STATE OF CONNECTICUT *v.* CHRISTOPHER TAYLOR
(SC 18762)

Rogers, C. J., and Norcott, Palmer, Zarella, McLachlan, Eveleigh and Vertefeuille, Js.*

*Argued February 9—officially released September 18, 2012*

*Margaret Gaffney Radionovas*, senior assistant state's attorney, with whom, on the brief, were *John A. Connelly*, former state's attorney, and *Daniel Miller*, special deputy assistant state's attorney, for the appellant (state).

*Erika L. Amarante*, special public defender, with whom was *Julie Loughran*, for the appellee (defendant).

*Opinion*

PALMER, J. A jury found the defendant, Christopher Taylor, guilty of reckless driving in violation of General Statutes § 14-222 (a).[1] The trial court rendered judgment in accordance with the jury verdict,[2] and the defendant appealed to the Appellate Court, which reversed the judgment of the trial court with respect to the reckless driving conviction on the ground that the evidence was insufficient to establish that the street on which the defendant was driving was a public highway, as required under § 14-222 (a).[3] *State* v. *Taylor*, 126 Conn. App. 52, 63–65, 10 A.3d 1062 (2011). We granted the state's petition for certification to appeal limited to the following issue: "Did the Appellate Court properly determine that the evidence was insufficient to prove the 'public highway' element of reckless driving contained in . . . § 14-222 (a)?" *State* v. *Taylor*, 300 Conn. 925, 15 A.3d 629 (2011). We conclude that the evidence was sufficient to permit a finding that the defendant was operating his motor vehicle on a public highway, and, accordingly, we reverse in part the judgment of the Appellate Court.[4]

The opinion of the Appellate Court sets forth the following facts that the jury reasonably could have found. "On August 23, 2007, the defendant struck the victim, Luigi Legorano, with his motor vehicle while driving on Whittier Avenue in [the city of] Waterbury. Whittier Avenue is a residential street that runs [southeast], perpendicular to Clematis Avenue on the [northwest] end and Eastern Avenue on the [southeast] end. The portion of Whittier Avenue between the last house on the street and Eastern Avenue is one way, running in [a southeasterly] direction. The remainder of Whittier Avenue is a two-way street. Thus, in compliance with posted signage, vehicles may enter Eastern Avenue from Whittier Avenue, but vehicles may not enter Whittier Avenue from Eastern Avenue. Whittier Avenue can . . . be accessed [only] from Clematis Avenue on the [northwestern] end of the street.

"The victim was living at his brother's home, which was located on . . . Whittier Avenue immediately before the one-way portion of the street. On the day of the incident, the victim was playing catch with his nephews and a friend in the street in front of his brother's home. The victim was positioned with his back facing Eastern Avenue. The defendant, who was operating his automobile in a southerly direction on Eastern Avenue, turned [right] onto Whittier Avenue and began traveling the wrong way down the one-way portion of Whittier Avenue. The victim's nephew, who was positioned facing Eastern Avenue, [saw] the defendant's automobile and shouted to the victim to alert him that a vehicle was traveling toward him down the one-way portion of Whittier Avenue. The victim then turned around, raised his hands and shouted to the defendant to stop his vehicle. The defendant brought

his vehicle to a stop approximately five feet in front of the victim. The victim informed the defendant that he was driving the wrong way down a one-way street and instructed the defendant to turn his vehicle around. The defendant and the victim exchanged words, and the defendant ultimately struck the victim with his vehicle, knocking him to the ground. After striking the victim with his vehicle, the defendant put the vehicle in reverse, backed down the one-way portion of Whittier Avenue onto Eastern Avenue and left the scene.

"The police arrived shortly after the incident and interviewed witnesses. The victim's sister-in-law, who had observed a portion of the incident, provided police with the license plate number of the vehicle that had struck the victim. Police determined that the license plate number matched a vehicle registered to the defendant. After [the] officers left the scene, the victim's brother, Carrado Addona, and a friend, Jason Dunne, drove through the neighborhood, looking for the vehicle that had struck the victim. Addona and Dunne located the vehicle parked a short distance away outside a house on Sunset Avenue. Addona called the police to notify them that he and Dunne had located the vehicle.

"Responding to Addona's tip, Raymond Rose, an officer with the Waterbury police department, went to Sunset Avenue and confirmed that the defendant's vehicle was parked in front of a home on Sunset Avenue. Rose knocked on the door, and the defendant answered. The defendant admitted to Rose that he had struck the victim with his vehicle on Whittier Avenue." *State* v. *Taylor*, supra, 126 Conn. App. 54–56.

The defendant was arrested and charged with reckless driving. Following a jury trial, the defendant was convicted of that charge.[5] On appeal, a divided Appellate Court agreed with the defendant that "there was insufficient evidence regarding the character of Whittier Avenue, specifically, what entity owned or controlled it and whether it was public or private, for the jury to conclude that Whittier Avenue was a [public highway] within the purview of § 14-222 (a)." Id., 61–62. In accordance with this determination, the Appellate Court concluded that the defendant was entitled to a judgment of acquittal on the charge of reckless driving. Judge Robinson dissented in part from the majority opinion, stating that, "[o]n the basis of the cumulative impact of the facts presented and the inferences that the jury was entitled to draw therefrom, there was ample evidence for the jury to reasonably have concluded that Whittier Avenue was a public highway, that it was under the control of the city of Waterbury and that it was opened to public travel." Id., 70 (*Robinson*, *J.*, concurring in part and dissenting in part).

On appeal to this court, the state maintains that the evidence, when viewed most favorably to sustaining the jury verdict, was sufficient to permit the finding

that the defendant was operating his vehicle on a public highway. In support of this contention, the state relies on the principle that inferences drawn from circumstantial evidence need not be so strong as to be compelled by the evidence; rather, the inferences must be reasonable in light of the evidence. More specifically, the state argues that, although there was no testimony expressly identifying Whittier Avenue as a public highway, the jury reasonably could have inferred that fact from the evidence, in particular, an aerial map depicting Whittier Avenue and the surrounding streets, certain photographs of Whittier Avenue, and testimony establishing that Whittier Avenue was routinely patrolled by Waterbury police officers. We agree with the state.

"The standard of review [that] we [ordinarily] 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 upon the facts so construed and the inferences reasonably drawn therefrom the [finder of fact] reasonably could have concluded that the cumulative force of the evidence established guilt beyond a reasonable doubt. . . . In evaluating evidence, the trier of fact is not required to accept as dispositive those inferences that are consistent with the defendant's innocence. . . . The trier may draw whatever inferences from the evidence or facts established by the evidence it deems to be reasonable and logical. . . . This does not require that each subordinate conclusion established by or inferred from the evidence, or even from other inferences, be proved beyond a reasonable doubt . . . because this court has held that a jury's factual inferences that support a guilty verdict need only be reasonable. . . .

"[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 trier, would have resulted in an acquittal. . . . [I]n [our] process of review, 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." (Citation omitted; internal quotation marks omitted.) *State* v. *Hedge*, 297 Conn. 621, 656–57, 1 A.3d 1051 (2010).

With these principles in mind, we turn to the state's claim that, contrary to the conclusion of the Appellate Court, the evidence was sufficient to establish that Whittier Avenue is a public highway. General Statutes

§ 14-222 (a) provides in relevant part that "[n]o person shall operate any motor vehicle upon any public highway of the state . . . recklessly, having regard to the width, traffic and use of such highway . . . [or] road . . . the intersection of streets and the weather conditions. . . ." Although the term "public highway" is not defined in § 14-222 (a), the term "highway" is defined in title 14 of the General Statutes as "any state or other public highway, road, street, avenue, alley, driveway, parkway or place, under the control of the state or any political subdivision of the state, dedicated, appropriated or opened to public travel or other use . . . ." General Statutes (Rev. to 2007) § 14-1 (37). Accordingly, we must determine whether there was sufficient evidence from which the jury reasonably could have found that the state satisfied its burden of proving beyond a reasonable doubt that Whittier Avenue was a road under the control of a subdivision of the state and was open to public travel when the defendant allegedly committed the charged crime.

With respect to the first requirement, we conclude that the state's evidence was adequate to support the jury's finding that Whittier Avenue was under the control of the city of Waterbury. The aerial map introduced into evidence by the state, which depicts at least ten different streets within the environs of Waterbury, demonstrates that Whittier Avenue is located in a residential neighborhood in Waterbury. In particular, the map reveals that Whittier Avenue is lined with multiple residential buildings and abuts approximately eighteen separate parcels of land. Nothing on the map distinguishes Whittier Avenue in any way from the surrounding streets or suggests that Whittier Avenue serves a gated or private community. It also appears from the map that Whittier Avenue is not a dead-end road, as many private roads are, but instead connects two other main thoroughfares, Clematis Avenue and Eastern Avenue. In addition, the jury was free to consider the fact that barriers or obstacles indicative of restricted public access to private roads are noticeably absent from the aerial map.[6]

The state also introduced evidence in the form of photographs and testimony establishing that Whittier Avenue has many features consistent with the authority of municipalities to exercise control over roads and public works projects. See, e.g., *Wamphassuc Point Property Owners Assn.* v. *Public Utilities Commission*, 154 Conn. 674, 681, 228 A.2d 513 (1967) (concluding that road was public highway after examining "all the circumstances of its layout, construction and long-continued public use," including presence of street signs). One photograph, for example, depicts a green and white street sign with the name "Whittier Avenue." The photographs also depict "ONE WAY," "DO NOT ENTER," and "ONE WAY AFTER THIS POINT" signs located on the one-way portion of Whittier Avenue that are similar

to those located on public roads generally. See General Statutes § 14-239 (authorizing municipalities to post one-way signs). The photographs also reveal that Whittier Avenue is paved, lighted by overhead street lights, and contains a manhole cover providing access to a sewer system or other underground utilities. See, e.g., General Statutes § 7-148 (c) (6) (providing for municipal control over public works, sewers, and highways). On the basis of this evidence, the jury likely would have recognized that there was nothing that distinguished Whittier Avenue from any other city street. Furthermore, although private roads may have one or more of the features depicted in the photographs, the jury reasonably could have found that it is highly improbable that any particular private road would display *all* of them.

Finally, Officer Rose testified that, on the evening in question, he was patrolling the area referred to by the police as "Alpha 6." Rose further explained that Whittier Avenue fell within Alpha 6[7] and that the purpose of his patrol was to enforce the traffic laws of the city of Waterbury. From this testimony, it would have been reasonable for the jury to conclude that Waterbury police officers would not be assigned to patrol Whittier Avenue as they did the other streets located in Alpha 6 if Whittier Avenue were a private roadway and not an ordinary city street under the control and supervision of the municipality.

On the basis of all this evidence, we conclude that the jury reasonably could have found that Whittier Avenue was under the control of the city of Waterbury. In reaching this conclusion, we are mindful that, "[o]n 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. *Hedge*, supra, 297 Conn. 657. Although we agree with the defendant that "[i]t is common for private roads to exist within residential areas" and that "street signs can exist on private roads," the jury reasonably could have relied on the cumulative effect of the evidence indicating that Whittier Avenue was under municipal, rather than private, control.

The evidence also was sufficient to permit a finding that Whittier Avenue was opened to public travel. As we previously noted, the aerial map and photographs reveal that there were no gates or other barriers restricting entry to the street, and there were no signs or other type of notice indicating that public travel was prohibited. The jury reasonably could have inferred that, if Whittier Avenue were a private road closed to public travel, there would be some physical manifestation of that fact, in the form of barriers or signs or both, so that persons operating vehicles in the area would

know that they were not to drive on Whittier Avenue. Indeed, it is difficult to imagine that the owner of a private road who wished to bar public access to it would erect street signs for the purpose of ensuring the flow of traffic in a certain direction but decline to erect any barriers or signs to ensure that the public did not use the road at all. This is especially true of a road like Whittier Avenue, which is located in the middle of a busy, well populated, residential neighborhood.

In addition, there was testimony from which the jury reasonably could have found that members of the public freely traversed Whittier Avenue. The victim, for instance, testified at trial that he was residing on Whittier Avenue at the time of the incident and acknowledged that "other people had come up that one way [in the wrong direction] many times before . . . ." The victim further testified that, after having stopped the defendant, he had "explained to [him] that a lot of drivers come up this way . . . ." Similarly, Janice Addona, another Whittier Avenue resident, testified that numerous trucks have turned onto Whittier Avenue in the wrong direction and have "bottomed out" while attempting to do so. These residents did not testify that members of the public had no right to drive on Whittier Avenue at all but merely that they had no right to drive on it in the wrong direction. "When presented with a challenge to the sufficiency of the evidence, we note that [i]n considering the evidence introduced in a case, [triers of fact] are not required to leave common sense at the courtroom door . . . nor are they expected to lay aside matters of common knowledge or their own observations and experience of the affairs of life, but, on the contrary, to apply them to the facts in hand, to the end that their action may be intelligent and their conclusions correct." (Internal quotation marks omitted.) *State* v. *Taylor*, supra, 126 Conn. App. 70 (*Robinson*, *J.*, concurring in part and dissenting in part); accord *State* v. *Little*, 194 Conn. 665, 674, 485 A.2d 913 (1984). Applying this principle to the present case, we agree with the state that the Appellate Court incorrectly concluded that the jury reasonably could not have inferred that Whittier Avenue was open to public travel.[8] Because the evidence also was sufficient to establish that Whittier Avenue was under the control of the city of Waterbury, the jury reasonably concluded that the state had met its burden of proving that Whittier Avenue was a public highway.

The judgment of the Appellate Court is reversed insofar as it reversed the defendant's conviction of reckless driving and the case is remanded to that court with direction to affirm the judgment of conviction as to that offense; the judgment of the Appellate Court is affirmed in all other respects.

In this opinion the other justices concurred.

* The listing of justices reflects their seniority status on this court as of the date of oral argument.

[1] General Statutes § 14-222 (a) provides in relevant part: "No person shall operate any motor vehicle upon any public highway of the state, or any road of any specially chartered municipal association or of any district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks . . . recklessly, having regard to the width, traffic and use of such highway . . . [or] road . . . the intersection of streets and the weather conditions. . . ."

[2] The jury also found the defendant guilty of evading responsibility in the operation of a motor vehicle in violation of General Statutes § 14-224 (b), and the trial court found that the defendant had committed the infraction of operating a vehicle in the wrong direction on a one-way street in violation of General Statutes § 14-239 (a). The trial court rendered judgment in accordance with the verdict and the finding on these charges, neither of which is the subject of this appeal.

[3] The term "public highway" is not defined in § 14-222 (a) or in any other provision of the General Statutes. Nevertheless, the term "highway" is defined in title 14 of the General Statutes to include "any state or other public highway, road, street, avenue, alley, driveway, parkway or place, under the control of the state or any political subdivision of the state, dedicated, appropriated or opened to public travel or other use . . . ." General Statutes (Rev. to 2007) § 14-1 (37).

[4] We affirm that part of the Appellate Court's judgment upholding the defendant's conviction of the crime of evading responsibility in the operation of a motor vehicle and the infraction of operating a vehicle in the wrong direction on a one-way street. See footnote 2 of this opinion.

[5] We note that the information charged the defendant with reckless driving on a "municipal road . . . ." Although § 14-222 (a) prohibits reckless driving on "any public highway of this state" and contains no reference to "municipal road," the defendant makes no claim with respect to the adequacy of the information.

[6] The defendant takes issue with the state's contention that "[n]othing on the [aerial] map suggests any reason to believe that Whittier Avenue or any of the surrounding streets . . . are private road[s]" and asserts that the state's argument is "fundamentally flawed" because the defendant "bore no burden to prove that Whittier Avenue *was not* a public highway; the state was required to prove that it *was*." (Emphasis in original.) Of course, the defendant is correct that the state has the burden of proving each and every element of the crime of reckless driving, including the public highway requirement. The issue, however, is not who bears the burden of proof but, rather, whether the absence of barriers restricting access to Whittier Avenue constitutes some evidence that it is not a private road in view of the fact that private roads may be, and sometimes are, blocked off to public travel. We agree with the state that it is.

[7] The defendant challenges this conclusion, arguing that Rose did not testify that, when he was assigned to patrol "Alpha 6," he patrolled Whittier Avenue specifically but merely that he patrolled the area in which Whittier Avenue was located. The transcript reveals the following colloquy:

"[Assistant State's Attorney]: . . . What area [were] you patrolling in Waterbury?

"[Rose]: Alpha 6.

"[Assistant State's Attorney]: And what's . . . Alpha 6?

"[Rose]: Alpha 6 is covering the . . . Bunker Ave[nue] area all the way over to the Watertown line.

"[Assistant State's Attorney]: Okay. So would . . . Whittier Ave[nue], Eastern Ave[nue] area be in . . . your area . . . ?

"[Rose]: Yes.

* * *

"[Assistant State's Attorney]: Had you, in fact, patrolled that area before?

"[Rose]: Yes."

Viewing this evidence in the light most favorable to sustaining the verdict, we conclude that the jury reasonably could have inferred from Rose's testimony that he did in fact patrol the roads identified by the state, including Whittier Avenue.

[8] We note that both parties rely on one or more cases of this court, the Appellate Court and other courts of this state to support their contentions in the present case. See, e.g., *Wamphassuc Point Property Owners Assn.* v. *Public Utilities Commission*, supra, 154 Conn. 674; *State* v. *Harrison*, 30 Conn. App. 108, 618 A.2d 1381 (1993), aff'd, 228 Conn. 758, 638 A.2d 601 (1994); *State* v. *Peirson*, 2 Conn. Cir. 660, 204 A.2d 838 (1964). Because none of these cases involves a factual scenario similar to that of the present case,

we do not find them helpful to our resolution of the present appeal.