

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Vernon Stancuna,

Plaintiff,

v.

Christopher J. Iovene,

Defendant.

Civil No. 3:08-cv-30 (JBA)

May 16, 2018

**ORDER DENYING DEFENDANT’S MOTION TO PRECLUDE
PORTIONS OF DASH CAM VIDEOS**

Following the final Pre-Trial Conference [Doc. # 198] and the Court’s ruling bifurcating trial into liability and punitive damages phases [Doc. # 197], Defendant Iovene now moves to preclude ten portions of his dash cam video and five portions of the dash cam video of Officer JenniLee DiCocoo, arguing that these sections of the videos “are not relevant to liability, and therefore, should be precluded from the liability phase of the trial.” (Mot. Preclude [Doc. # 201]; Supp. to Mot. Preclude [Doc. # 202].)

As set forth on the record on May 16, 2018, the Court DENIES Defendant’s Motion for four reasons. First, the fact of bifurcation is irrelevant to Defendant’s theory of admissibility. Defendant should have moved to preclude these sections of the videos before the final pre-trial conference. Accordingly, Defendant’s Motion to Preclude, on the eve of trial, is untimely. Second, Defendant advances no factual analysis as to what specific prejudice he will actually suffer from any of the portions of the videos that he seeks to preclude. Third, due to Defendant’s failure to provide a transcript or uniformly accurate time stamps of the challenged video portions, the Court

is unable to ascertain the exact sections of the videos that Defendant seeks to preclude, especially in the absence of any analysis of why Defendant would be prejudiced by specific dialogue on the tapes. Finally, the dash cam videos provide context and relevant evidence for the jury, which will be asked to assess not only the reasonableness of the initial traffic stop, but also the reasonableness of the subsequent detention, as well as Defendant's credibility generally.

Accordingly, Defendant's Motion to Preclude is DENIED.

IT IS SO ORDERED.

/s/
Janet Bond Arterton, U.S.D.J.

Dated at New Haven, Connecticut this 16th day of May 2018.