



State of Connecticut  
Supreme Court

Chambers of  
RAHEEM L. MULLINS  
Supreme Court Justice

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December 28, 2023

Sen. Gary A. Winfield  
Co-Chair, Judiciary Committee  
Legislative Office Building, Room 3300  
Hartford, CT 06106-1591

Rep. Steven J. Stafstrom  
Co-Chair, Judiciary Committee  
Legislative Office Building, Room 2502  
Hartford, CT 06106-1592

This report is being sent to you pursuant to the provisions of General Statutes § 51-14a concerning Connecticut's Code of Evidence and the statutory obligation of the Code of Evidence Oversight Committee to report annually its activities to the leadership of the Judiciary Committee.

In 2023, meetings of the Committee were held virtually on March 1, 2023, and April 5, 2023. The meetings were live streamed to the public on the Judicial Branch's official You Tube channel and are available at <https://www.youtube.com/watch?v=ukKmpw8KcQQ> (March 1, 2023) and [https://www.youtube.com/watch?v=QlozxIL\\_IPA](https://www.youtube.com/watch?v=QlozxIL_IPA) (April 5, 2023).

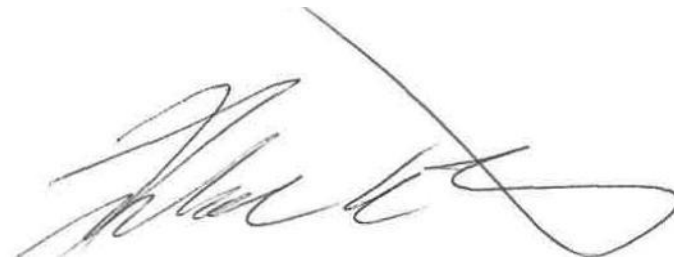
At the March meeting, I asked the Committee to consider a proposal to amend Section 7-3 of the Code, to make the Code consistent with our Supreme Court's holding in *State v. Gore*, 342 Conn. 129, 269 A.3d 1 (2002). In *Gore*, the Court used its common-law rulemaking authority to amend § 7-3(a) of the Code,

incorporating an exception to the ultimate issue rule for lay opinion testimony that relates to the identification of persons depicted in surveillance video or photographs. Thereafter, the Committee met on April 5, 2023, and unanimously recommended the adoption of revisions to Section 7-3 (a) of the Code and the associated commentary. The text of new subdivision (2) of subsection (a), provides that “a lay witness may give an opinion that embraces an ultimate issue identifying any person in video recordings or photographs, if such testimony meets the standards for the admissibility of lay witness opinion testimony in Section 7-1.” Conn. Code Evid. § 7-3 (a) (2).

On April 25, 2023, the Supreme Court voted to adopt the revisions recommended by the Committee to Section 7-3 of the Code and the associated commentary. The revisions became effective upon promulgation in the Connecticut Law Journal of May 2, 2023, available at <https://www.jud.ct.gov/lawjournal/Docs/Misc/2023/18/Connecticut%20Code%20of%20Evidence.pdf> .

I am also pleased to inform you that in July, the 2023 edition of the Connecticut Code of Evidence was published, which incorporated the above-mentioned revisions to the Code, as well as revisions from 2022. The 2023 edition of the Code is available at <https://www.jud.ct.gov/Publications/Code2023.pdf> .

Please let me know if there is any further information I can provide you regarding the work of the Committee.

A handwritten signature in black ink, appearing to read 'Raheem L. Mullins', written over a horizontal line.

Raheem L. Mullins  
Justice

cc:

Hon. Richard A. Robinson, Chief Justice  
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Kristin L. Breiner, Committee Administrator  
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