording Monitor

HHD CR 20 0738943 T : SUPERIOR COURT
STATE OF CONNECTICUT : G.A. #14
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI : JANUARY 18, 2024

HHD CR 20 0738945 T : SUPERIOR COURT
STATE OF CONNECTICUT : G.A. #14
v. : AT HARTFORD, CONNECTICUT
EDWIN L. FRANQUI : JANUARY 18, 2024

E L E C T R O N I C
C E R T I F I C A T I O N

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Dated this 21st day of June, 2024 in Hartford,
Connecticut.

Sabrina Agbede
Court Recording Monitor

APPENDIX D

Excerpted Trial Testimony of Johanny Franqui, *State of Connecticut v. Edwin Franqui*, HHD-CR20-0738845-T (Conn. Super. Ct. January 18, 2024)

HHD-CR20-0738943-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1991) : JANUARY 18, 2024

HHD-CR20-0738845-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1996) : JANUARY 18, 2024

TRANSCRIPT OF PROCEEDINGS
EXCERPT
10:01 TO 11:38, 11:57 TO 12:09, 2:37 TO 2:56, 3:29 TO 4:13

BEFORE THE HONORABLE MICHAEL GUSTAFSON, JUDGE
AND JURY

A P P E A R A N C E S :

Representing the State of Connecticut:

ATTORNEY MICHAEL RILEY
ATTORNEY CASEY FLYNN
Office of the State's Attorney
101 Lafayette Street
Hartford, Connecticut 06106

Representing the Defendant Edwin Franqui (D.O.B. 1991):

ATTORNEY WALTER HUSSEY
39 Russ Street, 1st Floor
Hartford, Connecticut 06106

Representing the Defendant Edwin Franqui (D.O.B. 1996):

ATTORNEY JEFFERSON JELLY -- Ordering Party
Law Office of Jefferson D. Jelly
18 North Main Street, Suite 310
West Hartford, Connecticut 06107

A L S O P R E S E N T :

Representing the Witness Johanny Franqui

ATTORNEY MATTHEW KENNETH DIVITO
Office of the Public Defender
101 Lafayette Street
Hartford, Connecticut 06106

Recorded and Transcribed By:
Justin Pina
Court Recording Monitor Trainee
101 Lafayette Street
Hartford, Connecticut 06106

1 J O H A N N Y F R A N Q U I

2 called as a witness by the State, being firstly duly
3 sworn, was examined and testified under oath as follows:

4 DIRECT-EXAMINATION BY ATTY. RILEY:

5 Q Good afternoon, Mr. Franqui.

6 A Good afternoon.

7 Q You're here to testify today in court, did you come
8 willingly to court?

9 A No.

10 Q How did you get brought to court?

11 A By force.

12 Q Force. By force you mean they came out and got you?

13 A Yes.

14 Q Was a subpoena issued for you to come to court?

15 A Yes.

16 Q I believe we spoke to each other briefly this
17 morning, before that have we ever spoken before?

18 A No.

19 Q You never responded to our subpoena or called us, is
20 that correct?

21 A I mean the subpoena I had had the date of January 6th
22 not January 17th.

23 Q But you never responded to us?

24 A I didn't know how to respond.

25 Q Let me take you back. Are you from Hartford?

26 A Yes.

27 Q And where were you currently residing?

1 A I wasn't really worried about that you know. I was
2 still worried about my baby mama being safe and coming back
3 to the house --

4 Q Cama --

5 A -- because she was at the hospital all night.

6 Q Cama never told you that he had to do it?

7 A No.

8 Q Referring to shooting -- and after Junny got killed,
9 did you see ATM again?

10 A I mean after that happened you know I'm like -- me
11 and my brothers, we don't really chill on a daily basis you
12 know. They have their lives; I have my life. Just because
13 we're brothers doesn't mean we have a life together. You
14 know what I mean? We don't see each other on the daily. So
15 when that happened I was just stuck more on my baby mama,
16 making sure my kids was good and she was good. Then like two
17 days later I'm getting rushed by cops and stuff.

18 Q Okay.

19 A So --

20 Q Did you meet with Detective Placzek of the Hartford
21 Police Department?

22 A I wouldn't know their names.

23 Q Okay. Did you give a written statement to the
24 Hartford Police Department?

25 A I didn't write any statement.

26 Q Did he type a written statement for you?

27 A If that's what he typed then yeah because I was under

1 the influence of fentanyl that night.

2 Q Okay. If I show you what's been marked State's
3 exhibit 58 for identification, do you recognize that?

4 A No, nobody ever -- you're the first person that ever
5 showed me something.

6 Q Okay. But do you recognize your --

7 A Like I said --

8 Q -- signature?

9 A Like I said I was under the influence, and I could
10 tell I was under the influence because of my signature.

11 Q Is that your signature on page 1?

12 A Not my official signature.

13 Q But is that -- but you recognize it, right?

14 A Yeah.

15 Q Okay. Is that your official signature on page 2?

16 A No.

17 Q Is that your signature similar to the one you just
18 showed me?

19 A That's a copy signature.

20 Q Okay.

21 A That's not a pen signature.

22 Q Okay. And is your signature on line --

23 A That's also a copied signature.

24 Q Okay. And is that your signature there also?

25 A Definite -- I do not remember that.

26 Q Okay.

27 A As you could see from the other signatures, they're

1 not the same.

2 Q Okay.

3 ATTY. RILEY: May I approach the clerk, Your
4 Honor?

5 THE COURT: Please.

6 BY ATTY. RILEY:

7 Q When you met with Detective Placzek, did he show you
8 pictures of a car?

9 A I don't recall.

10 Q Okay. I am showing what's been marked State's exhibit
11 59 and 60, do you recognize those pictures and what's
12 depicted in there?

13 A I don't recognize those cars.

14 Q Okay. Did you sign that picture and say Cama car?

15 A That is not my signature and that's not my
16 handwriting.

17 Q Okay. All right.

18 A That's crazy.

19 Q So you didn't identify that car?

20 A No, I did not.

21 Q Okay.

22 ATTY. HUSSEY: Could I just ask one question?
23 May I have that number, please?

24 ATTY. RILEY: Yes, it's 59 and 60.

25 ATTY. HUSSEY: Is that full?

26 ATTY. RILEY: It's only for ID.

27 ATTY. HUSSEY: All right. Thank you.

1 BY ATTY. RILEY:

2 Q Did you give a statement to any of the two Defense
3 attorneys sitting here?

4 A Well, them? No, never met them.

5 Q You never met them before. Did you give a notarized
6 statement on March 11th of 2021 recanting?

7 A I tried to recant that statement, but no lawyer has
8 tried, because I knew the -- that thing was all bull. It was
9 false so I was trying to get a lawyer to recant it because
10 that's the only option I have, and no lawyer would wanted to
11 take me or wanted to take the case.

12 Q And you didn't go to your brother's attorneys and try
13 and have --

14 A They didn't wanted to take the case either. I believe
15 I spoke to my little brother's attorney through the phone or
16 one --

17 Q Okay.

18 A -- of them, but they said that they could do it
19 because it's family conflict.

20 Q Okay.

21 ATTY. RILEY: No further questions at this
22 point, Your Honor.

23 THE COURT: Okay. There might be some questions
24 from the Defense lawyers. Attorney Jelly?

25 ATTY. JELLY: May I have a moment, please?

26 THE COURT: Yep.

27 CROSS-EXAMINATION BY ATTY. JELLY:

1 Q Mr. Franqui, on the day that the Hartford Police
2 picked you up -- it looks like July 15th of 2020, is that
3 right?

4 A I can't tell you the exact day.

5 Q Was there about 7 or 10 days after --

6 A Yeah, roughly.

7 Q Okay. And what -- where did they find you?

8 A I was standing in the parking lot in my ex-
9 girlfriend's sister's house.

10 Q All right. And what did they do when they came up on
11 you?

12 A They rushed me and told me you got to come with us,
13 and I'm like for what and they wanted to speak to me about
14 my ex-girlfriend that got shot. So I'm like well I'm on
15 probation you know anything that allows me to get close --
16 that I would close to you I would violate so which -- and I
17 don't understand that I was you know like I have no -- I'm
18 not a suspect, I'm not a witness to nothing, so why do I got
19 to go in for that (indiscernible) to question me about that
20 incident. So then they basically told me that oh we know
21 your car's not registered so if you don't come with us we're
22 going to give you a summons and you're going to violate. So
23 for me fearing my violation I went with them.

24 Q So they said they would take your -- tow your vehicle
25 away --

26 A And give me a summons --

27 Q -- and give you a summons --

1 A -- to go to court.

2 Q -- if didn't come down --

3 A Yes.

4 Q -- to the police station?

5 A And that would violate my probation.

6 Q And what kind of drugs did you have in your system on
7 that --

8 A Fentanyl.

9 Q -- time?

10 A Fentanyl

11 Q Fentanyl?

12 A Yeah.

13 Q Were you a daily user of fentanyl --

14 A Yeah

15 Q -- at that time?

16 A Yeah, I got a record of it.

17 Q All right. And were you under the influence of it
18 when the police came to see you?

19 A Yes.

20 Q Did you tell the police officers that you were under
21 the influence of fentanyl?

22 A No, I didn't.

23 Q You were on probation, right?

24 A Yeah, exactly.

25 Q Did they do anything with your vehicle?

26 A No.

27 Q Okay. When you finished at the police station did,

1 they let you go?

2 A Yeah, only because I signed the paper. They told me
3 if I don't sign the paper I can't leave. And I was already
4 withdrawing, and you know like I was already starting to
5 feel nauseous, so I signed and left.

6 Q So you couldn't leave unless you --

7 A Yeah.

8 Q -- signed?

9 A They was telling me oh you could go, but then when
10 they presented me the paper (indiscernible) they was like oh
11 you can't go unless you sign this paper, and I was already
12 withdrawing and not feeling really good.

13 Q How good is your reading skill?

14 A I could read.

15 Q Okay. Did they take anything else from you when they
16 came up upon you? Did they take any drugs from you? Did they
17 take --

18 A Nah, they didn't search me at all. They put me in the
19 cop car. They didn't search me. Like I was not searched
20 throughout the whole time. I did not --

21 Q They didn't --

22 A -- get searched.

23 Q They didn't search the vehicle?

24 A They didn't search my vehicle, none of that. They
25 just knew your car's not registered, this is a private
26 property, and by law we have the right to take your car and
27 give you a summons --

1 Q Right.

2 A -- or you could just come with us.

3 Q Did they pat you down --

4 A No.

5 Q -- for weapons?

6 ATTY. JELLY: One moment, please. I have nothing
7 further.

8 THE COURT: Thank you. Attorney Hussey?

9 ATTY. HUSSEY: Thanks.

10 CROSS-EXAMINATION BY ATTY. HUSSEY:

11 Q I'm just trying to understand some things. At the
12 time you spoke to the police you said you were under the
13 influence of fentanyl?

14 A Yes.

15 Q Okay. Can you describe what -- what does fentanyl do
16 to one? What type of feeling does it --

17 A I mean it impairs you from thinking I'll tell you
18 that much.

19 Q Well, I'm just curious like how?

20 A Well, you just you know how you just stuck on your
21 high and if you're already know you're going down from it
22 you just stuck on -- to make yourself feel better. You know
23 that's all you're worried about your mind, like wanting to
24 be high or not like wanting to be sick. So I was already
25 feeling sick at that moment.

26 Q Okay. So you were -- would it be fair say you were an
27 addict?

1 A At that time yeah, you could say that.

2 Q How much fentanyl would you use?

3 A Well as the Court already knows, I used to sell drugs
4 so I can't really tell you how much I used to do because you
5 know it was big quantities.

6 Q Okay. So if I understand you right you get high and
7 you start coming down, right? And when you come down you get
8 sick?

9 A Yeah.

10 Q Okay. And you feel a need to get high again?

11 A Yeah, like --

12 Q And it's --

13 A -- like you need to.

14 Q -- chasing your tail in other words --

15 A Yeah --

16 Q -- right?

17 A -- exactly.

18 Q So the police came to talk to you, and they said
19 something about towing your car and maybe that would result
20 in a violation of your probation, is that --

21 A Yeah.

22 Q -- right?

23 A Yes.

24 Q Okay. Do you know what type of probation term you had
25 at the time?

26 A It's still the same one I have now.

27 Q What is that, sir?

1 A I believe I have 4 years of probation, and I'm down
2 to my last 9 months.

3 Q Okay. But while you're on probation you have some
4 time over your head? I don't know if the jury --

5 A Yes, I have --

6 Q -- understands.

7 A I believe I have 4 or 5 years suspended.

8 Q Okay. So the way that's works is a judge suspended
9 your sentence where you didn't have to go to jail --

10 A No, I did go to jail. I did time and I came home --

11 Q Okay.

12 A -- and I still have probation and suspended time.

13 Q Okay. What I'm getting at is if they violated your
14 probation, you could go back to --

15 A Yes.

16 Q -- jail for a --

17 A Of course.

18 Q -- period of time.

19 A Yes.

20 Q You were high?

21 A Yes.

22 Q You decided to talk to them, right?

23 A Yeah because I am already doing drugs which is
24 illegal you know.

25 Q Okay. Did there -- you don't know me from
26 (indiscernible) --

27 A No.

1 Q -- right? You never talked to me --

2 A No.

3 Q -- before? Did you ever speak to Mr. Jelly before?

4 A I cannot recall which one it was.

5 Q Okay. Do you recall giving a statement to an
6 investigator from Mr. Jelly's office?

7 A No.

8 Q Is it possible you did, and you've forgotten?

9 A His office?

10 Q Yeah, Mr. Jelly sent someone to speak to you about
11 your statement?

12 A I cannot recall.

13 Q If I --

14 A I can't say yes but I'm not going to say no. I can't
15 recall that.

16 Q Okay. Fair enough. If I showed you a document and
17 you read it maybe --

18 A Maybe.

19 Q -- it would refresh your --

20 A Maybe.

21 Q -- memory?

22 ATTY. HUSSEY: May I have this premarked,
23 please?

24 THE COURT: Sure. Let's mark it as -- for
25 identification. And Mr. Franqui --

26 THE CLERK: It's marked as G-1 for ID.

27 THE COURT: -- Attorney Hussey is going to show

1 you the paper. Just read it to yourself. Don't read
2 it out loud. And when you're done reading it look up
3 and he'll have a question for you.

4 THE WITNESS: Okay.

5 THE COURT: Thank you.

6 ATTY. HUSSEY: May I approach?

7 THE COURT: Yes, please.

8 ATTY. HUSSEY: Thank you. Okay. (indiscernible)

9 BY ATTY. HUSSEY:

10 Q I am showing you what's been marked as Defense G-1
11 for ID, and if you could just take your time and read it?
12 Let me know when you're done.

13 A Yeah. Yeah, I don't even have to keep finish reading
14 that. I remember it.

15 Q Okay. Could you tell the jury how this came to be and
16 what it's about?

17 A It's about me saying I was under the influence of
18 fentanyl.

19 Q Okay. And who did you say that to?

20 A To -- I'm sorry, I can't remember their name. I
21 apologize.

22 Q An investigator from Mr. Jelly's office?

23 A Yes.

24 Q Okay. So someone took a statement from you?

25 A Yes.

26 Q And basically what did you tell them?

27 A I told them that it was bogus, that I was under the

1 influence of fentanyl, and I was basically forced into going
2 with them.

3 Q Okay. And they really weren't interested in your
4 girlfriend being shot, is that --

5 A Yeah --

6 Q -- right?

7 A -- not at all. When I went in there the first thing
8 they did was slam everything on me. I'm like I thought this
9 was having to do about that incident you know like you still
10 haven't asked me not one question about what happened to my
11 ex-girlfriend.

12 Q Okay. And they were only interested in Junny?

13 A They were only interested in my brothers.

14 Q Okay. Specifically which ones?

15 A Both of them.

16 Q Okay. So they were trying to get you to implicate
17 them in the --

18 A Yes.

19 Q -- basically in the case?

20 A Yes.

21 Q Okay. And you did what you had to do?

22 A Yeah.

23 Q And they weren't going to let you go unless you
24 signed a statement?

25 A They was not going to let me go because I -- nobody
26 ever read nothing back to me you know what I mean so --

27 Q Okay.

HHD-CR20-0738943-T : SUPERIOR COURT
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EDWIN FRANQUI (D.O.B. 1991) : JANUARY 18, 2024

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Dated this 16th day of July, 2024, in Hartford, Connecticut.



Justin Pina
Court Recording Monitor Trainee

HHD-CR20-0738943-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
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OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1996) : JANUARY 18, 2024

E L E C T R O N I C
C E R T I F I C A T I O N

I hereby certify the electronic version is a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Hartford, Hartford, Connecticut, before the Honorable Michael Gustafson, Judge, on the 18th day of January, 2024.

Dated this 16th day of July, 2024, in Hartford, Connecticut.


Justin Pina
Court Recording Monitor Trainee

APPENDIX E

**Excerpted Trial Testimony of Detective Jeffrey Placzek,
State of Connecticut v. Edwin Franqui, HHD-CR20-0738845-T (Conn.
Super. Ct. January 22, 2024)**

HHD-CR20-0738943-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1991) : JANUARY 22, 2024

HHD-CR20-0738845-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1996) : JANUARY 22, 2024

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE MICHAEL GUSTAFSON, JUDGE
AND JURY

A P P E A R A N C E S :

Representing the State of Connecticut:

ATTORNEY MICHAEL RILEY
ATTORNEY CASEY FLYNN
Office of the State's Attorney
101 Lafayette Street
Hartford, Connecticut 06106

Representing the Defendant Edwin Franqui (D.O.B. 1991):

ATTORNEY WALTER HUSSEY
39 Russ Street, 1st Floor
Hartford, Connecticut 06106

Representing the Defendant Edwin Franqui (D.O.B. 1996):

ATTORNEY JEFFERSON JELLY -- Ordering Party
Law Office of Jefferson D. Jelly
18 North Main Street, Suite 310
West Hartford, Connecticut 06107

Recorded and Transcribed By:
Justin Pina
Court Recording Monitor Trainee
101 Lafayette Street
Hartford, Connecticut 06106

1 J E F F R E Y P L A C Z E K

2 of 253 High Street, Hartford, Connecticut, called as a
3 witness by the State, being firstly duly sworn, was examined
4 and testified under oath as follows:

5 DIRECT-EXAMINATION BY ATTY. RILEY:

6 Q Good morning, Detective Placzek.

7 A Good morning, sir.

8 Q I'm going to show you what's marked State's exhibit
9 68 for identification purposes, do you recognize that
10 document?

11 A Yes, sir, I do.

12 Q And what is that document?

13 A This is the statement that Dayzani Ortiz gave to me.

14 Q Is that a redacted version of that document?

15 A It appears to be so.

16 Q Is her signature or a copy of it affixed to that
17 document?

18 A Yes, sir.

19 Q And what's the date of that document?

20 A July 6th, 2020.

21 Q Did you take a statement from Dayzani Ortiz on that
22 date?

23 A Yes, sir, I did.

24 Q Did she initial each paragraph?

25 A Yes, sir.

26 Q And why did she do that?

27 A It's just to indicate that we went over each

1 paragraph and that she understood what was in each paragraph
2 as it was written.

3 ATTY. RILEY: I'm going to offer this redacted
4 version, Your Honor, as a full exhibit.

5 THE COURT: Just -- is it 58 or 68?

6 ATTY. RILEY: This is 68, Your Honor.

7 THE COURT: 68. Okay. Thank you.

8 ATTY. RILEY: I believe it's a --

9 THE COURT: Okay.

10 ATTY. RILEY: -- redacted version of --

11 THE COURT: Okay.

12 ATTY. RILEY: -- ID 56 for the State.

13 THE COURT: I see. Got you. Got you. So ladies
14 and -- I'm sorry. Any objection?

15 ATTY. HUSSEY: No, sir.

16 ATTY. JELLY: No, sir.

17 THE COURT: Okay. So ladies and gentlemen,
18 exhibit 68 is a full exhibit. Bless you.

19 THE WITNESS: Thank you, sir.

20 THE COURT: And it's a -- when Attorney Riley
21 refers to redacted documents, some aspects of the
22 document have been blacked out or covered. You are
23 only to obviously the stuff you can read in the
24 document. So exhibit 68 is a full exhibit.

25 ATTY. RILEY: Your Honor, I'd ask this be
26 published to the jury through Detective Placzek?

27 THE COURT: Okay.

1 THE WITNESS: Do you want me to stand, Your
2 Honor, or seated is fine?

3 THE COURT: Seated is fine.

4 THE WITNESS: Okay. Hartford Police Department
5 voluntary statement July 6th, 2020. Case number 20
6 dash 19384. Time started 19:30 which is 7:30 p.m.
7 Time finished 20:25 which is 8:25 p.m.

8 I, Dayzani Ortiz, of 57 Amity Street Hartford,
9 Connecticut was born on June 16th, 2004, in Hartford,
10 Connecticut USA. I attended nine grades of school,
11 and I can read and write English. I've lived at my
12 present address for 3 years. I am giving the
13 following statement of my own free will without any
14 free, threat, or promise. This statement was given at
15 253 High Street Hartford, Connecticut.

16 I have read or have read to me the above
17 statement is true to the best of my knowledge. I
18 understand that if I knowingly make a statement that
19 is untrue and intended to mislead a law enforcement
20 officer in the performance of his or her official
21 function, I will be in violation of Connecticut
22 General Statute 53a-157 false statement. This
23 statement consists of 3 pages. Signature Dayzani
24 Ortiz. Witness Jeffrey Placzek. Witness James Newell.
25 Notary public Anthony Rykowski.

26 Junny started to pull over to the side of the
27 road to let the car behind him pass. As he was

1 slowing down and pulling to the side of the road I
2 started to hear gunshots. Junny was over to the side
3 to avoid getting hit. At this time, I heard Dely
4 scream out that she was shot. Junny sat up and tried
5 to hit the gas to get out of there. I was looking
6 over at him when this was happening. As I was looking
7 at Junny I saw a bullet hit him in the head. I saw
8 blood too. Junny wasn't moving at all. That's when I
9 pretty much knew he was dead.

10 I looked over at the Infinity. I could see right
11 into the car. I saw Cama. He was right there in the
12 passenger seat. He was holding a gun and pointing it
13 at us. I saw ATM in the driver's seat driving.
14 Junny's foot was stuck on the gas, and we started to
15 go fast. I tried to put my feet over to stop the car,
16 but I couldn't. Everything was happening so fast. The
17 next thing I know we were heading straight for a
18 building across the street, and we hit it.

19 I have read or have read to me the above
20 statement and it is true to the best of my knowledge.
21 I fully understand that if I knowingly make a
22 statement that is untrue and which is intended to
23 mislead a law enforcement officer in the performance
24 of his or her official function, I will be in
25 violation of Connecticut General Statute 53a-157
26 false statement. Signed Dayzani Ortiz. Witness
27 Jeffrey Placzek. Witness James Newell. Notarized

1 exhibit 58, previously marked for identification, is
2 now a full exhibit.

3 ATTY. RILEY: May I approach the witness, Your
4 Honor?

5 THE COURT: You may.

6 BY ATTY. RILEY:

7 Q I'm showing you what's been marked State's 63 for
8 identification, do you recognize that document?

9 A Yes, sir, I do.

10 Q And what is that document?

11 A This is the original statement that was taken. The
12 previous exhibit was a photocopy.

13 Q Is that the original statement that was taken from
14 Johanny Franqui?

15 A Yes, sir.

16 Q On July 15th of 2020?

17 A Yes, sir.

18 Q And did he sign that statement?

19 A Yes, sir, he did.

20 Q And you were there with him signing that statement?

21 A Yes, sir.

22 Q And that was signed with ink, is that correct?

23 A Yes, sir.

24 ATTY. RILEY: Your Honor, I'm going to offer
25 this original statement as a full exhibit.

26 THE COURT: Okay. Any objection, Attorney
27 Hussey?

1 ATTY. HUSSEY: May we just approach real
2 quickly?

3 THE COURT: Sure.

4 (SIDEBAR)

5 ATTY. RILEY: Yep. Sorry. I'm offering as a full
6 exhibit.

7 THE COURT: So subject to -- okay. So exhibit 63
8 is a full exhibit. And so just to be clear I think,
9 Attorney Riley and certainly Attorney Hussey and
10 Jelly correct me if I'm wrong, exhibit 58 and 63 are
11 essentially the same document. One's a -- one's 63
12 has original signatures. 58 is a copy of 63. Is that
13 right?

14 ATTY. RILEY: That's correct. Yes, Your Honor.

15 THE COURT: Okay. Okay. Thank you.

16 ATTY. RILEY: Your Honor, I'm going to ask that
17 we publish to the jury.

18 THE COURT: Yep. Okay.

19 ATTY. HUSSEY: Just so we're clear 60 -- 58 was
20 for ID and 63 is the original or is it --

21 ATTY. RILEY: They're both --

22 ATTY. HUSSEY: -- the other way around?

23 THE COURT: They're both full.

24 ATTY. HUSSEY: They're both full?

25 THE COURT: Yep.

26 ATTY. HUSSEY: All right. Got it. Thank you.

27 ATTY. RILEY: I'm going to ask if we can publish

1 to the jury?

2 THE COURT: Yes.

3 THE WITNESS: Date July 15th, 2020. Case number
4 20 dash 19384. Time started 15:25, 3:25 p.m. Time
5 finished 16:35, 4:35 p.m.

6 I, Johanny Franqui, of 19 Wolcott Street
7 Apartment D Hartford, Connecticut was born on August
8 31st, 1994, in Mayagüez, Puerto Rico. I attended
9 eleven grades of school. I can read and write
10 English. I've lived at my present address for 2
11 years. I am giving the following statement with my
12 own free will without free, or threat, or promise.
13 This statement was given at 253 High Street Hartford,
14 Connecticut.

15 My name is Johanny Franqui, and my date of birth
16 is August 31st, 1994. I currently live at 19 Wolcott
17 Street Apartment D Hartford, Connecticut. I have
18 agreed to talk to Detective Jeffrey Placzek and
19 Detective James Newell about what happened on Wolcott
20 Street on July 6th, 2020. I am giving this statement
21 out of my own free will without any fear, threats, or
22 promises being made to me. I have agreed to have
23 Detective Jeffrey Placzek type this statement for me.

24 On July 6th, 2020, around midnight or 1 in the
25 morning I was inside my apartment with my girl,
26 Demaris Vasquez (phonetic) when I heard a commotion
27 outside. At the beginning I didn't pay any attention

1 to it. After a while I started to get louder --
2 correction, after a while it started to get louder
3 and louder, so I decided to look out my window and
4 see what was going on. When I looked outside, I saw a
5 lot of people outside and I heard my older brother
6 Cama outside. Cama's real name is Edwin Franqui.

7 I went outside to see what was going on. When I
8 got outside, I saw Cama, ATM, my younger brother
9 Edwin Franqui, some females, and Junny. I had known
10 Junny for a few years while because he is friends
11 with both Cama and ATM. Junny was arguing with a girl
12 about fireworks. There was another girl holding back
13 Junny because Junny was really pissed. That's when my
14 two brothers, Cama and ATM, got involved. They went
15 up to Junny and told him to get out of there and
16 leave. They told him to calm down and not to hit a
17 girl. Everyone on the block was telling him to chill
18 and to relax but Junny didn't let it go. I heard
19 later that the argument was about a girl throwing
20 fireworks at Junny.

21 I have read or have read to me the above
22 statement is true to the best of my knowledge. I
23 fully understand that if I knowingly make a statement
24 that is untrue and which intended to mislead a law
25 enforcement officer in the performance of his or her
26 official function, I will be in violation of
27 Connecticut General Statute 53a-157 false statement.

1 Statement consists of 3 pages. Signed Johanny
2 Franqui. Signed witness Jeffrey Placzek. Signed
3 witness James Newell. Notary public -- I can't read
4 the signature, Your Honor.

5 THE COURT: Okay.

6 THE WITNESS: Statement continue. Junny got into
7 his two-door Honda Accord and left. Shortly after
8 someone on Wolcott Street got a phone call from
9 Junny. The guy had the phone call on speaker. I
10 immediately recognized Junny's voice on the phone. I
11 heard Junny tell the guy to get out of there I'm
12 about to light it up. When I heard that I knew light
13 it up means shoot a gun specifically at us.

14 Since I heard that all of us started to pack our
15 things up to leave. As we were getting ready to
16 leave, I saw two cars pull up Wolcott Street and
17 started to shoot guns at us. The first car was doing
18 the shooting. Junny was in the second car. After they
19 shot at us, they turned onto Park Street towards
20 McDonalds. I knew they were guns because I had heard
21 a gun fire in the past.

22 We went back to my house, and I started to check
23 my girl to see if she was hurt. I started to check
24 her and then I realized she was shot in the neck. I
25 called the police, and they sent me an ambulance. My
26 girl got treated and was going to be all right. While
27 I was talking to the police my brother Cama tried

1 calling me. I didn't answer because I was talking to
2 detectives. He called again and I answered. He asked
3 how my girl was doing, and I told him that she was
4 going to be fine.

5 On Monday July 6th, 2020, at 10 a.m. or 11 a.m.
6 Cama and ATM came to Wolcott Street and talked to me
7 about what happened. I asked Cama what was going on
8 with Junny. We talked about the fireworks, the
9 argument, and about how Junny came back and shot my
10 girl. Cama told me that if Junny wanted to be a man
11 and shoot at us he, Cama, was going to shoot back.
12 When I heard him say this, I immediately knew that
13 Cama meant that he was going to shoot Junny. I didn't
14 really think much of it. Cama and ATM hung out for a
15 while, and they left at around 1 p.m. About an hour
16 or so later I saw on Facebook that Junny crashed his
17 Honda into a building. I also found out he was shot
18 and killed.

19 At around 7 p.m. or 8 p.m. that night Cama
20 called me and told me to go to our mother's house at
21 77 South Whitney Street because she needed me. When I
22 got there 15 minutes later my mother needed me to buy
23 cigarettes. While I was there, I got another call
24 from Cama. He told me that he wasn't going to be
25 around for a while and that I needed to take care of
26 myself. That meant he was going to leave and go
27 somewhere.

1 The next day Tuesday July 7th, 2020, I saw Cama
2 on Wolcott Street. We talked to each other for a
3 while. He started to talk about Junny. He told me
4 that it sucks because Junny was his boy. Cama told me
5 that he had to do it. He was talking about how he,
6 Cama, shot Junny. He again told me to take care of
7 myself and that he wasn't going to be around for a
8 while. That's when he left. I haven't seen him since.
9 He drives a tan Infinity G37 or a G35. I haven't seen
10 ATM since Junny got killed. I haven't talked to him
11 either.

12 After that some of my peoples on Park Street
13 texted me pictures of the people who might have been
14 the people who shot at us on Wolcott Street. I sent
15 the pictures to Cama to see if he knew them. I was
16 trying to see who else was there because Junny --
17 there besides Junny. Cama said he didn't know them.

18 Detective Jeffrey Placzek then showed me some
19 pictures. The pictures were of the following. One, a
20 picture of Junny. Two, a picture of Cama's tan
21 Infinity. Three, another picture of Cama's tan
22 Infinity. Four, a picture of Cama. Five, a picture of
23 ATM. After I looked at all the pictures I identified,
24 signed, and dated all the pictures showing my
25 identification.

26 I have read or have read to me the above
27 statement and is true to the best of my knowledge. I

HHD-CR20-0738943-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1991) : JANUARY 22, 2024

HHD-CR20-0738845-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1996) : JANUARY 22, 2024

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Hartford, Hartford, Connecticut, before the Honorable Michael Gustafson, Judge, on the 22nd day of January, 2024.

Dated this 16th day of July, 2024, in Hartford, Connecticut.



Justin Pina
Court Recording Monitor Trainee

HHD-CR20-0738943-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1991) : JANUARY 22, 2024

HHD-CR20-0738845-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1996) : JANUARY 22, 2024

E L E C T R O N I C
C E R T I F I C A T I O N

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Dated this 16th day of July, 2024, in Hartford, Connecticut.



Justin Pina
Court Recording Monitor Trainee

APPENDIX F

**Excerpted Trial Testimony of Associate Medical Examiner,
State of Connecticut v. Edwin Franqui, HHD-CR20-0738845-T (Conn.
Super. Ct. January 17, 2024)**

HHD-CR20-0738943-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1991) : JANUARY 17, 2024

HHD-CR20-0738845-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1996) : JANUARY 17, 2024

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE MICHAEL GUSTAFSON, JUDGE
AND JURY

A P P E A R A N C E S :

Representing the State of Connecticut:

ATTORNEY MICHAEL RILEY
ATTORNEY CASEY FLYNN
Office of the State's Attorney
101 Lafayette Street
Hartford, Connecticut 06106

Representing the Defendant Edwin Franqui (D.O.B. 1991):

ATTORNEY WALTER HUSSEY
39 Russ Street, 1st Floor
Hartford, Connecticut 06106

Representing the Defendant Edwin Franqui (D.O.B. 1996):

ATTORNEY JEFFERSON JELLY -- Ordering Party
Law Office of Jefferson D. Jelly
18 North Main Street, Suite 310
West Hartford, Connecticut 06107

Recorded and Transcribed By:
Justin Pina
Court Recording Monitor Trainee
101 Lafayette Street
Hartford, Connecticut 06106

1 S H A N A S T R A U B

2 of 11 Shuttle Road, Farmington, Connecticut, called as a
3 witness by the State, being firstly duly sworn, was examined
4 and testified under oath as follows:

5 DIRECT-EXAMINATION BY ATTY. RILEY:

6 Q Good afternoon, Doctor Straub.

7 A Afternoon.

8 Q What is your current occupation?

9 A Currently I work as an associate medical examiner.

10 Q And how long have you held that?

11 A Almost 4 1/2 years now.

12 Q And who do you work for?

13 A I work for State of Connecticut, Office of the Chief
14 Medical Examiner.

15 Q And prior to that do you have any experience with
16 that position?

17 A With that position, no.

18 Q Okay. What was position prior to that?

19 A Prior to that I was doing a fellowship at the Office
20 of the Chief Medical Examiner for the city of New York.

21 Q And what was your educational background?

22 A All right. I will start with undergraduate. So I did
23 my undergraduate degree at Whitman College in Walla Walla,
24 Washington. My major was biochemistry, biophysics, and
25 molecular biology. I then did 4 years of medical school at
26 Albany Medical College in Albany, New York. After that I did
27 a 4-year residency program at the University of Rochester in

1 Rochester, New York, and I did that in anatomic and clinical
2 pathology. After I finished that I did a 2-year fellowship
3 for forensic pathology at the Office of the Chief Medical
4 Examiner of the city of New York. So the first year was
5 general forensic pathology and the second year was cardiac
6 and neuro path forensic pathology, after which I came here
7 to the State of Connecticut to work as an associate medical
8 examiner.

9 Q And you've had that position for over 4 years?

10 A Yeah, just over 4 years.

11 Q Now what is pathology?

12 A So pathology in general terms is the study of disease
13 and injury and how it affects the human body.

14 Q Now what is forensic pathology?

15 A So forensic pathology is a subspecialty of anatomic
16 pathology. So in very broad terms pathology is split up into
17 anatomic and clinical pathology, and anatomic pathology is
18 what most people think of when they think of a pathologist,
19 right. It's looking at slides under a microscope to make a
20 diagnosis of cancer, inflammation, injury. And within
21 anatomic pathology there is forensic pathology which is a
22 subspecialty that deals particularly with performing
23 autopsies in order to the cause and the manner of an
24 individual's death.

25 Q Approximately how many autopsies have you performed?

26 A Since starting fellowship I've done about 1950
27 autopsies.

1 Q Have you testified before in court?

2 A Yes.

3 Q To this particular specialty?

4 A Yes.

5 Q And how many times?

6 A I believe about 11 times now.

7 Q If I take back to July of 2020, were present during
8 the autopsy of a Junny Lara-Velazquez?

9 A Yes.

10 Q And do you know if a report was prepared in relation
11 to that autopsy?

12 A Yes, it was.

13 ATTY. RILEY: Your Honor, may I approach? I'm
14 going to ask this be marked as State's exhibit --

15 THE COURT: Yeah.

16 THE CLERK: This will be State's 52.

17 THE COURT: For ID?

18 THE CLERK: Yes.

19 THE COURT: So the document's been marked as
20 State's exhibit 52 for identification.

21 BY ATTY. RILEY:

22 Q Do you recognize this report?

23 A Yes.

24 Q And how do you recognize it?

25 A This is a copy of the autopsy report.

26 Q Who for?

27 A For a Mr. Junny Lara-Velazquez.

1 Q Now was this report made in the regular course of
2 business?

3 A Yes.

4 Q Is the regular course of business for the Office of
5 the Chief Medical Examiner to make such report and maintain
6 such reports?

7 A Yes.

8 ATTY. RILEY: I'm going to offer it as a full
9 exhibit.

10 THE COURT: All right. Any objection from the
11 Defense?

12 ATTY. HUSSEY: May I just have a moment?

13 THE COURT: Absolutely.

14 ATTY. HUSSEY: No objection.

15 ATTY. JELLY: Correct, no --

16 THE COURT: Okay. So exhibit -- so ladies and
17 gentlemen, exhibit 52 is a full exhibit, absent
18 objection.

19 BY ATTY. RILEY:

20 Q Now Ms. -- or Doctor Straub, you were present at the
21 autopsy of Junny Lara-Velazquez, is that correct?

22 A Yes, I was in the room.

23 Q Okay. But you did not conduct the autopsy?

24 A That is correct; I did not.

25 Q Who did conduct that autopsy?

26 A The autopsy was performed by a Doctor Dollett White.

27 Q And is -- does Doctor White still work with the

1 office?

2 A She does not.

3 Q And why doesn't she if you know?

4 A I believe it is medical leave.

5 Q Did you review the findings of this report?

6 A Yes, I did.

7 Q And they are -- are they consistent with what you
8 remember?

9 A Yes.

10 Q Were there any wounds to the -- Junny Lara-Velazquez?

11 A Yes.

12 Q Now where was the wounds?

13 A So the main wound that he had was a perforating
14 gunshot wound of the head. He also had some minor scrapes or
15 abrasions of his left forehead, hip, and right arm.

16 Q And where was that -- the gunshot wound?

17 A The gunshot wound was of the head, so there was an
18 entrance wound of the left temporal scalp just above the ear
19 and an exit wound of the right forehead.

20 Q Was a cause of death determined in this examination?

21 A Yes, it was.

22 Q And what was the cause of death?

23 A The cause of death was a gunshot wound of the head.

24 Q Was there a manner of death?

25 A Yes.

26 Q And what was that manner of death?

27 A The manner was a homicide.

1 Q During Doctor White's examination, did she examine
2 the wounds themselves?

3 A Yes.

4 Q Did she examine the entrance wound?

5 A Yes.

6 Q Was there any stippling around the entrance wound?

7 A No, there was not.

8 Q Now what is stippling, if you know?

9 A Yeah, so stippling is a pattern of injury that we see
10 particularly with gunshot entrance wounds. So when a gun is
11 fired, in addition to the bullet that exits the gun, there
12 is also gunpowder and other particles that will exit the gun
13 with the bullet. If someone is standing close enough to the
14 gun when it's fired sometimes those particles can become
15 deposited on the skin around the entrance wound. And those
16 particles will be burning or very very hot and so they will
17 cause little burns on the skin as they get deposited and
18 that makes the pattern of stippling.

19 Q What would stippling -- what would one of the
20 possible -- if there is stippling what does that show a
21 medical examiner?

22 A The presence of stippling usually indicates that the
23 range of fire was close.

24 Q How was the body of Junny Lara-Velazquez identified?

25 A He was identified via fingerprints.

26 Q Now the cause of death was a gunshot wound to the
27 head, is that correct?

HHD-CR20-0738943-T : SUPERIOR COURT
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EDWIN FRANQUI (D.O.B. 1991) : JANUARY 17, 2024

HHD-CR20-0738845-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1996) : JANUARY 17, 2024

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Hartford, Hartford, Connecticut, before the Honorable Michael Gustafson, Judge, on the 17th day of January, 2024.

Dated this 16th day of July, 2024, in Hartford, Connecticut.



Justin Pina
Court Recording Monitor Trainee

HHD-CR20-0738943-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1991) : JANUARY 17, 2024

HHD-CR20-0738845-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1996) : JANUARY 17, 2024

E L E C T R O N I C
C E R T I F I C A T I O N

I hereby certify the electronic version is a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Hartford, Hartford, Connecticut, before the Honorable Michael Gustafson, Judge, on the 17th day of January, 2024.

Dated this 16th day of July, 2024, in Hartford,
Connecticut.



Justin Pina
Court Recording Monitor Trainee

APPENDIX G

**Excerpted Transcript – Motion For Judgment Of Acquittal,
State of Connecticut v. Edwin Franqui, HHD-CR20-0738845-T (Conn.
Super. Ct. January 22, 2024)**

HHD-CR20-0738943-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1991) : JANUARY 22, 2024

HHD-CR20-0738845-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1996) : JANUARY 22, 2024

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE MICHAEL GUSTAFSON, JUDGE
AND JURY

A P P E A R A N C E S :

Representing the State of Connecticut:

ATTORNEY MICHAEL RILEY
ATTORNEY CASEY FLYNN
Office of the State's Attorney
101 Lafayette Street
Hartford, Connecticut 06106

Representing the Defendant Edwin Franqui (D.O.B. 1991):

ATTORNEY WALTER HUSSEY
39 Russ Street, 1st Floor
Hartford, Connecticut 06106

Representing the Defendant Edwin Franqui (D.O.B. 1996):

ATTORNEY JEFFERSON JELLY -- Ordering Party
Law Office of Jefferson D. Jelly
18 North Main Street, Suite 310
West Hartford, Connecticut 06107

Recorded and Transcribed By:
Justin Pina
Court Recording Monitor Trainee
101 Lafayette Street
Hartford, Connecticut 06106

1 have previous sustained a felony conviction.

2 So you'll have that as Court exhibit 1. The fact
3 that I've marked it as a Court exhibit is only
4 because it's between the plaintiff -- sorry, the
5 State and Defense, and rather than one of those two
6 gentlemen marking it as one of their exhibits I've
7 called it the Court exhibit. Okay. Thank you. And
8 other witnesses or evidence from the State?

9 ATTY. RILEY: No, the State rests at this point,
10 Your Honor.

11 THE COURT: Okay. Great. Thank you. So ladies
12 and gentlemen, it's a little past our normal time for
13 the morning recess. So the State has rested. I have
14 to take up a matter with the parties, but I'll do
15 that on our time. So I'm going to let step out --
16 retire for your midmorning break. We'll be back in
17 about 15 -- let's say 20 of -- well, let's see. 5,
18 10, 15, let's say quarter of, give you a little
19 longer break. We'll be back at 11:45. We'll bring you
20 back in then.

21 As always leave your notepads on the seats.
22 Don't talk about the case with anyone. Don't let
23 anyone else talk about the case to you. The case will
24 soon be yours in a little bit, but we've got some
25 more process to do so don't talk among yourselves
26 about the case. But thank you for your attention.
27 I'll excuse you from the courtroom now.

1 (JURY EXITS THE COURTROOM)

2 THE COURT: Thank you. Please be seated. Okay.
3 Are there any motions at this point from the Defense?

4 ATTY. JELLY: I would move for a motion of
5 acquittal of my client seeing that they do not have
6 anybody who's identified him in this car or doing
7 anything. The witness that they did put on on at
8 least five occasions when she was asked about it said
9 she didn't know who was driving.

10 THE COURT: So I hear you Attorney Jelly, and I
11 think you'd have the better argument if the -- Ms.
12 Ortiz's statement was not admitted. The jury's free
13 to accept that as the final word on the issue.
14 Obviously, can argue credibility to the jury in your
15 closing arguments, but my review of Ms. Ortiz's
16 statement exhibit 68, which is the redacted version,
17 does say that she said the gentleman known as ATM.
18 Your client has been identified as ATM throughout --
19 during the course of the trial, so I think that
20 connection's been made. But she does say in her
21 written statement that he was the operator of the
22 vehicle.

23 And then -- I think there's sufficient evidence
24 for the jury to infer that there was a conspiracy and
25 or an accessory in the driver of the car that drove
26 by and where shots were fired from. So I think that
27 I'm going to deny the motion because I think it's a

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C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Hartford, Hartford, Connecticut, before the Honorable Michael Gustafson, Judge, on the 22nd day of January, 2024.

Dated this 16th day of July, 2024, in Hartford, Connecticut.



Justin Pina
Court Recording Monitor Trainee

HHD-CR20-0738943-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
v. : AT HARTFORD, CONNECTICUT
EDWIN FRANQUI (D.O.B. 1991) : JANUARY 22, 2024

HHD-CR20-0738845-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT
OF HARTFORD
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EDWIN FRANQUI (D.O.B. 1996) : JANUARY 22, 2024

E L E C T R O N I C
C E R T I F I C A T I O N

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Dated this 16th day of July, 2024, in Hartford, Connecticut.



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