ECKER, J., concurring in the judgment. I respectfully disagree with the majority opinion to the extent that it adopts and applies the harmless error standard set forth in *Brecht* v. *Abrahamson*, 507 U.S. 619, 623, 113 S. Ct. 1710, 123 L. Ed. 2d 353 (1993). See id. (new trial is mandated if instructional error "had substantial and injurious effect or influence in determining the jury's verdict" (internal quotation marks omitted)). For the reasons explained in part II of Justice D'Auria's concurring opinion in *Banks* v. *Commissioner of Correction*, Conn. , , A.3d (2021) (*D'Auria*, *J.*, concurring), I would instead apply the standard articulated in *Neder* v. *United States*, 527 U.S. 1, 18, 119 S. Ct. 1827, 144 L. Ed. 2d 35 (1999), which requires a new trial unless it is "clear beyond a reasonable doubt that a rational jury would have found the defendant guilty absent the [instructional] error," as I explained in my separate concurring opinion in *Banks* v. *Commissioner of Correction*, supra, (*Ecker*, *J.*, concurring in the judgment and joining part II of Justice D'Auria's concurring opinion in that case). I nevertheless concur in the judgment in this case because I agree with the majority that the failure to give a jury instruction, as required by *State* v. *Salamon*, 287 Conn. 509, 550, 949 A.2d 1092 (2008), was not harmless on this record.