

# CONSTITUTION\*

## OF THE

# STATE OF CONNECTICUT

---

---

\*The superscript numbers and asterisks appearing throughout the Constitution of the State of Connecticut and the Amendments to the Constitution of the State of Connecticut indicate annotations which may be found, in sequence, immediately following the article or section to which they apply.

All material printed in bold type and enclosed within parentheses did not form part of the original document concerned but has been incorporated in this publication to assist the user.

Adopted December 14, 1965. Proclaimed by governor as adopted December 30, 1965.

### **PREAMBLE.\***

---

\*This constitution is a grant and not a limitation of power. 85 C. 319; 96 C. 192. Rights and privileges protected; equality of rights. 65 C. 489. History of the growth of our constitution; 68 C. 164; 69 C. 586; what made constitution prior to 1820. 3 Dal. 395. Local self-government as a part of our constitutional system; towns have no inherent rights which the legislature may not control. 67 C. 236; 69 C. 149, 160; 10 How. 511; 170 U.S. 309. State can recognize an honorary obligation; 76 C. 567; can accept gift in trust for institution for idiots; 67 C. 245; 69 C. 73; but cannot provide a pension for veterans of the civil war here resident. 85 C. 344. All legislation not contrary to state or U.S. Constitution, or to republican form of government is valid; Bible as rule of government; principles of morality as a restriction; 81 C. 534; law may be unconstitutional as against principles of free government and natural justice. 73 C. 283; 85 C. 347; 3 Dal. 388. Nature and definition of constitutions. 67 C. 305; 69 C. 127; Id., 583. When question of constitutionality is raised, court presumes validity and sustains legislation unless it clearly violates constitutional principles. 146 C. 720. To successfully challenge constitutionality of legislation, challenger must show his interests are adversely affected. Id. Courts cannot, by process of construction, abrogate a clear expression of legislative intent, especially when unambiguous language is fortified by refusal of legislature, in light of judicial interpretation, to change it. 147 C. 48. In case of real doubt constitutionality of a law must be sustained. Id., 374. Towns and local boards of education are creatures of state, and though they may question interpretation, they cannot challenge legality, of legislation enacted by their creator. 148 C. 238. Power of courts to declare law unconstitutional; in general; 73 C. 259; they look at its essence, not its form. 65 C. 484; 79 C. 444. State and federal constitutions are to be regarded together. 73 C. 259. Part only of a statute may be declared unconstitutional. 73 C. 30; Id., 505; 75 C. 319; 77 C. 333; 78 C. 53; 82 C. 352; 85 C. 344. Laws are presumed, and if possible, construed, to be valid; 64 C. 457; 73 C. 25; Id., 505; 76 C. 441; 78 C. 564; 79 C. 441; 86 C. 141; thus if a law is only valid if notice is given of certain proceedings, a requirement of such notice may be implied. 88 C. 81; 90 C. 584. A law must be clearly unconstitutional, to be held so. 73 C. 18; 83 C. 4; 85 C. 344; 89 C. 394; 104 C. 205. Quære,

whether presumption of validity extends to act of Congress claimed to invade sovereignty of state. 82 C. 352. Court should question constitutionality of statute only in behalf of party in interest. 73 C. 546. Construction of the constitution. Limits of power of court. *Id.*, 259. Should be construed as whole. 78 C. 551. Words presumed to have ordinary meaning. 64 C. 450. Contemporaneous or established usage. *Id.*, 453; 65 C. 146; 68 C. 150; 77 C. 257; 87 C. 506; *Id.*, 554. Words to be given meaning they had when used. 86 C. 627. Considerations proper in general. *Id.*, 625. Constitution should be construed to uphold its spirit; division into departments; 78 C. 565; in view of evils to be remedied. *Id.*, 554. Power to “define” is not power to grant or apportion. 64 C. 452. Power once granted not to be later cut down except expressly or by necessary implication. 78 C. 564. Neither preamble nor Art. I, Sec. 1 imposes on government an affirmative constitutional obligation to provide minimum subsistence to the poor. 233 C. 557. Unenumerated constitutional obligation to provide subsistence benefits to those in need cited. *Id.* Cited. *Id.*, 701. Unenumerated right to shelter implicit in constitution as evidenced by its preamble cited. *Id.*

Benefit of claim of unconstitutionality may be waived if claim is not seasonably made. 20 CS 503. Cited. 40 CS 394.

The People of Connecticut acknowledging with gratitude, the good providence of God, in having permitted them to enjoy a free government; do, in order more effectually to define, secure, and perpetuate the liberties, rights and privileges which they have derived from their ancestors; hereby, after a careful consideration and revision, ordain and establish the following constitution and form of civil government.

## ARTICLE FIRST.\*

### DECLARATION OF RIGHTS.

---

\*All protections contained in this article are fundamental civil liberties as to which Connecticut Supreme Court sits as court of last resort, except that it may not restrict federal constitutional rights; first referent is Connecticut law and full panoply of rights Connecticut residents expect; decisions of U.S. Supreme Court are persuasive authority to be afforded respectful consideration, but will be followed only when they provide no less individual protection than is guaranteed by Connecticut law. 172 C. 615. Cited. 192 C. 48; 199 C. 88. Federal constitutional right to liberty cited. 201 C. 605. Cited. 209 C. 219; 216 C. 150, see also 26 CA 423, 27 CA 291, 223 C. 902 and 225 C. 10, reversing judgment in *State v. Marsala*; 224 C. 627; 227 C. 363; 232 C. 740. State has no obligation under the constitution to provide subsistence benefits including obligation to provide shelter. 233 C. 701. Cited. 240 C. 489.

Fundamental right to liberty cited. 24 CA 612. Cited. 29 CA 207; 33 CA 603. Violation of state constitution cited. *Id.* Cited. 37 CA 561; judgment reversed, see 236 C. 216; 38 CA 198. Jury instruction in which the phrases “reasonable doubt” and “the benefit of the doubt” are included does not suggest that jury could only acquit in a close case if it could give defendant “the benefit of the doubt” and therefore does not impinge on defendant’s right to due process. 62 CA 625.

Cited. 37 CS 90; 41 CS 525.

<sup>1</sup> That the great and essential principles of liberty and free government may be recognized and established,

### WE DECLARE:

#### (Equality of rights.)

Sec. 1.<sup>2</sup> All men when they form a social compact, are equal in rights; and no man or set of men are entitled to exclusive public emoluments or privileges from the community.

<sup>1</sup> State constitutional rights cited. 209 C. 679. Cited. 216 C. 85. Equal protection of the laws cited. *Id.* Cited. 224 C. 915; 228 C. 699; 230 C. 183; 231 C. 918; *Id.*, 919; 232 C. 707; 233 C. 701. Unenumerated right to shelter implicit in preamble to Art. I cited. *Id.* 1997 amendment to Sec. 22a-208a prohibiting establishment or construction of new plant or station within 1/4 mile of day care center operating as of July 8, 1997, in municipality with population greater than 100,000 persons violates right to equal protection guaranteed by Connecticut Constitution, Art. I, Secs. 1 and 20 by creating classifications unrelated to legitimate state interest. 257 C. 429.

Cited. 26 CA 785. Sec. 52-584 is constitutional as applied to plaintiff because although classification under repose section of statute of limitations under said Sec. results in disparate treatment for those who do not discover their injury within three-year limitations period, the classification bears a reasonable relationship to legislative goal of said repose section. 66 CA 518.

Cited. 40 CS 394; 41 CS 48. Violation of constitutional rights cited. Id. Right to equal protection cited. Id. Cited. 42 CS 227.

<sup>2</sup> This article is a limitation on legislative power. 85 C. 348. Not intended to affect practice of requiring candidates for admission to the bar to be approved by it; 79 C. 55; nor to forbid licensing of sale of intoxicating liquors. 81 C. 534. The language of this section, although broad in its scope, is limited to those who are parties to the social compact thus formed, and does not include slaves. 12 C. 42, 43. A grant of the exclusive right to use streets for laying gas pipes is void as being a monopoly. 25 C. 38. But such right, if acquired by contract, is protected by Art. I, Sec. 10 of the U.S. Constitution, forbidding any state from passing any law impairing the obligation of contracts. 55 C. 9–15. Statute authorizing town agents only to sell liquor does not create a monopoly. 25 C. 288. An act prohibiting the exercise of a lawful and harmless business, unless a license therefor is first obtained, is in violation of the restrictions on legislative power contained in the first article. 65 C. 483–492; 67 C. 550; but see 77 C. 328. Discrimination among classes for taxation purposes valid. 74 C. 450; 76 C. 242; 104 C. 195, 200; limitations on right to discriminate. 107 C. 708.

Act authorizing city to sell land to a named person held valid. 75 C. 103. Provision in law authorizing cities to establish lighting plants by which private plants may be purchased not invalid. 76 C. 572. So act authorizing cemetery association to condemn land of another similar association. 77 C. 90. Law authorizing railroad companies to condemn shares of stock in certain cases upheld. Id., 422; 203 U.S. 372. This section does not prevent legislature forbidding epileptics to marry; 78 C. 243; or discriminating between various classes of money lenders in usury statute. 82 C. 233; 218 U.S. 563, 572; 125 C. 320. Statute forbidding keeping of house reputed to be house of ill-fame does not violate this section. 82 C. 112; 83 C. 56; Id., 551. Ordinance prohibiting making speeches in public parks or on streets or sidewalks without permit from chief of police, and providing no guide for his decision is void; 96 C. 193; and this regardless of whether the chief of police used proper judgment and discretion. Id., 196. This section and Sec. 10 of this article are coextensive with 14th amendment of U.S. Constitution. 104 C. 195. Special act providing that particular lessee pay taxes held to deny equal protection. 109 C. 388. Ordinance restricting use of public market to growers only held not discriminatory. 110 C. 293. Special act validating deficient notice to city of defective sidewalk held constitutional. 124 C. 183. Common control provision of unemployment compensation act is valid. 128 C. 213. Restriction of funeral directors' licenses to relatives of deceased or disabled directors held void. 129 C. 133. Requirement that liquor permittee be elector is not discriminatory. Id., 619. State veterans' bonus sustained. 133 C. 511. Act to provide housing for veterans is proper class legislation. Id., 544. Cited. 134 C. 15 (Diss. Op.). Tax exemptions to veterans under Secs. 12-81(19), (20), (22), (27) and 12-82 held valid. 135 C. 210. Statute held not to grant exclusive public emoluments. 136 C. 49. Zoning ordinance prohibiting sale or display of new or used cars in any open lot in any zone is an unwarranted interference with the constitutional right to carry on a lawful business. 137 C. 701. An appropriation may be proper provided it is for a public purpose, even though the disbursement of it is not restricted to officers or agencies of the state itself. 138 C. 134. Special act granting preferential treatment to veterans taking civil service examinations either for original employment or for promotion does not violate this section. 139 C. 102. Special act which did not benefit veterans generally, but only a very small group, held unconstitutional. Id., 310. An act which serves no other purpose than individual gain is invalid. If the act serves a proper public purpose, the fact that it incidentally confers a direct benefit upon some individual does not render it invalid. 140 C. 8. Neither the federal government nor the state is under any constitutional obligation to allow a deduction for a tax imposed by the other. 141 C. 257. Does not require that taxation be equal and uniform. Id., 266. Substantially same as the fourteenth amendment to U.S. Constitution. 143 C. 9. One cannot question the constitutional validity of a legislative enactment on the ground that it is class legislation unless he is one of the class which is claimed to suffer from discrimination. Id., 405. The discriminations which are open to objection are those where persons engaged in the same business are subjected to different restrictions, or are held entitled to different privileges under the same conditions. Id., 502. Cited. Id., 698. A permit to sell liquor is a matter of privilege and not of right. By engaging in the liquor business the permittee assumes the risk of a variety of situations which could impose liability on him. It is not an unconstitutional exercise of the police power for a permittee who sells in violation of the law to be prevented from defending on the ground that the particular drink which he sold did not cause or contribute to the buyer's intoxication. 144 C. 241. Regulation of ordinary businesses and those by nature dangerous to the public, distinguished. 145 C. 490. Allowance of sale of antiques on Sunday held not a denial of equal protection of the laws. Id., 554. Ordinance licensing and regulating trailer and mobile home parks held constitutional except for two provisions. 146 C. 720. Providing of school transportation to nonprofit private schools by towns under Sec. 10-281 held constitutional. 147 C. 374. Substantially the same as the equal protection clause of the federal constitution. Id. A statute which serves a public purpose is not unconstitutional merely because it incidentally benefits a limited number of persons. Id. Defendant charged a denial of equal protection since other persons, similarly circumstanced, were not sentenced as third offenders, held not a valid defense unless there is a showing of intentional or arbitrary action amounting to discrimination. Id., 506. Ordinance requiring the attendance of a police officer, at the expense of the theater owner, at each theater performance to see that safety precautions were observed, held to be a valid exercise of police power by the city. Id., 546. In order to hold zoning regulation unconstitutional as violative of equal protection, it must appear that provisions are clearly arbitrary and unreasonable, having no substantial relation to public health, safety, morals or general welfare. Art. I, Sec. 1 has never been held to prevent legislative bodies from dealing differently with different classes of persons, provided there is some natural and substantial difference germane to the subject and purposes of the legislation between those within the class included and those whom it leaves untouched. 149 C. 712. The delegation of legislative power in chapter 579 to a private corporation is not a violation of the constitution. Chapter 579 serves a public purpose and it is not rendered unconstitutional by the fact that it might incidentally benefit particular industries or lending institutions. The act sufficiently states a public purpose though not spelled out with specificity. 150 C. 333. That some persons may derive a private advantage from an enterprise designed to serve a public purpose does not defeat the public purpose of the enterprise. Id., 366. Clause in Sec. 10-6

exempting schools in existence before 1942 from its operation held discriminatory and unconstitutional. 151 C. 631. Court cannot strike down as unconstitutional a legislative enactment merely because it contains technical words the exact meaning of which is not evident, without explanation, to other persons disassociated from the technical field. 153 C. 465. Since disability pay to a former Hartford employee is actually a form of pension for services rendered to the city, said payments must be based on income received from the city alone, not including income received from other sources or employers. 154 C. 1, 8. Gravel removal ordinance enacted by planning and zoning commission was valid exercise of police power and not discriminatory as to plaintiff who had previously sold gravel from his property. *Id.*, 650. Special zoning regulation to assist relocation of businesses on property condemned by redevelopment acts is not unreasonable classification of beneficiaries of police power of local governments. 156 C. 287. Cited. 157 C. 179. Constitutionality of chapter 581 (Secs. 32-32-32-46, 1972 public act 248, the "Connecticut Product Development Corporation Act") upheld. 167 C. 111. When thrust of challenge is that act violates this article and section, plaintiffs have demonstrated such invalidity if they can show beyond a reasonable doubt that legislation "directs the granting of an emolument or privilege to an individual or class without any purpose, expressed or apparent, to serve the public welfare thereby." *Id.* "Public purpose" discussed. *Id.* In deciding whether an act serves such a purpose the court has traditionally vested the legislature with wide discretion and suggests that the latter's determination should not be reversed unless "manifestly and palpably incorrect." *Id.* When plaintiffs claim ultimate benefits to be realized by the state are "remote," they are merely disputing business judgment of legislature. *Id.* The strong presumption of act's constitutionality will not be overcome simply because plaintiffs' economic forecasts differ from those of the legislature. *Id.* Chapter 581 (Secs. 32-32-32-46, 1972 public act 248, the "Connecticut Product Development Corporation Act") contains provisions which in their totality comprise a system of barriers preventing any automatic flow of public funds to preferred persons or groups. *Id.* Plaintiffs failed to sustain burden of overcoming the presumption in favor of the act's (1972 public act 248) constitutionality by showing beyond a reasonable doubt that it entitles successful applicants to exclusive public welfare thereby. *Id.* Sec. 14-66 is a proper exercise of the police power of the state and hence not a denial of equal protection of the laws. *Id.*, 304. As Sec. 7-433c was enacted for a proper public purpose, direct benefit incidentally conferred on a certain class of citizens does not render it invalid as a class preference. 168 C. 84. Equal protection not violated by Sec. 14-111(c). Legislature reasonably decided public safety is ensured by removing from the highway by license suspensions that class of drivers responsible for accidents that cause death. *Id.*, 94. Cited. *Id.*, 212; 169 C. 454, 471 (Diss. Op.). Present system of public school financing, relying principally on local taxes, violates this section; meaning and application of section and relationship to federal equal protection clause. 172 C. 615. Even a privilege may not be bestowed in an unconstitutional manner. *Id.*, 615, 656 (Diss. Op.). Cited. 173 C. 220; *Id.*, 473. Section does not require taxation to be equal and uniform. 174 C. 556. Exercise of judicial power by a retired judge who has been designated a referee is not unconstitutional. 177 C. 173. Cited. *Id.*, 304; 178 C. 664; 179 C. 311; *Id.*, 627; 188 C. 98, 100; 189 C. 550. Sec. 29-45 held to be constitutional. 192 C. 127. Cited. *Id.*, 207. Inapplicable to case on its face. 193 C. 506. Cited. *Id.*, 670. Legislative provisions for financing education violated provisions of Connecticut Constitution (*Horton v. Meskill*, 172 C. 615). *Id.* Cited. 194 C. 165; 195 C. 24. Equal rights cited. *Id.* Cited. 196 C. 623; 201 C. 421. Provision of collective bargaining agreement not in violation of equal protection policy. *Id.*, 577. Cited. 203 C. 624; 204 C. 17; *Id.*, 746. Equal protection cited. *Id.* Cited. 205 C. 17. Equal protection cited. *Id.* Cited. *Id.*, 27. Equal protection cited. *Id.* Cited. *Id.*, 495. Deprivation of fundamental constitutional rights cited. *Id.* Cited. 207 C. 496. Special act held unconstitutional where it constitutes award of exclusive public emolument or privilege not available to other persons and without a public purpose. 211 C. 199. Sec. 31-291 not in violation of this section. 212 C. 427. Cited. 213 C. 13; 217 C. 164. Equal protection of laws cited. *Id.* Cited. *Id.*, 404. Equal protection provisions cited. *Id.* Cited. *Id.*, 689; 228 C. 79; 229 C. 1. Equal rights provisions cited. *Id.* Cited. *Id.*, 312. Rights to equal protection cited. *Id.* Cited. *Id.*, 801; 232 C. 901; *Id.*, 902; 233 C. 437; *Id.*, 460. Neither preamble nor this section imposes on government an affirmative constitutional obligation to provide minimum subsistence to the poor. *Id.*, 557. Preserving unenumerated rights cited. *Id.* Cited. *Id.*, 701. Unencumbered right to shelter implicit in the term "social compact" in Connecticut Constitution Art. I, Sec. 1 cited. *Id.* Cited. 234 C. 217; 235 C. 637; 238 C. 1. Equal opportunity to a free public education cited; fundamental right to education cited. *Id.* "Neither the social compact clause nor its counterpart, natural law, constitutes a source of unenumerated rights under our constitutional scheme." *Id.*, 389. Social compact clause cited. *Id.* Cited. *Id.*, 809. Equal protection of the laws cited. *Id.* Cited. 239 C. 168; *Id.*, 708. Equal protection cited. *Id.* Cited. 240 C. 246; 243 C. 205. Statute that grants prosecutor discretion to recommend transfer of some juveniles from criminal docket to juvenile docket does not violate right to equal protection of the law. 245 C. 93. Town's conveyance of public park land was not an exclusive public emolument. 285 C. 309. Trial court properly determined that a special act allowing plaintiff, and only plaintiff, to present his claim against the state to the Claims Commissioner, despite his initial untimely filing of such complaint, was unconstitutional as an exclusive public emolument. 290 C. 245. Trial court did not lack subject matter jurisdiction in concluding that Sec. 31-294c(d) constitutes a public emolument in violation of section. 299 C. 800. Plaintiffs failed to establish that the educational system in this state violates the equal protection provisions of the state constitution by failing to ensure that the poorer school districts had funding that is substantially equal to the wealthier school districts. 327 C. 650.

Cited. 8 CA 50; 12 CA 455; 14 CA 77; 27 CA 495; judgment reversed, see 225 C. 499; 34 CA 833; 37 CA 801. Rights to a fair cross-section jury panel cited. *Id.* Cited. 39 CA 384. Denial of equal protection cited. *Id.* Cited. 45 CA 110. Equal protection cited. *Id.* A statute serves a public purpose when it benefits all state taxpayers; relevant test is not whether it adversely affects some persons but whether it promotes a public purpose more generally. 53 CA 438. Resolution authorizing plaintiff to commence lawsuit against the state for his alleged injuries violated provision against public emoluments because resolution contained no declaration as to public purpose served, nor could the court discern such public purpose. 150 CA 237. Resolution passed by the General Assembly that authorizes a plaintiff, and only the plaintiff, to commence a lawsuit against the state for alleged injuries and does not declare how it serves a public purpose violates the prohibition against public emoluments. 152 CA 177.

Legislature may grant right of eminent domain to but one county. 5 CS 251. Applied to use of drugs to prevent conception. 7 CS 277. Applied to right of appeal. 8 CS 75. State entered special defense questioning constitutionality of special act giving plaintiff permission to sue state for negligence. Demurrer to defense overruled. 20 CS 496. Zoning

ordinance limiting occupancy to elderly persons did not so serve the public welfare as to be within the police power. 26 CS 127. Zoning ordinance limiting occupancy to elderly persons did not so serve public welfare as to be within police power. Id. Sec. 52-159a not in violation of this section as it is a reasonable classification of persons protected pretrial. 28 CS 52. Cited. 32 CS 502; 37 CS 515; 38 CS 426; 40 CS 365; Id., 381. State regulation on Medicaid abortion funding is unconstitutional. Id., 394. Cited. 42 CS 172; Id., 526; 43 CS 470; 44 CS 34.

Cited. 3 Conn. Cir. Ct. 674, 679. Sunday law (Sec. 53-300) not a violation. 4 Conn. Cir. Ct. 493.

**(Source of political power. Right to alter form of government.)**

Sec. 2.<sup>1</sup> All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient.

<sup>1</sup> Does not apply to aliens. 96 C. 611. Cited. 195 C. 524; 197 C. 554; 216 C. 253; 232 C. 345. Possibility alleged taking might be temporary because of favorable resolution of administrative appeal does not preclude inverse condemnation action. 247 C. 196.

Cited. 37 CS 515.

**(Right of religious liberty.)**

Sec. 3.<sup>1</sup> The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in the state; provided, that the right hereby declared and established, shall not be so construed as to excuse acts of licentiousness, or to justify practices inconsistent with the peace and safety of the state.

<sup>1</sup> Cited. 7 C. 77; 16 C. 516. Statute restricting solicitation of funds for religious or charitable causes upheld. 126 C. 4; but see 310 U.S. 296. A condition in a custody action that minor attend school affiliated with his religious faith does not violate guarantee of freedom of religion. 141 C. 235. Reasonable regulation of location of churches and schools for religious education does not violate constitutional guarantee of freedom of religion. 149 C. 712. Continued confinement in a state hospital of a dementia praecox patient who mutilated himself under influence of religious delusions held not violation of this section. 157 C. 56. Cited. 172 C. 496; 177 C. 440; 199 C. 496. Right to freedom of religion cited. 205 C. 723. Right of religious liberty cited. 231 C. 944. Cited. 233 C. 557; 234 C. 324. Right to religious freedom cited. Id. Cited. 234 C. 455. Free exercise of religion cited. Id. Cited. 236 C. 646. State constitutional right of religious liberty cited. Id. Cited. 239 C. 356. Enumerated constitutional rights cited. Id. In zoning appeal, section applies to rights of religious institutions and is not limited to rights of individuals. 285 C. 381.

Cited. 7 CA 745; 17 CA 53. Free exercise of religion clauses cited. Id.

Cited. 29 CS 407; 37 CS 515; 39 CS 142; 42 CS 256. Free exercise of religion and freedom of religion cited. Id.

**(Liberty of speech and the press.)**

Sec. 4.<sup>1</sup> Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

<sup>1</sup> This section and the following do not confer the right to publish matter injurious to the public morals or such as endangers the vital interest of society. 73 C. 27–29. Cited. 27 C. 27. Of freedom of the speech and of the press in general. 73 C. 18. Statements before investigating board of city council; 64 C. 223; petition to police commissioners for removal of officer; express malice; 66 C. 175; statements of district superintendent to board of school visitors; 81 C. 293; of pastor of church in criticism of member; 85 C. 23; statements to police officer as to loss of money and suspicion of theft; 87 C. 220; of military officer to his superior as to fitness of candidate for promotion. 88 C. 247. Right of newspaper to criticize public officer. 90 C. 98. Ordinance prohibiting making of speeches in public parks or on streets or sidewalks without obtaining permit from chief of police, and prescribing no uniform rule to be followed in issuing permits is void. 96 C. 194. Act prohibiting publishing disloyal matter concerning the U.S. government held constitutional. Id., 607. This section does not apply to aliens, when. Id., 614. Court's charge on freedom of the press approved. 113 C. 580. Statute restricting solicitation of funds for religious or charitable causes upheld. 126 C. 4; but see 310 U.S. 296. The issuance of an injunction to restrain picketing for an unlawful purpose does not violate guarantee of free speech. 139 C. 95; 146 C. 93. Since our antiobscenity statute (Sec. 52-243) has been construed as including scienter requirement by implication, constitutionality of statute is not open to attack on ground that it lacks such a requirement. Test of whether material can be adjudged obscene is whether, to the average person applying contemporary community standards, the dominant theme of the material, taken as a whole, appeals to the prurient interest. Question of suppressibility under constitutional standards is one of law. 150 C. 92. Freedom of commercial speech discussed. 192 C. 15. Commercial speech discussed. Id., 27. Both Connecticut Constitution Art. I, Sec. 14 and this section are designed as a safeguard against acts of the state and do not limit the private conduct of individuals or persons. Id., 48. Cited. 193 C. 612. Right of free speech cited. 197 C. 141. Until defendants have exhausted administrative remedies they cannot claim denial of right of free speech under state constitution. 199 C. 575. Cited. 203 C. 624. Rights to free speech cited. Id. Cited. 204 C. 551; Id., 683; 205 C. 495. Deprivation of fundamental state constitutional rights cited. Id. Cited. 208 C. 146. Free expression cited. Id. Cited. 212 C. 176; 215 C. 590. Right to free speech and protection of commercial speech cited. Id. Unconstitutionally over broad cited. Id. Freedom of the press cited; constitutional rights cited. 221 C. 166. Free speech clauses cited. 222 C. 672. Cited.

226 C. 773. Free speech clauses cited. 229 C. 10. Cited. 230 C. 525; 232 C. 65; Id., 345. Free speech provisions cited; void for overbreadth cited; free speech and vagueness test cited. Id. Cited. 233 C. 557; 234 C. 455. Right to freedom of speech under state constitution cited. 236 C. 781. Cited. 239 C. 356. Enumerated constitutional rights; freedom of speech cited. Id. In order to prevail on claim that municipal ordinance violates state constitution plaintiff must identify the specific additional expressive rights recognized under state constitution and describe how such rights are infringed upon by the ordinance. 254 C. 799. Town ordinance restricting park access to residents and their guests violates freedom of speech guarantee. 257 C. 318. Minimal state involvement present in private shopping mall does not constitute state action. 270 C. 261. Speech rights may be waived by contract. 292 C. 187. Under the state constitution, employee speech pursuant to official job duties on certain matters of significant public interest is protected from employer discipline in a public workplace; modified balancing test in 391 U.S. 563 and 461 U.S. 138 applies to speech by a public employee pursuant to the employee's official duties. 319 C. 175.

Constitutionally protected free speech cited. 6 CA 407. Cited. 7 CA 418. Protected speech and conduct cited. 12 CA 258. Cited. Id., 455. Right to free speech cited. Id. Constitutionally protected speech cited. Id., 481. Free speech guaranty cited. 18 CA 316. Constitutional guarantee of free speech cited. 25 CA 16. Cited. 27 CA 103; 32 CA 656; judgment reversed in part, see 232 C. 345. Right of free speech cited. Id. Over breadth or vagueness cited. Id. Cited. 38 CA 306. Involved right to free speech cited; "fighting words" limitation cited. Id. Free speech cited. 44 CA 611. Cited. 46 CA 559. Prohibition of harassing telephone calls under Sec. 53-183(a)(3) is not unconstitutionally overbroad; the statute prohibits purposeful harassment by use of telephone and does not prohibit speech on public concerns. 55 CA 475. Ordinance did not violate free speech guarantee as it contained no restriction on content and merely regulated size of residential signs. 60 CA 376. Protection of citizen complaints of police misconduct from threat of defamation actions for statements made during a quasi-judicial proceeding serves public policy of protecting free speech that furthers the interests of a democratic society. 78 CA 549.

Private property owners rights are subordinate to rights under this section and Sec. 14 of this article. 37 CS 90. Cited. Id., 515; 38 CS 349; 41 CS 31. Constitutional right to freedom of speech cited. Id. Opinions protection by state constitution cited. Id. Civil union legislation does not deny plaintiffs, eight same sex couples, the right of free expression and association because civil union and marriage in Connecticut now share same benefits, protections and responsibilities under law; Connecticut Constitution requires that there be equal protection and due process of law, not that there be equivalent nomenclature for such protection and process. 49 CS 644.

### **(Prohibiting laws limiting liberty of speech or press.)**

Sec. 5.<sup>1</sup> No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

<sup>1</sup> A statute forbidding the publication of proposals for selling lottery tickets does not infringe the liberty of the press. 28 C. 228. State may define criminal libel and make press subject thereto. 90 C. 98. The issuance of an injunction to restrain picketing for an unlawful purpose does not violate guarantee of free speech. 139 C. 95; 146 C. 93. Obscenity is not protected by this section; constitutionality of Sec. 53-243, making it a crime to possess obscene literature, upheld. Id., 78. Since our antiobscenity statute (Sec. 53-243) has been construed as including a scienter requirement by implication, constitutionality of statute is not open to attack on ground that it lacks such a requirement; the test of whether material can be adjudged obscene is whether, to the average person applying contemporary community standards, the dominant theme of the material, taken as a whole, appeals to the prurient interest; the question of suppressibility under constitutional standards is one of law. 150 C. 92. Freedom of commercial speech discussed. 192 C. 15. Cited. Id., 48. Until defendants have exhausted administrative remedies, they cannot claim denial of right of free speech under state constitution. 199 C. 575. Rights to free speech cited. Id. Cited. 203 C. 624. Rights to free speech cited. Id. Cited. 204 C. 683; 205 C. 456. Right to free speech cited. Id. Cited. Id., 495. Deprivation of fundamental state constitutional rights cited. Id. Cited. 212 C. 176; 215 C. 590. Right to free speech and protection of commercial speech; unconstitutionally overbroad cited. Id. State right to privacy cited; plaintiff did not establish standing to assert constitutional rights of individual permit (to carry pistols or revolvers) holders not properly before the court. 222 C. 621. Free speech clauses cited. Id., 672. Cited. 226 C. 773. Free speech clauses cited. 229 C. 10. Cited. 230 C. 525; 232 C. 345. Free speech provisions; void for overbreadth; free speech and vagueness test cited. Id. Cited. 233 C. 557. In order to prevail on claim that municipal ordinance violates state constitution, plaintiff must identify the specific additional expressive rights recognized under state constitution and describe how such rights are infringed upon by the ordinance. 254 C. 799. Town ordinance restricting park access to residents and their guests violates freedom of speech guarantee. 257 C. 318. Minimal state involvement present in private shopping mall does not constitute state action. 270 C. 261. Speech rights may be waived by contract. 292 C. 187. Under the state constitution, employee speech pursuant to official job duties on certain matters of significant public interest is protected from employer discipline in a public workplace; modified balancing test in 391 U.S. 563 and 461 U.S. 138 applies to speech by a public employee pursuant to the employee's official duties. 319 C. 175.

Guarantee of freedom of speech requires that part of the breach of peace statute (Sec. 53a-181) prohibiting use of abusive language be confined to language which constitutes "fighting" words. 1 CA 669. Protected speech and conduct cited. 12 CA 258. Cited. Id., 455. Free speech provisions cited. Id. Cited. 32 CA 656; judgment reversed in part, see 232 C. 345. Right of free speech; overbreadth or vagueness cited. Id. Cited. 38 CA 306. Involved right to free speech; "fighting words" limitation cited. Id. Cited. 46 CA 559. Prohibition of harassing telephone calls under Sec. 53-183(a)(3) is not unconstitutionally overbroad; the statute prohibits purposeful harassment by use of telephone and does not prohibit speech on public concerns. 55 CA 475.

Applied to use of drugs to prevent conception. 7 CS 277. Discussion of protected and unprotected speech. 35 CS 587. Cited. 37 CS 90; Id., 515; 41 CS 31. Constitutional rights of freedom of press; opinions protected by state constitution cited. Id. Cited. Id., 66. Civil union legislation does not deny plaintiffs, eight same sex couples, the right of free

expression and association because civil union and marriage in Connecticut now share same benefits, protections and responsibilities under law; Connecticut Constitution requires that there be equal protection and due process of law, not that there be equivalent nomenclature for such protection and process. 49 CS 644.

Obscenity is not protected by the language of this section. 3 Conn. Cir. Ct. 441. Criteria for determining obscenity discussed. *Id.*, 442.

#### **(Prosecutions for libel; defenses.)**

Sec. 6.<sup>1</sup> In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts, under the direction of the court.

<sup>1</sup> See 75 C. 232. Applies only to criminal prosecutions. 91 C. 442. In slander plea in justification must be as broad as the charge complained of. 117 C. 601. Object of provision is to put libel cases on same footing as other criminal prosecutions, but it does not curtail right of court to determine law to be applied by jury in rendition of general verdict in prosecution for libel. 148 C. 208.

#### **(Security from searches and seizures.)**

Sec. 7.<sup>1</sup> The people shall be secure in their persons, houses, papers and possessions from unreasonable searches or seizures; and no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

<sup>1</sup> Evidence obtained by searches and seizures in violation of federal constitution inadmissible in state court. 367 U.S. 643. Applicable to search warrants only. 4 C. 118. Form of oath required to procure warrant to seize liquors. 30 C. 458. Separate search warrant for each suspected place not required. 27 C. 455. Search for and seizure of photographs by police officers, held not to be in violation of this section. 67 C. 304, 305. Cited. 12 C. 43. Requires written charge and notice, before justice of the peace can punish for contempt not committed in his presence. 75 C. 355. Right of legislature to authorize officer to seize fishing tackle being unlawfully used without warrant; 90 C. 584; so to seize liquor unlawfully kept. 29 C. 478. Policemen's entrance into burning house and seizure of still and liquors without warrant held legal. 97 C. 545. When search of person of a suspect without warrant held valid. 101 C. 228. Reasonableness of search or seizure is for court to determine from the circumstances. 112 C. 173. Articles offered in evidence, relevant to issue of guilt of accused person, will not be excluded because seized in violation of this provision. 120 C. 573. Cited. 126 C. 434. If search and seizure were incidental to lawful arrest, they were not unreasonable. 149 C. 567. Cited. *Id.*, 572, 583, 586. If one consents to a search of his person, possessions or living quarters, he waives his constitutional protection. 150 C. 457. Where information obtained from search prompted arrest, held state could not claim search was incidental to lawful arrest. *Id.*, 488. Whether a search is reasonable and the evidence seized therefore admissible is a question for the court in light of the circumstances of the case and constitutional guarantees. 152 C. 93. Bases for finding of probable cause for issuance of a search warrant discussed. 153 C. 8. Hearsay information from informer may enter into determination of probable cause so long as a substantial basis is shown for crediting the hearsay. *Id.*, 9. Search by police officer, not made as an incident to a lawful arrest, if otherwise reasonable, could be justified under this section, and the fourth amendment and fourteenth amendment, Sec. 1 of the U.S. Constitution only on proof that protection afforded by these provisions had been waived. *Id.*, 70, 71. Cited. *Id.*, 133, see 198 C. 255; *Id.*, 151. 3-week delay in arresting defendant not an unreasonable seizure of his person where purpose of delay was to protect identity of undercover agent and no prejudice to defendant appeared. *Id.*, 564. Illegal arrest, under federal constitution, cannot be objected to during habeas corpus proceeding when no timely objection is made at trial. 155 C. 627. Motion for suppression of evidence obtained by search under warrant was properly denied where items seized were reasonably related to crime charged of rape and kidnapping; items seized under warrant on prior circuit court arraignment not returnable because Superior Court asserted jurisdiction. 157 C. 198. Search of defendant's car without warrant permissible when he was being arrested while seated therein for commission of misdemeanor a short time before. *Id.*, 222. Verdict and judgment of guilty reversed where arrest of defendant for trial for perjury was based on an invalid warrant. 159 C. 96. Judge who issued search warrant is not required to cross-examine the officers concerning the facts which they had submitted to him under oath. *Id.*, 521. Cited. 162 C. 440. Police have the right to stop for investigation short of arrest where a police officer observes unusual conduct which leads him to conclude criminal activity may be afoot. 165 C. 577. Cited. 169 C. 322; 170 C. 85. Warrantless search of motor van, with probable cause, upheld; knowledge of entire organization imputed to police officer. 171 C. 119. Cited. 175 C. 614; 176 C. 17; *Id.*, 75; 179 C. 46; *Id.*, 522. Blood test constitutes a search and seizure. 180 C. 290. Court's construction of Sec. 54-41c(8) in accord with standards for protection of privacy. *Id.*, 345. Cited. 181 C. 151; *Id.*, 172; *Id.*, 299; 183 C. 394. Unidentified informant and probable cause discussed. 185 C. 104. Any such "search" in case is lawful as incident to a lawful arrest. 186 C. 45. Defendant was "seized" within meaning of constitutional provisions so as to invoke its protection. *Id.*, 287. Cited. 187 C. 647; 189 C. 228; *Id.*, 461. Warrantless search and seizure at premises destroyed by fire discussed. *Id.*, 752. Cited. 190 C. 440; 191 C. 360; 193 C. 70; *Id.*, 612; *Id.*, 695; 194 C. 331; *Id.*, 530; 195 C. 668; 196 C. 685. Provides more substantive protection than does the fourth amendment to the federal constitution in determination of probable cause. 197 C. 219. Court held an illegal arrest imposes no jurisdictional barrier to a defendant's subsequent prosecution and overruled 153 C. 127 to the extent that it holds to the contrary. 198 C. 255. Illegal search cited. *Id.*, 348. Cited. 199 C. 399; *Id.*, 718; 200 C. 82; *Id.*, 151. Unconstitutional arrest; fundamental constitutional right and a fair trial cited. 201 C. 559. Cited. 202 C. 385. Constitutional rights against unreasonable search and seizure cited. *Id.* Cited. 204 C. 187; *Id.*, 259; 205 C. 298; *Id.*, 456; *Id.*, 560; *Id.*, 638. Illegal searches and seizures cited. 207 C. 152. Cited. *Id.*, 565; 209 C. 1; *Id.*, 98; 211 C. 258; 212 C. 223; *Id.*, 821. Unconstitutional search cited. 214 C. 752. Probable cause discussed.

215 C. 667. Good faith exception to exclusionary rule incompatible with this section of the Connecticut Constitution. 216 C. 150, see also 26 CA 423, 27 CA 291, 223 C. 902 and 225 C. 10, reversing judgment in *State v. Marsala*. Good faith exception to exclusionary rule; required suppression; costs of exclusionary rule cited. Id. Cited. Id., 172. Constitution does not authorize good faith exception to exclusionary rule. Id., 185. Cited. Id., 402; Id., 514. Search and seizure; constitutionally protected interests in human dignity and privacy cited. Id. Cited. 217 C. 73; 218 C. 85. "Totality of circumstances" analysis of probable cause discussed. 219 C. 529. Cited. Id., 557; 220 C. 920. Illegal search and seizure cited. 222 C. 254. Cited. Id., 910. Applicability of emergency doctrine is analyzed by de novo review of subordinate facts found by trial court to determine justification of warrantless entry. Id., 672. State constitutional grounds; state search and seizure clause cited. Id. Cited. 223 C. 127. Constitutional requirement of probable cause; "totality of circumstances" test cited. Id. Cited. Id., 207; Id., 283; Id., 635; Id., 903; 224 C. 593. Constitutional rights cited. Id. Search and seizure by police of garbage placed at curb for collection did not violate this constitutional provision. Id., 627. Constitutional right to be free of unreasonable searches and seizures cited. Id. Cited. Id., 914; Id., 915. Held, good faith exception to exclusionary rule is incompatible with Connecticut Constitution Art. I, Sec. 7, 216 C. 150; judgment of Appellate Court in 26 CA 423, 27 CA 291, 223 C. 902 reversed. 225 C. 10. Cited. Id., 55. Unconstitutional seizure cited. Id. Cited. Id., 609. Emergency exception to warrant requirements of state constitution cited. Id. Does not entitle defendant to de novo review of issue of probable cause. 226 C. 514. Cited. 227 C. 1; Id., 101. Unlawful, forcible detention of a person and "seizure" cited. Id. Cited. Id., 207. Authorized search cited. Id. Warrantless automobile search supported by probable cause conducted after automobile has been impounded at police station violates this section. Id., 363. Constitutional preference for warrants cited. Id. Cited. Id., 456. Illegal arrest cited. Id., 534. Cited. 228 C. 62. Seizure and unlawful seizure cited. Id. Cited. Id., 281; Id., 610. Chemical test on clothing constituted an unreasonable search under this article; judgment of Appellate Court in 30 CA 164 reversed. 229 C. 10. Search and seizure warrant requirements cited. Id. Cited. Id., 125; Id., 164. Violation of seizure rights cited. Id. Cited. 230 C. 24. Reasonable and articulable suspicion standard discussed; canine sniff as a "search" discussed. Id., 372. Unconstitutional search cited. Id. Cited. 231 C. 43. Search and seizure; exigent circumstances cited. Id. Cited. Id., 115. Right of privacy under state constitution cited. Id. Detention for investigative purposes cited. 232 C. 455. Cited. 233 C. 557; 234 C. 903. Sec. 7 does not categorically bar the seizure of non-threatening contraband detected through sense of touch during a lawful patdown search; judgment of Appellate Court in 37 CA 561 reversed. 236 C. 216. Unconstitutional search cited. Id. Cited. 237 C. 81. Challenge to warrantless entry; evidence obtained in violation of rights cited. Id. Cited. Id., 390. Illegal seizure cited. Id. Department regulations pertaining to nonprivileged inmate telephone calls are consistent with Connecticut Constitution Art. I, Sec. 7. 238 C. 692. Privacy right to telephone calls cited. Id. Illegal, unreasonable search; unconstitutional intervening search cited. 239 C. 235. Taking of property in violation of Connecticut Constitution cited. Id., 515. "Probable cause" and "reasonable and articulable suspicion" standards discussed. 240 C. 365. Prohibition against unreasonable searches and seizures cited. Id. Cited. Id., 489. State violated rights of search cited. Id. Cited. 241 C. 650. Violation gives rise to a private cause of action for money damages. 244 C. 23. Defendant did not have a reasonable expectation of privacy in charred wood flooring samples that had been lawfully seized from his home pursuant to a fire investigation and therefore search warrant was not required to conduct tests on the samples. 246 C. 63. Trial court reversed; warrantless search and seizure was conducted incident to an arrest that was lawful and evidence was incorrectly suppressed. 248 C. 183. State constitutional standard for facial challenge to a warrant is the same as federal standard. 251 C. 567. Police violated defendant's rights by detaining defendant because his vehicle was located in an area of increased criminal activity at an early hour of the morning. Id., 636. A sobriety checkpoint operated under neutral criteria found to be constitutionally permissible in light of the state's significant interest in preventing motorists from driving under the influence of alcohol. 256 C. 543. Trial court reversed; informant's basis of knowledge giving rise to warrantless search of automobile by police does not require that informant have firsthand visual knowledge of illegal activity; warrantless on the scene search of an automobile permitted only because obtaining warrant would be impracticable in light of the inherent mobility of automobiles and the latent exigency that mobility creates. 257 C. 216. Exclusionary rule did not apply in probation violation hearing in present case, where search made pursuant to search warrant, case did not present itself as one of egregious, shocking or harassing police misconduct, search warrant obtained after police observed defendant engaged in drug transaction, defendant did not contest legality of that search warrant and defendant made no offer of proof that that police executing search warrant knew he was on probation at the time. 258 C. 501. Unnecessary for court to decide whether search warrant was required to conduct a thermal imaging scan to detect heat emanating from the artificial lighting system used to cultivate marijuana within commercial premises; affidavit supporting search warrant application for defendant's commercial premises contained sufficient other facts to establish probable cause for issuance of the warrant without the results of the thermal imaging scan. 259 C. 94. On appeal of trial court's dismissal of criminal count due to lack of probable cause, Supreme Court, having jurisdiction to consider the question, determined that probable cause did exist for the arrest. 261 C. 395. Voluntary statement not attenuated from taint of unlawful arrest and admissible based on totality of circumstances, including passage of eleven hours between arrest and statement and the facts that defendant had been given Miranda warnings twice and that unlawfulness was not purposeful or flagrant. 262 C. 179. Where anonymous tip was corroborated by two separate observations by investigating officer, it was held that probable cause existed to search or arrest defendant and subsequent search of defendant's person and vehicle incident to such arrest was therefore lawful. Id., 686. Police detained suspect without reasonable and articulable basis to suspect criminal activity had occurred or was about to occur where defendant was detained by state trooper who had noticed vehicle parked at night in parking lot of publicly owned athletic fields that were known for criminal activity. 267 C. 495. Both present joint occupants must consent to search of jointly controlled property for the search to be valid. 276 C. 40. Art. I, Sec. 7 of state constitution does not embody automatic standing doctrine. 283 C. 280. Municipal police officers were entitled to qualified immunity under common law for plaintiff's claims that officers' discretionary actions in removing her from dwelling in which she had valid possessory interest violated her rights under this section because nothing made it apparent to officers that plaintiff would have been subject to any harm by their actions and there was no evidence that the officers acted with any improper motive. 284 C. 502. Defendant was not in possession or control of box that was partially opened by private shipping company employee and was later completely opened in presence of police and, therefore, defendant was not a bailee of the box; defendant lacked standing to challenge alleged warrantless search of box. 285 C. 367. The mere

presence of two uniformed officers, unaccompanied by any aggressive or coercive conduct, is not a show of authority that constitutes a seizure; it serves law enforcement purposes for the officers to make a brief inquiry of the defendant to determine whether assistance is required. 288 C. 836. Defendant had reasonable expectation of privacy in contents of cell phone, including his subscriber number, however search and seizure by New York town's police was valid under automobile exception to warrant requirement; where search was made by New York town's police, there was no evidence that Norwalk police intended to violate Connecticut Constitution by circuitous and indirect methods, and it was clear that New York town's police were not acting as agents for Norwalk police, therefore, legality of search must be determined under New York constitutional law. 295 C. 707. Police officers were justified in concluding that an emergency situation existed within residence that necessitated a warrantless entry to search for possible victims given defendant's history with weapons and drugs, his extreme attempt to avoid arrest and his lack of any apparent connection with house or its residents. *Id.*, 785. When the police are familiar with the informant and his credibility has been established, and the police are able to corroborate several aspects of a tip by personal observation, the fact that the tip did not state the informant's basis of knowledge does not preclude the officers from having a reasonable and articulable suspicion of criminal activity warranting an investigative stop. 297 C. 1. State constitution does not provide increased protection beyond the federal constitution with respect to nontraffic-related questioning and requests for consent to search automobile during routine traffic stops. 298 C. 209. Transfer of defendant's personal effects from New York City police to New Haven police without a search warrant did not violate defendant's right to be secure from unreasonable searches or seizures when New York City police lawfully seized the items and the subsequent seizure by New Haven police did not involve a greater intrusion into defendant's privacy interests than the initial one. 304 C. 383. Defendant's Internet conversation expressing interest in and requesting pornographic image of children establishes probable cause to support the issuance of warrant to search defendant's residence for evidence of the crime of possession of child pornography. 308 C. 678. It is reasonable and permissible for officers to briefly detain a suspect's companion incident to the lawful stop of the suspect when the officers reasonably believe that the suspect presents a threat to their safety. 313 C. 1. Warrantless recording of a telephone conversation that has the consent of one party to the conversation, but not defendant's consent, does not violate the prohibition on unreasonable searches and seizures because defendant does not have a reasonable expectation of privacy in such telephone conversation. 318 C. 699. This section does not afford greater protection than the fourth amendment to the federal constitution regarding the issue of an administrative search warrant during an *ex parte* proceeding; an adversarial hearing is not required prior to the issuance of a judicial order authorizing an administrative search; a property owner or occupant is not constitutionally required to receive notice and an opportunity to be heard in court before judicial authorization for an administrative search may be granted. 322 C. 80. Defendant was seized no later than when one of the police officers commanded him to stop and such seizure was not supported by a reasonable and articulable suspicion of criminal activity to justify a warrantless seizure. 323 C. 34. A canine sniff directed toward a home, whether freestanding or part of a multitenant structure, is a search under this section and requires a warrant issued upon a court's finding of probable cause. 324 C. 80.

Cited. 3 CA 359. Constitutional right to be free from unreasonable seizure cited. 5 CA 586. Right to be free from unreasonable search and seizure cited. 6 CA 124. Cited. *Id.*, 394. Warrantless search under state constitution cited. *Id.* Cited. 7 CA 46. Investigative stop; seizure and search and seizure cited. *Id.* Standard for measurement of probable cause more strict than that used under federal constitution. *Id.*, 354. Cited. *Id.*, 550; 8 CA 13; *Id.*, 125; 10 CA 7. Defective warrant cited. *Id.*, 103. Cited. *Id.*, 217. "Sensible threshold" standard discussed; search and seizure cited. *Id.*, 561. Cited. 11 CA 11; 13 CA 69; *Id.*, 139. Unreasonable warrantless search cited. *Id.*, 413. Cited. 14 CA 134. Unreasonable searches and seizures cited. *Id.* Fourth amendment and state constitutional rights cited. *Id.*, 574. Evidence obtained pursuant to objectively reasonable reliance on a subsequently invalidated search warrant is admissible. *Id.*, 605. Search violated rights cited. 15 CA 161. Cited. *Id.*, 416. Right to be free of unreasonable searches and seizures cited. *Id.* Cited. *Id.*, 519. Denial of motion to suppress cited. *Id.*, 539. Cited. *Id.*, 589; 16 CA 223. Exigent circumstances discussed. 17 CA 142. Unreasonable warrantless searches of private property cited. *Id.* Cited. *Id.*, 556; *Id.*, 635. Granting of motion to suppress on state constitutional grounds cited. *Id.* Prohibition of unreasonable warrantless searches cited. 18 CA 32. Cited. *Id.*, 104. Unconstitutional entry cited. *Id.* Cited. *Id.*, 423; *Id.*, 658; judgment reversed, see 216 C. 185. Prohibition on unreasonable searches and seizures cited. *Id.*, 694. Cited. 19 CA 265. Constitutional guarantees against unreasonable searches and seizures cited. *Id.*, 296. Good faith exception to exclusionary rule cited. *Id.*, 478; judgment reversed, see 216 C. 150, see also 26 CA 423, 27 CA 291, 223 C. 902 and 225 C. 10, reversing judgment in *State v. Marsala*. Cited. *Id.*, 594. Right to be free from unreasonable searches and seizures cited. 20 CA 168; judgment reversed, see 215 C. 667. Constitutional questions not properly raised at a nonadjudicatory preliminary hearing. *Id.*, 321. Unconstitutionally seized; illegal entry and search cited. *Id.* Cited. *Id.*, 336. State constitution cited. *Id.* Cited. 21 CA 162. Warrantless search cited. *Id.*, 506. Cited. 22 CA 10; *Id.*, 40. Good faith exception to exclusionary rule discussed. *Id.*, 62. Cited. *Id.*, 118; 23 CA 50. No unreasonable search and seizure cited. *Id.* Failure to suppress evidence in violation of state constitutional rights cited. *Id.*, 602. Warrantless search per se unreasonable cited. 24 CA 259. Illegal seizure cited. *Id.*, 300. Right against unreasonable searches and seizures cited. *Id.*, 347. Unconditional plea under Alford doctrine constitutes waiver of right to challenge constitutionality of arrest and subsequent search. *Id.*, 408. Illegal search and seizure; right not be arrested without probable cause cited. *Id.* Attenuation of taint discussed. 25 CA 282. State constitutional claim cited. *Id.* "Totality of circumstances" test discussed. *Id.*, 428. Exclusionary rule and "totality of circumstances" cited. *Id.* State constitution construed to allow warrantless searches incident to lawful arrests. *Id.*, 575. Cited. 26 CA 423, see also 27 CA 291, 223 C. 902 and 225 C. 10, reversing judgment in *State v. Marsala*. Cited. *Id.*, 481; judgment reversed, see 224 C. 494. Cited. *Id.*, 667. Seizure and detention in violation of constitutional rights cited. 27 CA 49. Cited. *Id.*, 128. Does not protect defendant from warrantless search of garbage left in public place for disposal; "totality of circumstances" analysis discussed. *Id.*, 248. Search and seizure cited. *Id.* Cited. *Id.*, 307; *Id.*, 370. "Exigent circumstances" discussed in connection with warrantless searches and seizures. *Id.*, 403. Cited. *Id.*, 741. Warrantless search per se unreasonable cited. *Id.* Cited. 28 CA 508. Violation of fundamental right cited. *Id.* "Probable cause" and existence of "exigent circumstances" and inevitable discovery exception to exclusion rule discussed. 29 CA 207. Search violative of Connecticut Constitution cited. *Id.* Cited. *Id.*, 843. Unreasonable searches and seizures cited. *Id.* Cited. 30 CA 164; judgment reversed, see 229 C. 10. Illegal search and seizure; expectation of privacy cited. *Id.* Cited. *Id.*, 249. Connecticut Constitution requires "inadvertence" for plain

view seizure cited. *Id.* Cited. *Id.*, 550; *Id.*, 712. Evidence seized in violation of constitutional rights; searches and seizures cited. 31 CA 178. Cited. *Id.*, 443. Constitutes search under state constitution cited. *Id.* Cited. *Id.*, 548. State constitutional rights cited. *Id.* Cited. 32 CA 84. Rights to be free from unreasonable searches cited. *Id.* Cited. *Id.*, 267; *Id.*, 402. Freedom from unreasonable search and seizure; fundamental constitutional right to liberty cited. *Id.* Cited. *Id.*, 505. Not seized within meaning of state constitution cited. *Id.* Cited. 33 CA 409. Constitutional rights violation cited. *Id.* Cited. *Id.*, 590; 34 CA 492; 35 CA 279; *Id.*, 781. Illegal arrest under state constitution cited. 36 CA 161. Cited. *Id.*, 401. Illegal arrest and right to fair trial; unconstitutional arrest and seizure cited. *Id.* Cited. *Id.*, 488; 37 CA 40. Motion to suppress evidence cited. *Id.* Cited. *Id.*, 276. Provisions of Sec. 7 do not permit expansions recognized under the federal constitution. 37 CA 561; judgment reversed, see 236 C. 216. Cited. 38 CA 29; *Id.*, 588; *Id.*, 750; 39 CA 11. Right to be free of unreasonable searches and seizures cited. *Id.* Cited. *Id.*, 224; *Id.*, 369; *Id.*, 579. Constitutionality of search of defendant's pockets cited. *Id.* Cited. 40 CA 420; *Id.*, 544; *Id.*, 762. Custodial arrest cited. *Id.* Entry of insurance company agents in defendant's business premises does not constitute illegal search under constitutional provisions. *Id.*, 789. Cited. 41 CA 772. Rights against unreasonable seizures; inevitable discovery doctrine cited. *Id.* Cited. 42 CA 1. Warrantless and illegal searches, constitutional prohibitions in stop and seizure and "plain feel" doctrine cited. 43 CA 448. Warrantless search cited. 44 CA 6. Unlawful seizure cited. 45 CA 148. Cited. *Id.*, 679; *Id.*, 804. Unreasonable search and seizure cited. *Id.* Cited. 46 CA 350. "Totality of the circumstances" test discussed; because probable cause for warrantless arrest was established based on Aguilar-Spinelli factors, trial court improperly introduced a second level of review under the "totality of the circumstances" analysis. 47 CA 424. Search in violation of state constitution; constitutional protections against unwarranted search and seizure cited. *Id.* Franks analysis applied under the federal constitution to challenge the veracity of statements made in a warrant affidavit also applies under the state constitution. *Id.*, 706. Voluntary consent to warrantless search or entry into a house discussed; police investigator's statement that he would "apply for a warrant" was not inherently coercive when viewed as one factor in the totality of circumstances and was not sufficient to render consent to warrantless search involuntary. 49 CA 738. Entry into premises by police in community caretaking role to protect or preserve human life deemed a reasonable search. 50 CA 77. Urinalysis found to be a reasonable condition of defendant's probation and suppression of evidence related thereto held to be improper. *Id.*, 187. Police may detain an individual for investigative purposes if there is a reasonable and articulable suspicion that the individual is engaged in or about to engage in criminal activity. 56 CA 181. Detention at roadside sobriety checkpoint conducted pursuant to practice embodying neutral criteria did not constitute an unreasonable seizure. *Id.*, 252. Provides same protection as fourth amendment. 57 CA 202. Whether state constitution embraces the principle of automatic standing with regard to defendant seeking to suppress evidence as the fruit of an illegal search remains an open but important question. *Id.*, 396. Drugs were properly seized after officer's plain view of defendant's disposal of the drugs in a garbage can in a public area. 58 CA 136. Officer's suspicion that vehicle occupant was a prostitute did not constitute valid reason for search and subsequent arrest. *Id.*, 267. Evidence sufficient to constitute probable cause to arrest defendant and therefore search of defendant and vehicle incident to that arrest was permissible even though search preceded arrest. 59 CA 272. "Reasonable and articulable suspicion that person is engaged in or about to engage in criminal activity" warranted by specific and identifiable facts. 62 CA 376. Motion to suppress properly denied despite scrivener's error in affidavit for search warrant since the affidavit presented a substantial factual basis for magistrate's conclusion that probable cause existed to issue warrant and warrant itself was accurate as to place and persons to which it applied. 63 CA 263. Weapons and narcotics were properly seized in search incident to a lawful arrest notwithstanding that such items were seized from beneath a floorboard in a closet while defendant was handcuffed and four feet away from the closet. *Id.*, 476. Court concluded that defendant's fenced backyard and driveway of his single family, private home constitute the constitutionally protected curtilage of his house and that defendant therefore had an expectation of privacy in the fenced area equal to that of the house itself. 64 CA 93. Defendant's constitutional rights not violated by seizure of items in defendant's apartment that were in officers' plain view when officers entered the apartment to arrest defendant pursuant to an arrest warrant. 70 CA 160. Investigatory stop by extraterritorial police officer did not violate defendant's right to be free from unreasonable searches and seizures; a seizure may be constitutionally reasonable even if it is not specifically authorized by statute. *Id.*, 297. Trial court's determination that evidence established that victim and defendant lived together in the apartment and that victim, as an occupant, was lawfully entitled to give police permission to search her home and seize items from it to be used in prosecution of defendant, that defendant had no reasonable expectation of privacy as to items in the apartment and that victim voluntarily consented to the search when she signed the consent to search form and that there was no indication that her will was overborne or that her consent was the result of promises, force, threats or other coercion was not clearly erroneous, and its denial of defendant's motion to suppress was legally correct and supported by the facts. *Id.*, 594. Reiterated previous holdings that even if there was no probable cause for arrest, police officer could detain individual based on reasonable suspicion and totality of evidence, even if defendant wore different clothing than suspect. 74 CA 248. Warrantless search of defendant's person was incident to lawful arrest for possession of narcotics with intent to sell, for which there was probable cause for the arrest, independent of search of the premises. *Id.*, 693. Corroborated information from informant, detective's independent observations of three drug transactions and crack cocaine found in plain view clearly established probable cause to search and arrest. 81 CA 361. Terry stop of defendant and resulting admission of evidence was permissible because of the circumstances including defendant's apparent use of force to enter a building that was prone to drug activity, apparent commission of criminal trespass and inability to present key or name those he was visiting. 83 CA 377. Police action of moving defendant three hundred feet from residence for security reasons and purpose of a show-up identification that provided probable cause for arrest was permissible investigative detention and not impermissible arrest. 85 CA 329. Because police officer's initial encounter with defendant was to assist him as a distressed motorist, officer's conduct did not constitute illegal seizure, except that a seizure under these facts later arose once additional cruisers arrived at which time a reasonable person in defendant's position would not have felt free to leave; defendant's erratic behavior including jumping into vehicle and trying to drive off, nervous demeanor and rocking back and forth, and inability to produce license or registration, provided reasonable and articulable suspicion of criminal activity, that is, of presence of contraband in vehicle. *Id.*, 356. Reaffirmed previous holdings that police must have specific, articulable facts for search and seizure, such as unusual conduct; size and manner of clothing are not criminal behavior. *Id.*, 755. Terry stop was not more intrusive than necessary to complete the investigation for which the stop was made. 87 CA 464. Since decision by police to

detain defendant was predicated on reasonable and articulable suspicion that defendant was involved in drug activity and likely was transporting drugs in his vehicle at the time in light of information given by informant and their own independent observations of defendant, it was constitutionally permissible for police to stop defendant and further investigate whether he was transporting narcotics at that time. 89 CA 241. Trial court properly granted motion to suppress evidence that was fruit of the poisonous tree; police officer who conducted investigatory stop did not have a reasonable and articulable suspicion of criminal activity to justify the stop—defendant had not been operating his vehicle in an erratic or illegal manner, police officer cited no facts to indicate that defendant was operating his vehicle while under the influence of intoxicating liquor or that he was otherwise engaged in, or about to engage in, criminal behavior, and such officer had a suspicion that defendant wanted to avoid her but lacked a specific and articulable basis necessary to conclude reasonably that an investigatory stop was justified. 95 CA 616. Under totality of circumstances test, officer had no probable cause to arrest defendant for operating a motor vehicle under the influence of drugs. 96 CA 515. Seizure occurs where police, driving patrol car, approach and park behind suspect's vehicle, are dressed in police uniforms, carry guns and approach vehicle on both sides. 99 CA 413. Evidence of cash recovered from car of defendant at arrest scene without a warrant was admissible even though defendant had not reached for weapons or to destroy evidence. 108 CA 533. A person is seized when his freedom of movement is restrained by physical force or show of authority, and the key consideration is whether, in view of all the circumstances, a reasonable person would have believed he was not free to leave, under objective standard focusing on reasonable person's probable reaction to officer's conduct, and in present case, defendant was under seizure once officer had approached his vehicle and asked him to produce his documents. 113 CA 250. In light of the totality of circumstances, including officer's experience, information available to officer and rational inferences derived from such information, officer had a particularized and objective basis for suspecting defendant was involved in criminal activity and therefore investigatory stop was reasonable and 15 minute detention while officer further investigated suspected crime was appropriate under the circumstances. 120 CA 497. Warrantless entry into defendant's apartment was not unreasonable where consent of defendant was implied from his conduct, and consent of his wife was not also required. *Id.*, 512. In light of the detailed information provided by the informant, which was corroborated by the police, the informant's basis of knowledge regarding the information and the fact that the officer had worked with the informant in the past, there was probable cause to believe that contraband would be found in defendant's vehicle and search of defendant's vehicle was constitutionally permissible under the automobile exception to the warrant requirement. 125 CA 17. Defendant was seized when police officers displayed their badges and stated "come to the vehicle", but seizure was not unconstitutional because the interest in the police officers' safety during investigatory stop outweighed defendant's personal liberty interest in not being inconvenienced, as the risk was significant and the incremental intrusion was minimal. 129 CA 109; judgment affirmed, see 313 C. 1. Subpoena issued by prosecutor for access to defendant's medical records was reasonable because court properly balanced needs of the state with privacy interests of defendant, gave defendant an opportunity to raise objections, and limited disclosure of records. *Id.*, 239. Apparent authority doctrine does not violate right of state citizens to be free from unreasonable searches; under apparent authority doctrine, warrantless entry into defendant's apartment was not unreasonable where girlfriend of defendant told police she lived in the apartment and invited police into the apartment and defendant did not object. *Id.*, 777; judgment affirmed, see 312 C. 574. No reasonable expectation of privacy in open attic space of 3-story rooming house. 139 CA 116; judgment affirmed, see 311 C. 507. 11-day gap between execution of search warrant and last purchase of illegal drugs in protracted series of drug transactions not so unreasonable as to defeat probable cause of warrant on grounds facts were stale. 144 CA 308; judgment affirmed, see 319 C. 218. Right of privacy is personal to party seeking to invoke it and cannot be left to court's speculation, and any expectation of privacy of defendant in evidence consisting of victim's clothing was legitimately breached once police lawfully took possession of it with ex-wife's consent. 153 CA 296.

A search and seizure which, though warrantless, is consented to is not within the exclusionary rule but mere acquiescence in and peaceful submission to the demands of the searching officers is not to be construed as consent; defendant's application for an order to return articles illegally seized was denied. 22 CS 41. Cited. *Id.*, 323, 510. Search and seizure may lawfully be made without warrant when incident to a legal arrest and may, under appropriate circumstances, include premises under immediate control of person arrested. 24 CS 22. Even though evidence was obtained as result of illegal search and seizure, defendant was not entitled to motion to suppress the evidence in advance of trial. *Id.*, 36. That part of Sec. 6-70 attempting to empower coroner with unlimited access to private citizen's home held violative of this section. 25 CS 153. Search not unreasonable when incident to arrest for possession of burglars' tools. *Id.*, 217. Arrest for minor traffic violation did not justify search of car without a warrant; if stolen goods were in plain sight, search might have been justified. *Id.*, 229. Where sample of blood was taken from defendant when he was unconscious in a hospital and could not give his consent, without a search warrant and not as incident to a lawful arrest, such taking was in violation of his constitutional rights. 26 CS 41. Cited. 28 CS 239. Affidavit of officer seeking arrest warrant was not insufficient where he did not specifically vouch for trustworthiness of informants who were victims of car theft conspiracy. *Id.*, 252. Where affidavits and warrant correctly set forth defendant's middle and last name, date of birth, physical description and address, the arrest was valid and the search based on it. *Id.*, 325. Cited. 30 CS 94. Warrant, based upon affidavit lacking credibility and reliable references, void. *Id.*, 584. Physical examination of properly arrested criminal defendant is not an unreasonable search and seizure. 32 CS 306. Substantially similar to fourth amendment to U.S. Constitution; warrantless searches, particularly incident to arrest, discussed; permissible scope of search; purpose of exclusionary rule. 33 CS 129. Cited. 37 CS 515; *Id.*, 901; 38 CS 570. Noncompliance with "knock and announce" rule and standing to challenge search discussed. 40 CS 20. Cited. *Id.*, 498; *Id.*, 547. Seizure within meaning of federal and state constitutions cited. 40 CS 306. Cited. 43 CS 441; 44 CS 223.

Properly conducted search incidental to lawful arrest not illegal though made without warrant. 2 Conn. Cir. Ct. 231. Under circumstances, officers' failure to announce their purpose before forcible entry did not constitute an unlawful seizure. *Id.*, 247. Unsigned and undated search warrant is fatally defective, invalid and void and confers no authority to act thereunder. 3 Conn. Cir. Ct. 641, 644. Search of defendant under Sec. 54-33b was carried out as provided by the statute and these provisions are reasonable, not unreasonable. 5 Conn. Cir. Ct. 637. Affidavit in support of a search warrant of premises used for pool selling sufficient to support issuance of warrant where underlying circumstances, reasons for reliability of informant and personal observations of betting transactions were sworn to by affidavit. *Id.*, 669.

**(Rights of accused in criminal prosecutions. What cases bailable. Speedy trial. Due process. Excessive bail or fines. Presentment of grand jury, when necessary.)**

Sec. 8.<sup>1</sup> In all criminal prosecutions, the accused shall have a right to be heard by himself and by counsel; to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process to obtain witnesses in his behalf; to be released on bail upon sufficient security, except in capital offenses, where the proof is evident or the presumption great; and in all prosecutions by indictment or information, to a speedy, public trial by an impartial jury. No person shall be compelled to give evidence against himself, nor be deprived of life, liberty or property without due process of law, nor shall excessive bail be required nor excessive fines imposed. No person shall be held to answer for any crime, punishable by death or life imprisonment, unless on a presentment or an indictment of a grand jury, except in the armed forces, or in the militia when in actual service in time of war or public danger.

<sup>1</sup> Amended by Article XVII., and Article XXIX., of the Amendments to the Constitution of the State of Connecticut.

A potential juror's employment as a police officer, standing alone, is not a ground to remove that juror under a principal challenge, however, if a defendant establishes that under the circumstances of a particular case, the specific relationship between the challenged juror and the investigating authority is of so close a nature that it is likely to produce, consciously or unconsciously, bias on the part of the juror, then the court should grant defendant's motion to remove that juror under a principal challenge. 323 C. 654.

**(Right of personal liberty.)**

Sec. 9.<sup>1</sup> No person shall be arrested, detained or punished, except in cases clearly warranted by law.

<sup>1</sup> Law penalizing the keeping of a place where it is "reputed" that liquors are unlawfully sold upheld. 47 C. 550. Original juvenile court act made no provision for detaining a child or admitting it to bail pending an appeal. Held, unconstitutional to detain a child pending an appeal from judgment of a juvenile court. 99 C. 92. Arrest without a warrant. 115 C. 283; 131 C. 231. Does not require trial within territorial subdivision in which offense was committed. 129 C. 572. Illegal arrest and detention does not automatically render inadmissible confessions made after the arrest or during the period of detention. 150 C. 169. Imposition of consecutive life sentences for two second degree murders not in violation of this section. 152 C. 602. Cited. Id. Rule of evidence applicable at time of petitioner's trial decides admissibility of any evidence obtained during illegal arrest of petitioner used therein and cannot be disturbed by subsequent habeas corpus action. 155 C. 316. Cited. 177 C. 677; 179 C. 46; 181 C. 151; 185 C. 63; Id., 402; 187 C. 109; 189 C. 550; 192 C. 704; 193 C. 270; 194 C. 416; 195 C. 421; 198 C. 92. Court held "an illegal arrest imposes no jurisdictional barrier to a defendant's subsequent prosecution" and overruled 153 C. 127 to the extent that it holds to the contrary. Id., 255. Cited. 199 C. 399; 200 C. 453. Unconstitutional arrest; fundamental constitutional right and a fair trial, cited. 201 C. 559. Cited. Id., 675; 202 C. 509; 205 C. 638; 212 C. 820. Due process guarantees provided by section held to encompass protection against double jeopardy; double jeopardy principles in same trial in contrast with subsequent prosecutions discussed. 213 C. 74. Double jeopardy cited. Id. Investigatory detention without probable cause can pass constitutional muster. 216 C. 172. Challenge to admissibility of evidence cited. Id. Guaranteeing due process cited. Id. Cited. Id., 402, see also 234 C. 301; Id., 678. Right to counsel and ineffective assistance of counsel cited. Id. Right to fair trial cited. Id. Cited. Id., 699; 217 C. 498; 223 C. 635; 224 C. 627; Id., 915; 225 C. 450. Rights and provisions for due process cited. Id. Cited. 227 C. 363; Id., 534; 228 C. 62; Id., 393; Id., 582. Protection against double jeopardy cited. Id. Cited. 229 C. 10; Id., 125. Right not to be compelled to participate in police investigatory procedure unless clearly warranted by law cited. Id. Cited. 230 C. 183. State due process clauses cited; due process clauses implied by prohibiting cruel and unusual punishment cited. Id. Cited. 231 C. 43; Id., 545; 232 C. 345. Due process provisions cited; vague in violation of due process cited. Id. Cited. 233 C. 557; Id., 813; 234 C. 683; 235 C. 206. Cruel and unusual punishment impliedly prohibited cited. Id. Cited. 236 C. 189; Id., 216; 237 C. 81. Seizures cited. Id. Cited. Id., 390. Illegal seizure without probable cause cited. Id. Cited. 238 C. 389. Prohibition against cruel and unusual punishment derived from due process clauses of state constitution cited. Id. Due process clauses cited. Id. Cited. 240 C. 317. Double jeopardy cited. Id. Cited. Id., 489. State violated rights of search cited. Id. Cited. 241 C. 322; 242 C. 125; Id., 296. Prohibition against double jeopardy cited. Id. Cited. Id., 345. Prohibitions against double jeopardy cited. Id. Cited. Id., 648. Violation gives rise to a private cause of action for money damages. 244 C. 23. Police violated defendant's rights by detaining defendant because his vehicle was located in an area of increased criminal activity at an early hour of the morning. 251 C. 636. Section does not require municipal ordinances that restrict personal liberty to be authorized by either statutory or common law authority in order to be valid. 254 C. 799. Where the cause of a declared mistrial, the conflict between trier of fact presiding over both motion to suppress and trial itself, was brought to the attention of the court prior to trial, there was no surprise warranting declaration of a mistrial based on manifest necessity and, therefore, subsequent reprosecution would constitute double jeopardy. 255 C. 186. Court balanced interests of the state in keeping intoxicated drivers off the road and defendant's interest in being free from unreasonable police detention while driving a car and found that a brief investigatory detention at a sobriety checkpoint that is planned and operated under neutral criteria is consistent with constitutional due process provisions. 256 C. 543. Re double jeopardy claim, defendant failed to meet his burden of proving

that his conviction with regard to different injuries arose out of the same act. 260 C. 93. In considering death sentence, application of reasonable doubt standard to measuring balance between aggravating and mitigating factors is not constitutionally required. 266 C. 171. Police detained suspect without reasonable and articulable basis to suspect criminal activity had occurred or was about to occur where defendant was detained by state trooper who had noticed vehicle parked at night in parking lot of publicly owned athletic fields that were known for criminal activity. 267 C. 495. Municipal police officers were entitled to qualified immunity under common law for plaintiff's claims that officers' discretionary actions in removing her from dwelling in which she had a valid possessory interest violated her rights under this section because nothing made it apparent to officers that plaintiff would have been subject to any harm by their actions and there was no evidence that officers acted with any improper motive. 284 C. 502. The mere presence of two uniformed officers, unaccompanied by any aggressive or coercive conduct, is not a show of authority that constitutes a seizure; it serves law enforcement purposes for the officers to make a brief inquiry of the defendant to determine whether assistance is required. 288 C. 836. Resentencing did not violate double jeopardy where defendant challenged legality of sentences and not validity of conviction, and trial court was free to refashion entire sentence for each crime within confines of the original sentencing package as long as the entire sentence had not been fully served. 292 C. 417. Defendant's rights were not violated because there was manifest necessity to declare a mistrial on basis of totality of the circumstances when prosecutor unexpectedly became seriously ill during complex trial and no other prosecutor could have assumed duties within time constraints of existing jurors. 295 C. 1. When the police are familiar with the informant and his credibility has been established, and the police are able to corroborate several aspects of a tip by personal observation, the fact that the tip did not state the informant's basis of knowledge does not preclude the officers from having a reasonable and articulable suspicion of criminal activity warranting an investigative stop. 297 C. 1. Section does not mandate that custodial interrogation, advisement of Miranda rights and any resulting statements of defendant be recorded. 298 C. 537. The phrase "clearly warranted by law" contemplates a requirement that the legal prerequisites for imposing a particular punishment be definitively established before punishment is imposed; it does not speak to the question of what those prerequisites shall be. 303 C. 71. Death penalty does not constitute cruel and unusual punishment; holdings in 230 C. 183 and 238 C. 389 reaffirmed. *Id.* It is not a violation for the sole aggravating factor found by the jury re a capital felony, namely, murder committed for pecuniary gain under Sec. 53a-46a(i)(6), to duplicate an element of the underlying crime of capital felony by murder for hire under Sec. 53a-54b(2). 305 C. 101, but see 318 C. 1. It is reasonable and permissible for officers to briefly detain a suspect's companion incident to the lawful stop of the suspect when the officers reasonably believe that the suspect presents a threat to their safety. 313 C. 1. Cruel and unusual punishments are prohibited under the due process provisions; the death penalty as imposed following the enactment of P.A. 12-5 repealing the death penalty only for those felonies committed on or after April 25, 2012, is so out of step with contemporary standards of decency as to violate the ban on excessive and disproportionate punishment; the prospective abolition of the death penalty also violates the due process provisions because it no longer serves any legitimate penological purpose. 318 C. 1. Defendant was seized no later than when one of the police officers commanded him to stop and such seizure was not supported by a reasonable and articulable suspicion of criminal activity to justify a warrantless seizure. 323 C. 34.

Cited. 4 CA 514; 9 CA 147. Right to be free of double jeopardy is necessary to due process guaranteed by this section. 15 CA 749. Cited. 16 CA 358; 19 CA 594; 22 CA 10; 23 CA 431; 24 CA 195. Double jeopardy in Connecticut Constitution discussed. 25 CA 243. Prohibition against double jeopardy cited. *Id.* Cited. *Id.*, 282; 27 CA 128; 28 CA 708; 30 CA 606; 31 CA 548. State constitution rights cited. *Id.* Cited. 33 CA 143. Double jeopardy cited. *Id.* Cited. *Id.*, 590; 34 CA 751; judgment reversed, see 233 C. 211. Held to encompass protection against double jeopardy cited. *Id.* Cited. 35 CA 431. Double jeopardy provisions cited. *Id.* Cited. 37 CA 228. Right to be informed of nature and cause of criminal charge cited. *Id.* Due process and personal liberty guarantees provided by this section encompass protection against double jeopardy. *Id.*, 276. Cited. *Id.*, 338; *Id.*, 404; *Id.*, 722. Unconstitutionally vague cited. *Id.* Cited. 38 CA 643. Double jeopardy cited; due process cited. *Id.* Double jeopardy provisions cited. *Id.*, 661. Cited. *Id.*, 750; 39 CA 11. Right to be free of unreasonable searches and seizures cited. *Id.* Cited. *Id.*, 63; *Id.*, 455; 40 CA 387; *Id.*, 420; *Id.*, 762. Custodial arrests cited. *Id.* Cited. 41 CA 255. Right to due process cited. *Id.* Cited. *Id.*, 751. Right not to be twice put in jeopardy cited; double jeopardy rights cited. *Id.* Cited. 42 CA 264; *Id.*, 640. Prohibition against double jeopardy cited. *Id.* Cited. 43 CA 142. Prohibition against double jeopardy cited. *Id.* Cited. *Id.*, 176. Violation of Connecticut Constitution cited. *Id.* Cited. *Id.*, 252; 44 CA 6. Due process rights cited; greater protection against double jeopardy cited. *Id.* Cited. *Id.*, 231. Prohibitions against double jeopardy cited. 45 CA 369. Cited. *Id.*, 658; *Id.*, 679; 46 CA 734. State constitution does not afford greater double jeopardy protection than federal constitution. 48 CA 71. Defendant did not raise double jeopardy claim arising from transfer from Superior Court for juvenile matters to Superior Court as an adult at any time before the appeal process, so claim is waived. 51 CA 117. Brief detention at roadside sobriety checkpoint did not violate defendant's due process rights. 56 CA 252. Defendant not deprived of right to fair trial by prosecutor's questions during cross-examination and comments during closing arguments and by jury instructions concerning state's burden of proof on element of intent and the effect of defendant's intoxication in determining whether state proved the requisite intent beyond a reasonable doubt. 59 CA 207. Defendant's analysis under section clearly inapplicable to defendant's due process claim re establishment of violation of probation by proof beyond a reasonable doubt or, in the alternative, proof by clear and convincing evidence in a revocation of probation hearing as such hearing clearly complied with provisions of section. 61 CA 99. "Reasonable and articulable suspicion that person is engaged in or about to engage in criminal activity" warranted by specific and identifiable facts. 62 CA 376. Jury instruction in which the phrases "reasonable doubt" and "the benefit of the doubt" are included does not suggest that jury could only acquit in a close case if it could give defendant "the benefit of the doubt" and therefore does not impinge on defendant's right to due process. *Id.*, 625. Although court did not hold an evidentiary hearing before ordering defendant to wear leg shackles, defendant's right to fair trial before an impartial jury was not infringed since court detailed for the record its justification for ordering the use of restraints. 63 CA 386. Trial court properly denied defendant's motion to suppress confession he gave to the police and various seized burglary tools; defendant's confession was sufficiently attenuated from his initial detention to be purged of any possible taint or illegality and the burglary tools were found on the ground in plain view of police officers who were conducting a proper surveillance of defendant. 67 CA 634. Investigatory stop by extraterritorial police officer did not violate defendant's right of personal liberty where police officer's investigation was limited to requesting defendant's license,

registration and insurance information before turning over the investigation to the correct municipal officers. 70 CA 297. Reiterated previous holdings that even if there was no probable cause for arrest, police officer could detain individual based on reasonable suspicion and totality of evidence, even if defendant wore different clothing than suspect. 74 CA 248. Defendant's conviction of two counts of robbery in the first degree did not violate constitutional prohibition against double jeopardy; with regard to each offense, state had to prove a different purpose—for robbery of elderly husband, that defendant's purpose in using force on him was to overcome his resistance to the taking of property or to its retention after the taking, and for robbery of elderly wife, that the force used on her husband was for purpose of compelling her to deliver up the property; under Blockburger test, defendant may be convicted of two offenses arising out of same criminal incident if each crime contains an element not found in the other, double jeopardy not violated; since robbery is a crime against the person, and there were multiple victims, legislature intended multiple punishments. *Id.*, 545. Trial court violated defendant's right against double jeopardy by improperly sentencing him on three counts of conspiracy arising from single agreement and on both possession of narcotics count and possession of narcotics with intent to sell counts; a single agreement cannot be taken to be several agreements and thus several conspiracies because it contemplates violation of several statutes rather than one; double jeopardy precludes sentencing defendant for possession and possession with intent to sell when violations resulted from same act or transaction, because possession is a lesser offense included in offense of possession with intent to sell; trial court should have merged such convictions. *Id.*, 580. Police action of moving defendant three hundred feet from residence for security reasons and purpose of a show-up identification that provided probable cause for arrest was permissible investigative detention and not impermissible arrest. 85 CA 329. Because police officer's initial encounter with defendant was to assist him as a distressed motorist, officer's conduct did not constitute illegal seizure, except that a seizure under these facts later arose once additional cruisers arrived at which time a reasonable person in defendant's position would not have felt free to leave. *Id.*, 356. Defendant's erratic behavior including jumping into vehicle and trying to drive off, nervous demeanor and rocking back and forth, and inability to produce license or registration provided reasonable and articulable suspicion of criminal activity, that is, of presence of contraband in vehicle. *Id.* Reaffirmed previous holdings that police must have specific, articulable facts for search and seizure, such as unusual conduct. Size and manner of clothing are not criminal behavior. *Id.*, 755. No right to counsel at summary contempt proceedings because, although criminal in nature, such proceedings concern offenses against court as an organ of public justice and not violations of criminal law. 88 CA 599. Trial court properly granted motion to suppress evidence that was fruit of the poisonous tree; police officer who conducted investigatory stop did not have a reasonable and articulable suspicion of criminal activity to justify the stop—defendant had not been operating his vehicle in an erratic or illegal manner, police officer cited no facts to indicate that defendant was operating his vehicle while under the influence of intoxicating liquor or that he was otherwise engaged in, or about to engage in, criminal behavior, and such officer had a suspicion that the defendant wanted to avoid her but lacked a specific and articulable basis necessary to conclude reasonably that an investigatory stop was justified. 95 CA 616. Conviction of trespassing in first degree under Sec. 53a-107(a)(2) and criminal violation of protective order under Sec. 53a-223(a) did not violate constitutional protection against double jeopardy because legislature intended multiple punishments for offense of trespassing in violation of a protective order. 97 CA 72. A person is seized when his freedom of movement is restrained by physical force or show of authority, and the key consideration is whether, in view of all the circumstances, a reasonable person would have believed he was not free to leave, under objective standard focusing on reasonable person's probable reaction to officer's conduct, and in present case, defendant was under seizure once officer had approached his vehicle and asked him to produce his documents. 113 CA 250. Under Sec. 14-149(a), defendant's convictions on multiple counts of violations arising out of a single vehicle violated defendant's right against multiple punishments for the same offense. *Id.*, 541. In light of the totality of circumstances including officer's experience, information available to officer and rational inferences derived from such information, officer had a particularized and objective basis for suspecting defendant was involved in criminal activity and therefore investigatory stop was reasonable and fifteen minute detention while officer further investigated suspected crime was appropriate under the circumstances. 120 CA 497. Conviction of both criminal possession of a firearm under Sec. 53a-217(a)(3)(A) and criminal violation of a protective order under Sec. 53a-223(a) does not constitute double jeopardy. 122 CA 399; judgment affirmed, see 307 C. 1. Section, when read in conjunction with Art. I, Sec. 13, does not create an ex post facto clause in Connecticut Constitution. 127 CA 336. Convictions for manslaughter in the first degree and carrying a dangerous weapon do not violate double jeopardy because manslaughter in the first degree does not require use of or carrying a dangerous weapon and carrying a dangerous weapon does not require the intent element that first degree manslaughter mandates. 131 CA 528. Sentences for murder and felony murder were ancillary to capital felony conviction, thus the convictions for murder and felony murder must be vacated. 145 CA 494; judgment affirmed, see 317 C. 741. Parole eligibility hearing under Sec. 54-125a(f) is a constitutionally adequate remedy for sentences that were imposed in violation of *Miller v. Alabama*, 132 S. Ct. 2455; resentencing not required. 167 CA 744. Defendant's felony offender classifications and resulting enhanced sentences do not violate the due process guarantee that encompasses protection against double jeopardy because his conduct relating to his conviction of robbery in the first degree is temporally and substantively distinct from his conduct relating to his conviction of attempt to escape from custody, and because robbery in the first degree and attempt to escape from custody are conceptually separate and distinct offenses that do not share any similar elements and both offenses require proof of facts the other does not. 173 CA 119. Mandatory minimum sentence of twenty-five years of incarceration imposed on juvenile homicide offender not violative of constitutional requirements because subsequent enactment of Sec. 54-125a(f) rendered offender eligible for parole. 177 CA 242.

An arrest by a police officer without a warrant is ground for an action for false imprisonment unless the arrest is authorized by Sec. 6-49. 22 CS 311. Original arrest of defendant on charge of assault being valid, subsequent proceedings upon victim's death charging defendant with murder could be based on this arrest and were not invalidated by later issuance of invalid bench warrant. 26 CS 207. Cited. 28 CS 257. Right of self-expression in hair styling is constitutionally protected right of privacy and plaintiff allowed an injunction against defendants excluding him from school. *Id.*, 375. Cited. 30 CS 584; 37 CS 515; 41 CS 356. The Blockburger analysis should apply because *United States v. Dixon*, 509 U.S. 688, overruled *Grady v. Corbin*, 495 U.S. 508, which utilized the "same conduct" test, and therefore subsequent prosecution for operating under the influence after defendant had paid fine for a speeding infraction arising from the

same incident is not barred by the double jeopardy clause. 47 CS 258. Department of Correction's classification of petitioner as sexual offender despite the fact that petitioner had been acquitted of sexual assault charges is clearly unwarranted by law. 49 CS 416.

Arrest without warrant pursuant to Sec. 6-49 not unlawful merely because pursuit of defendant by police officer was interrupted when defendant temporarily succeeded in eluding officer. 3 Conn. Cir. Ct. 42. A curfew to contain a riot imposed by mayor of New Haven under special laws empowering this action, held constitutional. 5 Conn. Cir. Ct. 22. Search of defendant pursuant to Sec. 54-33b and subsequent arrest constitutional. *Id.*, 637. However forceful and persuasive the arguments may be compelling a determination that the Connecticut disorderly conduct statute, Sec. 53-175 is unconstitutional as containing no ascertainable standard of quiet, the circuit court should leave such a decision to higher courts. 6 Conn. Cir. Ct. 73, 77.

### **(Right of redress for injuries.)**

Sec. 10.<sup>1</sup> All courts shall be open, and every person, for an injury done to him in his person, property or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

<sup>1</sup> Liquors kept by an agent of the owner to sell or exchange in violation of law are a nuisance, and the owner cannot maintain replevin for them when levied upon, as property of the agent, by one of his creditors. 49 C. 166. Law imposing liability on railroad company for injuries caused by fire from its locomotives, is not in violation of this clause. 54 C. 455. Nor is the grade crossing law. 58 C. 536. Duty of court to direct a verdict for the defendant, when. 66 C. 241; 91 C. 442. Cited. 72 C. 528. No person can take redress for injury into his own hands. 88 C. 368. Courts should see that no judgment is rendered against one who has had no opportunity to be heard; 67 C. 9; and has power to prevent fraudulent advantage being gained by legal process. 68 C. 472. Discretion of court as to continuing action. 69 C. 186; 75 C. 308; *Id.*, 314; 78 C. 654; 79 C. 380; 81 C. 474. Law creating taxing district within a city held valid. 104 C. 200. When foreign receiver may bring action in this state. *Id.*, 670. Guarantees to every litigant right to introduce all proper evidence; failure to admit evidence held error under this section. 107 C. 457. Right to have workmen's compensation determined by act in effect at time of injury is a vested right. 112 C. 130, 142. Validating acts of 1929 ineffective to impair vested right to common-law cause of action for personal injuries caused by negligence, which was never suspended by the guest statute. *Id.*, 145. Special act validating a deficient notice to city of defective sidewalk held constitutional. 124 C. 183. Common control provision of unemployment compensation act is valid. 128 C. 213. "Injury" means one violative of established law; no action by child for alienation of mother's affections. 134 C. 163. Retroactive statute impairing vested rights held unconstitutional. 136 C. 127. Amendments to unemployment compensation act did not impair vested right. 137 C. 129. Non-resident plaintiff may bring suit for support. *Id.*, 404. Zoning ordinance prohibiting sale or display of new or used cars in any open lot in any zone is an unwarranted interference with the constitutional right to carry on a lawful business. *Id.*, 701. Neither the federal government nor the state is under any constitutional obligation to allow a deduction for a tax imposed by the other. 141 C. 257. Does not require that taxation be equal and uniform. *Id.*, 266. Same as federal constitution's due process clause. 142 C. 699. Substantially same as the fourteenth amendment to U.S. Constitution. 143 C. 9. Cited. *Id.*, 698. Word "injury" means a legal injury, that is, one violative of established law of which a court can properly take cognizance. 144 C. 155. A permit to sell liquor is a matter of privilege and not of right. By engaging in the liquor business the permittee assumes the risk of a variety of situations which could impose liability on him. It is not an unconstitutional exercise of the police power for a permittee who sells in violation of the law to be prevented from defending on the ground that the particular drink which he sold did not cause or contribute to the buyer's intoxication. *Id.*, 241. "Injury" means an injury which is violative of established law of which a court can properly take cognizance. 145 C. 196. Depreciation of neighborhood because of housing project not such an injury as covered by this section. *Id.* Ordinance licensing and regulating trailer and mobile home parks held constitutional except for two provisions. 146 C. 720. Does not guarantee any particular form of procedure at a public hearing but circumstances govern each case. 147 C. 321. Providing of school transportation to nonprofit private schools by towns under Sec. 10-281 held constitutional. *Id.*, 374. Substantially the same as due process clause of the federal constitution. *Id.* Provision in municipal building code which prohibited the repair of any building of nonfireproof construction within the inner fire limits of the city after it had been damaged to the extent of fifty per cent of the cost of replacing the original building, held not to violate due process. *Id.*, 602. Building code made no provision for a hearing before issuance of a condemnation and demolition order, held not to violate due process as aggrieved person could appeal to review board and to the courts. *Id.* Regulations imposed on a lawful business cannot exceed what is reasonably necessary to accomplish their purpose. 148 C. 481. Question of constitutionality of statute (Sec. 17-273a) concerning return of indigent person to state of origin not determined as stipulated facts held inadequate. 149 C. 216. An act found to serve a public purpose is not rendered unconstitutional by the fact that it might incidentally benefit particular industries or lending institutions. 150 C. 333. Cited. *Id.*, 336, footnote. Where change of zone deprived plaintiffs of any worthwhile rights or benefits in their land, defendant's action in changing the zone was unreasonable and confiscatory and therefore in violation of this section. 151 C. 314. Compensation for taking; section does not apply where injury is only consequential and there has been no physical taking of land or any interest in it and no physical invasion of it. 152 C. 688. Court cannot strike down as unconstitutional a legislative enactment merely because it contains technical words the exact meaning of which is not evident, without explanation, to other persons disassociated from the technical field. 153 C. 465. Cited. *Id.*, 574. Due process does not guarantee any particular form of state procedure. Due regard must be had to nature of proceeding and individual right affected by it and Sec. 8-127 affords sufficient due process for determination of redevelopment area. 156 C. 521. Has substantially same meaning as the due process clause of amendment XIV of federal constitution. *Id.* Applicant for readmission to the bar under circumstances where testimony of chairman of committee on recommendations had testified for his disbarment should have opportunity to cross-examine as right of due process of law. 157 C. 67. Exclusion of public except press and parents of parties from courtroom during testimony of female plaintiff as to acts of rape by defendant held properly ordered by trial court. *Id.*, 198. Procedure for condemnation under the urban redevelopment statutes is not unconstitutional

as violating this section. 159 C. 116. Sec. 7-433c, while imposing a financial obligation on towns, is in the interest of public safety, hence, it does not deprive town of property without due process of law. 168 C. 84. Mechanic's lien as a taking of property without due process. *Id.*, 371. Right of redress for actionable injury not restricted by no-fault insurance law. 169 C. 267. Cited. *Id.*, 267; 170 C. 155. Section 12 of article I of the constitution of 1818, now this section, does not require taxation to be equal and uniform. 174 C. 556. Cited. 176 C. 409; *Id.*, 563; *Id.*, 613; 177 C. 78. Application of antitrust act to contract entered into prior to the effective date of the act does not violate plaintiff's rights under this section. *Id.*, 218. Cited. *Id.*, 295; 178 C. 393; 180 C. 11; *Id.*, 153. Sec. 52-325 concerning *lis pendens* is unconstitutional for failure to provide notice to proper owners and an opportunity for a hearing to challenge the *lis pendens*. *Id.*, 501. Unconstitutionality of Sec. 52-325 became moot upon entry of judgment of strict foreclosure. 181 C. 141. Party accorded right of appellate review is entitled to full and unhampered exercise of that right, otherwise party is deprived of due process. *Id.*, 296. Cited. 183 C. 552; 184 C. 75; *Id.*, 483; 185 C. 88; 188 C. 98; *Id.*, 336. Sec. 52-325 as amended by P.A. 81-8 meets minimum requirements of procedural due process. 189 C. 471. Cited. *Id.*, 550; *Id.*, 727; 191 C. 110; *Id.*, 514; 192 C. 150; *Id.*, 539; *Id.*, 704; 193 C. 59. Imposition of academic sanctions for nonattendance discussed. *Id.*, 93. Cited. *Id.*, 157. Denial of due process cited. *Id.* Due process clauses of state and federal constitutions require that on subject to a significant deprivation of liberty or property must be accorded adequate notice and a meaningful opportunity to be heard. *Id.*, 180. Cited. *Id.*, 589. Whether delay in civil jury trial is unconstitutional under this section; separation of powers; nonjusticiability of issue discussed. *Id.*, 670. Cited. 194 C. 52. Right to due process cited. *Id.* Claims of appellate delay arise under this constitutional guaranty. *Id.*, 510. Cited. *Id.*, 601. Due process rights cited. *Id.*; 195 C. 276. Tax on net income of unincorporated businesses and an added fourth base of taxation to the corporate business tax held to be constitutional. *Id.*, 284. Due process clause of the Connecticut Constitution cited. *Id.* Unconstitutionally vague cited. *Id.*, 326. Due process cited. *Id.*, 405. Cited. *Id.*, 534. Due process cited. *Id.*; *Id.*, 543; *Id.*, 558. State constitutional grounds cited. *Id.*, 682. Indigent defendants in state-supported paternity actions have constitutional right under both the federal and state constitutions to court-appointed counsel at state expense; due process consideration discussed. 196 C. 403. Due process right to state-appointed counsel cited. *Id.* Paternity defendant's right to court-appointed counsel depends upon defendant's indigency. *Id.*, 413. Constitutional entitlement to court-appointed counsel cited. *Id.* Constitutional right to substantive due process cited. *Id.*, 440. "The twin headstones of due process analysis under the minimum contracts doctrine are foreseeability and fairness." 197 C. 34. Due process cited. *Id.*, 141. Due process clause cited. 198 C. 229. Due process right cited. *Id.*, 498. Due process cited; judgment of appellate court in 2 CA 36 reversed in part and case remanded with direction that judgment of trial court be reinstated. 199 C. 70. Defendant's constitutional rights cited; due process cited. *Id.*, 287. Due process cited. *Id.*, 368. Sec. 52-434(a)(4) interpreted to require consent to referral therefore also held constitutional. *Id.*, 496. Due process cited. *Id.* Sec. 52-434(a)(4) not void for vagueness. *Id.*, 518. Due process cited. *Id.* Cited. *Id.*, 618. Due process cited. *Id.* Cited. 200 C. 115. Due process cited. *Id.* Cited. *Id.*, 376. Constitutional right to due process cited. *Id.* Denial of due process cited. *Id.*, 489. Sec. 52-577a is constitutional under this article. *Id.*, 562. Does not protect right to redress unless "one suffers a recognizable injury". *Id.*, 676. Application of "clear and convincing evidence" and "fair preponderance of the evidence" standards of proof discussed; state due process clause, cited. 201 C. 229. Due process cited. *Id.*, 577; *Id.*, 700. Supreme court adopted appellate court holding that plaintiff not deprived of due process by written hearsay evidence admitted by board of fire commissioners; due process cited. 202 C. 28. Cited. *Id.*, 252; *Id.*, 429. Deprivation of state constitutional rights cited. *Id.* Due process provision cited. 203 C. 14. Cited. *Id.*, 63. Due process cited. *Id.* Cited. *Id.*, 109; *Id.*, 156; *Id.*, 246. Rights to due process of law and constitutional rights cited. *Id.* Due process cited. *Id.*, 525. Cited. 204 C. 17. Due process cited. *Id.* Cited. *Id.*, 399. Deprivation of due process cited. *Id.*, 639. Due process cited. *Id.*, 760; 205 C. 178. "... has been viewed as a limitation upon the legislature's ability to abolish common law and statutory rights ..." existing in 1818 when constitutional provision was adopted. *Id.*, 219. Cited. *Id.*, 495. Deprivation of fundamental state constitutional rights cited. *Id.* Cited. *Id.*, 542. Tenure is a protected property right under federal and state constitutions; due process, cited. 206 C. 113. Constitutional principles of due process cited. *Id.*, 125. Constitutional requirements of due process cited. *Id.*, 608. Constitutional rights to due process cited. 207 C. 59. Due process; violation and deprivation of constitutional rights, cited. *Id.*, 346. Cited. *Id.*, 496; *Id.*, 518; *Id.*, 599. Access to the courts cited. *Id.* Due process deprivations cited. *Id.*, 743. Due process cited. 208 C. 1; *Id.*, 13. Due process rights cited. *Id.*, 21. Cited. *Id.*, 267. Connecticut Constitution cited; due process cited. *Id.* Due process violation cited. *Id.*, 492. Due process cited. *Id.*, 576. Cited. 209 C. 59. Due process cited. *Id.* State constitutional rights cited. *Id.*, 679. Procedural due process cited. 210 C. 697. Procedural due process cited. *Id.* "... does not ensure that a plaintiff may obtain satisfaction of multiple judgments for the same injury". 211 C. 67. Due process cited. *Id.*, 508. Cited. *Id.*, 662; 212 C. 83. Disparate treatment violates constitutional provision. *Id.* Access to courts provisional. *Id.* Cited. *Id.*, 311. Denial of due process cited. *Id.*, 441; *Id.*, 710. Due process cited. 213 C. 136. Cited. *Id.*, 282. Due process clauses cited. 214 C. 256. Cited. *Id.*, 801. Due process rights cited. *Id.*, 407. Right to due process cited. 215 C. 82. Cited; procedural safeguards cited. *Id.*, 162. Cited. *Id.*, 435. Procedural due process rights cited; constitutional deprivations cited. *Id.*, 450. Due process cited. *Id.*, 469. Constitutional rights to due process cited. *Id.*, 474. Substantive due process cited. *Id.*, 590. Violation of due process rights cited. *Id.*, 616. Rights to due process of law cited. *Id.*, 675. Cited. 216 C. 1. Rights to due process cited. *Id.* Violation of constitutional rights cited. *Id.* Does not independently create right to attorney's fees. *Id.*, 85. Right to due process cited. *Id.* Cited. *Id.*, 127. Due process cited. *Id.*; *Id.*, 541; *Id.*, 563. Unconstitutionally vague cited. 217 C. 1. Deprivation of fundamental right or of a fair trial cited. *Id.*, 24. Application of constitutional claims in summary process cases discussed. *Id.*, 313. Due process cited. *Id.* Rights to due process; unconstitutionally vague and over broad cited. *Id.*, 404. Rights to due process and unconstitutionally vague cited. *Id.*, 435. Void for vagueness cited. *Id.*, 447. Rights to due process cited. *Id.*, 490. Violation of due process clauses cited. 218 C. 144. Denial of due process cited. *Id.*, 181. Cited. *Id.*, 531. Does not require *de novo* review by trial court of factual findings by arbitrators. *Id.*, 646. Rights to due process and access to the courts cited. *Id.* Claims constituting general attack on validity of regulation should be presented by way of declaratory judgment action. *Id.*, 737. Unconstitutionally vague cited. *Id.* Unconstitutional deprivation of right to bring actions that existed at common law discussed. 219 C. 179. Due process cited. *Id.* 620. Due process rights cited. *Id.*, 657; *Id.*, 703. Rights to due process and a fair hearing cited. 220 C. 86. Due process cited. *Id.*, 192. Cited. *Id.*, 225. Violation of due process cited. *Id.* Cited. *Id.*, 285. Due process violation cited. *Id.*, 455. Cited. *Id.*, 527. Due process cited. *Id.*; *Id.*, 689; *Id.*, 739. Due process cited; constitutional rights cited. *Id.*, 812. Due process of

law cited. Id., 901. Due process rights cited. 221 C. 217. Cited. Id., 768. Due process cited. Id., 903. Due process rights cited; right to fair hearing cited. 222 C. 98. Plaintiff did not meet burden that regulation at issue was impermissibly vague as applied to facts of case. Id., 607. Impermissibly vague, unconstitutionally vague cited. Id. State right to privacy cited; plaintiff did not establish standing to assert constitutional rights of individual permit (to carry pistols or revolvers) holders not properly before the court. Id., 621. Unconstitutionally vague cited; due process protections cited. Id., 784. Due process rights of parties whose property rights are to be affected cited. 223 C. 68. Right to due process cited. Id., 492. Due process cited. 224 C. 263. Rights to due process cited. 225 C. 499. Due process rights cited. Id., 528. Due process requires a hearing to provide opportunity to present evidence; judgment of appellate court in 27 CA 755 reversed. Id., 757. Constitutional protection and due process right cited. Id. Right to due process cited. Id., 804. Due process cited. 226 C. 1; Id., 105. Cited. Id., 282; Id., 314. State due process cited. Id. Right to due process cited. Id., 418. Cited. Id., 475. Open courts provision of state constitution cited. Id. Requirements of due process cited. Id., 757. Cited. Id., 773. Facially unconstitutional, principles of due process cited. Id. Due process of law cited. Id., 812. Due process rights cited. 227 C. 71. Cited. Id., 363. Home rule provision cited. Id. Due process cited. Id., 545. Due process rights cited. Id., 748; 228 C. 95. Due process of law cited. Id., 630. Rights to due process cited; right to cross-examine cited. Id., 651. Rights to due process cited. Id., 766. Cited. 229 C. 256. Due process cited. Id., 627. Procedural due process cited. Id., 771. Due process of law cited. Id., 801. Cited. 230 C. 335; Id., 351. Denial of notice and opportunity to be heard cited. Id., 459. Violation of due process rights cited. Id., 641. Right to fair notice and due process cited. Id., 668. Due process cited. Id., 698. Right to due process cited; fundamental constitutional rights to liberty and property cited. Id., 828. Cited. Id., 914. Constitutional rights and due process cited. 231 C. 308. Cited. Id., 328; Id., 918; Id., 919. Due process of law cited. 232 C. 27. Due process cited. Id., 91; Id., 172. Due process of law cited. Id., 758. Cited. Id., 901; Id., 902; 233 C. 153. Procedural due process of law cited. Id. Due process rights cited. Id., 198. Cited. Id., 251. Denial of due process rights cited. Id., 296. Section incorporates no governmental obligation to provide minimum subsistence. Id., 557. Constitutionally incorporating preexisting rights cited; due process cited. Id. Cited. Id., 701. Due process principles cited; affirmative governmental obligations to provide shelter as a constitutionally incorporated right under this section cited. Id. Presumption of legitimacy in certain instances rebuttable by putative father; judgment of appellate court in 34 CA 129 reversed. 234 C. 51. Constitutional right and due process interest cited. Id. Due process cited. Id., 194. Procedural due process cited. Id., 221. Rights to due process cited. 235 C. 693. Due process cited. Id., 865. Cited. 236 C. 1. Due process rights cited. Id., 625. Due process cited. Id., 681. Deprivation of due process cited. 237 C. 1. Right to due process cited. Id., 272. Due process rights cited. Id., 679. Cited. 238 C. 1. Rights to due process cited. Id. Due process cited. Id., 216. Cited. Id., 692. Right to access to courts cited. Id. Rights to due process cited. 239 C. 144. Due process cited. Id., 168. Rights to due process cited. Id., 449. Substantive due process cited. Id., 574. Due process clauses cited. Id., 708. Due process rights cited. 240 C. 671. Rights to due process cited. Id., 799. Due process concerns cited. 241 C. 24. Cited. Id., 269. Due process rights cited. Id. Article does not guarantee a right to a state constitutional damages claim based on pre-1818 common law action for rights akin to those protected under Secs. 7 and 8 of Art. I. 244 C. 23. Procedures of Sec. 31-349c(a) do not meet minimal due process requirements under fourteenth amendment to federal constitution and Art. I, Secs. 8 and 10 of Connecticut Constitution. At a minimum, parties to workers' compensation claim seeking transfer to Second Injury Fund must have opportunity to review evidence presented to medical panel and panel's findings prior to its decision. Identity of panel members must be disclosed with opportunity for parties to object. Parties must have opportunity to present their evidence and arguments to panel, panel must have at least one member who is an expert in field of medicine applicable to claimant's injuries, and there must be some level of review by commissioner to insure application by panel of appropriate legal standards and opportunity for correction of clearly erroneous factual findings (see also 257 C. 520; 257 C. 527). 257 C. 481. Heart and hypertension benefits paid under Sec. 7-433c are special compensation and not workers' compensation for purposes of reimbursement from special injury fund pursuant to Sec. 31-306(a)(2) (A) and such a result does not deny municipal employers a protected property interest without due process of law. 269 C. 763. It is not a violation for the sole aggravating factor found by the jury re a capital felony, namely, murder committed for pecuniary gain under Sec. 53a-46a(i)(6), to duplicate an element of the underlying crime of capital felony by murder for hire under Sec. 53a-54b(2). 305 C. 101. In the absence of improper state action, the admission of identification evidence implicates due process principles only when the evidence is so extremely unreliable that its admission would deprive defendant of his right to a fair trial. 312 C. 687. Retroactive application of amended civil action statute of limitations, Sec. 52-577d, to revive an otherwise time barred claim does not violate defendant's substantive due process rights; court has never recognized a vested right in the lapsing of a statute of limitations; state constitution does not provide greater protection to defendant's interest in the lapse of a statute of limitations than is afforded under federal constitution; however, retroactive application of statute that would extend a lapsed criminal statute of limitations would violate the ex post facto clause of the federal constitution. 317 C. 357. Plaintiff estate in the case of a workers' compensation claim is neither a natural person nor an artificial person and is therefore not entitled to the protections of this article. 323 C. 26.

Judgment of appellate court in 2 CA 36 reversed in part, see 199 C. 70. Due process cited. Id. Under certain circumstances a court has jurisdiction to review administrative action although there is no statutory procedure for an appeal. 2 CA 43. Constitutional claims concerning due process cited. Id. Interview of minor child by judge in absence of parents and their counsel where objected to by a party determined to be a violation of that party's due process rights. Id., 132. Cited. Id., 196; Id., 362. Due process clause cited. Id., 363. Cited. Id., 449. Due process cited. Id. Cited. Id., 689. Due process rights cited. Id. Cited. 3 CA 118. Due process cited. Id. Cited. Id.; Id., 184. Due process cited. Id. Due process rights cited. Id., 322. Procedural due process cited. Id., 404. State due process cited. Id., 432. Due process cited; right to due process was fulfilled by a full, trial-type evidentiary hearing held before impartial hearing panel, procedure selected pursuant to Sec. 10-151. 4 CA 1. Constitutional right to be free from state deprivation of property without due process of law cited. Id., 209. Due process rights cited. Id., 216. Cited. Id., 307. Due process rights cited; void for vagueness cited. Id. Due process considerations with uniform administrative procedures act provisions discussed. Id., 359. Due process cited. Id.; Id., 464. Fair trial cited. Id., 669. Cited. 5 CA 369. Due process cited. Id.; Id., 520; Id., 649. Fundamental rights to a fair trial cited. 6 CA 143. Due process cited. Id., 229. Zoning regulations seeking to terminate a valid nonconforming use after a grace period held unconstitutional. Id., 237. Due process cited. Id. Cited. Id., 301; Id., 471; 7

CA 164; Id., 639. Due process cited; constitutional rights cited. Id. Unconstitutionally void for vagueness cited. 8 CA 407. Due process; fair hearing, cited. Id., 508. Due process rights cited. Id., 656. Due process principles cited. 9 CA 260. Denial of due process cited. Id., 396. Due process rights cited. Id., 514. Constitutionally defective notice of public hearing cited. Id., 538. Due process rights cited. Id., 608. Deprivation of property without due process cited. 10 CA 80. Void for vagueness; due process, cited. Id., 86. Denial of due process cited. Id., 90. Due process cited. Id., 201; Id., 292. Cited. Id., 347. Constitutional right to due process cited. Id. Due process clauses cited. Id., 428. Due process cited. 11 CA 332. Deprivation of due process cited. Id., 693. Cited. 12 CA 190. Right to due process cited. Id. Due process cited. Id., 435. Due process rights cited. Id., 455. Right to due process cited. 13 CA 91. Constitutional right to due process cited. Id., 114. Violation of due process rights cited. Id., 400. Deprivation of property without due process cited. Id., 632. Due process; fundamental constitutional right and fair trial, cited. 14 CA 296. Due process violation cited. Id., 413. Due process cited. Id., 487. Bill of attainder and ex post facto law cited. 15 CA 342. Cited. Id., 569. Due process cited. Id. Due process rights cited. Id., 738. Constitutional principles of due process cited. 16 CA 619. Due process cited. 17 CA 4; Id., 13; Id., 166. Due process clauses cited. 18 CA 254. Due process cited. Id., 393. Due process rights cited. Id., 488. Cited. Id., 515. Due process rights cited. 19 CA 20. Cited. Id., 402. Due process rights cited. Id., 505; Id., 588; 20 CA 51; judgment reversed, see 215 C. 450. Right to due process cited. Id., 425. Due process cited. Id., 638. Rights of due process cited. Id., 705. Cited. 21 CA 40. Due process requirements of notice and opportunity to be heard cited. Id. Constitutional challenges and issues and deprivation of constitutional right cited. Id. Due process cited. Id., 489; 22 CA 4; Id., 181; Id., 193; Id., 396; Id., 591. Right to due process cited. 23 CA 207. Due process requirements cited. Id., 287. Due process violation cited. Id., 410; Id., 499. Due process rights cited. 24 CA 377; judgment reversed, see 222 C. 233. Minimum due process standards cited. Id., 662; judgment of appellate court in *Dragon v. Connecticut Medical Examining Board* reversed, see 223 C. 618. Due process cited. 25 CA 164. In civil proceedings certain misconduct by itself does not infringe on constitutional right to fair trial; probable prejudice standard applies. Id., 217. Constitutional right to fair trial cited. Id. Right to due process cited. Id., 536. Rights to due process cited. Id., 586; judgment of appellate court in *In re Valerie D.* reversed, see 223 C. 492. Due process and right to fair trial cited. Id., 741. Due process cited. 26 CA 564; 27 CA 142. Cited. Id., 195. Due process rights cited. Id. Cited. Id., 530. Deprivation of due process cited. Id., 543. Right to due process cited. Id., 614, 615; judgment of appellate court in *Nelseco Navigation Co. v. Department of Liquor Control* reversed, see 226 C. 418. Currently accepted standards of procedural due process cited. Id., 755, 760; judgment of appellate court in *Housing Authority v. Lamothe* reversed, see 225 C. 757. Cited. Id., 769; judgment of appellate court in *Matza v. Matza* reversed, see 226 C. 166. Right to due process cited. Id. Procedural due process cited. 28 CA 536. Impermissibly vague and unconstitutional cited. 29 CA 1. Due process rights cited. Id., 48. Due process clauses cited. Id., 105. Due process cited. Id., 112. Constitutional right to fair trial cited. Id., 181. Due process cited. Id., 378; Id., 463. Cited. 30 CA 594. Due process rights cited. Id., 742. Cited. 31 CA 12; Id., 400. Deprivation of state constitutional rights to due process cited. Id. Arbitrary determination of child's best interest cited. Id. Vagueness and impermissibly vague cited. Id., 674. Due process rights, procedures employed under state and federal constitutions cited. Id., 690. Due process right to be heard cited. Id., 761. Due process cited. Id., 819. Due process and fair procedure cited. 32 CA 56. Due process rights cited. Id., 147. Cited. Id., 187. Right to due process cited. Id., 280; Id., 340. Unconstitutional and void cited; due process of law cited. Id., 384. Due process afforded where opportunity to present argument in support of claim is either oral or written. Id., 395. Due process rights cited. Id. Due process cited. Id., 465. Denial of due process cited. Id., 515. Due process right cited. 33 CA 632. Due process of law cited. Id., 727. Constitutional due process of law cited. 34 CA 343. Due process rights cited. Id., 352. Cited. Id., 395; Id., 521. Due process of law cited; service of process and violation of due process cited. Id., 634. Due process cited. Id., 673. Due process right cited. Id., 772. Due process rights cited. 35 CA 160; Id., 421; Id., 594. Due process cited. Id., 599. Rights to procedural due process cited. 36 CA 298. Due process rights cited. Id., 597. Due process cited. Id., 635; judgment reversed, see 636 C. 330. Denial of due process cited. Id., 670. Due process cited. 37 CA 100. Deprivation of due process cited. Id., 515. Not a taking of property without due process of law cited. Id., 835. Due process cited. 38 CA 198; Id., 240; Id., 263; Id., 506. Cited. Id., 685. Access to courts and due process cited. Id. Due process cited. 39 CA 253. Cited. Id., 280; Id., 289. Due process cited. Id., 429. Cited. Id., 674. Rights to due process cited. Id. Due process cited. Id., 684; 40 CA 278. Right to due process cited. Id., 458. Due process cited. Id., 501. Cited. 41 CA 238. Right to due process cited. Id. Due process cited. Id., 382; Id., 866; 42 CA 318. Deprivation of due process cited. Id., 480. Constitutional rights as a tenured teacher cited. Id. Unconstitutionally vague cited. Id., 631. Right to due process cited. Id., 803. Due process cited. 43 CA 39. Right to due process cited. Id., 227. Substantive and procedural due process cited; violation of Connecticut Constitution cited. Id., 654. Cited. Id., 659. Due process cited; constitutional right to cross-examination cited. Id. Due process cited. 44 CA 99. Due process rights cited. Id., 179; Id., 370; Id., 759. Due process of law cited. 45 CA 89. Cited. Id., 707. Due process cited. Id. Rights to due process cited. Id., 712. Due process grounds cited. 46 CA 150. Requirements of due process cited. Id., 182. Cited. Id., 559. Defendant's analysis under section clearly inapplicable to defendant's due process claim re establishment of violation of probation by proof beyond a reasonable doubt or, in the alternative, proof by clear and convincing evidence in a revocation of probation hearing as such hearing clearly complied with provisions of section. 61 CA 99. Repose section of Sec. 52-584 does not violate open courts provision of Art. I, Sec. 10. 66 CA 518. Section curtails legislature's power to unduly restrict a right that existed at common law prior to adoption of constitution in 1818. 85 CA 15. Although court incorrectly interjected itself into the proceedings by terminating the evidentiary hearing before plaintiff had completed presentation of his case-in-chief, plaintiff had full opportunity to testify and plaintiff's counsel examined defendant at length on direct examination and thus was not denied a meaningful opportunity to present evidence or to cross-examine defendant and therefore the court did not violate plaintiff's due process rights. 89 CA 210. Plaintiff could not prevail on her claims that trial court deprived her of due process by finding her in contempt for acts that had occurred subsequent to and had not been pleaded in defendant's motion for contempt and plaintiff could not complain that she was not on notice and that trial court improperly terminated the contempt hearing without affording plaintiff an opportunity to defend herself thus denying her due process and a meaningful opportunity to be heard. 94 CA 306. Plaintiff could not prevail on his claims that his right to due process was violated when he was suspended without pay and without a hearing from February 18, 1993, through his July 12, 2001, acquittal; there was an independent finding of probable cause that provided sufficient protection against an improper suspension and although there was appreciable delay from plaintiff's arrest on felony charges

and suspension until his acquittal, delay did not constitute a violation of his due process rights, and because he was suspended without pay from the time that he requested reinstatement until his disciplinary hearing; although there was a ten-month delay from the time of his acquittal until the time hearing was held, delay did not violate plaintiff's due process rights. *Id.*, 445. Where defendant was neither forced to exercise nor prevented from exercising the right to testify, defendant who invoked privilege against self-incrimination during trial dissolving marriage was not deprived of property without due process when court denied motion to continue dissolution trial until after completion of criminal proceeding. 115 CA 521. Delay of several months during divorce proceeding did not violate due process. 121 CA 451. Right to pursue judicial remedy is not abridged by requirement under Sec. 52-190a to obtain letter from similar health care provider in medical malpractice action because requirement is merely a procedural limitation that neither eliminates nor unreasonably burdens plaintiff's right to legal recourse. 132 CA 68. Due process rights not violated when court decided motion to strike substitute complaint without deciding motion to strike original complaint; due process rights also not violated when court ignored conflict of interest issues raised in memoranda in opposition to motion to strike and allowed defendants to present a speaking motion. 144 CA 79. Sec. 31-296 procedural safeguards, postdeprivation remedies and public interest in providing speedy, effective, inexpensive method for determining workers' compensation claims are sufficient to satisfy due process requirements. *Id.*, 413. Sec. 52-584 re statute of repose does not violate open courts provision. 154 CA 1. Violation of procedural due process when attorney was not given adequate notice of and time to prepare for disciplinary hearing in which court found him in wilful violation of its orders and ordered attorney suspended from the practice of law for twenty days. 166 CA 557.

A physician has no vested or constitutional right to practice in a hospital. 21 CS 55. Cited. 24 CS 298; 28 CS 257. Exclusion of aliens from grand jury service under Sec. 54-45 did not violate defendant's rights since citizenship requirement bears rational relation to demands of jury service. 35 CS 98. Cited. 36 CS 108. No violation of due process where the breach of a landlord's covenant may not be raised in an action for possession and tenant limited to separate suit for damages. 37 CS 579. Cited. *Id.*, 723; *Id.*, 745; 38 CS 70. Notice provision of Sec. 8-28, by publication, complies with requirement of due process, where right of appeal is extended to a large class of people. *Id.*, 590. Cited. 39 CS 264. Due process cited. *Id.* Right to court-appointed counsel where indigent defendant is faced with civil contempt proceeding to enforce child support orders applied in instant case. 40 CS 111. Procedural due process cited. *Id.* Cited. *Id.*, 208. Rights of due process cited. *Id.* Due process cited. *Id.*, 361. Cited. *Id.*, 365; *Id.*, 381. Due process cited. *Id.* State regulation on Medicaid abortion funding unconstitutional; due process rights and privacy rights, cited. *Id.*, 394. Constitutional issue of procedural due process cited. 41 CS 14. Cited. *Id.*, 31; *Id.*, 48. Right to trial by impartial jury cited. *Id.* Cited. *Id.*, 130. State constitutional issue cited. *Id.* Due process requirement cited. *Id.*, 196. Due process cited. *Id.*, 376. Due process and denial of cross-examination of defendant's experts cited. 42 CS 57. Due process cited. *Id.*, 144. Cited. *Id.*, 439. Right to due process cited. *Id.* Lis pendens statute(s) Sec. 52-325 et seq., provide(s) for immediate post deprivation hearing and are thus constitutional. *Id.*, 241. Deprivation of property without due process of law cited. *Id.* Unconstitutionally vague probable cause standard cited. *Id.* Due process requirements cited. *Id.*, 323. Cited. *Id.*, 460. Due process cited. *Id.* Due process of law cited. *Id.*, 526. Due process cited. 43 CS 13; *Id.*, 91. Due process of law cited. *Id.*, 108. Cited. *Id.*, 222. Right to procedural due process cited. *Id.*, 386. Due process cited. *Id.*, 457. Due process safeguard and protections cited. 44 CS 53. Due process cited. *Id.*, 121. Cited. *Id.*, 223; *Id.*, 297. Due process cited. *Id.* Due process of law cited. *Id.*, 361. Violation of due process cited. *Id.*, 472. Termination of a person's job because a close relative of the person sought legal recourse from the employer violates public policy. 48 CS 636. Public service company's due process rights were not violated by expedited process to determine need for interim rate decrease under Sec. 16-19(g). 51 CS 307. Plaintiffs failed to establish that their damages action for denial of a land use permit constituted a damages action for the violation of a quasi-constitutional right that existed at common law in Connecticut prior to 1818 that was incorporated in section. *Id.*, 636.

Cited. 3 Conn. Cir. Ct. 455. Defendant's conviction under section 19-242 of selling toilet preparations and drug sundries at less than wholesale price reversed, since this section, as applied to these facts, is price-fixing legislation and as such is violative of due process provisions of federal and state constitutions. *Id.*, 491. Beneficiary of welfare assistance has no vested right to aid and therefore no property in assistance subject to constitutional protection. 4 Conn. Cir. Ct. 449. Welfare regulations providing limits on cash surrender value of life insurance policies of beneficiaries of aid to dependent children found not arbitrary and not a denial of equal protection of laws. *Id.*, 453, 454. Requirement that tenant give bond on appeal of summary process action not unconstitutional as to indigent tenants. 5 Conn. Cir. Ct. 282. However forceful and persuasive the arguments may be compelling a determination that the Connecticut disorderly conduct statute, Sec. 53-175, is unconstitutional as containing no ascertainable standard of quiet, the circuit court should leave such a decision to higher courts. 6 Conn. Cir. Ct. 73, 77.

### **(Right of private property.)**

Sec. 11.<sup>1</sup> The property of no person shall be taken for public use, without just compensation therefor.

<sup>1</sup> Right to take private property. A city authorized to aid a railroad may lay a tax for that purpose; 15 C. 501; such authority is valid. 41 C. 234. But the state cannot raise money by taxation to pay a pension to civil war veterans. 85 C. 344. Taking the property of an inhabitant of a town under an execution against it is valid. 16 C. 381; 121 U.S. 121. Liquors illegally kept may be forfeited. 25 C. 286. Taxation is not the taking of private property without compensation; 23 C. 189; 32 C. 130; nor is imposition of liability on a railroad company for fires; 54 C. 459; nor a requirement that physicians report infectious diseases. 56 C. 225. A franchise may be taken. 17 C. 462; 81 C. 62. A town cannot authorize owner of cattle to pasture them on highway in front of another's premises. 28 C. 169. Resolution authorizing trustees to sell property and invest proceeds for all concerned is valid. 44 C. 116. Of right in general, see 69 C. 435. State can authorize town to take; 81 C. 62; quare, whether it can for United States. 75 C. 319. Grant of power to private person must clearly appear. 69 C. 668; 75 C. 387; 87 C. 199. Power to take "adjacent land" includes what. 83 C. 137. Right to compensation does not extend to damages due to exercise of police power. 86 C. 561; 95 C. 364. Power extends to all property. 77 C. 421; 86 C. 151; *Id.*, 361. Property already devoted to public use can be taken for another only by clear

authority. 72 C. 301; 77 C. 83; 86 C. 151; see 84 C. 522. Stock of a corporation may be taken; 77 C. 421; 78 C. 1; 203 U.S. 372; so mortgage rights; 76 C. 581; waters of a stream for sewage purposes. 69 C. 668; 72 C. 551; 76 C. 436. Rights of riparian proprietor. 69 C. 682. Property may be taken for a temporary purpose. 75 C. 387; 76 C. 446. Limitations in general statutes may apply to special charter. 72 C. 687; see 86 C. 166. Prior unlawful entry will not prevent taking. 86 C. 36. Zoning law upheld. 95 C. 364; see 104 C. 616, 637; 110 C. 92, 130. Statute forbidding bathing in tributary to reservoir, even as to riparian owners, upheld. 123 C. 492. Depreciation of neighborhood because of erection of housing project not within purview of section. 145 C. 196. Power of eminent domain and police power distinguished. 146 C. 650. Zoning regulations did no more than offer assurance of measure of supervision by responsible public authority over conditions affecting public health, safety and general welfare, and consequently were proper exercise of police power. 149 C. 712. Where change of zone deprived plaintiffs of any worthwhile rights or benefits in their land, defendant's action in changing the zone was unreasonable and confiscatory and therefore in violation of this section. 151 C. 314. Trial court properly considered in its valuation the possibility of recovering remediation costs from successor company of the former owner. 272 C. 14. Trial court properly considered availability of state economic development grant funds in calculating property's fair market value. *Id.* Generally, under principles of inverse condemnation, property owner may seek compensation in an eminent domain proceeding for pretaking damages caused by the condemnor. 276 C. 426.

Public use; necessity, and its determination. Taking for a railroad is for a public use; 21 C. 305; 72 C. 488; 77 C. 417; so for a telephone. 90 C. 179. Land cannot be taken simply to improve a landscape. 60 C. 292; but see 95 C. 365. But license may be exacted for advertising on private land. 90 C. 663. Whether use is public is a question for the courts; taking to establish harbor lines is for such use. 60 C. 291. If property is ultimately to go to benefit private person, it is not taken for public use. 75 C. 92. Limitation to public use may be found in charter restrictions of municipality to which power is granted. 87 C. 200. Public use defined; construction of reservoirs to equalize flow of stream where one branch is taken for city water supply; *Id.*, 204; 89 C. 671; see 241 U.S. 649; grant to private educational institution; 87 C. 421; to cemeteries. *Id.*, 428. Delegating power; conclusiveness of legislative act as to public use and necessity; 69 C. 435; 72 C. 488; 76 C. 436; 77 C. 421; 85 C. 350; 86 C. 151; 87 C. 193; *Id.*, 428; 203 U.S. 372; necessity must be reasonable. 86 C. 361. Power to authorize condemnation implies power to do so conditionally. 70 C. 626. Grant of power to build specific railroad determines necessity. 74 C. 662. Approval of taking larger piece will not cover taking of smaller. 83 C. 603. Economic development projects created and implemented pursuant to chapter 132 that have public economic benefits of creating new jobs, increasing tax and other revenues and contributing to urban revitalization satisfy the public use clause. Exercise of eminent domain power is unreasonable, in violation of public use clause, if the facts and circumstances of the particular case reveal that the taking specifically is intended to benefit a private party. Delegation of eminent domain power to private persons rather than public officials is not unconstitutional where a public purpose is thereby advanced and where the benefit of the property taken is considered to be available to the general public. Determination of what property is necessary to be taken in any given case in order to effectuate the public purpose is, under our constitution, a matter for the exercise of legislative power. When legislature delegates the making of that determination to another agency, the decision of that agency is conclusive. Agency's decision, however, is open to judicial review only to discover if it was unreasonable or in bad faith or was an abuse of the power conferred. 268 C. 1.

Compensation; taking. Raising abutments to railroad bridge so as to obstruct entrance to abutting property is not a taking. 21 C. 309; 66 C. 225. Damages once paid for raising causeway cover future changes. 29 C. 536. City may order railroad bridge to be widened without compensation, when. 32 C. 234. Injury to abutting property by railroad embankment not a taking; 42 C. 195; nor injury due to excavating or filling highway; 44 C. 250; nor is compelling railroad to pay portion of expense of bridge over highway; 60 C. 10; nor is change of grade in highway; 29 C. 536; 68 C. 79; 77 C. 438; 86 C. 566; nor consequential injuries due to improvement of navigation; 9 C. 442; nor consequential damages generally. 21 C. 320. New ferry may be chartered without compensation to old one, when. 30 C. 39; see 10 How. 511. Meaning of taking. 54 C. 297; 69 C. 435; 72 C. 302; 82 C. 51; 85 C. 237. Forbidding further use of cemetery is not a taking. 62 C. 392. Discontinuing highway; interfering with access to land. 66 C. 225; 75 C. 348; 77 C. 438. Additional servitude in street by stream, or street railway; 26 C. 259; 67 C. 197; 69 C. 146; 70 C. 610; 85 C. 401; temporary location; 75 C. 343; 76 C. 311; 77 C. 431; layout of street over railroad; 72 C. 225; crossing of stream by street railway; 70 C. 610; cutting new channel in navigable waters; *Id.*, 685; 71 C. 65; discharge of sewage in stream. 72 C. 550. Reasonable use of highway for building materials is not a taking. 75 C. 343. As to construction of sewer in street, see 69 C. 171. Land is not taken till proceedings begun; effect of prior unlawful entry. 75 C. 239; 86 C. 36. Compensation must be made. 14 C. 152; 17 C. 59; 41 C. 93. A town cannot be deprived of a ferry without it. 17 C. 91. As to necessity of prepayment of damage. 19 C. 151; 49 C. 402; 54 C. 297; 70 C. 628; 77 C. 431; 95 C. 6, 229. A statute not providing for compensation is invalid. 69 C. 155; 72 C. 551; 75 C. 343; 95 C. 6. That taking is under order of public utilities commission does not obviate necessity of payment. 81 C. 581. Condemnation of "the waters" of a stream. 69 C. 461. What constitutes just compensation; provision for payment of past damages; annual payment. 76 C. 435. Consent to taking as waiving damages. 80 C. 124; 90 C. 179. Costs of litigation; past damage. 75 C. 238. Rule of damages where part of, or an easement in, land is taken. 81 C. 581. Appointment by legislature of special commission to fix compensation. 85 C. 498. Damages for temporary occupation of highway by railroad; 77 C. 431; for taking toll-bridge. 82 C. 460. Taking of land by city situated in another town upheld though town was not a party; right to tax not property but attribute of sovereignty. 101 C. 195. Compensation not required where state makes reasonable regulations under police power. 116 C. 458. Landowner is entitled to judicial review of action of appraisers in condemnation. 117 C. 237. Right of landowner for damages for change of highway grade is created by legislative authority and is not within the requirement of this provision. *Id.*, 501. Assessment of sum in excess of actual benefits from public improvement violates this provision. 127 C. 617. State must pay compensation for taking land of municipality if held in proprietary capacity, but not if in governmental capacity. 129 C. 109-112. Whether taking of land held by municipality for restricted use falls within this constitutional provision, *quaere*. *Id.*, 114. No compensation for depreciation unless some property is taken. *Id.*, 477. Entitled to compensation for destruction of oyster bed by construction of sewer outfall. 131 C. 533. Just compensation for land taken includes interest on the amount of damages from the date the taking is complete. 134 C. 226. Temporary shutting off by the state of all access to plaintiff's gas station was merely an exercise of state's right under its easement over plaintiff's property, and there was no taking in the constitutional sense. 135 C. 78. Cited. *Id.*, 687. Mere delegation of

authority to condemn is a sufficient declaration that use is public. 138 C. 582. Private property may be condemned for parking motor vehicles when public is served by taking vehicles from streets to relieve traffic congestion. 140 C. 8. Cited. 141 C. 135. Establishment of encroachment line by water resources commission not an unconstitutional taking of property for public use without compensation. 146 C. 650. "Taken" means exclusion of owner from his private use and possession and actual assumption of exclusive possession for public purposes by condemnor. 148 C. 47. Law intends condemnee be put in as good pecuniary condition by just compensation as if property had not been taken. Just compensation is ordinarily, but not necessarily, market value of property taken. 150 C. 530. Section does not apply where injury is only consequential and there has been no physical taking of land or any interest in it and no physical invasion of it. 152 C. 688. Change of zone from industrial to residential, reasonable under circumstances, did not constitute taking of property without just compensation although appellant was disadvantaged economically. 155 C. 310. Cited. *Id.*, 318. Zoning commission's refusal to change zonal classification of plaintiff's property to that use recommended in merely advisory opinion concerning town plan of development was not a taking without just compensation as property still is usable for residence under its present zoning. 156 C. 99. "Taken" means generally exclusion of owner from his private use and possession and assumption of use and possession for public purpose by authority exercising right of eminent domain. *Id.*, 131. Just compensation means full equivalent in money for property taken and includes interest on award from date of taking to date of payment by state. *Id.*, 416. Just compensation is the value of the property taken considered with reference to the uses for which it is then adapted. 159 C. 407. The issue before the referee was the fair value of the subject property. The referee correctly concluded that evidence relating to the administrative procedure by means of which the commissioner's assessment was arrived at was irrelevant. *Id.*, 443. Cited. 163 C. 214. Referee, in determining the damages, should have awarded an amount sufficient to replace all that was taken and not just the portion of the parkland condemned. 165 C. 768. Doctrine of sovereign immunity not available to the state as a defense to claims under this section. 167 C. 334. Doctrine of sovereign immunity to suit does not apply to actions seeking nothing more than a declaration of rights in taking of property. *Id.* State's substantial interference with plaintiff's right to use and enjoyment of property constitutes a taking hereunder. *Id.* Definition of "taken." 169 C. 195. Even absent an actual physical appropriation, property is taken in constitutional sense when it cannot be utilized by condemnee for any reasonable and proper purpose or when economic utilization of it is, for all practical purposes, destroyed. 171 C. 257. Cited. 172 C. 427; 175 C. 576; 178 C. 579; 179 C. 293; 180 C. 11. Merely because the total value of the property has decreased does not justify a conclusion that there has been an unconstitutional taking. *Id.*, 692. Cited. 185 C. 145; 186 C. 490; 188 C. 336. Where face of record indicated that facts in complaint did not amount to unconstitutional taking, a claimed jurisdictional defect (sovereign immunity) required dismissal of the complaint. 190 C. 622. Determination of interest in condemnation proceedings is a fact of just compensation. 192 C. 377. Cited. 200 C. 151. Unconstitutional taking without compensation. *Id.* Cited. 208 C. 146. Due process cited. *Id.* Cited. 209 C. 480; *Id.*, 724. Unconstitutional taking cited. *Id.* Cited. 211 C. 382; 214 C. 225. Constitutional right to just compensation cited. 215 C. 437. Taking of property without compensation cited. *Id.*, 616. Cited. 216 C. 320. Unconstitutional and confiscatory cited. *Id.* "Taking" cited. *Id.* Taking property without just compensation cited. 217 C. 447. Cited. *Id.*, 588. Taking of property without just compensation cited. 218 C. 737. Unconstitutional taking without just compensation cited. 219 C. 51. Burden of demonstrating finality not met. *Id.*, 404. Unconstitutional taking of property without compensation, "taking", "confiscation" cited. *Id.* Unconstitutional deprivation of any reasonable use of land was confiscatory cited. 220 C. 584. Taking of property without just compensation cited. *Id.*, 914. Cited. 221 C. 736. Unconstitutional "taking" and sovereign immunity discussed. 222 C. 280. Taking of property without just compensation cited. *Id.* Cited. *Id.*, 402; 224 C. 124. Unconstitutional taking, taking issue, unreasonable taking cited. *Id.* Taking of property without just compensation cited. 227 C. 71. Unconstitutional taking of property without compensation cited. 228 C. 187. Cited. *Id.*, 785. Unconstitutional taking of property without just compensation cited. *Id.* Cited. 229 C. 247. Constitutional "taking" cited. 230 C. 140. Cited. 231 C. 418. Due process of law cited. *Id.* Cited. 233 C. 557; 234 C. 221. Taking claim cited; deprivation of property without just compensation cited. *Id.* Municipal traffic regulation prohibiting vehicular traffic on city street for three hours each weekday from approximately May through October did not constitute taking of plaintiffs' property for which they were entitled to just compensation, plaintiffs having failed to establish a causal relationship between the street closing and any decline in the value of their properties or any loss in rental income. 244 C. 206. Plaintiff failed to prove adverse effect on property value from airline overflights where trial court found that the market had already adjusted the value of the property, taking into account such flights prior to plaintiff's purchase of property. 249 C. 138. Re properties on opposite sides of a river intended for use as bridge abutments, trial court's findings re the properties' highest and best use was not adequately supported by the record since it was only speculative that an entity other than the state would use the land for such purpose. 255 C. 529. Evidence of environmental contamination and remediation cost is relevant to valuation of real property taken by eminent domain and admissible in a condemnation proceeding. 256 C. 813. Connecticut law on inverse condemnation requires total destruction of property's economic value or substantial destruction of an owner's ability to use or enjoy property and party was not deprived of all reasonable and proper use of property and had introduced no evidence that property could not be marketed for highest and best use. 284 C. 55. In inverse condemnation claim, plaintiff failed to demonstrate that zoning regulations and board's refusal to issue variance deprived plaintiff of viable use of property since plaintiff was free to maintain current use as water well, despite high radon levels in raw water, because no final action had occurred barring current use and no evidence was offered re safety of water at point of residential use. 287 C. 282. Trial court should have dismissed state employee's claim of unconstitutional taking of group health insurance stock brought under a "group as a whole" theory; trial court properly dismissed constructive trust and resulting trust claims. 296 C. 186. Plaintiffs did not have a vested property interest in unclaimed deposits attributable to the period from December 1, 2008, through March 31, 2009, and, accordingly, the provision in P.A. 09-1 that all unclaimed deposits accruing during that period must be paid to the state does not rise to the level of an unconstitutional taking of property. 309 C. 810. Inverse condemnation of rental property occurred when taking of adjacent parking lot by eminent domain resulted in more than an eighty per cent diminution of the rental property's value, substantially destroying the use of the rental property. 326 C. 139.

Deprivation of property without just compensation cited. 3 CA 531, 535. Cited. 4 CA 271; 11 CA 439. Unconstitutional taking of property without just compensation cited. 18 CA 69. Cited. 20 CA 148. Taking without just compensation

cited. 23 CA 115. Unlawful taking, practical confiscation, unconstitutional taking without compensation cited. Id., 379; decision reversed, see 219 C. 404. Taking without just compensation cited; illegal taking cited. Id., 441. Cited. 24 CA 708. Unconstitutional taking of property without just compensation cited. Id. Unconstitutional taking cited. Id., 841. Cited. 25 CA 137. Unconstitutional taking and taking without just compensation cited. Id. Cited. Id., 468. Unconstitutional taking of property without just compensation cited. 27 CA 297. Unconstitutional taking of property cited. 28 CA 262. Unconstitutional taking cited. 36 CA 98. Cited. 40 CA 75. Taking without just compensation cited. Id. Cited. 43 CA 606. Procedural and substantive due process claims cited. Id. Cited. 46 CA 514. Takings clause cited. Id. Takings clause of state constitution cited. Id., 721. Inverse condemnation not precluded where property has not been stripped of all physical use for a purpose permitted by zoning. 51 CA 262.

Necessary implication that property of no person shall be taken for private use regardless of any procedure for compensation. Meaning of public use discussed. Constitutionality of chapter 913 discussed. 24 CS 328. Zoning restrictions applicable only to gasoline filling stations not unconstitutional as applicable to a class. 26 CS 475. Provision for cash contribution in lieu of land requirement in regulations for subdivision plan, where moneys are not collected for direct benefit of subdivision, held a tax and unconstitutional. 27 CS 78. Plaintiff failed to prove that regulation of defendant zoning commission requiring a distance of 1,500 feet between gasoline station sites deprived him of his property rights. Id., 363. Cited. 31 CS 216. Expectancy of employment is not a recognized property interest and challenge of constitutional validity of New Haven police commissioner's discretion in making appointments of supernumerary policemen by candidate denied. Id., 362. Cited. 34 CS 52. As lessee's option to purchase constitutes a right in property, lessee cannot be divested of it through the medium of condemnation without just compensation. Lessee Texaco entitled to judgment for excess of total award above optioned purchase price. Id., 194. Cited. 35 CS 303; 37 CS 515. Just compensation cited. 38 CS 24. Continued possession of rental property by the state without authorization from landlord, without statutory authority and without resorting to eminent domain, after lease has expired, amounts to unconstitutional taking of property. 40 CS 171. Recovery for fair value of use and occupancy of property constitutionally condemned should be denied when condemnee's property taken without his knowledge. Id., 202. Cited. 41 CS 196. Provisions requiring just compensation cited. Id. Unconstitutional taking of property cited. 42 CS 256. Evidence of environmental contamination should be excluded in eminent domain valuation proceeding. 46 CS 355. Takings clause; standard for determining value of property that is partially taken and for determining damages discussed. Id. Requirement in Sec. 22a-245a(d) that deposit initiators pay outstanding bottle deposit balance to the state for the period from December 1, 2008, to March 31, 2009, is a taking without compensation. 51 CS 425. Sovereign immunity is not available as a defense to claims for just compensation under section. Id., 636.

### **(Writ of habeas corpus.)**

Sec. 12.<sup>1</sup> The privileges of the writ of habeas corpus shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it; nor in any case, but by the legislature.

<sup>1</sup> The clause de suspension of the writ of habeas corpus has no reference to a reasonable delay occasioned in the disposition of the case. 33 C. 329. In habeas corpus proceedings, granting bail pending appeal, if proper at all, is discretionary. 78 C. 155. Where defendant had been represented by a special public defender who failed to proceed with his appeal on the grounds that he could not do so conscientiously and the court denied his motion for appointment of other counsel, his rights have been violated under the equal protection clause of the fourteenth amendment to the U.S. Constitution and there was no error in habeas corpus proceeding directing that he be discharged from prison unless, at his further request, counsel is appointed and the necessary extensions of time to perfect appeal are granted. 152 C. 501. In same case, plaintiff cannot demand that other counsel be appointed if new counsel also concludes that there is no substantial error which he can assign on appeal. Id. Where on habeas corpus it has properly been determined that a right of appeal required by the federal constitution has been denied, any rule restricting an appeal because of lapse of time is inapplicable. Id. Cited. 180 C. 153; 188 C. 98; 196 C. 309; 223 C. 834; 233 C. 557. To obtain habeas relief on the basis of a freestanding claim of actual innocence requires affirmative evidence that petitioners did not commit the crimes of which they were convicted, not simply the discrediting of evidence on which the conviction rested. 301 C. 544.

Dismissal of petition for writ of habeas corpus upheld. 49 CA 31. Two-prong test for claim of ineffective assistance of counsel in petition for writ of habeas corpus. Id., 52. Mere allegation of a constitutional right is insufficient to meet initial hurdle of proving an abuse of discretion when habeas court has denied certification to appeal. Id., 75. Two-pronged test for petitioner to obtain appellate review of dismissal of petition for habeas corpus. 51 CA 305. In appeal of judgment dismissing petition for habeas corpus, petitioner's claim that trial and appellate counsels provided ineffective assistance is reviewed under a two-pronged test. Id., 615. Test for proving whether dismissal of petition for writ of habeas corpus was an abuse of discretion discussed. 57 CA 307. Where court found that habeas corpus petitioner failed to prove that his counsel's representation fell below an objective standard of reasonableness and that said counsel had not represented conflicting interests, therefore not denying defendant his due process rights, it was held that the habeas court did not abuse its discretion in dismissing petition for certification to appeal denial of the writ. 61 CA 347.

### **(No attainder.)**

Sec. 13.<sup>1</sup> No person shall be attainted of treason or felony, by the legislature.

<sup>1</sup> Cited. 155 C. 318; 233 C. 557. Ban on assault weapons, Secs. 53-202a-53-202k, is not a bill of attainder. 234 C. 455. Prohibition against bill of attainder cited. Id.

Cited. 34 CA 557. Bills of attainder cited. Id. Cited. 43 CA 176. Violation of Connecticut Constitution cited. Id. Section, when read in conjunction with Art. I, Sec. 9, does not create an ex post facto clause in Connecticut Constitution. 127 CA 336.

**(Right to assemble and petition.)**

Sec. 14.<sup>1</sup> The citizens have a right, in a peaceable manner, to assemble for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address or remonstrance.

<sup>1</sup> Cited. 155 C. 318. Court held defendant had no duty to adopt the specific language requested in preparing petitions for circulation either under provisions of city charter or state statutes. 184 C. 410. Both Connecticut Constitution Art. I, Sec. 4 and this section are designed as a safeguard against acts of the state and do not limit the private conduct of individuals or persons. 192 C. 48. Right of petition cited. 197 C. 141. Cited. 204 C. 287; Id., 683; 205 C. 495. Deprivation of fundamental state constitutional rights cited. Id. Cited. 219 C. 657; 232 C. 345; 233 C. 557; 234 C. 455; Id., 513; 239 C. 356. Enumerated constitutional rights cited. Id. In order to prevail on claim that municipal ordinance violates state constitution plaintiff must identify the specific additional expressive rights recognized under state constitution and describe how such rights are infringed upon by the ordinance. 254 C. 799. Town ordinance restricting park access to residents and their guests violates freedom of assembly guarantee. 257 C. 318. Minimal state involvement present in private shopping mall does not constitute state action. 270 C. 261. Under the state constitution, employee speech pursuant to official job duties on certain matters of significant public interest is protected from employer discipline in a public workplace; modified balancing test in 391 U.S. 563 and 461 U.S. 138 applies to speech by a public employee pursuant to the employee's official duties. 319 C. 175.

Cited. 38 CA 306. Involved right to free speech cited; "fighting words" limitation cited. Id. Cited. 46 CA 559. Court will not review freedom of association claim that was not preserved at trial and does not meet the third prong of the *State v. Golding* test. 47 CA 149.

Private property owners rights are subordinated to rights under this section and Sec. 4 of this article. 37 CS 90. Cited. Id., 515. Civil union legislation does not deny plaintiffs, eight same sex couples, the right of free expression and association because civil union and marriage in Connecticut now share same benefits, protections and responsibilities under law; Connecticut Constitution requires that there be equal protection and due process of law, not that there be equivalent nomenclature for such protection and process. 49 CS 644.

**(Right to bear arms.)**

Sec. 15.<sup>1</sup> Every citizen has a right to bear arms in defense of himself and the state.

<sup>1</sup> Cited. 179 C. 516; 205 C. 456; 209 C. 322. Plaintiffs did not establish standing to assert constitutional rights of individual permit holders not properly before court. 222 C. 621. Right to keep and bear arms cited. Id. Cited. 233 C. 557. Ban on assault weapons, Secs. 53-202a-53-202k, does not violate principles of right to bear arms. 234 C. 455. Right to bear arms cited. Id. Cited. 242 C. 211. Right to bear arms cited. Id.

Cited. 15 CA 161. Right to bear arms cited. Id.; Id., 342. Court's instructions on the "combat by agreement" exception to self defense did not violate defendant's right to carry a firearm. 84 CA 551.

Cited. 36 CS 108.

**(Military power subordinate to civil.)**

Sec. 16. The military shall, in all cases, and at all times, be in strict subordination to the civil power.

**(Quartering of soldiers.)**

Sec. 17. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

**(No hereditary emoluments.)**

Sec. 18. No hereditary emoluments, privileges or honors, shall ever be granted, or conferred in this state.

**(Trial by jury.)**

Sec. 19.<sup>1</sup> The right of trial by jury shall remain inviolate.

<sup>1</sup> Amended by Article IV., of the Amendments to the Constitution of the State of Connecticut.

**(Equal protection. No segregation or discrimination.)**

Sec. 20.<sup>1</sup> No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his civil or political rights because of religion, race, color, ancestry or national origin.

<sup>1</sup> Amended by Article V., and Article XXI., of the Amendments to the Constitution of the State of Connecticut.

## ARTICLE SECOND.

## OF THE DISTRIBUTION OF POWERS.

**(Distribution of powers.)**

<sup>1</sup>The powers of government shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit, those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

<sup>1</sup> Amended by Article XVIII., of the Amendments to the Constitution of the State of Connecticut.

## ARTICLE THIRD.\*

## OF THE LEGISLATIVE DEPARTMENT.

---

\* Qualification for admission as attorney a judicial matter and not under control of legislature. 145 C. 222. Cited. 175 C. 586; 222 C. 166.

Cited. 11 CS 489.

**(Legislative power, in whom vested.)**

Sec. 1.<sup>1</sup> The legislative power of this state shall be vested in two distinct houses or branches; the one to be styled the senate, the other the house of representatives, and both together the general assembly. The style of their laws shall be: Be it enacted by the Senate and House of Representatives in General Assembly convened.

<sup>1</sup> The general assembly is vested with power to enact retrospective legislation. 4 C. 227; 15 C. 495–498; 28 C. 102; 30 C. 155; *Id.*, 327; 77 C. 528; 78 C. 427; 81 C. 213; 104 C. 584; 3 Dal. 391. The constitution is a grant, not a limitation of power. 85 C. 319; 96 C. 112. Where the constitution requires that an act should be done generally, the general assembly has power to prescribe the mode. 13 C. 119; 22 C. 632, 633. In matters in the nature of contractual relations the general assembly may modify or restrict the future exercise of its powers. 17 C. 40; *Id.*, 93; 36 C. 282. The general assembly has power to validate an usurious contract; 28 C. 102; 30 C. 155; or an invalid tax lien. 90 C. 312; 104 C. 584. See 107 C. 705. Statutes affecting remedies, although retrospective, are constitutional. 30 C. 324. A statute providing that votes in an election of state officers might be taken outside the limits of the state held unconstitutional. *Id.*, 591. The legislature may delegate governmental power to municipal corporations; 39 C. 183; 60 C. 103; 80 C. 480; or to subordinate boards. 88 C. 471; 89 C. 530; see 151 U.S. 556. Prior to the adoption of Art. 10, Sec. 3 of 1818 constitution, the general assembly had power to authorize towns to aid in the construction of railways. 41 C. 234. Local option law held not a delegation of legislative power. 42 C. 369–374. Power of general assembly over the assets of an insurance company. *Id.*, 594–598. The general assembly may repeal any law, except those in the nature of grants. 45 C. 142. A special act extending the time for an appeal from probate held constitutional. *Id.*, 313. Legislation in the exercise of the police power of the state held constitutional. *Id.*, 358. An act authorizing a tenant in tail to convey the property in fee simple held constitutional. 23 C. 94; 44 C. 109; 51 C. 45. The general assembly may at any time change the laws of inheritance. *Id.*, 64. Commissions to cause removal of grade crossings may be created by the legislature. 54 C. 297, 298.

Power of legislature over local municipalities. 68 C. 140; 10 How. 511; 170 U.S. 309. The legislature is the sole authority that can act for the state in accepting a trust. 69 C. 64. The general assembly cannot authorize the courts nor the judges thereof to exercise powers essentially legislative, the execution of which is not incidental to the discharge of any judicial function. *Id.*, 576; 72 C. 4. Duty of legislature to provide for support of judiciary. 78 C. 547. Laws must be certain; *Id.*, 266; and accord with republican form of government. 81 C. 536. Legislature may enact succession tax law with reasonable classification of estates. 76 C. 241. May repeal forfeiture to be recovered in *qui tam* action, to affect pending suits. 78 C. 428. May delegate to commission determination of number of railway tracks to be allowed on highway bridge; 89 C. 531; or value of condemned property; 76 C. 566; but cannot grant to it legislative discretion. 89 C. 530. Determines what property shall be taxed; 85 C. 124; *Id.*, 348; but power not unlimited. 73 C. 255; 85 C. 344; 90 C. 666; 6 Wall. 594; 100 U.S. 491.

Cannot grant state aid to all veterans of civil war resident in the state. 85 C. 344. May require records kept by employers as to their employees to be open to inspection by public official. 86 C. 141. May validate acts not originally in constitutional form. 87 C. 506. A grant to a municipality of the right to condemn land need not follow this form. *Id.* Legislature can grant land between high and low water. 88 C. 12. Power to establish and maintain highways; 68 C. 131; 75 C. 451; to impose burden of building sidewalks and curbs, of paving, keeping sidewalks clean, etc. *Id.*, *Id.*, 471; 76 C. 97; 77 C. 219; 83 C. 204; 203 U.S. 379. Power over public officers and their salaries; granting extra compensation without approval of governor. 78 C. 553. May fix terms of judges. 87 C. 555. May impose on town payment of officer appointed by state; 76 C. 167; of control of towns in general, see 10 How. 511; 170 U.S. 309. May make statute of limitation applicable to pending action. 77 C. 528. Can prohibit marriage of epileptics. 78 C. 242. Can prescribe conditions of admission to learned professions. 79 C. 55. Has wide discretion

as to penalty for criminal act. 83 C. 1. May fix arbitrary sum to be paid by railroad for blocking highway. 82 C. 1. Power over municipal corporations. 68 C. 140. Our legislature has broader powers than those of some states. 67 C. 465. Cannot authorize change in charitable trust. 85 C. 309. Legislature can establish statutory crime of libel, despite its existence at common law. 90 C. 98. For limitations on power of validation, see 107 C. 705; on power to delegate rate making to a municipality. 106 C. 576. May determine where trolley company may lay tracks within a city, or delegate that power to the city. 107 C. 321. Statute delegating to milk administrator power to set minimum prices held not to afford requisite standards of policy and procedure. 126 C. 623. Act requiring mayor's approval of application for license to sell gasoline held not to set up sufficient guides for mayor's discretion. 128 C. 701–705. An act which serves no other purpose than individual gain is beyond the legislature's power hereunder. 133 C. 511. Cited. 135 C. 653. Power to adopt town plan rests solely upon police power, and is valid as to property owners affected only after notice and opportunity to be heard plus opportunity to appeal to courts. 137 C. 84. Creation of independent authorities to effectuate a public purpose within the area of the municipality is a proper exercise of the legislative function. 140 C. 8.

Court review of legislation enacted under police power discussed. 147 C. 48. Challenge of unconstitutional delegation of legislative power is successfully met if ordinance declares a legislative policy, establishes primary standards for carrying it out or lays down an intelligible principle to which agency must conform with a proper regard for protection of public interest. Regulations themselves are not unconstitutional because of failure to establish adequate standards to meet constitutional requirement. 149 C. 712. Delegation of legislative power in chapter 579 to a private corporation is constitutional if it serves a public purpose. In creating agency to administer law complete in itself and designed to accomplish particular purpose, legislature, having established primary standards to carry out law, may authorize agency to adopt rules and regulations to execute provisions of law. 150 C. 333. Objection based on unconstitutional delegation of legislative power overcome. 152 C. 57–59. Claim that act authorizing insurance rate-regulatory procedures constituted an illegal delegation of legislative power to insurance commissioner and private insurance companies held invalid. 153 C. 465, 478. Legislature cannot provide for a suspension of probate court judges by probate court administrator as constitution establishes a four-year term for probate judges. 157 C. 150. Fixing of court fees is a legislative function and attempted delegation of this power to probate court administrator is unconstitutional. *Id.* Public purpose for legislative acts, defined. 162 C. 291. Constitutionality of chapter 581 (Secs. 32-32–32-46, 1972 public act 248, the "Connecticut Product Development Corporation Act") upheld. 167 C. 111. Court has long held that every presumption will be in favor of the constitutionality of a legislative act and parties challenging the constitutionality of an act in a proceeding seeking declaratory relief have the burden of showing its invalidity beyond a reasonable doubt. *Id.* For legislative delegation of powers to an administrative instrumentality to survive a constitutional attack, statute must declare a legislative policy, establish primary standards or lay down an intelligible principle to which the instrumentality must conform. Within these limitations, statute may authorize instrumentality to supply the details of its operations by passing its own rules and regulations. *Id.* Modern trend holds that statutory standards are constitutionally sufficient so long as they are described as definitely as reasonably practicable under the circumstances. *Id.* Chapter 581 (Secs. 32-32–32-46, 1972 public act 248, the "Connecticut Product Development Corporation Act") contains adequate standards; no improper delegation of legislative power has resulted in contravention of this article and section. *Id.*, 123. Cited. 174 C. 146; 193 C. 670; 194 C. 165. Valid or invalid delegation of legislative power cited. 196 C. 623. Cited. 197 C. 554; 203 C. 63. Delegation of legislative power discussed. 209 C. 652. Cited. 212 C. 570; 232 C. 345.

Cited. 23 CA 221. The enactment clause provision refers only to laws passed by General Assembly and not to published compilations of all laws passed by legislature in a given session, as is required to be prepared and published by statute. 123 CA 862. Claims act, Chapter 53, is not an unconstitutional delegation of authority by the legislature. 133 CA 479.

Challenge of constitutional delegation of legislative power is successfully met if statute declares a legislative policy, establishes primary standards for carrying it out, or lays down intelligible principle to which agency must conform, with proper regard for protection of public interests, and affords a resort to courts for protection of both public interests and private rights. 23 CS 357.

**(General assembly, when and where held. Adjournment. Reconvened session to consider vetoes.)**

Sec. 2.<sup>1</sup> There shall be a regular session of the general assembly to commence on the Wednesday following the first Monday of the January next succeeding the election of its members, and at such other times as the general assembly shall judge necessary; but the person administering the office of governor may, on special emergencies, convene the general assembly at any other time. All regular and special sessions of the general assembly shall be held at Hartford, but the person administering the office of governor may, in case of special emergency, convene the assembly at any other place in the state. The general assembly shall adjourn each regular session not later than the first Wednesday after the first Monday in June following its organization and shall adjourn each special session upon completion of its business. If any bill passed by any regular or special session or any appropriation item described in Section 16 of Article Fourth has been disapproved by the governor prior to its adjournment, and has not been reconsidered by the assembly, or is so disapproved after such adjournment, the secretary of the state shall reconvene the general

assembly on the second Monday after the last day on which the governor is authorized to transmit or has transmitted every bill to the secretary with his objections pursuant to Section 15 of Article Fourth of this constitution, whichever occurs first; provided if such Monday falls on a legal holiday the general assembly shall be reconvened on the next following day. The reconvened session shall be for the sole purpose of reconsidering and, if the assembly so desires, repassing such bills. The general assembly shall adjourn sine die not later than three days following its reconvening.

<sup>1</sup> Amended by Article III., of the Amendments to the Constitution of the State of Connecticut.

**(Senate, number, qualifications.)**

Sec. 3.<sup>1</sup> The senate shall consist of not less than thirty and not more than fifty members, each of whom shall be an elector residing in the senatorial district from which he is elected. Each senatorial district shall be contiguous as to territory and shall elect no more than one senator.

<sup>1</sup> Amended by Article II., Sec. 1, and Article XV., Sec. 1, of the Amendments to the Constitution of the State of Connecticut.

**(House of representatives, how constituted.)**

Sec. 4.<sup>1</sup> The house of representatives shall consist of not less than one hundred twenty-five and not more than two hundred twenty-five members, each of whom shall be an elector residing in the assembly district from which he is elected. Each assembly district shall be contiguous as to territory and shall elect no more than one representative. For the purpose of forming assembly districts no town shall be divided except for the purpose of forming assembly districts wholly within the town.

<sup>1</sup> Amended by Article II., Sec. 2, and Article XV., Sec. 2, of the Amendments to the Constitution of the State of Connecticut.

**(Districts to be consistent with federal standards.)**

Sec. 5.<sup>1</sup> The establishment of districts in the general assembly shall be consistent with federal constitutional standards.

<sup>1</sup> Amended by Article XVI., Sec. 1, of the Amendments to the Constitution of the State of Connecticut.

**(Decennial reapportionment.)**

Sec. 6.<sup>1</sup> a. The assembly and senatorial districts as now established by law shall continue until the regular session of the general assembly next after the completion of the next census of the United States. Such general assembly shall, upon roll call, by a yeavote of at least two-thirds of the membership of each house, enact such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session following the completion of the census of the United States, upon roll call, by a yeavote of at least two-thirds of the membership of each house, enact such plan of districting as is necessary in accordance with the provisions of this article.

b. If the general assembly fails to enact a plan of districting by the first day of the April next following the completion of the decennial census of the United States, the governor shall forthwith appoint a commission consisting of the eight members designated by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives, each of whom shall designate two members of the commission, provided that there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more

than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house.

c. The commission shall proceed to consider the alteration of districts in accordance with the principles recited in this article and it shall submit a plan of districting to the secretary of the state by the first day of the July next succeeding the appointment of its members. No plan shall be submitted to the secretary unless it is certified by at least six members of the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law.

d. If by the first day of the July next succeeding the appointment of its members the commission fails to submit a plan of districting, a board of three persons shall forthwith be empaneled. The speaker of the house of representatives and the minority leader of the house of representatives shall each designate, as one member of the board, a judge of the superior court of the state, provided that there are members of no more than two political parties in the house of representatives. In the event that there are members of more than two political parties in the house of representatives, all members belonging to the parties other than that of the speaker shall select one of their number, who shall then designate, as one member of the board, a judge of the superior court of the state, in lieu of the designation by the minority leader of the house of representatives. The two members of the board so designated shall select an elector of the state as the third member.

e. The board shall proceed to consider the alteration of districts in accordance with the principles recited in this article and shall, by the first day of the October next succeeding its selection, submit a plan of districting to the secretary. No plan shall be submitted to the secretary unless it is certified by at least two members of the board. Upon receiving such plan, the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law.

<sup>1</sup> Amended by Article XII., Article XVI., Sec. 2, Article XXVI., and Article XXX., Sec. 2, of the Amendments to the Constitution of the State of Connecticut.

**(Canvass and declaration of votes. Return and result to be submitted to both houses.)**

Sec. 7. The treasurer, secretary of the state, and comptroller shall canvass publicly the votes for senators and representatives. The person in each senatorial district having the greatest number of votes for senator shall be declared to be duly elected for such district, and the person in each assembly district having the greatest number of votes for representative shall be declared to be duly elected for such district. The general assembly shall provide by law the manner in which an equal and the greatest number of votes for two or more persons so voted for for senator or representative shall be resolved. The return of votes, and the result of the canvass, shall be submitted to the house of representatives and to the senate on the first day of the session of the general assembly. Each house shall be the final judge of the election returns and qualifications of its own members.

**(General assembly, election.)**

Sec. 8.<sup>1</sup> A general election for members of the general assembly shall be held on the Tuesday after the first Monday of November, biennially, in the even-numbered years. The general assembly shall have power to enact laws regulating and prescribing the

order and manner of voting for such members, for filling vacancies in either the house of representatives or the senate, and providing for the election of representatives or senators at some time subsequent to the Tuesday after the first Monday of November in all cases when it shall so happen that the electors in any district shall fail on that day to elect a representative or senator.

<sup>1</sup> Cited. 163 C. 637.

**(Counting of votes. Return of votes.)**

Sec. 9.<sup>1</sup> At all elections for members of the general assembly the presiding officers in the several towns shall receive the votes of the electors, and count and declare them in open meeting. The presiding officers shall make and certify duplicate lists of the persons voted for, and of the number of votes for each. One list shall be delivered within three days to the town clerk, and within ten days after such meeting, the other shall be delivered under seal to the secretary of the state.

<sup>1</sup> Statutes allowing soldiers to vote in the field for state officers held unconstitutional. 30 C. 591.

**(Term of office.)**

Sec. 10. The members of the general assembly shall hold their offices from the Wednesday following the first Monday of the January next succeeding their election until the Wednesday after the first Monday of the third January next succeeding their election, and until their successors are duly qualified.

**(Dual job ban.)**

Sec. 11.<sup>1</sup> No member of the general assembly shall, during the term for which he is elected, hold or accept any appointive position or office in the judicial or executive department of the state government, or in the courts of the political subdivisions of the state, or in the government of any county. No member of congress, no person holding any office under the authority of the United States and no person holding any office in the judicial or executive department of the state government or in the government of any county shall be a member of the general assembly during his continuance in such office.

<sup>1</sup> Statutory dual job prohibition as creating disqualification for second office or as implying resignation of first office. 146 C. 299. Does not violate equal protection guarantees or first amendment of the U.S. Constitution. State college teacher is appointive position. Section was intended to encompass state employment generally. Not void for vagueness or impermissibly over broad. 175 C. 586.

Cited. 9 CA 825; 37 CA 348.

**(Officers. Quorum.)**

Sec. 12.<sup>1</sup> The house of representatives, when assembled, shall choose a speaker, clerk, and other officers. The senate shall choose a president pro tempore, clerk and other officers, except the president. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

<sup>1</sup> Clerks proper custodians of files and records of legislature during its sessions. 77 C. 262. Cited. 135 C. 653.

**(Powers of each house.)**

Sec. 13.<sup>1</sup> Each house shall determine the rules of its own proceedings, and punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

<sup>1</sup> Courts will not enter into question whether legislature has followed correct procedure in passing act. 79 C. 152. Cited. 135 C. 653; 194 C. 165.

Cited. 11 CA 342.

**(Journal. Yeas and nays.)**

Sec. 14.<sup>1</sup> Each house shall keep a journal of its proceedings, and publish the same when required by one-fifth of its members, except such parts as in the judgment of a majority require secrecy. The yeas and nays of the members of either house shall, at the desire of one-fifth of those present, be entered on the journals.

<sup>1</sup> Cited. 135 C. 653.

Cited. 31 CS 392.

**(Privilege from arrest. Privilege as to speech or debates.)**

Sec. 15.<sup>1</sup> The senators and representatives shall, in all cases of civil process, be privileged from arrest, during any session of the general assembly, and for four days before the commencement and after the termination of any session thereof. And for any speech or debate in either house, they shall not be questioned in any other place.

<sup>1</sup> Cited. 192 C. 704; 197 C. 566. Issuance of subpoena by impeachment committee not protected by speech and debate clause where there is a colorable claim brought in good faith. 271 C. 540.

Plaintiff's claims against legislative defendants in their official capacities barred by absolute legislative immunity provided by speech and debate clause. 148 CA 605.

**(Debates to be public.)**

Sec. 16.<sup>1</sup> The debates of each house shall be public, except on such occasions as in the opinion of the house may require secrecy.

<sup>1</sup> Cited. 232 C. 345.

**(Salary. Transportation.)**

Sec. 17. The salary of the members of the general assembly and the transportation expenses of its members in the performance of their legislative duties shall be determined by law.

## ARTICLE FOURTH.\*

## OF THE EXECUTIVE DEPARTMENT.

---

\* Cited. 175 C. 586.

Cited. 11 CS 489; 41 CS 525.

**(State officers, election date.)**

Sec. 1.<sup>1</sup> A general election for governor, lieutenant-governor, secretary of the state, treasurer and comptroller shall be held on the Tuesday after the first Monday of November, 1966, and quadrennially thereafter.

<sup>1</sup> Amended by Article I., of the Amendments to the Constitution of the State of Connecticut.

**(Terms of officers.)**

Sec. 2. Such officers shall hold their respective offices from the Wednesday following the first Monday of the January next succeeding their election until the Wednesday following the first Monday of the fifth January succeeding their election and until their successors are duly qualified.

**(Governor and lieutenant-governor voted for as unit.)**

Sec. 3. In the election of governor and lieutenant-governor, voting for such offices shall be as a unit. The name of no candidate for either office, nominated by a political

party or by petition, shall appear on the voting machine ballot labels except in conjunction with the name of the candidate for the other office.

**(Counting of votes. Return of votes. Canvass and declaration of votes. Choice by general assembly, when and how made.)**

Sec. 4.<sup>1</sup> At the meetings of the electors in the respective towns held quadrennially as herein provided for the election of state officers, the presiding officers shall receive the votes and shall count and declare the same in the presence of the electors. The presiding officers shall make and certify duplicate lists of the persons voted for, and of the number of votes for each. One list shall be delivered within three days to the town clerk, and within ten days after such meeting, the other shall be delivered under seal to the secretary of the state. The votes so delivered shall be counted, canvassed and declared by the treasurer, secretary, and comptroller, within the month of November. The vote for treasurer shall be counted, canvassed and declared by the secretary and comptroller only; the vote for secretary shall be counted, canvassed and declared by the treasurer and comptroller only; and the vote for comptroller shall be counted, canvassed and declared by the treasurer and secretary only. A fair list of the persons and number of votes given for each, together with the returns of the presiding officers, shall be, by the treasurer, secretary and comptroller, made and laid before the general assembly, then next to be held, on the first day of the session thereof. In the election of governor, lieutenant-governor, secretary, treasurer, comptroller and attorney general, the person found upon the count by the treasurer, secretary and comptroller in the manner herein provided, to be made and announced before December fifteenth of the year of the election, to have received the greatest number of votes for each of such offices, respectively, shall be elected thereto; provided, if the election of any of them shall be contested as provided by statute, and if such a contest shall proceed to final judgment, the person found by the court to have received the greatest number of votes shall be elected. If two or more persons shall be found upon the count of the treasurer, secretary and comptroller to have received an equal and the greatest number of votes for any of said offices, and the election is not contested, the general assembly on the second day of its session shall hold a joint convention of both houses, at which, without debate, a ballot shall be taken to choose such officer from those persons who received such a vote; and the balloting shall continue on that or subsequent days until one of such persons is chosen by a majority vote of those present and voting. The general assembly shall have power to enact laws regulating and prescribing the order and manner of voting for such officers. The general assembly shall by law prescribe the manner in which all questions concerning the election of a governor or lieutenant-governor shall be determined.

<sup>1</sup> The legislature cannot authorize electors to vote for state officers in any place other than as prescribed. 30 C. 591. Electors' meetings must be held at the time named in the constitution. Id., 603. A joint declaration of the result of the election is indispensable. 61 C. 359-366. The particular procedure prescribed by the constitution must be followed. Id., 366; 62 C. 284. The direction to proceed to choose on the second day of the session prohibits a choice at a later day. 61 C. 366-374, but see 62 C. 284.

**(Governor. Qualifications.)**

Sec. 5.<sup>1</sup> The supreme executive power of the state shall be vested in the governor. No person who is not an elector of the state, and who has not arrived at the age of thirty years, shall be eligible.

<sup>1</sup> If no successor has been elected, the governor then in office remains the de jure as well as de facto governor. 61 C. 359. Cited. 200 C. 386.

**(Lieutenant-governor, qualifications.)**

Sec. 6. The lieutenant-governor shall possess the same qualifications as are herein prescribed for the governor.

**(Compensation of governor and lieutenant-governor.)**

Sec. 7. The compensations of the governor and lieutenant-governor shall be established by law, and shall not be varied so as to take effect until after an election, which shall next succeed the passage of the law establishing such compensations.

**(Governor to command militia.)**

Sec. 8. The governor shall be captain general of the militia of the state, except when called into the service of the United States.

**(Governor may require information.)**

Sec. 9. He may require information in writing from the officers in the executive department, on any subject relating to the duties of their respective offices.

**(Power to adjourn general assembly.)**

Sec. 10.<sup>1</sup> The governor, in case of a disagreement between the two houses of the general assembly, respecting the time of adjournment, may adjourn them to such time as he shall think proper, not beyond the day of the next stated session.

<sup>1</sup> Whether governor had right to adjourn general assembly, quaere. 135 C. 655.

**(Information and recommendations to general assembly.)**

Sec. 11.<sup>1</sup> He shall, from time to time, give to the general assembly, information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

<sup>1</sup> Cited. 220 C. 584; 232 C. 345.

**(Faithful execution of laws.)**

Sec. 12.<sup>1</sup> He shall take care that the laws be faithfully executed.

<sup>1</sup> Appointment of state's attorneys by the judges of the superior court does not violate the doctrine of separation of powers. 180 C. 662. Cited. 200 C. 386.

This section does not preclude appointment of state's attorneys by superior court. 28 CS 252. Appointment of state's attorneys by judges of superior court not violation of section. Id., 366.

**(Reprieves after conviction.)**

Sec. 13.<sup>1</sup> The governor shall have power to grant reprieves after conviction, in all cases except those of impeachment, until the end of the next session of the general assembly, and no longer.

<sup>1</sup> Limitation on period during which reprieve may operate runs from time it is issued, not from day of conviction. 124 C. 121. "Next" refers, not to session in existence when reprieve is granted, but to one which begins thereafter. Id., 124.

**(Commissions to be in name and by authority of state.)**

Sec. 14. All commissions shall be in the name and by authority of the state of Connecticut; shall be sealed with the state seal, signed by the governor, and attested by the secretary of the state.

**(Powers and duties of governor in relation to bills. Presentation to governor after adjournment. Procedure on veto.)**

Sec. 15.<sup>1</sup> Each bill which shall have passed both houses of the general assembly shall be presented to the governor. Bills may be presented to the governor after the adjournment of the general assembly, and the general assembly may prescribe the time and method of performing all ministerial acts necessary or incidental to the administration of this section. If the governor shall approve a bill, he shall sign and transmit it to the secretary of the state, but if he shall disapprove, he shall transmit it to the secretary with his objections, and the secretary shall thereupon return the bill with the governor's objections to the house in which it originated. After the objections shall

have been entered on its journal, such house shall proceed to reconsider the bill. If, after such reconsideration, that house shall again pass it, but by the approval of at least two-thirds of its members, it shall be sent with the objections to the other house, which shall also reconsider it. If approved by at least two-thirds of the members of the second house, it shall be a law and be transmitted to the secretary; but in such case the votes of each house shall be determined by yeas and nays and the names of the members voting for and against the bill shall be entered on the journal of each house respectively. In case the governor shall not transmit the bill to the secretary, either with his approval or with his objections, within five calendar days, Sundays and legal holidays excepted, after the same shall have been presented to him, it shall be a law at the expiration of that period; except that, if the general assembly shall then have adjourned any regular or special session, the bill shall be a law unless the governor shall, within fifteen calendar days after the same has been presented to him, transmit it to the secretary with his objections, in which case it shall not be a law unless such bill is reconsidered and repassed by the general assembly by at least a two-thirds vote of the members of each house of the general assembly at the time of its reconvening.

<sup>1</sup>Three days within which governor may return bill means three days during which house which originated it is in session. 77 C. 260. Legislature may grant money without approval of governor. 78 C. 557. Right of governor to cancel approval of bill not properly before him. 79 C. 150. Necessity of approval of private law. 78 C. 557; 87 C. 515. Power to veto separate items in an appropriation bill given by amendment of 1923 (Art. 4, Sec. 16). Acts signed by the governor more than three days after final adjournment held void. 109 C. 624. Prohibits presentation to the governor after adjournment and expiration of three-day period. 112 C. 129. Cited. 135 C. 653. Governor's partial veto of an appropriation bill held unconstitutional. 152 C. 431. Governor has no constitutional power of partial veto even if legislation is inherently unconstitutional. *Id.* Contingent veto held unconstitutional and void. 164 C. 299. Is not circumvented by provisions of Sec. 4-85b. 200 C. 386.

**(Veto of separate items in appropriation bills.)**

Sec. 16.<sup>1</sup> The governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items while at the same time approving the remainder of the bill, and the part or parts of the bill so approved shall become effective and the item or items of appropriations so disapproved shall not take effect unless the same are separately reconsidered and repassed in accordance with the rules and limitations prescribed for the passage of bills over the executive veto. In all cases in which the governor shall exercise the right of disapproval hereby conferred he shall append to the bill at the time of signing it a statement of the item or items disapproved, together with his reasons for such disapproval, and transmit the bill and such appended statement to the secretary of the state. If the general assembly be then in session he shall forthwith cause a copy of such statement to be delivered to the house in which the bill originated for reconsideration of the disapproved items in conformity with the rules prescribed for legislative action in respect to bills which have received executive disapproval.

<sup>1</sup> Only items of appropriation may be vetoed under this section. 152 C. 431. Not an item of appropriation. 164 C. 299. Cited. 200 C. 386.

**(Lieutenant-governor, president of senate.)**

Sec. 17. The lieutenant-governor shall by virtue of his office, be president of the senate, and have, when in committee of the whole, a right to debate, and when the senate is equally divided, to give the casting vote.

**(When to succeed governor. When to act as governor.)**

Sec. 18.<sup>1</sup> In case of the death, resignation, refusal to serve or removal from office of the governor, the lieutenant-governor shall, upon taking the oath of office of governor, be governor of the state until another is chosen at the next regular election for governor and is duly qualified. In case of the inability of the governor to exercise the

powers and perform the duties of his office, or in case of his impeachment or of his absence from the state, the lieutenant-governor shall exercise the powers and authority and perform the duties appertaining to the office of governor until the disability is removed or, if the governor has been impeached, he is acquitted or, if absent, he has returned.

<sup>1</sup> Amended by Article XXII., of the Amendments to the Constitution of the State of Connecticut.

**(When president pro tempore to become lieutenant-governor or act as lieutenant-governor.)**

Sec. 19.<sup>1</sup> If the lieutenant-governor succeeds to the office of governor, or if the lieutenant-governor dies, resigns, refuses to serve or is removed from office, the president pro tempore of the senate shall, upon taking the oath of office of lieutenant-governor, be lieutenant-governor of the state until another is chosen at the next regular election for lieutenant-governor and is duly qualified. Within fifteen days of the administration of such oath the senate, if the general assembly is in session, shall elect one of its members president pro tempore. In case of the inability of the lieutenant-governor to exercise the powers and perform the duties of his office or in case of his impeachment or absence from the state, the president pro tempore of the senate shall exercise the powers and authority and perform the duties appertaining to the office of lieutenant-governor until the disability is removed or, if the lieutenant-governor has been impeached, he is acquitted or, if absent, he has returned.

<sup>1</sup> Cited. 183 C. 7.

**(Election of president pro tempore when general assembly in recess.)**

Sec. 20. If, while the general assembly is not in session, there is a vacancy in the office of president pro tempore of the senate, the secretary of the state shall within fifteen days convene the senate for the purpose of electing one of its members president pro tempore.

**(Death or failure to qualify of governor-elect.)**

Sec. 21. If, at the time fixed for the beginning of the term of the governor, the governor-elect shall have died or shall have failed to qualify, the lieutenant-governor-elect, after taking the oath of office of lieutenant-governor, may qualify as governor, and, upon so qualifying, shall become governor. The general assembly may by law provide for the case in which neither the governor-elect nor the lieutenant-governor-elect shall have qualified, by declaring who shall, in such event, act as governor or the manner in which the person who is so to act shall be selected, and such person shall act accordingly until a governor or a lieutenant-governor shall have qualified.

**(Treasurer, duties.)**

Sec. 22.<sup>1</sup> The treasurer shall receive all moneys belonging to the state, and disburse the same only as he may be directed by law. He shall pay no warrant, or order for the disbursement of public money, until the same has been registered in the office of the comptroller.

<sup>1</sup> The duties of treasurer construed. 69 C. 73. Cited. 129 C. 276. "Warrant or order" means a written request or direction by some authorized person to the treasurer to pay a specified sum from the public moneys to a designated person. 133 C. 130. Withdrawal by unemployment compensation administrator to pay benefits falls within requirement of registry. Id., 131. Cited. 179 C. 552; 200 C. 386.

**(Secretary, duties.)**

Sec. 23.<sup>1</sup> The secretary of the state shall have the safe keeping and custody of the public records and documents, and particularly of the acts, resolutions and orders of the general assembly, and record the same; and perform all such duties as shall be

prescribed by law. He shall be the keeper of the seal of the state, which shall not be altered.

<sup>1</sup> Clerks of legislature proper custodians of files and records during sessions. 77 C. 262. Records of secretary as evidence of existence of act of general assembly. 79 C. 147.

**(Comptroller, duties.)**

Sec. 24.<sup>1</sup> The comptroller shall adjust and settle all public accounts and demands, except grants and orders of the general assembly. He shall prescribe the mode of keeping and rendering all public accounts. He shall, ex officio, be one of the auditors of the accounts of the treasurer. The general assembly may assign to him other duties in relation to his office, and to that of the treasurer, and shall prescribe the manner in which his duties shall be performed.

<sup>1</sup> As to the duties of the comptroller in adjusting and settling accounts. 61 C. 568, 569. Legislature may make money grant without approval of governor. 78 C. 557. Cited. 129 C. 277. Does not preclude general assembly from ordering payment of amounts of benefits to be fixed by unemployment compensation administrator. 133 C. 112, 129. "Adjust and settle" means no more than that comptroller is to fix amount due a claimant. Id., 127. Section of bill prescribing mode of keeping books by comptroller held unconstitutional and void. 152 C. 431.

**(Sheriffs for the several counties.)**

Sec. 25.<sup>1</sup> Sheriffs shall be elected in the several counties, on the Tuesday after the first Monday of November, 1966, and quadrennially thereafter, for the term of four years, commencing on the first day of June following their election. They shall become bound with sufficient sureties to the treasurer of the state, for the faithful discharge of the duties of their office. They shall be removable by the general assembly. In case the sheriff of any county shall die or resign, or shall be removed from office by the general assembly, the governor may fill the vacancy occasioned thereby, until the same shall be filled by the general assembly.

<sup>1</sup> Repealed by Article XXX., Sec. 1, of the Amendments to the Constitution of the State of Connecticut.

**(Accounts of the state to be published.)**

Sec. 26. A statement of all receipts, payments, funds, and debts of the state, shall be published from time to time, in such manner and at such periods, as shall be prescribed by law.

ARTICLE FIFTH.\*

OF THE JUDICIAL DEPARTMENT.

---

\* County commissioners are not judges within the meaning of this article; 25 C. 186; nor justices of the peace. 102 C. 29, 31. Special commission to determine what shall be included in purchase of lighting plant by city, etc., not judges; 76 C. 571; nor is compensation commissioner. 89 C. 148. Cited. 130 C. 139; 138 C. 157, 164, 167; 175 C. 586; 199 C. 496; 211 C. 289.

Cited. 16 CA 437.

General Assembly has no power to define jurisdiction of either Supreme Court or Superior Court; history. 11 CS 489. Cited. 41 CS 525.

**(Courts, powers, and jurisdiction.)**

Sec. 1.<sup>1</sup> The judicial power of the state shall be vested in a supreme court, a superior court, and such lower courts as the general assembly shall, from time to time, ordain and establish. The powers and jurisdiction of these courts shall be defined by law.

<sup>1</sup> Amended by Article XX., Sec. 1, of the Amendments of the Constitution of the State of Connecticut.

**(Supreme and superior court judges, appointments, terms, removal.)**

Sec. 2.<sup>1</sup> The judges of the supreme court and of the superior court shall, upon nomination by the governor, be appointed by the general assembly in such manner as shall by law be prescribed. They shall hold their offices for the term of eight years, but may be removed by impeachment. The governor shall also remove them on the address of two-thirds of each house of the general assembly.

<sup>1</sup> Amended by Article XX., Sec. 2, and Article XXV., of the Amendments to the Constitution of the State of Connecticut.

**(Lower court judges, appointment, terms.)**

Sec. 3.<sup>1</sup> Judges of the lower courts shall, upon nomination by the governor, be appointed by the general assembly in such manner as shall by law be prescribed, for terms of four years.

<sup>1</sup> Under former constitutional provisions: A judge of a city court, appointed by the common council, under an act of the legislature authorizing such appointment, held to be a judge de facto. 36 C. 449. Whether an act is constitutional which provides that in the sickness or absence of the judge, a justice of the peace may be called in by the clerk to act as judge, quare. 38 C. 479, see also, 102 C. 29, 31. As to term of judge of city court elected to fill vacancy, see 78 C. 55. Power of governor to fill vacancy; effect of electing judge for term and until his successor is elected and qualified. 87 C. 539. Cited. 130 C. 139; 132 C. 524. Applies to judges of all municipal courts whether called city, town, borough or police courts. The rights of judges, appointed previous to the time amendment XLVII (to original const.) became effective, expired June 30, 1949, and thereafter they were de facto and not de jure judges. 135 C. 638. Not self-executing but could become effective only when general assembly had fixed the term of judges and manner in which appointments were to be made. Id. This amendment requires implementation by legislation and does not supersede section 5 until the legislature acts. 138 C. 153. Not superseded by section 6 until legislature acts to implement the later amendment. Id. Operative date of amendment. 144 C. 612, 624.

**(Probate court judges, election, terms.)**

Sec. 4.<sup>1</sup> Judges of probate shall be elected by the electors residing in their respective districts on the Tuesday after the first Monday of November, 1966, and quadrennially thereafter, and shall hold office for four years from and after the Wednesday after the first Monday of the next succeeding January.

<sup>1</sup> Cited. 138 C. 164. Provisions of 1967 probate court act for suspension of probate court judges by chief court administrator are unconstitutional shortening of four-year term of office provided by this section. 157 C. 150. Judge of probate holds public office of state government but he does not hold an office established by the constitution even though his term and those who can vote for him are set forth therein. Id. Cited. 192 C. 704; 193 C. 180.

**(Justices of the peace.)**

Sec. 5.<sup>1</sup> Justices of the peace for the several towns in the state shall be elected by the electors in such towns; and the time and manner of their election, the number for each town, the period for which they shall hold their offices and their jurisdiction shall be prescribed by law.

<sup>1</sup> Repealed by Article VIII., Sec. 1, of the Amendments to the Constitution of the State of Connecticut.

**(Age limitation, exception.)**

Sec. 6.<sup>1</sup> No judge or justice of the peace shall be eligible to hold his office after he shall arrive at the age of seventy years, except that a chief justice or judge of the supreme court, a judge of the superior court, or a judge of the court of common pleas, who has attained the age of seventy years and has become a state referee may exercise, as shall be prescribed by law, the powers of the superior court or court of common pleas on matters referred to him as a state referee.

<sup>1</sup> Amended by Article VIII., Sec. 2, of the Amendments to the Constitution of the State of Connecticut.

## ARTICLE SIXTH.

## OF THE QUALIFICATIONS OF ELECTORS.

**(Qualifications of electors.)**

Sec. 1.<sup>1</sup> Every citizen of the United States who has attained the age of twenty-one years, who has resided in the town in which he offers himself to be admitted to the privileges of an elector at least six months next preceding the time he so offers himself, who is able to read in the English language any article of the constitution or any section of the statutes of the state, and who sustains a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

<sup>1</sup> Amended by Article IX., of the Amendments to the Constitution of the State of Connecticut.

**(Determination of qualifications.)**

Sec. 2.<sup>1</sup> The qualifications of electors as set forth in Section 1 of this article shall be decided at such times and in such manner as may be prescribed by law.

<sup>1</sup> Under former constitutional provision: The action of the board cannot be controlled by mandamus. 34 C. 414, 415. Exemption of the board from liability. 53 C. 527. Liability of town for expenses of board. 75 C. 545, see 76 C. 167. Selectmen and town clerk are not exclusive judges where requirement is that of "resident elector." 103 C. 167. Cited. 129 C. 624.

Waiver of counsel intelligent, when. 29 CS 426.

**(Forfeiture and restoration of electoral privileges.)**

Sec. 3.<sup>1</sup> The general assembly shall by law prescribe the offenses on conviction of which the privileges of an elector shall be forfeited and the conditions on which and methods by which such rights may be restored.

<sup>1</sup> Amended by Article VII., of the Amendments to the Constitution of the State of Connecticut.

**(Free suffrage.)**

Sec. 4.<sup>1</sup> Laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult and other improper conduct.

<sup>1</sup> Purpose of the section and of legislation pursuant thereto is to secure the exercise of free suffrage. 72 C. 105. To throw out ballot for immaterial error would not be to support the right of free suffrage. 75 C. 15. Cited. 136 C. 636.

**(Voting by ballot or machine. Optional party lever.)**

Sec. 5.<sup>1</sup> In all elections of officers of the state, or members of the general assembly, the votes of the electors shall be by ballot, either written or printed, except that voting machines or other mechanical devices for voting may be used in all elections in the state, under such regulations as may be prescribed by law. The right of secret voting shall be preserved. At every election where candidates are listed by party designation and where voting machines or other mechanical devices are used, each elector shall be able at his option to vote for candidates for office under a single party designation by operating a straight ticket device, or to vote for candidates individually after first operating a straight ticket device, or to vote for candidates individually without first operating a straight ticket device.

<sup>1</sup> Amended by Article XXIV., of the Amendments to the Constitution of the State of Connecticut.

**(Privilege of electors from arrest.)**

Sec. 6.<sup>1</sup> At all elections of officers of the state, or members of the general assembly, the electors shall be privileged from arrest, during their attendance upon, and going to, and returning from the same, on any civil process.

<sup>1</sup> Extent of protection guaranteed by this section. 3 C. 537.

**(Absentee voting.)**

Sec. 7.<sup>1</sup> The general assembly may provide by law for voting in the choice of any officer to be elected or upon any question to be voted on at an election by qualified voters of the state who are unable to appear at the polling place on the day of election because of absence from the city or town of which they are inhabitants or because of sickness or physical disability or because the tenets of their religion forbid secular activity.

<sup>1</sup> Cited. 136 C. 636.

**(Admission of electors in absentia.)**

Sec. 8.<sup>1</sup> The general assembly may provide by law for the admission as electors in absentia of members of the armed forces, the United States merchant marine, members of religious or welfare groups or agencies attached to and serving with the armed forces and civilian employees of the United States, and the spouses and dependents of such persons.

<sup>1</sup> Amended by Article XXVII., of the Amendments to the Constitution of the State of Connecticut.

**(Removal to another town.)**

Sec. 9.<sup>1</sup> Any person admitted as an elector in any town shall, if he removes to another town, have the privileges of an elector in such other town after residing therein for six months. The general assembly shall prescribe by law the manner in which evidence of the admission of an elector and of the duration of his current residence shall be furnished to the town to which he removes.

<sup>1</sup> Repealed by Article XIII., of the Amendments to the Constitution of the State of Connecticut.

**(Eligibility to office.)**

Sec. 10.<sup>1</sup> Every elector shall be eligible to any office in the state, except in cases provided for in this constitution.

<sup>1</sup> Amended by Article II., Sec. 3, and Article XV., Sec. 3, of the Amendments to the Constitution of the State of Connecticut.

ARTICLE SEVENTH.\*

OF RELIGION.

---

\*Former provision cited. 7 C. 77. Effect of constitutional provision on former located societies, undetermined. 16 C. 516. General Assembly cannot divide an ancient society, nor divide its funds and assign part to new society. 23 C. 255. It may well be questioned whether this section does not forbid including religious instruction in list of necessities. 40 C. 77. Providing of transportation to nonprofit private schools by towns under Sec. 10-281 constitutional. 147 C. 374. Reasonable regulation of location of churches and schools for religious education does not violate constitutional guarantee of freedom of religion. 149 C. 712. Resale of land to church at lower prices than paid for other land of church condemned by urban redevelopment authority is not an aid to religion in violation of this article. 159 C. 116. Secs. 30-74, 30-77 and 30-91 insofar as they prohibited sale of alcoholic liquor on Good Friday are unconstitutional. Entanglement of government and religion discussed. 183 C. 552. Cited. 191 C. 336.

Cited. 7 CA 745.

**(No legal compulsion to join or support church. No preference in religion. Equal rights of all religious denominations.)**

It being the right of all men to worship the Supreme Being, the Great Creator and Preserver of the Universe, and to render that worship in a mode consistent with the

dictates of their consciences, no person shall by law be compelled to join or support, nor be classed or associated with, any congregation, church or religious association. No preference shall be given by law to any religious society or denomination in the state. Each shall have and enjoy the same and equal powers, rights and privileges, and may support and maintain the ministers or teachers of its society or denomination, and may build and repair houses for public worship.

## ARTICLE EIGHTH.

### OF EDUCATION.

#### **(Free public schools.)**

Sec. 1.<sup>1</sup> There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation.

<sup>1</sup> Cited. 162 C. 573. Furnishing of education for the general public is a state function. 167 C. 368. Present system of school financing, relying principally on local taxes, violates this section; nature of state interest in education. 172 C. 615. Option to town which lacks resources to implement higher quality educational program which is available to property-richer towns is illusory. Id., 645. Right to education is a fundamental right. Id. General assembly mandated duty for financing elementary and secondary education. Id. History reviewed. Id. Not required to have equalized pot of money per town. Id., 658. Cited. 175 C. 586; 182 C. 93; Id., 253; 187 C. 187; 193 C. 93. Legislative provision for financing education violated provisions of Connecticut Constitution (*Horton v. Meskill*, 172 C. 615). 193 C. 670. Cited. 195 C. 24. Free public education cited. Id. Cited. 197 C. 554; 210 C. 286. Not violated by termination of emergency housing program; fundamental right to public education cited; violation of constitutional rights cited. 214 C. 256. Cited. 228 C. 640. Legislature did not intend to create a right to special education for gifted children under this section. 229 C. 1. Constitutional right to an education cited. Id. Cited. 233 C. 557; 236 C. 1; 237 C. 169. Plaintiffs have proved a violation under state constitution of their fundamental right to a substantially equal educational opportunity free from substantial racial and ethnic isolation. 238 C. 1. Equal opportunity to a free public education; fundamental right to education cited. Id. Town charter that allows for separate referenda for town's operating budget and education budget and that allows voters to reject the budgets three times does not rise to the level of a veto and does not violate state policy concerning education. 268 C. 295. This section entitles Connecticut public school students to an education suitable to give them the opportunity to be responsible citizens able to participate fully in democratic institutions, progress to institutions of higher education or to attain productive employment and otherwise contribute to the state's economy; to satisfy this standard, the state, through the local school districts, must provide students with an objectively meaningful opportunity to receive the benefits of this constitutional right. 295 C. 240. Plaintiffs failed to establish that the state's educational offerings are not minimally adequate under this section and cannot prevail on their claims that the state has not provided them with a suitable and substantially equal educational opportunity. 327 C. 650.

Cited. 6 CA 309; 13 CA 1; 28 CA 306.

Educational provisions of constitution lays a basis for a suit by citizens for young beneficiary. 29 CS 199. Cited. Id., 404. The Connecticut system of education violates Art. I, Sec. 20 of the Connecticut Constitution. 31 CS 377. This section makes it the duty of the General Assembly to provide for free public education and this creates a fundamental correlative right to education. Id. (Affirmed. 172 C. 615.) State function and duty to furnish public education formally recognized in 1965. Id., 381. State has constitutional duty to furnish free public and elementary education and general assembly has constitutional duty to enact legislation to carry out state's duty. Id., 382. Disparities in expenditure per pupil tend to result in disparities in educational opportunity. Id., 387. Constitutional duty to educate is duty of state not of towns. Id. Mandatory language that general assembly implement the principle by appropriate legislation makes it the duty to provide free public education and create a correlative right to that education. Id., 389. Cited. 35 CS 55. Right to free public elementary education discussed in relation to special education. Right not measured by physical or intellectual ability of child. Id., 501. Cited. 40 CS 141. State constitutional mandate to furnish public education cited. Id. Cited. 42 CS 172; Id., 256; 44 CS 527. Public school student's right to a free secondary school education was not violated by school district's mandatory dress code because code was rationally related to the purpose of eliminating disruption caused by varying manners of dress. 47 CS 342.

#### **(System of higher education.)**

Sec. 2.<sup>1</sup> The state shall maintain a system of higher education, including The University of Connecticut, which shall be dedicated to excellence in higher education. The general assembly shall determine the size, number, terms and method of appointment of the governing boards of The University of Connecticut and of such constituent units or coordinating bodies in the system as from time to time may be established.

<sup>1</sup> The use of the word "excellence" was inserted with the expectation that the university would serve as a model of excellence for the state system of higher education. Corrective action as to the act of the university senate if warranted, lies

within the provinces of the board of trustees from whom the university senate's authority is derived, the governor who appoints the trustees and ultimately, with the General Assembly. 165 C. 507. Cited. 175 C. 586; 233 C. 557; 238 C. 1.

**(Charter of Yale College.)**

Sec. 3.<sup>1</sup> The charter of Yale College, as modified by agreement with the corporation thereof, in pursuance of an act of the general assembly, passed in May, 1792, is hereby confirmed.

<sup>1</sup> History of tax exemption. 71 C. 316; 92 C. 108. Cited. 169 C. 454.

**(School fund.)**

Sec. 4.<sup>1</sup> The fund, called the SCHOOL FUND, shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public schools throughout the state, and for the equal benefit of all the people thereof. The value and amount of said fund shall be ascertained in such manner as the general assembly may prescribe, published, and recorded in the comptroller's office; and no law shall ever be made, authorizing such fund to be diverted to any other use than the encouragement and support of public schools, among the several school societies, as justice and equity shall require.

<sup>1</sup> School moneys belong to school societies composed of all denominations residing within parochial limits of said societies. 2 R. 461. Resolution of general assembly dividing school funds between two societies which had been created by an act dividing a society, not unconstitutional. 40 C. 469–472. Whether statute could subject fund to loss from cause subsequently arising, quære. 81 C. 12. Town itself, and not its officers, must make good in case of loss of part of fund; town must act as a fiduciary in relation to fund. 105 C. 317, 321. Unconstitutional to use School Fund for transportation of private school children under section 10-281. 147 C. 374. Expresses concept of equality in public education. 172 C. 615. Cited. 195 C. 24. Not violated by termination of emergency housing program; fundamental right to public education cited; violation of constitutional rights cited. 214 C. 256. Cited. 233 C. 557.

ARTICLE NINTH.

OF IMPEACHMENTS.

**(Power of impeachment.)**

Sec. 1.<sup>1</sup> The house of representatives shall have the sole power of impeaching.

<sup>1</sup> Jurisdiction of courts over actions concerning impeachment proceedings discussed. 192 C. 704. Cited. 193 C. 180. Impeachment power cited. Id. Cited. 234 C. 539. Impeachment provision cited. Id. Reaffirmed previous holding that legislative impeachment authority is subject to judicial review where legislative action is outside of constitutional impeachment and there are egregious and irreparable violations of state or federal constitutional guarantees, and further held that there should be judicial review in the case of a sitting governor to afford reasonable opportunity to challenge impeachment proceedings while matter is before impeachment committee when challenge is based on a constitutional violation and tangible harm. 271 C. 540.

**(Trial of impeachments.)**

Sec. 2.<sup>1</sup> All impeachments shall be tried by the senate. When sitting for that purpose, they shall be on oath or affirmation. No person shall be convicted without the concurrence of at least two-thirds of the members present. When the governor is impeached, the chief justice shall preside.

<sup>1</sup> Jurisdiction of courts over actions concerning impeachment proceedings discussed. 192 C. 704.

**(Liability to impeachments.)**

Sec. 3.<sup>1</sup> The governor, and all other executive and judicial officers, shall be liable to impeachment; but judgments in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit under the state. The party convicted, shall, nevertheless, be liable and subject to indictment, trial and punishment according to law.

<sup>1</sup> Judge of probate may be disbarred as attorney. 88 C. 451. Judges of probate court may be removed by impeachment. 157 C. 150. Jurisdiction of courts over actions concerning impeachment proceedings discussed. 192 C. 704. Cited. 234 C. 539. Impeachment cited. Id.

**(Treason against the state.)**

Sec. 4.<sup>1</sup> Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of at least two witnesses to the same overt act, or on confession in open court. No conviction of treason, or attainder, shall work corruption of blood, or forfeiture.

<sup>1</sup> Cited. 197 C. 436.

Prohibition against bill of attainder cited. 15 CA 161; Id., 342.

ARTICLE TENTH.

OF HOME RULE.

**(Delegation of legislative authority to political subdivisions. Terms of town, city and borough elective officers. Special legislation.)**

Sec. 1.<sup>1</sup> The general assembly shall by general law delegate such legislative authority as from time to time it deems appropriate to towns, cities and boroughs relative to the powers, organization, and form of government of such political subdivisions. The general assembly shall from time to time by general law determine the maximum terms of office of the various town, city and borough elective offices. After July 1, 1969, the general assembly shall enact no special legislation relative to the powers, organization, terms of elective offices or form of government of any single town, city or borough, except as to (a) borrowing power, (b) validating acts, and (c) formation, consolidation or dissolution of any town, city or borough, unless in the delegation of legislative authority by general law the general assembly shall have failed to prescribe the powers necessary to effect the purpose of such special legislation.<sup>2</sup>

<sup>1</sup> Under former constitutional provision: Whether a town can lawfully elect a single selectman, quaere. 32 C. 109. Not applicable to assessors. 52 C. 216. Nor to members of school committee. 59 C. 60. Origin of provision for annual election of selectmen. 75 C. 462. Meaning of "officers of local police". Id., 347. Nature of office of selectman; 71 C. 724; as agents of town and agents of the law. 64 C. 100; 85 C. 498; 88 C. 306. Article authorizes delegation of responsibility for raising large part of funds for education to towns. 172 C. 615 (Diss. Op.). Legislature has the authority to grant subpoena power to municipalities. 180 C. 243. Cited. 182 C. 93; 185 C. 88; 192 C. 399. Does not follow from constitutional commitment to home rule that the legislature is precluded from addressing problems of state-wide concern whenever the remedy affects a single locality. 193 C. 506. Cited. 196 C. 623. Home rule cited. Id. Cited. 197 C. 554; 205 C. 495. Deprivation of fundamental state constitutional rights cited. Id. Sec. 22a-458 in this instance prevails over town charter and does not violate this constitutional provision. 216 C. 436. Home rule provision of Connecticut Constitution cited. Id. Cited. 234 C. 217.

Cited. 10 CA 80; 16 CA 213; 29 CA 207.

Cited. 43 CS 470.

<sup>2</sup> Cited. 195 C. 524; 216 C. 112.

**(Regional governments and compacts.)**

Sec. 2. The general assembly may prescribe the methods by which towns, cities and boroughs may establish regional governments and the methods by which towns, cities, boroughs and regional governments may enter into compacts. The general assembly shall prescribe the powers, organization, form, and method of dissolution of any government so established.

## ARTICLE ELEVENTH.

## GENERAL PROVISIONS.

**(Official oath. Form.)**

Sec. 1.<sup>1</sup> Members of the general assembly, and all officers, executive and judicial, shall, before they enter on the duties of their respective offices, take the following oath or affirmation, to wit:

You do solemnly swear (or affirm, as the case may be) that you will support the Constitution of the United States, and the Constitution of the state of Connecticut, so long as you continue a citizen thereof; and that you will faithfully discharge, according to law, the duties of the office of .... to the best of your abilities. So help you God.

<sup>1</sup> Applicable only to officer appointed after adoption of constitution. 5 C. 278. Cited. 135 C. 647. Even though a state referee had not taken an oath of office he is a de facto officer and validity of his acts is not open to challenge in a remonstrance. 136 C. 72. Cited. 162 C. 250; 179 C. 140; Id., 552.

Cited. 3 CA 590.

**(Extra compensation to public officers prohibited.)**

Sec. 2.<sup>1</sup> Neither the general assembly nor any county, city, borough, town or school district shall have power to pay or grant any extra compensation to any public officer, employee, agent or servant, or increase the compensation of any public officer or employee, to take effect during the continuance in office of any person whose salary might be increased thereby, or increase the pay or compensation of any public contractor above the amount specified in the contract.

<sup>1</sup> Amended by Article XIX, of the Amendments to the Constitution of the State of Connecticut.

**(Emergency provision for temporary succession to powers and duties of public offices.)**

Sec. 3. In order to insure continuity in operation of state and local governments in a period of emergency resulting from disaster caused by enemy attack, the general assembly shall provide by law for the prompt and temporary succession to the powers and duties of all public offices, the incumbents of which may become unavailable for carrying on their powers and duties.

**(Claims against the state.)**

Sec. 4.<sup>1</sup> Claims against the state shall be resolved in such manner as may be provided by law.

<sup>1</sup> Cited. 166 C. 251. State is immune from suit on claim for liability without its consent; Chapter 53 provides for adjudication of claims against the state with its permission. 172 C. 603. Cited. 177 C. 268. Sovereign immunity cited. 187 C. 94, 101. Issue of whether a municipality must specially plead governmental immunity to merit its consideration as a defense to an action alleging negligent operation of a city park discussed. Id., 180. Cited. 195 C. 534; 204 C. 17; 222 C. 280. Request for an order directing the chief court administrator to allocate sufficient resources to juvenile courts to eliminate alleged unlawful practices would not result in a violation of sovereign immunity. 244 C. 296. Exception to doctrine of sovereign immunity for actions by state officers in excess of their statutory authority or pursuant to an unconstitutional statute applies only to actions seeking declaratory or injunctive relief and not to actions seeking only money damages. 265 C. 301. Sovereign immunity bars action seeking monetary damages against state officials in their official capacities even when they acted in excess of statutory authority or pursuant to an unconstitutional statute. Id., 338. Exception to doctrine of sovereign immunity applies to equitable counterclaims by defendant in an equitable action brought by the state; the state does not waive its sovereign immunity for counterclaims seeking monetary damages simply by initiating litigation against a private party; when the state brings a cause of action, it waives its sovereign immunity with respect to the procedure established for the action's final and complete disposition in the courts, including an appeal or a writ of error. 310 C. 60.

Doctrine of sovereign immunity protected defendant attorney general's action in issuing a press release stating that the case involving the plaintiffs, nursing home operators, "was one of the most reprehensible and outrageous Medicaid frauds we have seen," and that plaintiffs were engaged in the most "egregious" and "blatant" abuse of Medicaid funds

he had ever seen and plaintiffs could not prevail on their claim that defendant's behavior should be examined under standard in Sec. 4-165; such standard is inapplicable because liability under statute only applies when defendant has not established defense of sovereign immunity and such immunity applies to facts in this case. 67 CA 613. Legislature's delegation of its equitable authority to the Claims Commissioner is unambiguous and unequivocal and does not violate constitutional principle of bicameralism. 133 CA 479.

Statutes in derogation of sovereignty should be strictly construed in favor of the state. 26 CS 24.

**(Effect of Constitution on existing corporations, officers, laws.)**

Sec. 5.<sup>1</sup> The rights and duties of all corporations shall remain as if this constitution had not been adopted; with the exception of such regulations and restrictions as are contained in this constitution.<sup>2</sup> All laws not contrary to, or inconsistent with, the provisions of this constitution shall remain in force, until they shall expire by their own limitation, or shall be altered or repealed by the general assembly, in pursuance of this constitution. The validity of all bonds, debts, contracts, as well of individuals as of bodies corporate, or the state, of all suits, actions, or rights of action, both in law and equity, shall continue as if no change had taken place. All officers filling any office by election or appointment shall continue to exercise the duties thereof, according to their respective commissions or appointments, until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

<sup>1</sup> Right of general assembly to divide towns and school districts not taken away by section. 14 C. 469. But it is not competent for general assembly to divide an ancient ecclesiastical society established before the adoption of present constitution. 23 C. 269–277. Resolution of general assembly passed prior to adoption of constitution thrusting whole burden of maintenance of bridge on one town not unconstitutional. *Id.*, 419, 420. Towns originally constituting colony of Connecticut not corporations in proper sense prior to constitution of 1639; review of history and power of towns. 32 C. 131. No rights or franchises contemplated except such as were then existing; and a right to have and enjoy a new tribunal cannot be regarded as one actually possessed. 36 C. 448. Act of 1889, providing that secretary of state board of education shall be a member of every school committee, etc., not unconstitutional as conflicting with section, because towns did not have right when constitution was adopted to elect school committees. 59 C. 62.

<sup>2</sup> Under former constitutional provision prohibiting municipal aid to, or investment in the stock of, railroad corporations: An act authorizing an assessment of damages against a city for change of highway lines for necessary relocation of railroad line, is not within this provision. 54 C. 277, see 178 U.S. 323. Under former Sec. 16-98 one-half the expense of a highway across a railroad is to be borne by the company constructing the same, and one-half thereof is to be paid to the company by the municipality which is constructing such highway. The municipality may not contract to assume the railroad's statutory obligation. 150 C. 366.

## ARTICLE TWELFTH.

### OF AMENDMENTS TO THE CONSTITUTION.

**(Method of proposing and approving amendments.)**

<sup>1</sup>Amendments to this constitution may be proposed by any member of the senate or house of representatives. An amendment so proposed, approved upon roll call by a ye a vote of at least a majority, but by less than three-fourths, of the total membership of each house, shall be published with the laws which may have been passed at the same session and be continued to the regular session of the general assembly elected at the general election to be held on the Tuesday after the first Monday of November in the next even-numbered year. An amendment so proposed, approved upon roll call by a ye a vote of at least three-fourths of the total membership of each house, or any amendment which, having been continued from the previous general assembly, is again approved upon roll call by a ye a vote of at least a majority of the total membership of each house, shall, by the secretary of the state, be transmitted to the town clerk in each town in the state, whose duty it shall be to present the same to the electors thereof for their consideration at the general election to be held on the Tuesday after the first Monday of November in the next even-numbered year. If it shall appear, in

a manner to be provided by law, that a majority of the electors present and voting on such amendment at such election shall have approved such amendment, the same shall be valid, to all intents and purposes, as a part of this constitution. Electors voting by absentee ballot under the provisions of the statutes shall be considered to be present and voting.

<sup>1</sup> Amended by Article VI., of the Amendments to the Constitution of the State of Connecticut.

## ARTICLE THIRTEENTH.

### OF CONSTITUTIONAL CONVENTIONS.

#### **(Method of convening by vote of general assembly.)**

Sec. 1. The general assembly may, upon roll call, by a yea vote of at least two-thirds of the total membership of each house, provide for the convening of a constitutional convention to amend or revise the constitution of the state not earlier than ten years from the date of convening any prior convention.

#### **(Method of convening by vote of electors.)**

Sec. 2. The question "Shall there be a Constitutional Convention to amend or revise the Constitution of the State?" shall be submitted to all the electors of the state at the general election held on the Tuesday after the first Monday in November in the even-numbered year next succeeding the expiration of a period of twenty years from the date of convening of the last convention called to revise or amend the constitution of the state, including the Constitutional Convention of 1965, or next succeeding the expiration of a period of twenty years from the date of submission of such a question to all electors of the state, whichever date shall last occur. If a majority of the electors voting on the question shall signify "yes", the general assembly shall provide for such convention as provided in Section 3 of this article.

#### **(Selection of membership, date of convening.)**

Sec. 3. In providing for the convening of a constitutional convention to amend or revise the constitution of the state the general assembly shall, upon roll call, by a yea vote of at least two-thirds of the total membership of each house, prescribe by law the manner of selection of the membership of such convention, the date of convening of such convention, which shall be not later than one year from the date of the roll call vote under Section 1 of this article or one year from the date of the election under Section 2 of this article, as the case may be, and the date for final adjournment of such convention.

#### **(Submission of proposals to electors, approval, effective date.)**

Sec. 4. Proposals of any constitutional convention to amend or revise the constitution of the state shall be submitted to all the electors of the state not later than two months after final adjournment of the convention, either as a whole or in such parts and with such alternatives as the convention may determine. Any proposal of the convention to amend or revise the constitution of the state submitted to such electors in accordance with this section and approved by a majority of such electors voting on the question shall be valid, to all intents and purposes, as a part of this constitution. Such proposals when so approved shall take effect thirty days after the date of the vote thereon unless otherwise provided in the proposal.

## ARTICLE FOURTEENTH.

OF THE EFFECTIVE DATE OF THIS CONSTITUTION.

**(Approval of Constitution by the people.)**

This proposed constitution, submitted by the Constitutional Convention of 1965, shall become the constitution of the state of Connecticut upon approval by the people and proclamation by the governor as provided by law.<sup>1</sup>

<sup>1</sup> Referendum December 14, 1965. Proclaimed by the governor December 30, 1965.

**AMENDMENTS**  
**TO THE**  
**CONSTITUTION**  
**OF THE**  
**STATE OF CONNECTICUT**

---

ARTICLE I.\*

---

\*Adopted November 25, 1970.

Cited. 174 C. 308.

**(State officers, election date.)**

Section 1 of article fourth of the Constitution is amended to read as follows:

A general election for governor, lieutenant-governor, secretary of the state, treasurer, comptroller and attorney general shall be held on the Tuesday after the first Monday of November, 1974, and quadrennially thereafter.

ARTICLE II.\*

---

\*Adopted November 25, 1970.

**(Senate, number, qualifications.)**

Sec. 1. Section 3 of article third of the Constitution is amended to read as follows:

<sup>1</sup>The senate shall consist of not less than thirty and not more than fifty members, each of whom shall have attained the age of twenty-one years and be an elector residing in the senatorial district from which he is elected. Each senatorial district shall be contiguous as to territory and shall elect no more than one senator.

<sup>1</sup> Amended by Article XV., Sec. 1, of the Amendments to the Constitution of the State of Connecticut.

**(House of representatives, how constituted.)**

Sec. 2. Section 4 of said article third is amended to read as follows:

<sup>1</sup>The house of representatives shall consist of not less than one hundred twenty-five and not more than two hundred twenty-five members, each of whom shall have attained the age of twenty-one years and be an elector residing in the assembly district from which he is elected. Each assembly district shall be contiguous as to territory and shall elect no more than one representative. For the purpose of forming assembly districts no town shall be divided except for the purpose of forming assembly districts wholly within the town.

<sup>1</sup> Amended by Article XV., Sec. 2, of the Amendments to the Constitution of the State of Connecticut.

**(Eligibility to office.)**

Sec. 3. Section 10 of article sixth of the Constitution is amended to read as follows:

<sup>1</sup>Every elector who has attained the age of twenty-one years shall be eligible to any office in the state, but no person who has not attained the age of twenty-one shall be eligible therefor, except in cases provided for in this constitution.

<sup>1</sup> Amended by Article XV., Sec. 3, of the Amendments to the Constitution of the State of Connecticut.

## ARTICLE III.\*

---

\*Adopted November 25, 1970.

Cited. 124 C. 122; 132 C. 523; 135 C. 651; 139 C. 209; 232 C. 345.

**(General Assembly, when and where held. Adjournment. Reconvened session to consider vetoes.)**

Section 2 of article third of the Constitution is amended to read as follows:

There shall be a regular session of the general assembly on the Wednesday following the first Monday of January in the odd-numbered years and on the Wednesday following the first Monday of February in the even-numbered years, and at such other times as the general assembly shall judge necessary; but the person administering the office of governor may, on special emergencies, convene the general assembly at any other time. All regular and special sessions of the general assembly shall be held at Hartford, but the person administering the office of governor may, in case of special emergency, convene the assembly at any other place in the state. The general assembly shall adjourn each regular session in the odd-numbered years not later than the first Wednesday after the first Monday in June and in the even-numbered years not later than the first Wednesday after the first Monday in May and shall adjourn each special session upon completion of its business. If any bill passed by any regular or special session or any appropriation item described in Section 16 of Article Fourth has been disapproved by the governor prior to its adjournment, and has not been reconsidered by the assembly, or is so disapproved after such adjournment, the secretary of the state shall reconvene the general assembly on the second Monday after the last day on which the governor is authorized to transmit or has transmitted every bill to the secretary with his objections pursuant to Section 15 of Article Fourth of this constitution, whichever occurs first; provided if such Monday falls on a legal holiday the general assembly shall be reconvened on the next following day. The reconvened session shall be for the sole purpose of reconsidering and, if the assembly so desires, repassing such bills. The general assembly shall adjourn sine die not later than three days following its reconvening. In the even year session the general assembly shall consider

no business other than budgetary, revenue and financial matters, bills and resolutions raised by committees of the general assembly and those matters certified in writing by the speaker of the house of representatives and president pro tempore of the senate to be of an emergency nature.

## ARTICLE IV.\*

---

\*Certified as adopted December 22, 1972. (See *Ponsor et al v. Schaffer*, Hartford Superior Court Docket No. 179114.)

An act enlarging justice's jurisdiction does not impair the right of trial by jury. 4 C. 538; 25 C. 286. A provision in a city charter, that the jury should be taken from the freemen of the city, is not repugnant to this clause. 12 C. 252. A statute exempting military officers from suits at law for imposing fines is not in violation of this clause. 14 C. 205. This provision does not prevent the legislature from authorizing courts to grant nonsuits. 24 C. 478. The act allowing justices to adjudge the forfeiture of liquors illegally kept, is no impairment of jury trial. 25 C. 286. The act prohibiting appeal from judgment for limited sum is constitutional. 34 C. 54; 38 C. 240. What reasonable conditions are no infringement of right to jury trial. 34 C. 54. The act providing for court trial of probate appeals is constitutional. 35 C. 455. An act providing for the seizure of boat illegally taking oysters was held unconstitutional, since it gave no right of appeal. 37 C. 323. An act which allowed the accused to select court or jury trial was held not opposed to public policy and was constitutional. 46 C. 363, 367. The law authorizing a decree of ejectment on foreclosure does not infringe the right of jury trial. Id., 526. An issue of fact raised by the return to an alternative mandamus is to be tried by the court; such having been the practice prior to the adoption of the constitution. 47 C. 341, 343. The jury law is not in conflict with this provision. 48 C. 546, 547; 72 C. 98. Section not applicable to proceedings for revocation of liquor licenses. 49 C. 599-607. No right exists to trial by jury before county commissioners. 50 C. 324. A law declaring that the determination of a judge of the superior court shall be conclusive in contested election cases, is constitutional. 51 C. 125-128. The office of mayor is not recognized by the constitution. Id., 125. The charter of New Haven is not unconstitutional as denying right of jury trial in city court on charge of drunkenness. Id., 422. Practice of assessing damages by court after default in tort held constitutional, inasmuch as such practice was established before the adoption of the constitution. 53 C. 2. Section de proceedings for setting aside designation of natural oyster beds, does not violate. 56 C. 519. An act requiring one on trial to disclose where he secured liquor was held constitutional. 59 C. 591. The statute providing for a jury of six only, in summary process, is valid. 66 C. 438. The law de quieting title to land does not prohibit a jury trial in cases involving purely legal claims. 68 C. 286. Cited. 72 C. 98. Reasonable modifications of procedure do not violate; proof of will out of court; 74 C. 260; requirement that case be claimed for jury in certain time. 75 C. 611; see 69 C. 131. Setting aside verdict does not violate; 74 C. 71; 75 C. 678; 76 C. 496; 81 C. 624; 86 C. 225; if discretion is properly exercised; 91 C. 460; or setting it aside unless part of judgment be remitted. 78 C. 299; 86 C. 322. On setting aside verdict, supreme court cannot direct opposite verdict. 81 C. 579. Jury must take law from judge. 75 C. 218. Judge may state facts to jury which as reasonable men they must find; 81 C. 347; or direct verdict. 81 C. 578; 91 C. 442. Historical review of trial by jury in Connecticut. 75 C. 219. Requirement, under guise of condemnation proceedings, that past damages for trespass be determined by commission would violate. 76 C. 443. Provision does not apply to equitable actions; 79 C. 262; 131 C. 312; but adding claim for injunction in trespass action will not prevent jury trial of issues of title, possession and damages; 85 C. 161; if, however, equitable issues first tried are conclusive, jury may be refused. 73 C. 486. Rules governing right to jury trial where case involves claim both for damages and for equitable relief. 130 C. 206. Section does not concern incidental issues of fact involved in equitable issues. 113 C. 608. Statute forbidding keeping house reputed to be house of ill-fame does not violate. 82 C. 112; 83 C. 56; Id., 551. Issues upon equitable claims arising in action to remove cloud from title are for jury. 78 C. 100. Does not include proceedings by mayor to remove municipal officer; 81 C. 585; nor right in action for specific performance; judge may order. 82 C. 293. See as to equity actions. 81 C. 451; 83 C. 110. Right does not extend to appeals from probate. 90 C. 49. Preserves and perpetuates fundamental law; legislature may create new offenses and deny right of trial by jury; admission of certified copies of chemists' analysis of liquor held not unconstitutional. 103 C. 514, 515. Cited. 116 C. 477; 126 C. 606. Right to jury trial may be waived. 127 C. 336. No party has a constitutional right to a trial by jury of any action not so triable in 1818, when the constitution was adopted. 135 C. 294. Cited. 137 C. 18. Right to jury trial includes right to have jury, rather than court, pass upon factual issue of damages, when there is room for a reasonable difference of opinion among fair-minded men as to amount which should be awarded. 138 C. 625. Cited. 143 C. 159. Guarantees as a political right the institution of jury trial in all its essential features as derived from our ancestors and now existing by force of common law, but this right may be subjected to conditions and regulations of procedure for the better promotion of justice and the public welfare so long as the substance of the right is not adversely affected or the exercise of the right is not prevented. 144 C. 228. Whether party has waived his right to a jury trial presents a question of fact for the trial court. 147 C. 153. Cited. 156 C. 323; 160 C. 219. Jury to decide issues of fact, when. 163 C. 191. Cited. 169 C. 1. Right of trial by jury not subverted by no-fault insurance law. Id., 267, 298. Cited. 170 C. 356; Id., 367. Connecticut Constitution, while granting that right of trial by jury shall remain inviolate, states that the number of such jurors, which shall not be less than six, is to be established by law. 171 C. 395. Time limitation imposed for voir dire was arbitrary and constituted reversible error. 173 C. 102. Cited. 177 C. 677. Sec. 51-217 implements right to trial by jury and does not unconstitutionally encroach upon judicial power. 180 C. 382. No

party has right to trial by jury in an equitable action; a dissolution of marriage, although a creature of statute is an equitable action. 181 C. 225. Cited. 183 C. 207. Sec. 52-216a held unconstitutional as violating this article in permitting trial court to interfere with fact-finding function of jury. 186 C. 337. Right to trial by jury cited. 187 C. 264, 270, 469. Cited. 188 C. 432; 189 C. 550; 190 C. 639; 191 C. 276. Integrity of constitutional right to a jury determination of damages discussed. 193 C. 582. Cited. 194 C. 223. Right to trial by jury cited. Id. Cited. Id., 573. Right to jury trial cited. Id. Cited. 196 C. 53. Constitutional right to trial by jury cited. Id. Cited. Id., 667; 197 C. 34; Id., 314; Id., 337. Right to trial by jury cited. Id. Cited. Id., 358. Right to jury trial cited. Id.; 199 C. 308. Cited. 200 C. 586; Id., 615; 201 C. 125; Id., 385; Id., 489. Right to trial by jury cited. Id. Cited. 202 C. 158; 203 C. 63. Right to jury trial cited. Id. "... trial court's refusal to allow defense counsel to inquire whether the jurors would be inclined to give more weight to a police officer's testimony ..." constituted reversible error. Id., 506. Constitutional right to question members of the venire cited. Id. Violation of constitutional right to conduct voir dire examination cited. 204 C. 156. Cited. Id., 377; 205 C. 61; Id., 456. Right to trial by jury cited. Id. Cited. 206 C. 454. Right to a jury trial cited. Id. Sec. 14-295 violates right to trial by jury. Id., 608. Amount of damage award is matter peculiarly within the province of the jury. 207 C. 125. Right to trial by jury cited. Id.; Id., 276. Constitutional right of trial by jury including right to have issues of fact determined by jury. 208 C. 21. Cited. Id., 52. Right to voir dire cited. Id. Cited 209 C. 34. Right to a unanimous jury verdict cited. Id. Right to a jury trial cited. Id., 450; Id., 579. State constitutional rights cited. Id., 679. Right to a jury trial cited. 210 C. 359. Cited. 211 C. 370. Right to a jury trial cited. Id.; 212 C. 31. Cited. Id., 83. Right to a jury trial cited. Id. "... all arbitration actions pursuant to Lemon Law II are essentially equitable ..."; therefore claim to entitlement to jury trial held to be without merit. 213 C. 138. Right to jury trial cited. Id., 233; 214 C. 717. Cited. 216 C. 40. Right to trial by jury cited. Id.; 217 C. 1. Right to trial by jury does not encompass the corresponding right that all court rules, procedures and methods current in 1818 would remain unchanged. Id., 532. Right to trial by jury cited. Id. Cited. Id., 671. Right to trial by impartial jury cited. Id. Cited. 218 C. 309. Parties to trial have constitutional right to be present during voir dire of prospective jurors; right to trial by jury encompasses that right. Id., 386. Right to be present for jury voir dire cited. Id. Cited. Id., 646; 220 C. 112; Id., 285. Fair cross section requirement cited; unconstitutional jury selection and discrimination cited; right to jury trial cited. Id., 487. Cited. 221 C. 346. Right of jury trial cited. Id. Right to factual issues resolved by jury cited. Id., 473. Cited. 222 C. 1. Deprivation of constitutional rights cited. Id. Right to a jury trial cited. Id., 591. Cited. 223 C. 299; Id., 786. Constitutional right to jury determination of amount of punitive damages cited. Id. Constitutional right to a jury cited. 224 C. 372. Constitutional rights to have issues of fact determined by a jury cited. Id.; 225 C. 420. Where there is no issue of fact, there is no right to jury trial; judgment of appellate court in 26 CA 181 reversed in part. Id., 807. Right to jury trial cited. Id. Cited. 226 C. 618. Right to jury trial cited. Id. Cited. 227 C. 175. Right to jury trial cited. Id. Cited. Id., 301. Right to an impartial jury cited. Id. Requirement of unanimous verdict part of constitutional safeguard of trial by jury; judgment of appellate court in 29 CA 68 reversed. Id., 566. Constitutional safeguard of trial by jury cited. Id. Right of trial by jury cited. Id., 677. Cited. Id., 711. Right to jury drawn from fair cross section of community cited. Id. Cited. Id., 829. Right to a jury trial cited. Id. Unconstitutionality under state constitution cited. Id. Right to jury cited. Id., 903. Cited. 229 C. 634. Right to a jury trial cited. Id. Article does not give rise to right to jury trial for claims under Connecticut Unfair Trade Practices Act (CUPTA). 230 C. 144. Right to jury trial cited. Id. Cited. Id., 183. Defendant can waive right to presence of judge during voir dire; henceforth judge must be continuously present to oversee voir dire in a criminal case. Id., 385, see also 37 CA 801. Presence of judge at criminal jury trial voir dire cited. Id. Right to jury trial cited. Id., 698. Cited. 231 C. 242; 232 C. 431; judgment superseded by en banc reconsideration, see 235 C. 502. Right to jury trial cited. Id.; Id., 455. Cited. Id., 480; Id., 691. Right to jury trial cited. Id. Taking of notes by jurors discussed. 233 C. 215. Questioning during voir dire about note-taking cited. Id. Cited. Id., 813. Right to jury trial cited. Id. Cited. 234 C. 660; 235 C. 107; Id., 502. Right to fair and impartial jury trial cited. Id. Right to jury trial cited. Id., 679; 236 C. 582. Cited. 237 C. 238. Voir dire of venire persons individually cited. Id. Right to trial by jury cited. Id., 378. Cited. Id., 454. Right to individual voir dire cited. Id. Right to trial by jury cited. Id., 633. Cited. 238 C. 389. Right to fair and impartial jury cited. Id. Rights to jury trial cited. 239 C. 144. Right to have factual issues resolved by jury cited. Id., 168. Right to jury trial cited. 240 C. 799; 241 C. 24. Cited. Id., 439. Right to jury determination of essential element cited; failure to instruct jury on essential element cited. Id. Cited. Id., 322. Right under Connecticut Constitution that jury unanimously agree on liability as principal or accessory cited. Id. Cited. Id., 502. Right to a jury trial cited. 242 C. 666; Id., 296. Prelitigation commercial contractual jury trial waiver is presumptively enforceable, and party seeking to avoid waiver has burden of producing evidence that it did not intend to waive right to a jury trial. 246 C. 1. Identification and excusal for cause, prior to the guilt phase of a capital felony trial, of venire persons whose views concerning death penalty preclude them from serving as jurors at sentencing phase, but not at guilt phase, of trial does not violate state constitutional guarantee of trial by an impartial jury. 251 C. 671. Trial court's denial of defendant's challenges for cause to four venire persons did not improperly force him to use four peremptory challenges in violation of his right to trial by a fair and impartial jury since defendant did not exercise all of his peremptory challenges and did not seek any additional challenges. 256 C. 23. In determining whether a party has right to trial by jury under state constitution court must ascertain whether action being tried has roots in common law, and if so, whether the remedy involved was one in law or equity. If action existed at common law and involved a legal remedy, right to jury trial exists. Art. I, Sec. 19 guarantees right to jury trial in all cases for which a such a right existed at the time of the adoption of constitutional provision in 1818 or for cases that are substantially similar to cases for which right to jury trial existed at common law in 1818. 262 C. 45. Inverse condemnation action has no common law analogue that was triable to a jury prior to 1818, its nearest historical analogue, eminent domain, gives rise to a proceeding in equity, therefore there is no right to jury trial for cause of action based on

inverse condemnation. *Id.* Defendant does not have a right to ascertain juror's opinion on specific evidence in advance of trial and cannot question venire persons about specific mitigating factors. 269 C. 213. Where defendant has history of mental illness and required treatment to become competent for trial, standard for waiver of constitutional rights is applicable to all defendants found competent for trial. 271 C. 740. A defendant's right to jury trial does not include right to bar plaintiff from receiving benefit of any pretrial settlement amounts that plaintiff has negotiated with other alleged tortfeasors. 284 C. 645. A defendant personally must waive the fundamental right to a jury trial; counsel may not make that decision as a matter of trial strategy. In the absence of a written waiver, trial court must canvass defendant to ensure that any waiver is knowing, intelligent and voluntary. 288 C. 770. Trial court did not abuse its discretion in denying motion for disclosure, where plaintiff's law firm had been involved in prior debt collection actions against three jurors, because trial court properly found that the only attorneys in the prior actions with whom the jurors had a business relationship were the attorneys the jurors had hired to represent their own interests. 289 C. 88. Trial court did not abuse its discretion by precluding defense counsel from asking venirepersons specifically about self-defense. 292 C. 656. Trial court did not abuse its discretion in restricting questions about specific defenses during voir dire of potential jurors. *Id.* Plaintiff had no right to a jury trial on issues raised in connection with enforcement of settlement agreement. 298 C. 495. Defendant's decision to forgo a jury determination in capital felony sentencing proceeding and opt for sentencing by a three-judge panel was knowing, voluntary and intelligent; formulaic canvass of defendant is not required and validity of jury waiver is determined by examination of totality of the circumstances. 303 C. 71.

Cited. 1 CA 511. Constitutional right of trial by jury cited. 2 CA 523. Setting aside of jury verdict discussed. *Id.* Right to trial by jury cited. 3 CA 374. Right to jury trial cited; right to unanimous verdict cited. *Id.*, 650. Cited. 4 CA 592. Jury trial cited. 5 CA 434. Held jury award of damages inadequate as a matter of law. 6 CA 322. Right to jury trial cited. *Id.* Cited. 8 CA 317. Right to fair trial cited. *Id.* Right to a jury trial cited. *Id.*, 491. Cited. *Id.*, 542; *Id.*, 642. Right to trial by jury guaranteed by Connecticut Constitution. *Id.* Cited. 9 CA 255. Constitutional right to trial by jury cited. *Id.*, 524. Clarification of instructions is mandatory when any member of jury manifests confusion about the law; constitutionally protected right to properly instructed jury cited. 10 CA 697. Constitutional right to unanimous jury verdict cited. 11 CA 80; *Id.*, 102. Constitutional right in appropriate cases to have issues of fact decided by a jury cited. *Id.*, 232. Constitutional right to have disputed issues heard by a jury cited. *Id.*, 434. Right to jury trial cited. 12 CA 239. Trial by jury cited. *Id.*, 258. Constitutional right to jury trial cited. *Id.*, 408. Cited. 13 CA 189. Right to jury trial cited. *Id.*; *Id.*, 378; *Id.*, 667; 14 CA 10; *Id.*, 159; *Id.*, 289. Cited. 15 CA 297. Right to jury trial cited. *Id.*; 16 CA 318. Cited. *Id.*, 333. Constitutional right to exercise intelligently right to challenge jurors cited. *Id.* Right to jury trial cited. *Id.*, 601; 17 CA 466; 18 CA 602. Constitutional right to issues decided by jury cited. 19 CA 22. Right to jury trial cited. *Id.*, 379. Cited. 20 CA 6. Right to jury trial cited. *Id.*, 410. Party has right to be present during jury selection in civil case. 22 CA 131. Cited. *Id.*, 351. Right to jury trial cited. *Id.*, 440; 23 CA 1. Constitutional right to have issues of fact decided by a jury cited. *Id.*, 437. Constitutional right of trial by jury cited. *Id.*, 735. Right to have jury decide issues of fact cited. 24 CA 489. Cited. 25 CA 171. Impermissible restriction of voir dire cited. 26 CA 52. Because of result reached in case court found it unnecessary to determine whether recollection is a constitutional right because it is fundamental to constitutional right of voir dire. *Id.*, 125. Right to voir dire cited. *Id.* Cited. *Id.*, 165. Right to a jury trial cited. *Id.*, 181; judgment reversed in part, see 225 C. 804. Right of trial by jury and rights to have issues of fact resolved by jury cited. 27 CA 135. Constitutional rights to have issues of fact resolved by a jury cited. *Id.*, 487. Cited. *Id.*, 643. Deprivation of fair trial by an impartial jury cited. *Id.* Cited. 28 CA 126. Right to trial by jury cited. *Id.* Cited. *Id.*, 693. State constitutional right to jury trial cited. *Id.* Right to a jury trial cited. 29 CA 359; *Id.*, 452; *Id.*, 642. Right to a jury trial and right to have factual issues resolved by jury cited. 30 CA 327. Cited. *Id.*, 359; *Id.*, 470. Right to jury trial cited. 31 CA 178. Judge's absence from voir dire in criminal proceeding cannot be waived or subject to harmless error or prejudicial review. *Id.*, 278. Individual juror possesses right not to be excluded from jury on account of race. *Id.* Right to voir dire examination of prospective jurors cited. *Id.* Right to jury trial cited. *Id.*; 32 CA 21; *Id.*, 831. Right to jury trial and a fair trial cited. 33 CA 205. Right to fair and impartial jury cited. *Id.*, 339; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502. Cited. 34 CA 58; judgment reversed, see 232 C. 537. Constitutional right to jury trial and a fair trial cited. *Id.* Cited. *Id.*, 103. Right to jury trial cited. *Id.*; *Id.*, 595. Cited. 35 CA 160; *Id.*, 212. Right to trial by jury cited. *Id.*, 541; *Id.*, 714. Denial of right to a jury trial cited. *Id.*, 728. Right to have jury decide issues of fact cited. 36 CA 1. Cited. *Id.*, 631; *Id.*, 753. Constitutional right to have jury decide issues cited. 37 CA 146. Cited. *Id.*, 321. Right to have trial judge present during jury voir dire cited. *Id.*, 509. Cited. 38 CA 198. Right to trial by jury cited. *Id.* Cited. *Id.*, 231. Constitutional right to preemptory challenges cited. *Id.* Right to trial by jury cited. *Id.*, 546. Cited. *Id.*, 598; *Id.*, 661. Right to trial by jury cited. *Id.* Cited. *Id.*, 685. Right to trial by jury cited. *Id.* Cited. *Id.*, 684. Right to jury trial cited. *Id.*; 39 CA 702. Cited. 40 CA 328; 41 CA 19. Right to jury trial cited. *Id.*, 47; *Id.*, 454; *Id.*, 695. Right to have issues of fact determined by a jury cited. 42 CA 712. Cited. *Id.*, 542; 43 CA 113. Right to jury trial cited. *Id.*; *Id.*, 142; *Id.*, 294. Constitutional rights to have factual issues determined by the jury cited. *Id.*, 453. Right to a jury trial cited; right to core constitutional rights cited. *Id.*, 555. Right to have issues of fact determined by a jury cited. *Id.*, 756. Cited. 44 CA 187. Fundamental right to a jury trial cited. *Id.* Constitutional right to trial by jury and to have issues of fact determined by jury cited. *Id.*, 211. Cited. 45 CA 165. Right to trial before impartial jury cited. *Id.* Right to jury trial cited. 46 CA 24. Cited. *Id.*, 432. Trial by jury and waiver cited. *Id.* Right to a jury trial cited. *Id.*, 443. Right to a jury trial cited; lack of waiver of jury trial cited. *Id.*, 486. Cited. *Id.*, 600. Right to question each juror individually cited. *Id.* Voir dire rights discussed. 47 CA 597. Trial court did not improperly impede the defendant's ability to question prospective jurors or prevent defendant from effectively exercising preemptory challenges. 49 CA 486. Litigants have constitutional right to have issues of fact determined by jury; assessment of damages is peculiarly within province of jury and their determination should be set aside only when verdict is plainly excessive and exorbitant. 57 CA 778. Appellate court rejected defendant's claim that trial court violated his rights under Art. I, Secs. 8, 19 and 20 of the Connecticut Constitution when it improv-

erly allowed the state to exercise a peremptory challenge against prospective juror, who was a member of defendant's racial group, without a racially neutral explanation reasonably related to the issues in the case. Appellate court found that evidence supported prosecutor's reasons for striking the prospective juror and defendant failed to establish that the state gave a pretextual reason for excusing the prospective juror. 62 CA 182. Section guarantees right to jury trial in all cases for which such right existed at time of adoption of that provision in 1818 or in substantially similar cases. 76 CA 24. Foreclosure action is equitable in nature and therefore does not give rise to right to a jury trial. 95 CA 315. In a case concerning a male on male, or female on female, sexual assault, relevant questions to venirepersons that delve into prejudices, beliefs and attitudes toward homosexuality should be permitted, but questions relating to the issue of struggling with sexual identity are not permitted as such questions are unrelated to the issues in the case, are not based on undisputed facts and would test the prospective jurors' views of certain facts. 112 CA 694. Litigants have a constitutional right to have issues of fact decided by the jury and not by the court, and in this case, there was an issue of material fact and therefore the court improperly directed a verdict. 115 CA 47. Trial court's denial of request by plaintiff to poll jury re exposure to potentially inflammatory article concerning case constituted an abuse of discretion that, at a minimum, jeopardized plaintiff's constitutional right to an impartial jury. 128 CA 341; judgment reversed, see 309 C. 688. Defendant's right to trial by jury was not violated when jury was instructed that it must unanimously find defendant not guilty of the greater offense before deliberating on a lesser included offense. 131 CA 1. Right to a jury trial is subject to certain limitations, and plaintiff did not have constitutional right to jury trial in summary process action, as set forth in Sec. 52-215. 135 CA 831. Plaintiff's claim was equitable in nature, and therefore not entitled to a jury trial, but defendants independently were entitled to have a jury decide the issues founded in tort that were presented in their counterclaim. 136 CA 347. Court's decision to excuse a selected juror without first notifying defendant or counsel did not violate right to individual voir dire. 168 CA 321. Plaintiff does not have a constitutional right to a jury trial on the ground that a negligence action seeking monetary damages against the state was not the same or similar in nature to an action that could have been tried to a jury in 1818 because the doctrine of sovereign immunity barred actions against the state prior to adoption of the state constitution in 1818. 182 CA 278.

Cited. 5 CS 506. Permissible to transfer a case from small claims court to municipal court and then to common pleas to obtain jury trial. 11 CS 106. "The right to question each juror individually by counsel shall remain inviolate" does not contain the right to question each juror outside the presence of the other prospective jurors. 33 CS 599. Right of trial by jury may be subjected to reasonable conditions and regulations, even if right is cut off completely in some cases where monetary interests are relatively small. 35 CS 549. Court has duty to set aside jury verdict, despite right to trial by jury including issues of fact to be decided by jury, where verdict was manifest injustice and palpably against evidence. 37 CS 1. Right to trial by jury not extended to cases falling into category of petty offenses not triable by jury at common law. Id., 693. Waiver of right to trial by jury under chapter 960a considered voluntary where issue not raised in trial court. Id., 755. Use of preemptory challenges to exclude prospective jurors solely on basis of membership in a cognizable group within meaning of the representative cross section rule violates a party's state constitutional right to trial by jury. 41 CS 48. Violation of constitutional rights cited; right to trial by jury cited. Id. Cited. 42 CS 534. Impartial jury drawn from cross section of community cited. Id.

Cited. 2 Conn. Cir. Ct. 202. Jury trial criteria (Sec. 51-266) not a violation. 4 Conn. Cir. Ct. 493.

### **(Trial by jury. Challenging of jurors.)**

Section 19 of article first of the Constitution is amended to read as follows:

The right of trial by jury shall remain inviolate, the number of such jurors, which shall not be less than six, to be established by law; but no person shall, for a capital offense, be tried by a jury of less than twelve jurors without his consent. In all civil and criminal actions tried by a jury, the parties shall have the right to challenge jurors peremptorily, the number of such challenges to be established by law. The right to question each juror individually by counsel shall be inviolate.

## ARTICLE V.\*

---

\*Adopted November 27, 1974.

### **(Equal protection. No segregation or discrimination.)**

Section 20 of article first of the Constitution is amended to read as follows:

<sup>1</sup>No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin or sex.

<sup>1</sup> Amended by Article XXI., of the Amendments to the Constitution of the State of Connecticut.

## ARTICLE VI.\*

---

\*Adopted November 27, 1974.

Cited. 138 C. 162; 192 C. 671; 229 C. 1.

**(Method of proposing and approving amendments.)**

Article twelfth of the Constitution is amended to read as follows:

Amendments to this constitution may be proposed by any member of the senate or house of representatives. An amendment so proposed, approved upon roll call by a ye vote of at least a majority, but by less than three-fourths, of the total membership of each house, shall be published with the laws which may have been passed at the same session and be continued to the regular session of the general assembly elected at the next general election to be held on the Tuesday after the first Monday of November in an even-numbered year. An amendment so proposed, approved upon roll call by a ye vote of at least three-fourths of the total membership of each house, or any amendment which, having been continued from the previous general assembly, is again approved upon roll call by a ye vote of at least a majority of the total membership of each house, shall, by the secretary of the state, be transmitted to the town clerk in each town in the state, whose duty it shall be to present the same to the electors thereof for their consideration at the next general election to be held on the Tuesday after the first Monday of November in an even-numbered year. If it shall appear, in a manner to be provided by law, that a majority of the electors present and voting on such amendment at such election shall have approved such amendment, the same shall be valid, to all intents and purposes, as a part of this constitution. Electors voting by absentee ballot under the provisions of the statutes shall be considered to be present and voting.

## ARTICLE VII.\*

---

\*Adopted November 27, 1974.

Punishment inflicted refers to penalty prescribed, not to that actually imposed, for offense. 86 C. 624. Cited. 129 C. 624; 188 C. 671.

**(Forfeiture and restoration of electoral privileges.)**

Section 3 of article sixth of the Constitution is amended to read as follows:

The general assembly shall by law prescribe the offenses on conviction of which the right to be an elector and the privileges of an elector shall be forfeited and the conditions on which and methods by which such rights may be restored.

## ARTICLE VIII.\*

---

\*Adopted November 27, 1974.

**(Justices of the Peace.)**

Section 1. Section 5 of article fifth of the Constitution is repealed.

**(Age limitation, exception.)**

Sec. 2. Section 6 of said article fifth is amended to read as follows:

<sup>1</sup>No judge shall be eligible to hold his office after he shall arrive at the age of seventy years, except that a chief justice or judge of the supreme court, a judge of the superior court, or a judge of the court of common pleas, who has attained the age of seventy years and has become a state referee may exercise, as shall be prescribed by law, the powers of the superior court or court of common pleas on matters referred to him as a state referee.

<sup>1</sup>Cited. 158 C. 16; Id., 291. Exception does not include circuit court judges. 164 C. 360. State trial referees are not judges of the court whose powers they exercise, but are sui generis. Id. History of section and state referees. Id. State referee sitting under the provisions of this section sits as a special tribunal. 167 C. 564. State referee system does not encroach upon and does not unconstitutionally compete with other constitutional courts. 177 C. 173. Provisions of Sec. 52-434(a)(4) not in conflict. 199 C. 496. Cited. Id., 518; 200 C. 38. Sec. 51-198(c) authorizing retired judge to perform limited, temporary duties associated with former office does not violate mandatory retirement provision because such duties do not amount to "holding office". 293 C. 641.

Cited. 7 CA 136; 21 CA 359.

#### ARTICLE IX.\*

---

\*Adopted November 24, 1976.

The electoral privilege must be exercised in the town of the elector's residence. 30 C. 603. A free colored person, born in this state, is a citizen thereof. 32 C. 565. Who is an elector in general. 64 C. 161. Cited. 129 C. 624; 136 C. 636.

Cited. 43 CS 297.

#### **(Qualifications of electors.)**

Section 1 of article sixth of the Constitution is amended to read as follows:

Every citizen of the United States who has attained the age of eighteen years, who is a bona fide resident of the town in which he seeks to be admitted as an elector and who takes such oath, if any, as may be prescribed by law, shall be qualified to be an elector.

#### ARTICLE X.\*

---

\*Adopted November 24, 1976.

#### **(Preregistration of seventeen-year-old citizens as electors.)**

Article sixth of the Constitution is amended by adding the following section:

<sup>1</sup>Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as an elector within the period of four months prior to such election, at such times and in such manner as may be prescribed by law, and, if qualified, shall become an elector on the day of his or her eighteenth birthday.

<sup>1</sup> Amended by Article XIV., of the Amendments to the Constitution of the State of Connecticut.

#### ARTICLE XI.\*

---

\*Adopted November 24, 1976.

Cited. 192 C. 704; 193 C. 180; 240 C. 157. Because Supreme Court is empowered to determine all matters of judicial discipline in the first instance as well as upon appeal of the review council's decisions, the court's review of the review council's legal conclusions is de novo. 246 C. 183.

Cited. 42 CS 129.

**(Judicial censure, removal or suspension. Judicial Review Council.)**

Article fifth of the Constitution is amended by adding a new section to read as follows:

In addition to removal by impeachment and removal by the governor on the address of two-thirds of each house of the general assembly, judges of all courts, except those courts to which judges are elected, may, in such manner as shall by law be prescribed, be removed or suspended by the supreme court. The general assembly may establish a judicial review council which may also, in such manner as shall by law be prescribed, censure any such judge or suspend any such judge for a definite period not longer than one year.

## ARTICLE XII.\*

---

\*Adopted November 24, 1976.

**(Reapportionment procedure. Reapportionment Committee. Reapportionment Commission.)**

Section 6 of article third of the Constitution is amended to read as follows:

<sup>1</sup>a. The assembly and senatorial districts as now established by law shall continue until the regular session of the general assembly next after the completion of the next census of the United States. On or before the fifteenth day of February next following the completion of the decennial census of the United States, the general assembly shall appoint a reapportionment committee consisting of four members of the senate, two who shall be designated by the president pro tempore of the senate and two who shall be designated by the minority leader of the senate, and four members of the house of representatives, two who shall be designated by the speaker of the house of representatives and two who shall be designated by the minority leader of the house of representatives, provided there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house. Such committee shall advise the general assembly on matters of apportionment. Such general assembly shall, upon roll call, by a yea vote of at least two-thirds of the membership of each house, enact such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session following the completion of the census of the United States, upon roll call, by a yea vote of at least two-thirds of the membership of each house, enact such plan of districting as is necessary in accordance with the provisions of this article.

b. If the general assembly fails to enact a plan of districting by the fifteenth day of the May next following the completion of the decennial census of the United States, the governor shall forthwith appoint a commission designated by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives, each of whom shall designate two members of the commission, provided that there are members of

no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house. The eight members of the commission so designated shall within fifteen days select an elector of the state as a ninth member.

c. The commission shall proceed to consider the alteration of districts in accordance with the principles recited in this article and it shall submit a plan of districting to the secretary of the state by the first day of the September next succeeding the appointment of its members. No plan shall be submitted to the secretary unless it is certified by at least five members of the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law. If the commission shall fail to submit such a plan by the first day of September, the secretary of the state shall forthwith so notify the chief justice of the supreme court.

d. Original jurisdiction is vested in the supreme court to be exercised on the petition of any registered voter whereby said court may compel the commission, by mandamus or otherwise, to perform its duty or to correct any error made in its plan of districting, or said court may take such other action to effectuate the purposes of this article, including the establishing of a plan of districting if the commission fails to file its plan of districting by the first day of September as said court may deem appropriate. Any such petition shall be filed within forty-five days of the date specified for any duty or within forty-five days after the filing of a plan of districting. The supreme court shall render its decision not later than sixty days following the filing of such petition or shall file its plan with the secretary of the state not later than the fifteenth day of December next following the completion of the decennial census of the United States. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law.

<sup>1</sup> Amended by Article XVI., Sec. 2, Article XXVI., and Article XXX., Sec. 2, of the Amendments to the Constitution of the State of Connecticut.

### ARTICLE XIII.\*

---

\*Adopted November 26, 1980.

#### **(Removal to another town.)**

Section 9 of article sixth of the Constitution is repealed.

### ARTICLE XIV.\*

---

\*Adopted November 26, 1980.

#### **(Preregistration of seventeen-year-old citizens as electors.)**

Article tenth of the amendments to the Constitution is amended to read as follows:

<sup>1</sup>Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as an elector at such times and in such

manner as may be prescribed by law, and, if qualified, shall become an elector on the day of his or her eighteenth birthday.

<sup>1</sup> Amended by Article XXXI., of the Amendments to the Constitution of the State of Connecticut.

#### ARTICLE XV.\*

---

\*Adopted November 26, 1980.

##### **(Senate, number, qualifications.)**

Section 1 of article two of the amendments to the Constitution is amended to read as follows:

<sup>1</sup>The senate shall consist of not less than thirty and not more than fifty members, each of whom shall have attained the age of eighteen and be an elector residing in the senatorial district from which he is elected. Each senatorial district shall be contiguous as to territory and shall elect no more than one senator.

<sup>1</sup> Cited. 232 C. 345.

##### **(House of representatives, how constituted.)**

Section 2 of article two of the amendments to the Constitution is amended to read as follows:

<sup>1</sup>The house of representatives shall consist of not less than one hundred twenty-five and not more than two hundred twenty-five members, each of whom shall have attained the age of eighteen years and be an elector residing in the assembly district from which he is elected. Each assembly district shall be contiguous as to territory and shall elect no more than one representative. For the purpose of forming assembly districts no town shall be divided except for the purpose of forming assembly districts wholly within the town.

<sup>1</sup>“Town integrity” principle discussed. 187 C. 721. Federal “one person one vote” principle (see *Reynolds v. Sims*, 377 U.S. 533, 577, 84 S. Ct. 1362) cited; reconciliation with Connecticut town integrity principle discussed; federal constitutional requirements for fair voting standards cited. 222 C. 166. Town integrity principle cited. Id. Cited. 232 C. 345.

##### **(Eligibility to office.)**

Section 3 of article two of the amendments to the Constitution is amended to read as follows:

<sup>1</sup>Every elector who has attained the age of eighteen years shall be eligible to any office in the state, but no person who has not attained the age of eighteen shall be eligible therefor, except in cases provided for in this constitution.

<sup>1</sup> Jurors held not to be public officers. 48 C. 535. Applies only to officers of state government. 103 C. 168. Charter requiring members of board of finance to be “resident electors” of city upheld. Id. Does not require that every officeholder be an elector. 114 C. 529. Does not apply to town officers. 136 C. 632. Judge of probate held not to be constitutional officer within meaning of section. 157 C. 150. The office of Attorney General impliedly is exempt from the general qualification requirements for state constitutional officers; “active practice at the bar” requirement in Sec. 3-124 is not unconstitutional. 298 C. 748.

#### ARTICLE XVI.\*

---

\*Adopted November 26, 1980.

**(Congressional and general assembly districts to be consistent with federal standards.)**

Section 1. Section 5 of article third of the Constitution is amended to read as follows:

<sup>1</sup>The establishment of congressional districts and of districts in the general assembly shall be consistent with federal constitutional standards.

<sup>1</sup> Board permitted to cut town lines to achieve minimum population deviation, when. 164 C. 8. Cited. 187 C. 721. Federal "one person one vote" principle (see *Reynolds v. Sims*, 377 U.S. 533, 577, 84 S. Ct. 1362) cited; reconciliation with Connecticut town integrity principle discussed; federal constitutional requirements for fair voting standards cited. 222 C. 166. Town integrity principle cited. Id. Cited. 232 C. 345.

**(Reapportionment procedure. Reapportionment Committee. Reapportionment Commission.)**

Sec. 2. Article twelve of the amendments to the Constitution is amended to read as follows:

<sup>1</sup>a. The assembly and senatorial districts and congressional districts as now established by law shall continue until the regular session of the general assembly next after the completion of the taking of the next census of the United States. On or before the fifteenth day of February next following the year in which the decennial census of the United States is taken, the general assembly shall appoint a reapportionment committee consisting of four members of the senate, two who shall be designated by the president pro tempore of the senate and two who shall be designated by the minority leader of the senate, and four members of the house of representatives, two who shall be designated by the speaker of the house of representatives and two who shall be designated by the minority leader of the house of representatives, provided there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the committee in lieu of the designation by the minority leader of that house. Such committee shall advise the general assembly on matters of apportionment. Upon the filing of a report of such committee with the clerk of the house of representatives and the clerk of the senate, the speaker of the house of representatives and the president pro tempore of the senate shall, if the general assembly is not in regular session, convene the general assembly in special session for the sole purpose of adopting a plan of districting. Upon the request of the speaker of the house of representatives and the president pro tempore of the senate, the secretary of the state shall give notice of such special session by mailing a true copy of the call of such special session, by registered or certified mail, return receipt requested, to each member of the house of representatives and of the senate at his or her address as it appears upon the records of said secretary not less than ten nor more than fifteen days prior to the date of convening of such special session or by causing a true copy of the call to be delivered to each member by a sheriff, deputy sheriff, constable, state policeman or indifferent person at least twenty-four hours prior to the time of convening of such special session. Such general assembly shall, upon roll call, by a yea vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session or special session called for the purpose of adopting a plan of districting following the completion of the taking of the census of the United States, upon roll call, by a yea vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary in accordance with the provisions of this article.

b. If the general assembly fails to adopt a plan of districting by the first day of the August next following the year in which the decennial census of the United States is taken, the governor shall forthwith appoint a commission designated by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives, each of whom shall designate two members of the commission, provided that there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house. The eight members of the commission so designated shall within thirty days select an elector of the state as a ninth member.

c. The commission shall proceed to consider the alteration of districts in accordance with the principles recited in this article and it shall submit a plan of districting to the secretary of the state by the thirtieth day of the October next succeeding the appointment of its members. No plan shall be submitted to the secretary unless it is certified by at least five members of the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law. If the commission shall fail to submit such a plan by the thirtieth day of October, the secretary of the state shall forthwith so notify the chief justice of the supreme court.

d. Original jurisdiction is vested in the supreme court to be exercised on the petition of any registered voter whereby said court may compel the commission, by mandamus or otherwise, to perform its duty or to correct any error made in its plan of districting, or said court may take such other action to effectuate the purposes of this article, including the establishing of a plan of districting if the commission fails to file its plan of districting by the thirtieth day of October as said court may deem appropriate. Any such petition shall be filed within thirty days of the date specified for any duty or within thirty days after the filing of a plan of districting. The supreme court shall render its decision not later than forty-five days following the filing of such petition or shall file its plan with the secretary of the state not later than the fifteenth day of January next following the time for submission of a plan of districting by the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law.

<sup>1</sup> Amended by Article XXVI., and Article XXX., Sec. 2, of the Amendments to the Constitution of the State of Connecticut.

#### ARTICLE XVII.\*

---

\*Adopted November 24, 1982.

**(Rights of accused in criminal prosecutions. What cases bailable. Speedy trial. Due process. Excessive bail or fines. Probable cause shown at hearing, when necessary.)**

Section 8 of article first of the Constitution is amended to read as follows:

<sup>1</sup>In all criminal prosecutions, the accused shall have a right to be heard by himself and by counsel; to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process to obtain witnesses in his behalf; to be released on bail upon sufficient security, except in capital offenses, where the proof is evident or the presumption great; and in all prosecutions by information, to a speedy, public trial by an impartial jury. No person shall be compelled to give evidence against himself, nor be deprived of life, liberty or property without due process of law, nor shall excessive bail be required nor excessive fines imposed. No person shall be held to answer for any crime, punishable by death or life imprisonment, unless upon probable cause shown at a hearing in accordance with procedures prescribed by law, except in the armed forces, or in the militia when in actual service in time of war or public danger.

<sup>1</sup> Amended by Article XXIX., of the Amendments to the Constitution of the State of Connecticut.

### ARTICLE XVIII.\*

\*Adopted November 24, 1982.

Effect of division into departments. 78 C. 547. Legislature cannot exercise or confer judicial power. 36 C. 446; see 8 C. 547; 3 Dal. 395. But it can give more effect to evidence than it had at common law; 66 C. 163; shift the burden of proof or order of taking testimony; 79 C. 351; enlarge methods of remedial justice; 78 C. 100; can repeal forfeiture recoverable in qui tam action, to affect pending cases; Id., 428; can pass law affecting procedure in pending action; 81 C. 217; or reasonably modifying statute of limitations in such case. 77 C. 528. But it cannot disturb a final judgment of a court; 83 C. 353; see 71 C. 43; and as to probate decree, see 3 Dal. 386; nor authorize change in application of charitable trust. 85 C. 309. Nature of judicial and legislative functions. 73 C. 18; 78 C. 428. Functions overlap; administrative body may perform judicial acts; committing witness for failure to testify. 65 C. 36. The courts cannot exercise legislative functions; 33 C. 586; nor administrative functions; as in control of manner of construction of street railway; 69 C. 576; 78 C. 301; but they may review exercise of administrative powers to see if they are properly exercised; 80 C. 623; 84 C. 40; 85 C. 517; so question whether lands are "seriously damaged" may present judicial question; 84 C. 24; so power of municipality to impose conditions on street railway. 74 C. 102; 80 C. 623. Legislature can leave it to courts to determine towns benefited by highway change; 68 C. 153; so apportionment of expense of reconstructing bridge crossed by highway and street railway. 88 C. 471; 89 C. 537. Functions of courts on appeals in liquor license matters. 65 C. 146; 76 C. 686; 79 C. 4; 81 C. 454; 89 C. 310. Courts cannot review valuation of land by special commission to assist assessors. 73 C. 646. Question of common convenience and necessity is judicial. 71 C. 50. This article not violated by act of 1925 authorizing tax collectors to depute sheriff or other officer to serve tax warrant. 106 C. 231. Proceeding by petition to judge for restoration of elector's name to party list is judicial, not administrative. 124 C. 275-277. Statute delegating to milk administrator power to set minimum prices held not to afford requisite standards of policy and procedure. 126 C. 623. Act requiring mayor's approval of application for license to sell gasoline held not to set up sufficient guide for mayor's discretion. 128 C. 701-705. Plaintiffs cannot seek approval of zoning board and at same time attack the constitutionality of its power to act as an unlawful delegation of legislative authority. 137 C. 36. Qualification for admission as attorney a judicial matter and not under legislative control. One object of this article was to divest general assembly of judicial power. 145 C. 222. Limits of power of legislature and judicial branch discussed. 147 C. 48. Objection based on unconstitutional delegation of legislative power overcome. 152 C. 57-59. Nonjudicial powers or duties cannot be imposed on superior court judge. 157 C. 150. Provisions of general assembly for administration of and procedure in probate court upheld. Distinction as to powers of regulation of constitutionally established courts and lower courts discussed. Id. Special act permitting the incorporation of a charitable trust association is an infringement on the judicial branch's power to interpret a bequeath. 161 C. 312. Statute held to infringe upon judicial power. Analysis and history. 166 C. 501. Cited. 168 C. 212. Art. prohibits legislature from exercising those powers which are inherently within the sphere of the judiciary. Test for determining unconstitutionality of statute which infringes upon judicial power. 171 C. 395. Connecticut's state colleges are not a separate, fourth department of state government. State board of higher education is within executive department. State's interest in enforcing separation of powers is compelling state interest which justifies dual-job ban restrictions. 175 C. 586, 595, 596, 602, 609. Exercise of judicial power by a retired judge who has been designated a state referee is not unconstitutional. 177 C. 173. Cited. 179 C. 552; 181 C. 292; 182 C. 253; 183 C. 17; Id., 313; 184 C. 569. The Sentence Review Act (Secs. 51-194 through 51-197) does not violate the separation of powers provisions since those provisions do not preclude the legislature from authorizing the judicial department to vacate its own judgments. 187 C. 109. Connecticut Unfair Trade Practices Act (chapter 735a) does not violate the doctrine of separation of powers in present circumstances. 190 C. 510. Cited. 191 C. 336; 192 C. 234; Id., 704; 193 C. 180. Constitutional separation of powers cited. Id. Cited. Id., 670; 197 C. 554; 199 C. 618. Sec. 4-85(b) not in violation of separation of powers doctrine. 200 C. 386. Cited. 203 C. 63; Id., 641; 206 C. 40. Separation of powers clause of state constitution cited. Id. Cited. 209 C. 579; Id., 652; 211 C. 289; Id., 555; 212 C. 83. Separation of powers provisions cited. Id. Cited. Id., 368; Id., 570; 213 C. 54; Id., 373; Id., 570. Principle of separation of powers cited. 214 C. 256. Unconstitutional usurpation of legislative power cited. 215 C. 616.

Cited. 217 C. 532. "... the existence of discretionary judicial authority over oral argument does not automatically preclude some measure of legislative regulation." Cited. Id., 671. Separation of powers cited. Id. Constitutional provision applies to state, not municipalities. 220 C. 584. Separation of powers doctrine cited. Id. Cited. 221 C. 331. Separation of powers principle cited. Id. Cited. 222 C. 166. Distribution and separation of powers cited. Id. Cited. Id., 799. Separation of powers cited. Id. Exercise of judicial power confined to members of judiciary cited. Id. Encroachment on judiciary power cited. Id. Cited. 224 C. 168. Separation of powers provisions cited. Id. Cited. Id., 917. Separation of powers doctrine cited. Id.; 225 C. 355. Separation of powers cited. Id., 450. Cited. 226 C. 314; 227 C. 207. Separation of powers doctrine cited. Id., 566. Cited. Id., 641; 229 C. 1. Separation of powers cited. Id., 193. Cited. 230 C. 183. Separation of powers cited. Id. Separation of powers principal cited. 232 C. 65. "... separation of powers doctrine does not obliterate the obligation and authority of the judicial branch to investigate and discipline prosecutors." 234 C. 579. Separation and distribution of powers cited; mandates of separate magistracy cited. Id. Principles of separation of powers cited. 236 C. 1. Separation of powers cited. 238 C. 1. Cited. Id., 389; Id., 653; 242 C. 17. Separation of powers doctrine cited. Id. Statute that grants prosecutor discretion to recommend transfer of juvenile from criminal docket to juvenile docket does not violate principles of separation of powers by impermissibly infringing upon the judicial function. 245 C. 93. Composition of Elections Enforcement Commission as provided by Secs. 9-7a(a) and 9-7b(a) does not violate separation of powers doctrine. 255 C. 78. Sec. 1-210(b)(10) does not violate the separation of powers clause because it preserves powers of the judicial branch and does not delegate to Freedom of Information Commission the power to define the attorney-client privilege. 260 C. 143. Public act which prohibits trial court from releasing on bail any person who has been convicted of an offense "involving the use, attempted use or threatened use of physical force against another person" violates the separation of powers provision because it presents significant interference with orderly functioning of Superior Court's judicial role. 261 C. 492. No immunity to governor from subpoena to testify before inquiry committee performing investigative, fact-finding advisory duties re impeachment since there is a compelling government need for all relevant information from third parties and from the governor, and misconduct of governor not exempt from accountability because not all executive power lies with governor and there is no categorical immunity from a legislative subpoena. 271 C. 540. Sec. 51-198(c) does not constitute a legislative encroachment on judicial powers because it does not purport to remove power from the judicial branch and confer it upon another branch nor does it interfere with the orderly performance of the Supreme Court's essential functions by assigning it additional, nonjudicial duties, but rather promotes that orderly performance by permitting the court to exercise its core function in the most efficient manner. 293 C. 641. Debt negotiation statutes, Secs. 36a-671 to 36a-671e, as limited by Sec. 36a-671c(1), offend the separation of powers provision of the Connecticut Constitution and are unenforceable with respect to Connecticut attorneys engaged in the bona fide practice of law. 318 C. 652. A legislature can exercise its right to limit judicial discretion in sentencing by bestowing on prosecutors the right to make decisions that may curtail judicial discretion because it is the legislative branch that has the power to define a crime and set its punishment. 329 C. 770.

Cited. 3 CA 497. Separation of powers provision of the Connecticut Constitution cited. Id. Constitutional principle of separation of powers cited and discussed. 4 CA 339. Due process cited. 6 CA 469. Cited. 7 CA 164. Grievance committee mechanism does not supplant or diminish inherent and plenary power of superior court to regulate and discipline its officers; court has discretion to grant or deny motion to amend; potential separation of powers issue cited. 9 CA 464. Separation of powers doctrine cited. 14 CA 322. Cited. Id., 688. Separation of powers cited. 19 CA 495. Unlawful delegation of legislative power cited. 22 CA 193. Cited. 23 CA 221. Separation of powers cited. Id. Cited. Id., 657. Constitutional doctrine of separation of powers cited. 25 CA 421; judgment reversed, see 222 C. 299. Cited. 28 CA 145. Sec. 51-183b not in violation of separation of powers; doctrine of separation of powers cited. 29 CA 157. Doctrine of separation of powers cited. 39 CA 632. Cited. 46 CA 545. Violation of separation of powers cited. Id. Administrative suspension of driver's license by Department of Motor Vehicles and prosecution by the court of underlying offense of driving while intoxicated does not violate separation of powers provision. 51 CA 4. The recalculation of presentence confinement credits by Commissioner of Correction in wake of *Harris v. Commissioner of Correction* did not violate separation of powers doctrine because commissioner, an agent of the executive branch, implemented policy in accordance with judiciary's interpretation of a statute promulgated by legislature and petitioner failed to demonstrate any improper commingling of governmental powers. 104 CA 793. Separation of powers doctrine was not violated where court allowed petitioner to accept plea deal after finding ineffective assistance of counsel in failing to advise him to accept plea deal, since such action did not impermissibly transfer control of plea bargaining process from executive to judicial branch. 120 CA 560. Trial court's sua sponte dismissal of prosecution for creating a public disturbance in violation of Sec. 53a-181a, midway through defendant's direct examination and predicated on trial judge's view that the state's time is more precious than a \$75 infraction, infringed on a core legislative function in violation of the separation of powers mandate of state constitution; it is the responsibility of the state's attorneys, not the judiciary, to determine when, who, why and whether to prosecute for violations of law. 134 CA 346.

Cited. 11 CS 489. Demurrer to special defense of state questioning constitutionality of special act allowing plaintiff to sue state for negligence overruled. 20 CS 496. Cited. 38 CS 426; 40 CS 394; 41 CS 90; 42 CS 57; Id., 129. Separation of powers cited. Id., 526; 44 CS 297. Constitutional separation of legislative, executive and judicial functions and powers cited. 45 CS 11. Administrative adjudication under Sec. 20-342(h) by defendant Department of Consumer Protection concluding that plaintiff swimming pool contractor violated Home Improvement Act by failure to return homeowner's deposit after his cancellation of contract and defendant's subsequent ordering of restitution under that statute to homeowner found not to be an unconstitutional violation of the separation of powers provision of the state constitution. 48 CS 248.

Presumed legislature intended to exclude from operation of "right to know" statutes the exclusive power over admission to the bar vested in superior court. 4 Conn. Cir. Ct. 313, 321. No judicial power is conferred by constitution on general assembly, either directly or as incident of legislative power, and general assembly cannot confer it. Id., 318.

**(Distribution of powers. Delegation of regulatory authority. Disapproval of administrative regulations.)**

Article second of the Constitution is amended to read as follows:

The powers of government shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit, those which are legislative, to one; those which are executive, to another; and those which are judicial, to another. The legislative department may delegate regulatory authority to the executive department; except that any administrative regulation of any agency of the executive department may be disapproved by the general assembly or a committee thereof in such manner as shall by law be prescribed.

#### ARTICLE XIX.\*

---

\*Adopted November 24, 1982.

A tillerman in a city fire department at a fixed yearly salary, payable monthly, and holding office during good behavior, is within this provision. 50 C. 546. One holding under a reappointment is not affected. 54 C. 174. A city council serving without compensation voted to pay to a committee of the council for the ordinary services of such a committee; held void. Id., 443. Purpose of this article; does not apply to judges. 78 C. 550. Nor prevent city from passing general ordinance increasing salaries of policemen; 81 C. 664; nor prevent a town school committee from increasing salaries of school teachers all of whom were already under contract; 95 C. 204; nor prevent general assembly from authorizing municipal corporations to increase compensation in contracts for performing public works where war had raised costs upon which estimates were made. 106 C. 658. Act permitting furnishers of material or labor to recover from town in amount not exceeding total it agreed to pay principal contractor held not to violate this provision. 109 C. 547. Cited. 116 C. 12; 157 C. 179; 201 C. 377.

Cited. 40 CS 539.

#### **(Extra compensation to elected officials and public contractors prohibited; exception.)**

Section 2 of article eleventh of the Constitution is amended to read as follows:

Except as provided in this section, neither the state nor any political subdivision of the state shall pay or grant to any elected official of the state or any political subdivision of the state, any compensation greater than the amount of compensation set at the beginning of such official's term of office for the office which such official holds or increase the pay or compensation of any public contractor above the amount specified in the contract. The provisions of this section shall not apply to elected officials in towns in which the legislative body is the town meeting. The compensation of an elected official of a political subdivision of the state whose term of office is four years or more may be increased once after such official has completed two years of his term by the legislative body of such political subdivision. The term "compensation" means, with respect to an elected official, such official's salary, exclusive of reimbursement for necessary expenses or any other benefit to which his office would entitle him.

#### ARTICLE XX.\*

---

\*Adopted November 24, 1982.

Cited. 195 C. 303; 210 C. 401.

#### **(Courts, powers and jurisdiction.)**

Section 1. Section 1 of article fifth of the Constitution is amended to read as follows:

<sup>1</sup>The judicial power of the state shall be vested in a supreme court, an appellate court, a superior court, and such lower courts as the general assembly shall, from

time to time, ordain and establish. The powers and jurisdiction of these courts shall be defined by law.

<sup>1</sup> All courts in this state are of limited jurisdiction; facts showing jurisdiction must be alleged. 5 C. 439. The supreme court of errors was constituted as a court for the correction of errors of law only. 34 C. 174. Upon appeal to a judge of the superior court, allowed by a city charter, the judge is a special tribunal for a particular purpose, and not a court within the meaning of the constitution. 35 C. 73, 222. State courts retain jurisdiction except where the federal constitution or Congress has granted exclusive jurisdiction to the federal courts, or the exercise of the jurisdiction is incompatible with such exercise by those courts. Id., 381. No judicial power is vested by the constitution in the general assembly; it cannot delegate to common council power to appoint city court judge; judicial power is vested in the courts by the constitution. 36 C. 446; see 3 Dal. 395. The legislature may in some cases exercise powers judicial in their nature. Where the time allowed for appeal from probate had elapsed, an act extending such time was held constitutional. 45 C. 313–316; overruled, 69 C. 576. Former words “inferior courts” mean those whose judgments are reviewable, rather than those whose proceedings are invalid unless jurisdiction appears upon the face of the record. 49 C. 596; 50 C. 325; see also 102 C. 29. County commissioners when trying causes for the revocation of licenses are not an inferior court in the constitutional sense. 49 C. 596; 50 C. 325. An act conferring upon a board of health power to examine into and remove nuisances dangerous to health is not invalid as conferring judicial powers upon a tribunal not warranted by the constitution. 51 C. 80. A judge of the supreme court hearing an application for the appointment of a receiver is a special tribunal and not a court within the meaning of the constitution. 63 C. 580. The supreme court is one for the correction of errors of law, and not for the trial or retrial of questions of fact. 64 C. 432; 104 C. 418. The general assembly cannot authorize the courts, or the judges thereof acting judicially, to exercise powers essentially legislative; the power of regulating the location, construction, and operation of street railways is legislative. 69 C. 576. Courts can refuse duties imposed on them by U.S. government, 82 C. 367; but see 223 U.S. 1. Power to authorize change in charitable trust. 85 C. 309. Extent of judicial power in respect to administrative functions. Id., 517. That parties may refuse to proceed with condemnation after appraisal is made does not make proceedings nonjudicial. Id., 663. Courts cannot act in nonjudicial matters; but may appraise damages in condemnation proceedings though parties can refuse to carry out proceeding. Id. Limits of power of legislature to “define” jurisdiction. 64 C. 452. What are “inferior courts”; does not include a justice of the peace. 102 C. 29, 31. Test of inferior court is whether it exercises limited jurisdiction, as distinguished from general jurisdiction of superior court; court of common pleas as established in 1941 is an inferior court. 130 C. 122, 133, 134. Intent of constitution that superior court continue with essential characteristics it possessed when constitution was adopted. Id., 127. Power of general assembly to create inferior courts discussed. Id., 133–144. Cited. 142 C. 72. Supreme court of errors and superior court are constitutional courts; their members hold judicial power of state. 145 C. 222. Superior court is constitutional court of unlimited jurisdiction. 154 C. 272, 278. This section divides courts into (1) supreme court and superior court, called “constitutional courts” and (2) all other courts called “lower courts” which are established by legislature. General assembly has power to make rules for administration of “lower courts.” 157 C. 150. The circuit court is one of the lower courts which the general assembly may create and define the powers and jurisdiction thereof. 159 C. 150. General assembly may not infringe upon judicial power; separation of powers discussed; history. 166 C. 501. Interpretation of phrase “by law” in Art. V, Sec. 1. 171 C. 395. Cited. 172 C. 88. Exercise of judicial power by a retired judge who has been designated a state referee does not violate this section. 177 C. 173. Cited. 179 C. 552; 185 C. 495. The Sentence Review Act (Secs. 51-194 through 51-197) does not materially detract from the superior court’s jurisdiction over serious criminal offenses or from its power to impose punishment, nor does it impair the essential nature of the Supreme Court as a court of last resort for the correction of errors. 187 C. 109. Cited. Id., 292. Connecticut Unfair Trade Practices Act (chapter 735a) does not violate doctrine of separation of powers in present circumstances. 190 C. 510. Cited. 191 C. 336; 192 C. 234; Id., 704. “There is fundamentally greater legislative authority over legislative courts created pursuant to this provision ...” than over constitutional courts. 193 C. 180. Cited. 195 C. 303; Id., 534; 199 C. 417; Id., 618; 203 C. 63; Id., 641; 209 C. 579; 212 C. 83. Separation of powers provisions cited. Id. Cited. 213 C. 54; Id., 373. Cited; impermissible delegation of judicial power cited; usurp a constitutionally mandated judicial function cited. 215 C. 162. Cited. 216 C. 127; Id., 135; 222 C. 299; Id., 480; 224 C. 168. Separation of powers provisions cited. Id. Cited. 230 C. 427; 238 C. 389.

Cited. 4 CA 339; 14 CA 688; 17 CA 627; 19 CA 340; 20 CA 470; 23 CA 221; 25 CA 262; 29 CA 157; 45 CA 324. Fixing the qualifications for, as well as admitting persons to, the practice of law in this state has ever been an exercise of judicial power. 126 CA 692. Because there is no precedent in Connecticut to authorize the civil writ of *audita querela* in the criminal context, defendant’s request to do so is declined. 130 CA 652.

Cited. 24 CS 185. General assembly retains police powers to make laws for comfort and welfare of society, notwithstanding vesting of judicial power in courts. 28 CS 52. The circuit court and superior court are part of one judicial system, hence conviction in circuit court bars prosecution for a higher degree of crime on same facts in superior court under doctrine of double jeopardy. 31 CS 289. Cited. 39 CS 347. Administrative adjudication under Sec. 20-342(h) by defendant Department of Consumer Protection concluding that plaintiff swimming pool contractor violated Home Improvement Act by failure to return homeowner’s deposit after his cancellation of contract and defendant’s subsequent ordering of restitution under that statute to homeowner found not to be an unconstitutional violation of the judicial powers provision of the state constitution. 48 CS 248.

No judicial power is vested by constitution in general assembly, either directly or as an incident of legislative power, and general assembly cannot confer it. 4 Conn. Cir. Ct. 313, 318. Presumed legislature intended to exclude from operation of “right to know” statutes the exclusive power over admission to bar vested in superior court. Id., 321.

### **(Supreme, appellate and superior court judges, appointment, terms, removal.)**

Sec. 2. Section 2 of article fifth of the Constitution is amended to read as follows:

<sup>1</sup>The judges of the supreme court, of the appellate court and of the superior court shall, upon nomination by the governor, be appointed by the general assembly in such

manner as shall by law be prescribed. They shall hold their offices for the term of eight years, but may be removed by impeachment. The governor shall also remove them on the address of two-thirds of each house of the general assembly.

<sup>1</sup> Amended by Article XXV., of the Amendments to the Constitution of the State of Connecticut.

#### ARTICLE XXI.\*

\*Adopted November 28, 1984.

Special zoning regulations to alleviate replacement of businesses displaced by redevelopment are giving assistance to a permissible classification of persons and not unequal treatment. 156 C. 287. Continued confinement in a state hospital of a dementia praecox patient who mutilated himself under the influence of religious delusions is not a violation of his constitutional rights hereunder. 157 C. 56. Proceedings against plaintiff for violation of zoning regulation while other violators on his street were not proceeded against is not a denial of equal protection where no discrimination but laxity in enforcement was the cause. Id., 548. Cited. 168 C. 26. Nonexemption of some plaintiffs from operation of no-fault insurance law is not denial of equal protection. 169 C. 267, 294. Cited. 170 C. 258. Jury fee serves legitimate state interest in paternity action and satisfies equal protection clause of Art. I, Sec. 20. Id., 367. Cited. 171 C. 321. Classification of marijuana, for penalty purposes, with substances generally considered more harmful is not so irrational and unreasonable as to violate equal protection clauses of U.S. and Connecticut Constitutions. Id., 600. Art. I, Sec. 20 of Connecticut Constitution is the state counterpart of the equal protection clause of the fourteenth amendment to the U.S. Constitution. 172 C. 496. Cited. Id. (Diss. Op.). Present system of school financing, relying principally on local taxes, violates this section; meaning and application of section and relationship to federal equal protection clause. Id., 615. Current system is not appropriate to discharge state's constitutional duty to educate its students and therefore violates constitution. Id. Equal protection clause is not addressed to the minimal sufficiency but rather to the unjustifiable inequalities of state action. Id. Cited. 173 C. 220; Id., 473; Id., 506. Those provisions in Secs. 12-408(1) and 12-411(1) which impose sales or use taxes respectively, upon rental payments by Connecticut lessee for personalty purchased or brought into state after July 1, 1975, do not deny lessees equal protection of law. 174 C. 51. Cited. 176 C. 11; Id., 638; 177 C. 304; 178 C. 180; 179 C. 62; Id., 552; Id., 627; 184 C. 75; 185 C. 124; Id., 211. Equal protection cited. 186 C. 725, 733, 735. Since the purpose of Sec. 7-308, which is to prevent double liability on the part of a municipality for the negligence of municipal firemen, bears a rational relationship to a legitimate governmental objective, it does not violate principles of equal protection. 187 C. 53. Equal protection cited. Id., 144; Id., 187; Id., 451. Cited. 188 C. 98; Id., 385; Id., 557; Id., 626; Id., 653; 189 C. 550; Id., 727; 192 C. 48. Secs. 17-317 and 53a-47(h) held invalid as violation of equal protection provisions of federal and state constitutions. Id., 520. Secs. 17-317 and 53a-47(h) held unconstitutional. Id., 532. Cited. Id., 539; 193 C. 59; Id., 70. Imposition of academic sanctions for nonattendance discussed. Id., 93. Cited. 193 C. 144. Equal protection cited. Id. Held unconstitutional portion of special act limiting liability for damages in New Britain where same treatment not applicable to other municipalities. Id., 589. Right to equal protection cited. Id. Cited. Id., 670. Legislative provisions for financing education violates provisions of Connecticut Constitution (*Horton v. Meskill*, 172 C. 615) cited. Id. Cited. 194 C. 52. Right to equal protection cited. Id. Cited. Id., 129. Equal protection clauses cited. Id. Cited. Id., 165. Equal protection claim cited. Id. Cited. Id., 416. Equal protection cited. Id. Claims of appellate delay arise under this constitutional guaranty. Id., 510. Cited. Id., 601. Equal protection rights cited. Id. Cited. 195 C. 24. Equal protection cited. Id. Tax on net income of unincorporated businesses and an added fourth base of taxation to the corporate business tax held to be constitutional. Id., 284. Equal protection clause of Connecticut Constitution cited. Id. Equal protection cited. Id., 543. State constitutional grounds cited. Id., 682. Cited. 196 C. 309. Equal protection cited. Id. Cited. Id., 440. Constitutional right to equal protection cited. Id. Equal protection clause of Connecticut Constitution cited. Id. Cited. Id., 572. Equal protection rights under state constitution cited. Id., 623. Equal protection cited. Id., 655. Cited. 197 C. 87. Equal protection cited. Id., 629. Cited. 198 C. 671. Equal protection clause of state constitution cited. Id. Constitutional rights to equal protection cited. 199 C. 179. Cited. 200 C. 151. Constitutional entitlement to equal protection cited. Id. Cited. Id., 268. Equal protection cited. Id. Cited. Id., 350. Right to equal protection under state constitution cited. Id. Cited. Id., 376. Constitutional right to equal protection cited. Id. Sec. 52-577a is constitutional under this article. Id., 562. Cited. 201 C. 577. Equal protection cited. 203 C. 14. Cited. Id., 63. Equal protection cited. Id. Cited. Id., 156; Id., 246. Equal protection cited. Id. Equal protection clause cited. Id., 267. Cited. Id., 624. Rights to equal protection cited. Id. Cited. Id., 641. Constitutional rights to equal protection cited. Id. Cited. 204 C. 17; Id., 287. Equal protection cited. Id. State equal rights amendment cited. Id., 639. Cited. Id., 746. Equal protection cited. Id.; Id., 760. Cited. 205 C. 27. Equal protection cited. Id. Cited. Id., 219. Equal protection cited. Id. Right to equal protection cited. Id., 723. Cited. 206 C. 31. Right to equal protection cited. Id., 229; Id., 685. Cited. 207 C. 59. Constitutional rights to equal protection cited. Id. Cited. Id., 276. Equal protection clause of the Connecticut Constitution cited. Id. Cited. Id., 412. Equal protection claim cited. Id. Cited. Id., 496. Equal protection cited. Id. Cited. Id., 518. Equal protection clauses cited. Id.; Id., 565. Cited. Id., 599. Equal protection cited. Id. Equal protection clauses cited. 208 C. 505. Equal protection cited. Id., 576; Id., 816.

Cited. 209 C. 23. Equal protection cited. Id.; Id., 59; Id., 636. Equal protection guarantees cited. 210 C. 110. Cited. Id., 462. Equal protection cited. Id. Equal protection rights cited. Id., 519. Cited. 211 C. 166. Equal protection clauses cited. Id. Equal protection rights cited. Id., 258. Equal protection guarantees cited. Id., 289. Equal protection cited. Id., 555. Cited. Id., 591. Right to equal protection not violated; appellate court judgment in 15 CA 74 reversed. Id. Equal protection cited. Id. Cited. 212 C. 83. Fee requirement not violation of constitutional rights. Id. Equal protection cited. Id. Right to equal protection cited. Id., 195. Equal protection cited. 213 C. 19. Right to equal protection cited. Id., 112. Equal protection cited. Id., 136. Cited. Id., 373. Equal protection claim cited. Id. Equal protection of the law cited. 214 C. 256. Right to equal protection cited. Id., 321. Cited; guarantees of equal protection cited. 215 C. 292. Equal protection cited. Id., 469. Rights to equal protection of the laws cited. Id., 675. Cited. 216 C. 85. Equal protection of the laws cited. Id. Cited. 217 C. 164. Equal protection of laws cited. Id. Rights to equal protection cited. Id., 490. Cited. Id., 568. Equal protection cited. Id. Cited. 218 C. 531. Constitutional rights of privacy cited. Id. Cited. 219 C. 703; 220 C. 61. Equal protection cited. Id. Cited. Id., 721. Equal protection of the law cited; constitutional rights cited. 221 C. 166. Equal protection cited. Id., 903. Equal protection clause cited. 222 C. 1; Id., 672. Violation of equal protection clause cited. 223 C. 492. Equal protection cited. Id., 903; 224 C. 168. Denial of equal protection cited. Id., 711. Equal protection cited. 225 C. 355. Commissioner of motor vehicle's exercise of authority under Sec. 14-111 violates this constitutional provision; judgment of appellate court in 27 CA 495 reversed. Id., 499. Right to equal protection cited. Id. Cited. Id., 528. Equal protection rights cited. Id. Abandonment of "deliberate bypass rule" and adoption of "cause and prejudice standard" discussed. 227 C. 124. Equal protection rights cited; jury array violation of constitutional rights cited. Id. Cited. Id., 147. Equal protection rights and federal and state constitutional rights cited; unconstitutional jury composition cited. Id. Guarantees of equal protection cited. Id., 175. Equal protection clause cited. Id., 261. Equal protection rights cited. Id., 301. Equal protection clause cited. Id., 363. Right to equal protection cited. Id., 545. Equal protection provisions cited. 228 C. 393. Equal protection clauses of state constitution cited. Id., 699. Cited. 229 C. 1. Equal protection cited. Id. Cited. Id., 10. Equal protection cited. Id. Cited. Id., 228. Rights to due process and a fair trial cited; state constitutional claim cited. Id. Cited. Id., 312. Rights to equal protection cited. Id. Cited. Id., 557. Equal protection rights cited. Id. Equal protection of the law cited. Id., 801. Right to equal protection and a fair trial cited. 230 C. 88. Equal protection cited. Id., 183. Equal protection right cited. Id., 385, see also 37 CA 801. Right to equal protection cited. Id., 400. Cited. Id., 914. Equal protection rights cited. 231 C. 235. Cited. Id., 514. Equal protection cited. Id.; 232 C. 91. Cited. Id., 431; judgment superseded by en banc reconsideration, see 235 C. 502. Right to equal protection cited. Id.; 233 C. 44. Cited. Id., 106; Id., 251; Id., 557. Equal protection cited. 234 C. 51; Id., 194. Cited. Id., 217. Ban on assault weapons, Secs. 53-202a-53-202k, does not violate principles of equal protection. Id., 455. Right to equal protection cited. Id. Cited. Id., 735; 235 C. 502. Rights to equal protection cited. Id. Cited. Id., 865. Sec. 38a-336 is constitutional within equal protection provisions. 236 C. 299. Equal protection cited. Id. Equal protection claims cited. Id., 318. Cited. Id., 421. Equal protection clause cited. Id. Plaintiffs have proved a violation under state constitution of their fundamental right to a substantially equal educational opportunity that is free from substantial racial and ethnic isolation. 238 C. 1. Equal opportunity to a free public education cited; fundamental right to education cited; right to protection from segregation cited. Id. Cited. Id., 389. Equal protection of the law cited. 239 C. 168. Equal protection provisions cited; constitutionality and unconstitutionality of statute and fair trial cited. Id., 427. Cited. Id., 708. Equal protection cited. Id. Equal protection clause cited. 240 C. 489. Cited. 242 C. 17. Equal protection cited. Id. Equal protection guarantees cited. Id., 125. Statute that grants prosecutor discretion to recommend transfer of some juveniles from criminal docket to juvenile docket does not violate right to equal protection of the law. 245 C. 93. State required to offer a nondiscriminatory reason to the court for exercising a peremptory challenge when defendant claims the challenge is based on a prospective juror's ancestry or ethnic origin. 256 C. 1. 1997 amendment to Sec. 22a-208a prohibiting establishment or construction of new plant or station within 1/4 mile of day care center operating as of July 8, 1997, in municipality with population greater than 100,000 persons violates right to equal protection guaranteed by Connecticut Constitution, Art. I, Secs. 1 and 20, by creating classifications unrelated to legitimate state interest. 257 C. 429. In light of the equal protection clause design as a safeguard against acts of the state and not as a limitation on private conduct of individuals or persons, court cannot construe constitutional guarantee as a statement of public policy sufficient to override the explicit, contrary expression of legislative intent embodied in the statutory exemption afforded employers with fewer than three employees under the Fair Employment Practices Act. 260 C. 691. Plaintiffs' rights to equal protection not violated by development corporation's decision to condemn their homes but not the social club located on same parcel of land since there was a rational basis for condemnation decision and plaintiffs failed to carry their burden of proving that development corporation acted arbitrarily or irrationally in making its decision. 268 C. 1. Because insanity acquittee's federal equal protection claim in commitment extension proceeding satisfies rational basis review, it is axiomatic that same conclusion satisfies state equal protection analysis. Id., 508. Failure of legislature to impose smoking ban on casinos and private clubs under Sec. 19a-342 does not violate equal protection rights of owners of restaurants and cafes subject to the ban and uncertainties of enforcement provides rational basis for exemption. 281 C. 277. Sexual orientation constitutes a quasi-suspect classification to which intermediate scrutiny applies and statutory scheme that prohibits same sex marriage impermissibly discriminates against gay persons on account of their sexual orientation in violation of equal protection. 289 C. 135. Because the prohibition in Sec. 7-308 on a cause of action by a municipal firefighter against a fellow employee is rationally related to legitimate governmental interest of reducing municipal liability and fostering provision of effective firefighting services, it does not violate equal protection clause. 300 C. 395. It is not a violation for the sole aggravating factor found by the jury re a capital felony, namely, murder committed for pecuniary gain under Sec. 53a-46a(i)(6), to

duplicate an element of the underlying crime of capital felony by murder for hire under Sec. 53a-54b(2). 305 C. 101; death penalty unconstitutional on other grounds, see 318 C. 1. Plaintiffs failed to establish that the educational system in this state violates the equal protection provisions of the state constitution by failing to ensure that the poorer school districts had funding that is substantially equal to the wealthier school districts. 327 C. 650.

Provisions of Sec. 5-177 are constitutional under this article. 1 CA 454. Cited. 2 CA 43. Constitutional claims concerning equal protection cited. Id. Cited. Id., 363. Equal protection cited. Id. Cited. 3 CA 148. Equal protection cited. Id. State equal protection cited. Id., 432. Equal protection rights cited. 4 CA 307. Cited. Id., 451. Equal protection cited. 5 CA 369. Constitutional right of equal protection cited. 6 CA 546. Cited. 7 CA 164. Equal protection cited. Id. Cited. Id., 180. Right to equal protection cited. Id. Cited. Id., 457. Right to equal protection cited. Id. Equal protection cited. 8 CA 50; Id., 407. Cited. 9 CA 598. Equal protection clause cited. Id. Cited. 12 CA 190; Id., 268; Id., 427; Id., 455. Equal rights amendment cited. Id. Right to equal protection cited. 13 CA 91. Cited. Id., 300. Equal protection cited. 14 CA 487. Denial of pretrial detention credit violates equal protection. 15 CA 74; judgment reversed, see 211 C. 591. Equal protection cited. Id.; judgment reversed, see 211 C. 591. Right to equal protection cited. Id., 161. Equal protection cited. Id., 342. Cited. 16 CA 379. Equal protection cited. 18 CA 393; 19 CA 20; 20 CA 51; judgment reversed, see 215 C. 450. Cited. Id., 241. Equal protection cited. Id., 599. Cited. 21 CA 40. Deprivation of constitutional right and constitutional issues and challenges cited. Id. Constitutional rights to equal protection cited. Id., 688. Equal protection rights cited. 22 CA 402. Constitutional right to equal protection of the law cited. 23 CA 592. Equal protection of the law violations cited. 24 CA 541. Right to equal protection cited. Id., 612. Cited. 25 CA 433. Right to equal protection cited. Id. Rights to equal protection cited. Id., 586; judgment reversed, see 223 C. 492. Cited. 26 CA 10. Rights to equal protection cited. Id. Cited. Id., 466. Equal protection rights cited. Id., 553. Because the medical reporting requirements are necessary to achieve a compelling state interest and are narrowly tailored to accomplish goal they do not violate the constitutional provisions. 27 CA 495; judgment reversed, see 225 C. 499. Equal protection clause of state constitution cited. Id. Public policy of refusing to countenance knowing misappropriation of state moneys outweighed policy of minimizing discrimination against mentally ill. Id., 635. Cited. Id., 675. Right to equal protection cited. Id.; 28 CA 1. Cited. 30 CA 428; Id., 463. State constitution equal protection and nondiscrimination cited. Id. Cited. Id., 594. Equal protection cited. Id. Deprivation of state constitutional rights to equal protection cited; arbitrary determination of child's best interest cited. 31 CA 400; judgment reversed, see 230 C. 459. Equal protection cited. Id., 621; Id., 771. Cited. 32 CA 187. Rights to equal protection cited. Id., 280; Id., 340. Denial of equal protection cited. Id., 515. Guarantee of equal protection cited. Id., 553. Equal protection clauses cited. Id., 656. Constitutional protection is to persons with chronic physical and mental disabilities. 33 CA 242. Equal protection cited. Id. Cited. Id., 339; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502. Equal protection cited. Id. Equal protection of the law cited. Id., 727. Cited. 34 CA 395; Id., 521. Equal protection cited. Id., 557; 35 CA 599. Cited. 36 CA 584. Rights to equal protection cited. Id. Cited. Id., 623. Right to equal protection cited. 37 CA 360; Id., 672; Id., 801. Cited. Id., 856. Right to equal protection cited. Id. Rights to equal protection cited. 38 CA 434; Id., 598; Id., 685. Cited. Id., 731. Right to equal protection cited. 39 CA 183. Equal protection clauses cited. Id., 216. Cited. Id., 253. Right to equal protection cited. Id., 364. Cited. Id., 384. Denial of equal protection cited. Id. Cited. Id., 742. Equal protection cited. Id. Right to equal protection cited. 41 CA 139. Cited. Id., 341. Equal protection cited. Id.; Id., 866. Right to equal protection cited. 42 CA 803. Equal protection clauses cited. 43 CA 265. Cited. 44 CA 457. Equal protection cited. Id.; Id., 611. Rights of equal protection cited. 45 CA 66. Cited. Id., 110. Rights of equal protection cited. Id., 116. Equal protection cited. Id., 712. Equal protection rights cited. 46 CA 616. Right to equal protection cited. Id., 640; Id., 810. Inmates given administrative segregation classifications are not considered part of a suspect class; this distinction is predicated on a rational basis, and the award of statutory good time does not intrude upon a fundamental right. 50 CA 421. Failure to refer case to three-judge panel when actuarial data indicated life expectancy was less than sentence not violative of equal protection. Id., 521. Suspending a person's driver's license under driver license compact based on out-of-state conviction for first arrest, rather than allowing participation in alcohol education program, did not violate equal protection. 52 CA 326. Appellate court rejected defendant's claim that trial court violated his rights under Art. I, Secs. 8, 19 and 20 of the Connecticut Constitution when it improperly allowed state to exercise a peremptory challenge against a prospective juror, who was a member of defendant's racial group, without a racially neutral explanation reasonably related to the issues in the case. Appellate court found that evidence supported the prosecutor's reasons for striking the prospective juror and defendant failed to establish that the state gave a pretextual reason for excusing the prospective juror. 62 CA 182. Section is declaratory of state's fundamental public policy against sex discrimination. 64 CA 573. Court's application of the presentence confinement credit pursuant to Sec. 18-98d(a) did not violate petitioner's right to equal protection. 80 CA 580. Petitioner could not prevail on his claim that his sentence violated this section because he was required to allege purposeful discrimination in order to assert an equal protection violation. 123 CA 197.

The Connecticut system of education under the authority of *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1, violates this article. 31 CS 377. (Affirmed. 172 C. 615.) Connecticut system of education violative of equal protection. Id., 377. Education system not justified on grounds that it serves the legitimate objective of local control. Id. The classification of marijuana with the dangerous psychoactive drugs, amphetamines and barbiturates, under Sec. 19-480(b) for penalty purposes is irrational and thus violative of the equal protection clauses of the federal and state constitutions. 32 CS 324. Exclusion of aliens from grand jury service under Sec. 54-45 did not violate defendant's rights since citizenship requirement bears rational relation to demands of jury service. 35 CS 98. Cited. Id., 130. Right to equal protection not violated by order to pay entire amount of support previously advanced by welfare department for illegitimate child. Id., 628. Failure of state to pay expense of blood grouping tests for indigent defendant in paternity action is not a denial of equal protection. Id., 679. Cited. 37 CS 515; Id., 723; Id., 745. Equal protection cited. 38 CS 331. Cited. Id., 407; Id., 426; 39 CS 142; 40 CS 6. State's equal rights amendment cited. Id. Equal protection cited. Id., 361. Cited. Id., 365; 381. State regulation on Medicaid abortion funding is unconstitutional; equal rights amendment cited. Id., 394. Cited. 41 CS 48. Violation of constitutional rights cited. Id. Right to equal protection cited. Id. Substantial differences in compensation and benefits cited. Id., 141. Equal protection cited. Id., 229. Cited. 42 CS 172; Id., 256; Id., 526. Equal protection cited. Id. Cited. Id., 574. Equal protection cited. 43 CS 91. Equal protection clause cited. Id.,

278; Id., 297. Cited. Id., 386; Id., 470. Equal rights amendment, prohibiting discrimination because of sex, included in Connecticut Constitution Amdt. V, cited. 45 CS 84. New Haven City Charter art. V, sec. 10(a) provision that mayor of city "shall have been a legal voter in and resident of the city for at least five years immediately preceding said mayor's election" violates equal protection. 48 CS 521. Textual emphasis of Connecticut constitutional guarantee is on person discriminated against rather than, as in U.S. Constitution, on entity forbidden from discriminating. Because Connecticut provision expressly refers to exercise of "political rights", equal protection guarantee can be construed with reference to several other distinctive guarantees of political rights contained in Connecticut Constitution. Id. Civil union legislation does not deny plaintiffs, eight same sex couples, equal protection, due process, and right of free expression and association because civil union and marriage in Connecticut now share same benefits, protections and responsibilities under law; Connecticut Constitution requires that there be equal protection and due process of law, not that there be equivalent nomenclature for such protection and process. 49 CS 644. Petitioner, a white inmate who alleged that he was denied parole release because of racial discrimination arising from quota system employed by Board of Pardons and Paroles that unfairly advantages black and Hispanic inmates over white inmates, was not denied equal protection because petitioner failed to prove that board deviated from race neutral statutory criteria and discriminated against him on account of his race and that board was motivated by discriminatory purpose. 50 CS 149.

Defendant given minimum fine for driving while intoxicated after evidence of indigence; held not denial of equal protection of law. Where penalty imposed is within limits fixed by statute, it will not be disturbed on appeal unless there is an abuse of discretion. 5 Conn. Cir. Ct. 228.

**(Equal protection. No segregation or discrimination.)**

Article fifth of the amendments to the Constitution is amended to read as follows:

No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin, sex or physical or mental disability.

ARTICLE XXII.\*

---

\*Adopted November 28, 1984.

Absence of governor from state divests governor of power to act even where the other state officials who could have exercised the governor's powers in her absence were also absent from state. 183 C. 7. Cited. 236 C. 1.

**(Permanent or temporary transfer of governor's authority, powers and duties to lieutenant-governor. Council on gubernatorial incapacity.)**

Section 18 of article fourth of the Constitution is amended to read as follows:

a. In case of the death, resignation, refusal to serve or removal from office of the governor, the lieutenant-governor shall, upon taking the oath of office of governor, be governor of the state until another is chosen at the next regular election for governor and is duly qualified.

b. In case of the impeachment of the governor or of his absence from the state, the lieutenant-governor shall exercise the powers and authority and perform the duties appertaining to the office of governor until, if the governor has been impeached, he is acquitted or, if absent, he has returned.

c. Whenever the governor transmits to the lieutenant-governor his written declaration that he is unable to exercise the powers and perform the duties of his office, and until the governor transmits to the lieutenant-governor a written declaration to the contrary, the lieutenant-governor shall exercise the powers and authority and perform the duties appertaining to the office of governor as acting governor.

d. In the absence of a written declaration of incapacity by the governor, whenever the lieutenant-governor or a majority of the members of the council on gubernatorial incapacity transmits to the council on gubernatorial incapacity a written declaration that the governor is unable to exercise the powers and perform the duties of his office,

the council shall convene within forty-eight hours after the receipt of such written declaration to determine if the governor is unable to exercise the powers and perform the duties of his office. If the council, within fourteen days after it is required to convene, determines by two-thirds vote that the governor is unable to exercise the powers and perform the duties of his office, it shall transmit a written declaration to that effect to the president pro tempore of the senate and the speaker of the house of representatives and to the lieutenant-governor and the lieutenant-governor, upon receipt of such declaration, shall exercise the powers and authority and discharge the duties appertaining to the office of the governor as acting governor; otherwise, the governor shall continue to exercise the powers and discharge the duties of his office. Upon receipt by the president pro tempore of the senate and the speaker of the house of representatives of such a written declaration from the council, the general assembly shall, in accordance with its rules, decide the issue, assembling within forty-eight hours for that purpose if not in session. If the general assembly, within twenty-one days after receipt of the written declaration or, if the general assembly is not in session, within twenty-one days after the general assembly is required to assemble, determines by two-thirds vote of each house that the governor is unable to exercise the powers and discharge the duties of his office, the lieutenant-governor shall continue to exercise the powers and authority and perform the duties appertaining to the office of governor; otherwise, the governor shall resume the powers and duties of his office.

e. In the absence of a written declaration of incapacity by the governor and in an emergency, when the governor is unable to exercise the powers and perform the duties of his office and the business of the state requires the immediate exercise of those powers and performance of those duties, the lieutenant-governor shall transmit to the council on gubernatorial incapacity a written declaration to that effect and thereupon shall exercise the powers and authority and discharge the duties appertaining to the office of governor as acting governor. The council shall convene or the members of the council shall otherwise communicate with each other collectively within twenty-four hours after the receipt of such written declaration to determine if the governor is unable to exercise the powers and perform the duties of his office. If the council, within fourteen days after it is required to convene, determines by two-thirds vote that the governor is unable to exercise the powers and perform the duties of his office, it shall transmit a written declaration to that effect to the president pro tempore of the senate and the speaker of the house of representatives and to the lieutenant-governor and the lieutenant-governor shall continue to exercise the powers and authority and perform the duties appertaining to the office of governor as acting governor; otherwise, the governor shall resume the powers and duties of his office. Upon receipt by the president pro tempore of the senate and the speaker of the house of representatives of such a written declaration from the council, the general assembly shall, in accordance with its rules, decide the issue, assembling within forty-eight hours for that purpose if not in session. If the general assembly, within twenty-one days after receipt of the written declaration or, if the general assembly is not in session, within twenty-one days after the general assembly is required to assemble, determines by two-thirds vote of each house that the governor is unable to exercise the powers and discharge the duties of his office, the lieutenant-governor shall continue to exercise the powers and authority and perform the duties appertaining to the office of governor; otherwise, the governor shall resume the powers and duties of his office.

f. Whenever the governor transmits to the president pro tempore of the senate and the speaker of the house of representatives his written declaration that no inability exists he shall resume the powers and duties of his office upon the determination by a

majority vote of each house of the general assembly, in accordance with its rules, that he is able to exercise the powers and perform the duties of his office.

g. There shall be a council on gubernatorial incapacity, the membership, procedures and terms of office of the members of which the general assembly shall establish by law.

h. The supreme court shall have original and exclusive jurisdiction to adjudicate disputes or questions arising under this section.

#### ARTICLE XXIII.\*

---

\*Adopted November 28, 1984.

Cited. 221 C. 300; 227 C. 566; Id., 641; 234 C. 539.

Cited. 42 CS 291; 43 CS 38.

#### **(Division of criminal justice. Appointment of state's attorneys by a criminal justice commission.)**

Article fourth of the Constitution is amended by adding a new section to read as follows:

There shall be established within the executive department a division of criminal justice which shall be in charge of the investigation and prosecution of all criminal matters. Said division shall include the chief state's attorney, who shall be its administrative head, and the state's attorneys for each judicial district, which districts shall be established by law. The prosecutorial power of the state shall be vested in a chief state's attorney and the state's attorney for each judicial district. The chief state's attorney shall be appointed as prescribed by law. There shall be a commission composed of the chief state's attorney and six members appointed by the governor and confirmed by the general assembly, two of whom shall be judges of the superior court. Said commission shall appoint a state's attorney for each judicial district and such other attorneys as prescribed by law.

#### ARTICLE XXIV.\*

---

\*Adopted November 19, 1986.

Cited. 231 C. 602.

Balancing factors of length of delay, reason for delay, assertion of right and prejudice, defendant was not deprived of right to a speedy trial. 47 CA 91.

Cited. 27 CS 68.

#### **(Prohibiting the use of a party lever in any state or local election.)**

Section 5 of article sixth of the Constitution is amended to read as follows:

In all elections of officers of the state, or members of the general assembly, the votes of the electors shall be by ballot, either written or printed, except that voting machines or other mechanical devices for voting may be used in all elections in the state, under such regulations as may be prescribed by law. No voting machine or device used at

any state or local election shall be equipped with a straight ticket device. The right of secret voting shall be preserved.

#### ARTICLE XXV.\*

---

\*Adopted November 19, 1986.

Cited. 130 C. 139; 138 C. 161. Exercise of judicial power by a retired judge who has been designated a state referee is not unconstitutional. 177 C. 173. Cited. 179 C. 140. Authority to create additional judgeships as well as to designate those to fill them is included in this grant and also Art. III, Sec. 1 of the Connecticut Constitution which vests legislative powers of state in the senate and the house of representatives. 193 C. 670. Cited. 195 C. 534; 199 C. 417. Provisions of Sec. 52-434(a)(4) not in conflict. Id., 496. Cited. Id., 518; 203 C. 246; 213 C. 54; Id., 373; 222 C. 799. Method of appointment of family support magistrates and attorney referees cited. Id. Cited. 240 C. 157.

Cited. 12 CA 190; 31 CA 278; judgment reversed, see 230 C. 385; Id., 599; judgment reversed, see 229 C. 627; 35 CA 769; 37 CA 85; 38 CA 491.

#### **(Selection, nomination, appointment and removal of judges. Judicial selection commission.)**

Section 2 of article twenty of the amendments to the Constitution is amended to read as follows:

Judges of all courts, except those courts to which judges are elected, shall be nominated by the governor exclusively from candidates submitted by the judicial selection commission. The commission shall seek and recommend qualified candidates in such numbers as shall by law be prescribed. Judges so nominated shall be appointed by the general assembly in such manner as shall by law be prescribed. They shall hold their offices for the term of eight years, but may be removed by impeachment. The governor shall also remove them on the address of two-thirds of each house of the general assembly and the supreme court may also remove them as is provided by law.

#### ARTICLE XXVI.\*

---

\*Adopted November 28, 1990.

#### **(Reapportionment procedure. Reapportionment Committee. Reapportionment Commission.)**

Section 2 of article sixteen of the amendments to the Constitution is amended to read as follows:

<sup>1</sup>a. The assembly and senatorial districts and congressional districts as now established by law shall continue until the regular session of the general assembly next after the completion of the taking of the next census of the United States. On or before the fifteenth day of February next following the year in which the decennial census of the United States is taken, the general assembly shall appoint a reapportionment committee consisting of four members of the senate, two who shall be designated by the president pro tempore of the senate and two who shall be designated by the minority leader of the senate, and four members of the house of representatives, two who shall be designated by the speaker of the house of representatives and two who shall be designated by the minority leader of the house of representatives, provided there are members of no more than two political parties in either the senate or the

house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the committee in lieu of the designation by the minority leader of that house. Such committee shall advise the general assembly on matters of apportionment. Upon the filing of a report of such committee with the clerk of the house of representatives and the clerk of the senate, the speaker of the house of representatives and the president pro tempore of the senate shall, if the general assembly is not in regular session, convene the general assembly in special session for the sole purpose of adopting a plan of districting. Upon the request of the speaker of the house of representatives and the president pro tempore of the senate, the secretary of the state shall give notice of such special session by mailing a true copy of the call of such special session, by registered or certified mail, return receipt requested, to each member of the house of representatives and of the senate at his or her address as it appears upon the records of said secretary not less than ten nor more than fifteen days prior to the date of convening of such special session or by causing a true copy of the call to be delivered to each member by a sheriff, deputy sheriff, constable, state policeman or indifferent person at least twenty-four hours prior to the time of convening of such special session. Such general assembly shall, upon roll call, by a yea vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session or special session called for the purpose of adopting a plan of districting following the completion of the taking of the census of the United States, upon roll call, by a yea vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary in accordance with the provisions of this article.

b. If the general assembly fails to adopt a plan of districting by the fifteenth day of the September next following the year in which the decennial census of the United States is taken, the governor shall forthwith appoint a commission designated by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives, each of whom shall designate two members of the commission, provided that there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house. The eight members of the commission so designated shall within thirty days select an elector of the state as a ninth member.

c. The commission shall proceed to consider the alteration of districts in accordance with the principles recited in this article and it shall submit a plan of districting to the secretary of the state by the thirtieth day of the November next succeeding the appointment of its members. No plan shall be submitted to the secretary unless it is certified by at least five members of the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law. If the commission shall fail to submit such a plan

by the thirtieth day of November, the secretary of the state shall forthwith so notify the chief justice of the supreme court.

d. Original jurisdiction is vested in the supreme court to be exercised on the petition of any registered voter whereby said court may compel the commission, by mandamus or otherwise, to perform its duty or to correct any error made in its plan of districting, or said court may take such other action to effectuate the purposes of this article, including the establishing of a plan of districting if the commission fails to file its plan of districting by the thirtieth day of November as said court may deem appropriate. Any such petition shall be filed within thirty days of the date specified for any duty or within thirty days after the filing of a plan of districting. The supreme court shall render its decision not later than forty-five days following the filing of such petition or shall file its plan with the secretary of the state not later than the fifteenth day of February next following the time for submission of a plan of districting by the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law.

<sup>1</sup> Amended by Article XXX., Sec. 2, of the Amendments to the Constitution of the State of Connecticut.

#### ARTICLE XXVII.\*

---

\*Adopted November 25, 1992.

**(Absentee admission of electors.)**

Section 8 of article sixth of the Constitution is amended to read as follows:

The general assembly may provide by law for the absentee admission of electors.

#### ARTICLE XXVIII.\*

---

\*Adopted November 25, 1992.

Implementation of amendment entrusted to legislature; separation of powers cited; case is nonjusticiable. 236 C. 1. Cited. Id.

Plaintiff's challenge to budget act is not ripe for adjudication due to ongoing, incomplete budget process; because General Assembly has sole authority to define terms by law under Subsec. (b), court has no jurisdiction to consider plaintiff's proposed definitions of those terms; claim presents a nonjusticiable political question. 52 CS 118.

**(Limit on state expenditures. Maximum authorized increase; "emergency or extraordinary circumstances"; definitions to be defined by general assembly. Surplus.)**

Article third of the Constitution is amended by adding section 18 as follows:

Sec. 18. (a) The amount of general budget expenditures authorized for any fiscal year shall not exceed the estimated amount of revenue for such fiscal year.

(b) The general assembly shall not authorize an increase in general budget expenditures for any fiscal year above the amount of general budget expenditures authorized for the previous fiscal year by a percentage which exceeds the greater of the percentage increase in personal income or the percentage increase in inflation, unless the governor declares an emergency or the existence of extraordinary circumstances

and at least three-fifths of the members of each house of the general assembly vote to exceed such limit for the purposes of such emergency or extraordinary circumstances. The general assembly shall by law define “increase in personal income”, “increase in inflation” and “general budget expenditures” for the purposes of this section and may amend such definitions, from time to time, provided general budget expenditures shall not include expenditures for the payment of bonds, notes or other evidences of indebtedness. The enactment or amendment of such definitions shall require the vote of three-fifths of the members of each house of the general assembly.

(c) Any unappropriated surplus shall be used to fund a budget reserve fund or for the reduction of bonded indebtedness; or for any other purpose authorized by at least three-fifths of the members of each house of the general assembly.

#### ARTICLE XXIX.\*

---

\*Adopted November 27, 1996.

A prosecution for a common law offense does not require an indictment. 3 C. 122; 60 C. 94. There is no right of trial by jury before a justice of the peace. 4 C. 78; 12 C. 451. Meaning of “indictment or information.” 12 C. 451. Accused has no constitutional right to be present before grand jury. 21 C. 279; 47 C. 104. Law requires one on trial for intoxication to disclose how he obtained liquor, upheld; 59 C. 520; so one providing for restraint of parent abandoning child. 35 C. 540. Penalties should be held excessive only in very clear cases. 39 C. 497. A statute authorizing the appointment of a receiver of partnership without notice to partners would not be valid. 41 C. 307. Regulations permitting sale of life estate against remonstrance of remaindermen is valid. 44 C. 116. Arguments of counsel may properly be limited. 47 C. 535. The legislature may regulate the conduct of jury trials. 48 C. 546. There is no right to trial by jury before county commissioners as to revocation of a liquor license. 50 C. 324. Statute making owner of vehicle liable for injury done by servant, upheld. 51 C. 468. Statute making railroad company liable for fire set by locomotive without regard to negligence, upheld. 54 C. 459. A judge may grant a new trial for verdict against the evidence. 65 C. 278; 69 C. 186; 72 C. 109; 74 C. 638; 79 C. 481. Admission of evidence against accused secured by trespass does not violate this provision. 67 C. 304; 101 C. 231; 120 C. 573. Bail in general, taking it pending appeal. 71 C. 461; see 65 C. 282. Power of court to restrict counsel from commenting on severe penalty provided for offense. 75 C. 55. Cited. 287 U.S. 62. Requires written charges and notice in proceeding for contempt not committed in presence of court. 75 C. 354. Law penalizing the keeping of a house “reputed” to be one of ill-fame, upheld. 82 C. 112; 83 C. 56; Id., 551; see 47 C. 550. Penalty of \$1,000 fine for violation of usury law held not excessive. 83 C. 3. Nature of power to fix amount and to take bail. 83 C. 286. Cautioning accused that statements will be used against him. 92 C. 67, 82. How far state’s attorney may comment on counsel’s failure to explain incriminating evidence introduced by prosecution; 96 C. 292; where accused takes the stand himself. 105 C. 119. Admission of testimony given by a witness at a preliminary hearing on same charge, where accused had had opportunity to cross-examine and witness had escaped from detention before trial in upper court and could not be located, held not error. 96 C. 310. Statute making admissible a certified copy of analysis of liquor by a state chemist, upheld. 103 C. 513. Common law exceptions to hearsay rule not affected. Id. Statute making owner of dog liable for injuries caused by it, upheld. 105 C. 90. After acquittal and discharge accused cannot be tried again for same offense. 106 C. 116. Requirements for jurisdiction when obtained by garnishment stated and applied. 107 C. 554. Refusal to try issue of fact on a plea to jurisdiction after demurrer thereto sustained, upheld. Id., 560. To require accused to give testimony tending to prove his divorce was colorable violates this clause. 110 C. 356 (Diss. Op.). Danger of incrimination must be real, not remote; privilege must be claimed as to specific questions. Id., 482. Statute authorizing summary commitment by justice for refusal to testify in investigation is valid. Id., 490–500. Cited. 113 C. 377. Right to bill of particulars where information charges offense merely by name or definition. 119 C. 72, 73; 124 C. 561. Provision of Tenement House Act forbidding recovery of rent for unlawful occupation does not impose “fine.” 121 C. 459. State’s right to appeal criminal case is not unconstitutional. 122 C. 538. Does not protect person being questioned by grand jury, but only gives immunity from answering particular questions. 126 C. 73. Statute limiting signs advertising price of gasoline held invalid. Id., 373. Statute forbidding drugs, articles or instruments to prevent conception is constitutional. Id., 412–426. Not mandatory to specify maximum fine in penal statute. Id., 426. Filing of original information without preliminary hearing upheld. 127 C. 581. Does not require trial within territorial subdivision in which offense was committed. 129 C. 572. Penalty of \$50 for each rent overcharged under Price Control Act is not unconstitutional. 131 C. 132; 132 C. 64. Does not require that one arrested for crime shall be promptly taken before a committing magistrate. 136 C. 113. Legislature itself may exercise power of eminent domain or it may delegate it to another agency to determine what property is necessary for the public use. 138 C. 582. A provision in a will that widow should receive a stipulated amount either by order for widow’s allowance or by way of a bequest, held constitutional. 139 C. 652. Short form information authorized by rule (P.B. 493) does not infringe as rule (P.B. 495) provides for bill of particulars. 141 C. 319. Cited. 143 C. 698. Guarantees as a political right the institution of jury trial in all its essential features as derived from our ancestors and now existing by force of common law, but this right may be subjected to conditions and regulations of procedure for the better promotion of justice and the public welfare so long as the substance of the right is not adversely affected or the

exercise of the right is not prevented. 144 C. 228. Requires an indictment by a grand jury in all cases in which the penalty to be imposed may be life imprisonment. Id., 295. Injured defendant required to attend court on stretcher and under some medication, not denied due process. 145 C. 11. Definition of fair trial. Id. Definition of speedy trial. Id. Jury recommendation for life imprisonment under Sec. 53-10 not violation of due process. Id., 60. The terms of a penal statute must be sufficiently explicit to inform those subject to it what conduct on their part will render them liable to its penalties. 146 C. 78. Whether knowledge is a necessary element in proving that a prohibited act is a crime is a matter of legislative intention. Id. Grand jury in which 7 out of 18 are attorneys, not in itself illegal where there is no evidence of an intentional and systematic exclusion of any group. Id., 137. Defendant not denied a fair trial when he did not have and did not request counsel on his presentation in police court. Id., 227. Act authorizing an administrative board to make orders but which has no provision for judicial review, held constitutional as the aggrieved party's right to due process is protected by his privilege to apply to a court. Id., 237. No definition of public use for the purpose of eminent domain can be large enough to include any private use. Id. Zoning regulations forbidding the operation of trailer parks in residential zones held valid. Id., 311. Right to a speedy trial may be waived where a defendant consents to delay or both prosecution and defense agree upon postponement, and waiver may be implied where the defendant, in court, interposes no objection to a continuance. 147 C. 22. Circumstances determine whether defendant has been denied a speedy trial. Id., 95. Refusal of court to allow defendant to cross-examine probation officer who prepared a presentence investigation held not to violate this section. Id., 125. When refusal to engage counsel for pretrial proceedings violates due process. Id., 194. Voluntariness of confession of accused under detention. Id. Where one act constitutes several crimes there may be a separate prosecution for each. Id., 426. Cited. 149 C. 572. Constitutional right of accused in a criminal case to have assistance of counsel may be waived, if it is waived intelligently, understandably and in a competent manner. Defendant's unsubstantiated attacks on the two public defenders concerned in the case, and on public defenders in general, were without merit, and appointment of a special public defender would not be justified. Id., 655. There is no specific provision against double jeopardy in the Connecticut Constitution, but we have in large part adopted the common-law rule against it as necessary to the due process guaranteed by this section. Secs. 51-195 and 51-196 subject certain sentences to possibility of review if requested by the person sentenced. The jeopardy, so far as the sentence is concerned, is a single continuing one, and any change in the sentence results from the sentenced person's own voluntary act. There is no double jeopardy. Id., 692. In order to hold zoning regulation unconstitutional as violative of due process of law, it must appear that the provisions are clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals or general welfare. Id., 712. A witness is not justified in refusing to answer a question on ground of self-incrimination unless it appears that there is reasonable ground to apprehend danger of incrimination, and that the danger is not a mere remote possibility. The determination that there is such a danger cannot be left solely to the judgment of the witness. The witness should not, however, be required completely to explain the precise basis of his apprehension of danger and thus provide "leads" to evidence for future use against him. Where the state opposes a claim of privilege against self-incrimination on the ground of immunity from possible punishment, the state has the burden of proving the adequacy of the immunity claimed. 150 C. 220. Even if accused waives his privilege against self-incrimination by voluntarily testifying, the waiver is limited to the particular proceeding on which he volunteers the testimony. 153 C. 34. Use, in second part of information, over defendant's objection, of testimony as to prior conviction which was given in first part of information, was a violation of his constitutional privilege against compulsory self-incrimination. Id. Where imposition of sentence upon witness against defendant was delayed until after his trial, defendant's claim that he was thereby deprived of his constitutional right to a fair trial was without merit. Id., 79, 80. Fact that court-appointed appraisers in foreclosure action not required to hold hearings and take evidence not violative of due process. Id., 293. Cited. Id., 324. There is no federal constitutional impediment to dispensing entirely with the grand jury in state prosecutions. Id., 451, 457. Whether an accused has been denied his constitutional right to a speedy trial depends on the facts in a particular case. Id., 564, 569-571. Appellant, claiming that proposed zoning amendments would deprive him of use of his property, was entitled to introduce additional evidence on constitutional question in court to which appeal was taken. 155 C. 265. Admissibility in evidence of statements made during illegal detention depends on voluntariness thereof and whether it was brought about by, or fruit of, illegal detention. Id., 316. Where defendant, represented by counsel, did not at any time before trial date raise question of speedy trial or claim trial and did not claim to be prejudiced by delay, present claim that he was denied guarantee to a speedy trial is without merit. Id., 367. No federal constitutional impediment to dispensing entirely with grand jury in state prosecutions. Id. Prosecution by information in case of infamous crimes is not violation of defendant's rights under U.S. Constitution. 156 C. 391. Speedy trial means state must proceed without unreasonable or undue delay and under facts of this case there was no denial of right as intervals were necessary to prepare trial proceedings. 157 C. 114. Charge concerning defendant's right not to testify was correct taken as a whole. 158 C. 412. In all cases, even capital ones, not falling in the exceptional situation "where the proof is evident or the presumption great," bail should be ordered. A grand jury indictment where defendant was excluded from the jury room was not sufficient to put this defendant in the exception "where the proof is evident". 159 C. 264. That crime is punishable by death sufficient to bring the accused within the exception disentitling him to bail. Id., 285. Indictment for a capital offense when the defendants were not allowed in the grand jury room during the grand jury hearing is not sufficient evidential weight to shift the burden of proof from the state to show the proof was "evident or the presumption great" so bail would be denied. Id. Cited. 162 C. 316. The creation of new rights to insure a fair trial is an appropriate exercise of legislative power. 166 C. 501 (Diss. Op.). Taxation of the exercise and nonexercise, after enactment of tax of a power of appointment created prior to enactment of tax is not unconstitutional. Id., 581. Sec. 14-66 is a proper exercise of the police power of the state as it serves the safety and welfare of the motoring public. 167 C. 304. Procedural due process not violated where, absent specific provisions in municipal charter for removal, the mayor removed the chairman of board of finance in manner mirroring method of his appointment. Id., 357. Cited. Id., 379; Id., 408. Procedure for relief against excessive bail set under a bench warrant accords with due process requirements. Id., 539. Second mortgagee has no standing to attack attachments and judgments in distribution of proceeds of first mortgage foreclosure. He does not stand in mortgagor's shoes to claim latter's constitutional rights. 168 C. 43. Plaintiff who waived counsel after ample notification he was entitled to counsel cannot claim on appeal denial of due process at hearing. Id., 94. Sec. 14-111(c) draws a reasonable

distinction based on public policy in requiring suspension of licenses only of those careless drivers contributing to accident causing death. *Id.* To determine whether procedural due process requirements apply, the court must first determine whether a party has been deprived of liberty or property by some action of the government, furthermore, in making this determination, the court must look not to the weight but to the nature of the interest at stake, any weighing process being relevant only to a determination of the form of hearing required in particular situations. *Id.*, 478. Cited. 169 C. 267, 305. Defendant's right to compel testimony must give way to witness' privilege against self-incrimination in case where no timely exception was taken; when privilege may be invoked; there is no basis for granting immunity from prosecution to witness for defense. 170 C. 206. Tax imposed on basis of domicile but enacted subsequent to abandonment of such domicile does not violate due process. *Id.*, 567. Cited. 171 C. 269; *Id.*, 705; 172 C. 458; *Id.*, 531; *Id.*, 577. Testimony of state's chief toxicologist, based partly on test by chemist under his supervision, did not violate defendant's right to confront witnesses against him. *Id.*, 593. Discussed. 173 C. 165. Cited. *Id.*, 317; *Id.*, 473; *Id.*, 506. Whether right to speedy trial was denied must be determined by application of balancing test. 174 C. 89. Cited. *Id.*; 175 C. 147. Loss of evidence under circumstances of case did not violate defendant's right to fair trial or deprive him of due process of law. *Id.*, 315. Cited. *Id.*, 512; 176 C. 270; 177 C. 78; *Id.*, 304; *Id.*, 648; *Id.*, 677; 178 C. 67; *Id.*, 145; *Id.*, 163; *Id.*, 600; 179 C. 1; *Id.*, 46. City has sufficient standing to raise constitutionality of procedures employed by department of environmental protection. *Id.*, 111. Cited. *Id.*, 155; 180 C. 54. Right to impeach the credibility of the state's eyewitness to the crime implicates defendant's constitutional right to confront the witness who testify against him. *Id.*, 382. Where defendant was indicted for murder, the court's charge on the lesser offenses of manslaughter and negligent homicide, which do not require the same state of mind as murder, did not violate his right to be informed of the nature and cause of the accusation against him. *Id.* Sixteen month delay was not unreasonable per se and was not a deprivation of the right to a speedy trial since defendant acquiesced in delay for eleven months. *Id.*, 589. Discussion of due process in connection with discharge of tenured teacher. 181 C. 69. Cited. *Id.*, 151. Constitutional rights in connection with grand jury proceedings discussed. *Id.*, 268. Cited. 182 C. 124; *Id.*, 220. Constitution does not guarantee a criminal defendant a right to a nonjury trial. *Id.*, 353. Cited. *Id.*, 403. State, over defendant's objection, seeking to have a trial closed must demonstrate a compelling need in order to deny his right to public trial. *Id.*, 412. It is error of constitutional magnitude for judge to instruct jurors that they may discuss the case among themselves prior to its submission to them. *Id.*, 419. Cited. *Id.*, 497; *Id.*, 511; *Id.*, 585; part of ruling in *State v. Jacobowitz* overruled, see 224 C. 1. "Void for vagueness" and burden of proof charge to jury discussed. 183 C. 17. Cited. *Id.*, 73. Waiver of "Miranda" rights discussed. *Id.*, 280. Cited. *Id.*, 394; 184 C. 121. Inadequate pretrial investigation is sufficient to constitute a denial of the right to effective assistance of counsel. *Id.*, 547. Cited. *Id.*, 597; 185 C. 63; *Id.*, 118; *Id.*, 163. Right to speedy trial discussed. *Id.*, 199. Cited. *Id.*, 211; *Id.*, 402; *Id.*, 495. Discussion of hearsay rules and the confrontation clause. 186 C. 521. Discussion of sufficiency of court's instruction. *Id.*, 555. Cited. *Id.*, 574; *Id.*, 654. Due process cited. *Id.*, 725; *Id.*, 773. Cited. 187 C. 6, 11. Due process cited. *Id.*, 53; *Id.*, 73. Fair trial cited. *Id.*, 94. Due process cited. *Id.*, 109; *Id.*, 144. Fair trial cited. *Id.*, 199; *Id.*, 216. Right to notice cited. *Id.* Right of cross-examination cited. *Id.*, 264. Right of confrontation cited. *Id.* Right to be informed of the nature and cause of the accusation cited. *Id.* Right of confrontation cited. *Id.*, 281. Right to counsel cited. *Id.* Defendant was not denied her constitutional right of confrontation by the state's failure to call as a witness the state chemist who had actually performed the toxicological tests on the narcotics found in her possession. *Id.*, 292. Right of accused to testify cited. *Id.* Introduction of new relevant evidence in rebuttal discussed. *Id.*, 335. Identification procedure discussed. *Id.*, 348. Due process rights in parental rights termination proceedings discussed. *Id.*, 431. Right to speedy and public trial cited. *Id.*, 469. Right to confront witnesses discussed. *Id.* Right to remain silent discussed. *Id.* Although due process is not intended to hold administrative agencies under a short leash it is designed to restrain them from roaming at will over the adjudicative landscape. *Id.*, 476. Right to remain silent cited. *Id.*, 504. Due process cited. *Id.*, 513. Right to counsel cited. *Id.* Right against self-incrimination cited. *Id.* Cited. 188 C. 336; *Id.*, 354; *Id.*, 515; *Id.*, 542; *Id.*, 626; *Id.*, 653. Right to jury trial discussed. *Id.*, 697. Cited. 189 C. 337; *Id.*, 364; *Id.*, 631; 190 C. 20. Waiver of "Miranda" rights discussed. *Id.*, 104. Cited. *Id.*, 143. Due process and liberty interests discussed. *Id.*, 327. Cited. *Id.*, 496; *Id.*, 541; *Id.*, 594; *Id.*, 822; 191 C. 27; *Id.*, 37. Statements obtained in violation of privacy required to effectuate "Miranda" rights may not be admitted into evidence in the case in chief without violating due process right to fair trial; 159 C. 385 overruled. *Id.* Cited. 191 C. 142; *Id.*, 146; *Id.*, 233; *Id.*, 412; *Id.*, 545; *Id.*, 604; *Id.*, 622; 192 C. 37. Denial of defendant's motion for inspection of certain psychiatric records discussed. *Id.*, 166. Fairness and due process discussed. *Id.*, 618. Constitutional right to probable cause hearing took effect May 26, 1983, being the effective date of implementing legislation. Statutory provisions for grand jury, Sec. 54-45, remained in effect until that time. Right to probable cause hearing vested immediately on that date for all unindicted defendants; amendment was not fully self-executing. *Id.*, 671. Cited. *Id.*, 700; *Id.*, 704. Right to speedy trial factors discussed. *Id.*, 739. Cited. 193 C. 70; *Id.*, 93; *Id.*, 144. Due process cited. *Id.* Unconstitutional procedures; constitutionally acceptable practice; constitutional principles, cited; admissibility of identification evidence discussed. *Id.*, 238. Cited. *Id.*, 270. Effective assistance of counsel; inadequacy of counsel; due process, constitutional claims and right to counsel cited. *Id.*, 333. Right to confrontation and to compel testimony of witnesses; due process; fair trial and present own defense cited. *Id.*, 350. Cited. *Id.*, 439. Denial of effective assistance of counsel cited. *Id.* Cited. *Id.*, 457. Right to due process cited. *Id.* Under provision against self-incrimination, right to "no adverse inference" instruction request reaffirmed; question of harmless error for failure to instruct discussed. *Id.*, 474. Cited. *Id.* Constitutional right to a fair trial cited. *Id.* Cited. *Id.*, 526. Right to effective assistance of counsel; due process and privilege against self-incrimination cited. *Id.* Cited. *Id.*, 632. Constitutional right to a fair trial and due process cited. *Id.* Cited. *Id.*, 646. "Miranda" rights cited. *Id.* Due process cited. *Id.* Fair trial cited. *Id.* Due process cited. *Id.*, 670. Taking of wax impressions and photographs of teeth are not denial of right against self-incrimination. *Id.*, 695. Right to impartial jury cited; right to confrontation, cross-examination and counsel cited. *Id.* Cited. 194 C. 96. Right to a speedy trial cited. *Id.* Cited. *Id.*, 165. Due process cited. *Id.* Cited. *Id.*, 213; *Id.*, 223; *Id.*, 233; *Id.*, 245. Constitutional right against self-incrimination cited. *Id.* Admission of testimony of defendant's refusal to make written statement after being given "Miranda" warnings discussed. *Id.*, 258. Constitutional right of a defendant to testify does not permit him to give testimony in disregard of the rules of evidence. *Id.*, 361. Right to be heard by himself cited. *Id.* Cited. *Id.*, 408. Ineffective assistance of counsel cited. *Id.* Equal protection and due process challenges to composition of grand jury differentiated and discussed. *Id.*, 416. Fair

cross-section claim cited. Id. Due process challenge cited. Id. Cited. Id., 438. Constitutional right of fair trial cited. Id. Cited. Id., 483. Fair trial cited. Id. Claims of appellate delay arise under this constitutional guaranty. Id. 510. Cited. Id., 530. Denial of fair trial cited. Id. Cited. Id., 573. Deprivation of constitutional right to fair trial cited. Id. Cited. Id., 589. Substantive due process cited. Id. Cited. Id., 594. Right not to testify cited. Id. Cited. Id., 617. Due process cited. Id. Cited. Id., 623. Fundamental constitutional right and a fair trial cited. Id. Cited. Id., 692; 195 C. 128. Constitutional right to due process and a fair trial cited. Id. Cited. Id., 160. Denial of due process cited. Id. “Miranda” warnings cited. Id., 232. Cited. Id., 284; Id., 421. Fair trial, due process and impartial jury cited. Id. Confrontation clause of state constitution cited. Id. Right to due process and fair trial cited. Id., 444. Speedy trial rights and due process cited. Id., 461. State constitution compulsory process and due process clauses cited; right to confrontation cited; ineffective assistance of counsel cited; right to fair trial cited. Id., 475. Cited. Id., 496. Due process rights cited. Id. Right to effective assistance of counsel cited. Id. Cited. Id., 505. Fundamental constitutional right to be released on bail cited. Id. Cited. Id., 534. Due process cited. Id. Ineffective assistance of counsel and due process cited. Id., 561. Due process cited. Id., 598. Cited. Id., 611. Due process cited. Id. Cited. Id., 624. “Miranda” rights, constitutional privilege against self-incrimination cited. Id. Suppression of allegedly incriminating statements cited. Id. Cited. Id., 636. Ineffective assistance of counsel cited. Id. Prosecutor’s summation violated due process. 196 C. 32. Due process cited. Id.; Id., 157. Due process rights cited. Id., 289. Cited. Id., 309. Due process cited. Id. Violation of due process rights cited. Id., 395. “When jury instruction is challenged ... as constitutionally deficient in fundamental respect the challenge can succeed only if it is reasonably possible that the jury was misled by the instruction into misunderstanding an issue that has fundamental constitutional significance.” Id., 430. Cited. Id., 557. Court announced that “habeas corpus is the preferred route for review of convictions challenged solely on the grounds of inadequate assistance of counsel”. Id., 567. Right to effective assistance of counsel cited. Id. Inadequate assistance of counsel cited. Id. Constitutional right to impartial jury cited. Id., 667. Cited. Id., 655. Due process cited. Id. Cruel and unusual punishment cited. Id. Due process cited. Id., 667. Cited. 197 C. 50; Id., 60. Due process cited. Id. Cited. Id., 67. A criminal defendant waives his privilege against self-incrimination when he places his mental status in issue, although federal and state constitutions ordinarily protect an accused against compulsory submission to psychiatric examination. Id., 106. Cited. Id., 115. Due process and effective assistance of counsel cited; fair trial cited. Id. Cited. Id., 180. Right under state constitution coextensive with rights under federal constitution (fifth and sixth amendments) cited. Id. Fundamental constitutional right and a fair trial cited. Id., 180. Effective assistance of counsel cited. Id., 201. Due process cited. Id., 247. Right to cross-examine witnesses cited. Id., 280. Due process and a fair trial cited. Id., 298. Right to due process cited. Id., 309. Effective assistance of counsel cited. Id. Constitutional right to an impartial jury cited. Id., 314. Requirement of a fair trial cited; due process cited. Id., 326. Due process cited; right to confront accusers cited; right to effective assistance of counsel cited. Id. 337. Right against compulsory self-incrimination cited; assistance of counsel cited; confrontation right cited. Id., 358. Section does not guarantee the right to hybrid representation. Id., 369. Right to assistance of counsel cited. Id. Cited. Id., 413; Id., 507; Id., 507; Id., 554; Id., 574. Due process cited. Id. Fairness of trial cited. Id. Privilege against self-incrimination cited. Id. Cited. Id., 588; Id., 595. Due process cited. Id. Fundamental right and fair trial cited. Id. Cited. Id., 602. Fundamental constitutional right to liberty cited. Id. Due process cited; right to impartial jury cited. Id., 629. Cited. Id., 644. Due process clause cited. Id. Right to fair trial cited. Id., 666. Fair trial cited; due process cited; right not to testify cited. Id., 677. Right to a fair trial cited, right to due process cited; right to remain silent cited. Id., 685. Right to a public trial. Id., 698. Right to trial by impartial jury cited; right to a fair trial cited; due process cited. 198 C. 1. Right to trial by impartial jury cited; right to fair trial cited; due process cited. Id. Fair trial cited. Id., 23. Due process cited. Id., 43; Id., 68. Cited. Id., 77. Fundamental constitutional right and a fair trial cited; due process cited; assistance of counsel cited. Id. Cited. Id., 92; Id., 111. Right to confront witnesses against cited; due process cited. Id. Cited. Id., 124. Fair trial cited; assistance of counsel cited; privilege against self-incrimination cited. Id. Effective assistance of counsel cited. Id., 147. Fundamental right and a fair trial cited; due process cited; right to confrontation cited. Id., 190. Fundamental constitutional right and a fair trial cited; due process cited. Id., 209. Court held “an illegal arrest imposes no jurisdictional barrier to a defendant’s subsequent prosecution” and overruled 153 C. 127 to the extent that it holds to the contrary. Id., 255. Cited. Id., 273. Right to testify cited. Id. Right to due process cited. Id. Cited. Id., 285. Due process rights cited; fundamental constitutional right cited. Id. Fair trial and due process cited. Id., 328. “Although the Connecticut Constitution contains no specific double jeopardy provision, the due process guarantees of article first, section 8 have been held to include such a protection.” Id., 369. Cited. Id., 397. Fundamental constitutional right and a fair trial cited; due process cited. Id. Right to speedy trial cited; due process cited. Id., 435. Right to testify cited; due process right to present effective defense cited. Id., 454. “The claim that inconsistent verdicts must be set aside is not one of constitutional dimension.” Id., 490, 492. Deprivation of a fundamental constitutional right and fair trial cited. Id. “... admission of statements made by a conspirator in furtherance of the conspiracy is deemed not to violate the confrontation clause ...”. Id., 506. Right to confront witnesses against cited; deprivation of fundamental right and a fair trial cited. Id. Pre and post arrest silence; “Miranda” warnings and permitted cross-examination discussed. Id., 517. Right to remain silent cited; deprivation of fundamental constitutional rights cited; right to fair trial cited; right to effective assistance of counsel cited. Id. Declined review of ineffective counsel claims even if supported by record so that all related claims could be considered at once either on a petition for a new trial or for a writ of habeas corpus. Id. Right to speedy trial cited. Id., 542. Infringement of fundamental constitutional right cited; due process cited; fair trial cited. Id., 560. Cited. Id., 573. Right to speedy trial cited. Id. Privilege against self-incrimination cited. Id. Cited. Id., 598. Effective assistance of counsel cited. Id. Due process cited. Id. Deprivation of a fundamental constitutional right and a fair trial cited. Id. Due process cited. Id., 680. Fundamental constitutional right and a fair trial cited; due process cited; effective assistance of counsel cited; impartial jury cited; compulsory process cited. 199 C. 14. Right to counsel during trial and/or sentencing procedure and waiver of same discussed. Id., 30. Cited. Id., 47. Due process cited; constitutional protection under Connecticut Constitution cited. Id. Cited. Id., 70. Criminal defendant does not have ultimate decision to call witnesses when he is represented by counsel; his right to compulsory process is protected by representation by counsel. Id., 88. Cited. Id., 102. Right to a fair trial cited; right to effective assistance of counsel cited; right to due process cited. Id. Due process cited. Id., 121. Cited. Id., 163. Due process cited. Id. Cited. Id., 207. Right to a fair trial cited; due process cited; effective assistance of counsel cited. Id. Judgment of

appellate court in 2 CA 551 reversed and case remanded to court with direction to reinstate judgment of trial court. Id., 231. Due process cited. Id. Court announced it would prospectively follow ruling in *Luce v. U.S.*, 105 S. Ct 460, which held that to “raise and preserve for review the claim of improper impeachment with a prior conviction, a defendant must testify”. Id., 255. State and federal constitutional right to testify cited. Id. Fundamental right to present a defense cited. Id. Due process cited. Id., 273. Cited. Id., 281. Constitutional right to confrontation cited. Id. Right to due process and a fair trial cited. Id., 308. Cited. Id., 322. Fundamental constitutional right of a defendant not to testify in his criminal trial cited. Id. Right to due process and a fair trial cited. Id. Denial of effective assistance of counsel cited. Id., 354. Due process cited. Id., 359. Cited. Id., 389; Id., 399. Due process cited, Id. Denial of right to a fair trial cited. Id. Fair trial guaranty cited. Id. Cited. Id., 417. Right to assistance of counsel cited. Id. Claim of ineffective assistance of counsel more properly pursued on petition for new trial or on petition for writ of habeas corpus. Id., 462. Denial of effective assistance of counsel cited. Id. Cited. Id., 473. Due process cited. Id. Cited. Id., 481. Right to confront and cross-examine witnesses cited. Id. Right to be informed of nature of charges cited. Id. Due process cited. Id. Cited. Id., 496. Due process cited. Id. Cited. Id., 537. Due process cited. Id. Cited. Id.; Id., 557. Due process right cited. Id. Cited. Id., 631. Due process cited. Id. Cited. Id., 667. Due process right to fair warning cited. Id. Cited. Id., 693. Right to due process cited. Id. Cited. Id., 718; 200 C. 102. State due process clause cited. Id. Cited. Id., 113. Due process cited. Id. Right to confrontation cited. Id. Right to be present at all stages cited. Id. Cited. Id., 224; Id., 268. Right to due process and a fair trial cited. Id. Cited. Id., 310. Right to a fundamentally fair trial cited. Id. Constitutional standards of due process and violates due process cited. Id. Denial of due process and a fair trial cited. Id. Right to compulsory process cited. Id. Finding of probable cause at preliminary hearing is reviewable on appeal. Id., 323. Right to confront and cross-examine witnesses cited. Id. Cited. Id., 350. Due process rights cited. Id. Cited. Id., 412. Violation of due process cited. Id. Cited. Id., 453. Due process and fundamental fairness cited. Id. Due process cited. Id., 465. Cited. Id., 544. Constitutional right to a fair trial cited. Id. State constitutional rights to due process; fundamental constitutional rights, cited. Id., 586. Cited. Id., 607. Right to self-representation cited. Id. Due process cited. Id., 615. Opportunity for fair trial; due process, cited. Id., 642. Cited. Id., 721. Deprivation of fundamental constitutional right and a fair trial cited. Id., 743. Cited. 201 C. 74. Ineffective assistance of counsel cited. Id., 103, 105, 107. Right to effective assistance of counsel; right to due process; right to impartial jury; right to a fair trial; right to confrontation and compulsory process, cited. Id., 125. Right to due process cited. Id., 162. Fair trial and due process of law; effective assistance of counsel; constitutional rights to an adequately instructed jury, cited. Id., 174. Deprivation of a fair trial cited. Id., 190. Cited. Id., 211. Right to confront accusers; constitutional right as to effective cross-examination for bias, cited. Id. Ineffective assistance of counsel cited. Id., 368. “... hearsay claims do not automatically invoke constitutional rights to confrontation”; due process obligation; confrontation clauses, cited. Id. Due process; constitutional duty to disclose exculpatory evidence; voluntary and intelligent waiver of constitutional rights; due process rights implicating fairness of trial, cited. Id., 395. Cited. Id., 421. Scope and nature of right to testify would not necessarily be changed by virtue of its possible multiple origin so as to preclude fair comment upon an accused’s interest. Id., 462. Right of confrontation; due process rights; right to be heard by himself, cited. Id. Cited. Id., 489. Denial of effective assistance of counsel; right to jury trial, cited. Id. Cited. Id., 505. Fundamental constitutional right and fair trial cited. Id. Cited. Id., 517. Rights of confrontation cited. Id. Denial of effective assistance of counsel cited. Id., 534. Right to due process; right to fair trial; constitutional rights to confrontation, compulsory process and right to present a defense; speedy trial right; right to effective assistance of counsel, cited. Id., 559. Cited. Id., 598. Fundamental constitutional right cited. Id. Use of preinstructions discussed; fair trial before impartial jury; due process, cited. Id., 605. Compelled self-incrimination; constitutional right to no adverse influence instruction; due process; fundamental constitutional right; constitutional rights to compulsory process, cited. Id., 659. Cited. Id., 675. Denial of effective assistance of counsel cited. Id. Due process cited. 202 C. 1. Cited. Id., 18. Deprivation of a fundamental constitutional right and a fair trial cited. Id. Cited. Id., 39. Right against self-incrimination cited. Id. Constitutional right of defendant to be present at all stages of trial cited. Id., 75. Cited. Id., 259. Effective assistance of counsel; rights to compulsory process and confrontation; right effectively to cross-examine, cited. Id. Due process right to fair trial cited. Id., 316. Cited. Id., 349. Due process; rights to adequately instructed jury and fair trial, cited. Id. Due process cited. Id., 369. Cited. Id., 385. Due process; state constitutional right to a disinterested grand jury, cited. Id. Cited. Id., 429. Deprivation of state constitutional rights; deprivation of liberty in violation of constitutional rights, cited. Id. Cited. Id., 463. Constitutional rights to due process; right to trial by impartial jury, cited. Id. Constitutional rights; compelled testimony, cited. Id., 509. Cited. Id., 520. Constitutional rights to due process cited. Id. Cited. Id., 541. Constitutional rights to due process cited. Id. Cited. Id., 615, 624. Constitutional right to be informed of nature of charge cited. Id. Cited. Id., 629. Unconstitutionally vague; constitutionally entitled to be informed of nature and cause of accusations; vagueness doctrine and requirements of due process, cited. Id. Constitutional right to due process and to present a defense; constitutional right to call witnesses; invoke privilege against self-incrimination; right to confrontation and cross-examine witnesses, cited. Id., 676. Cited. 203 C. 63. Due process cited. Id. Cited. Id., 81; Id., 97; Id., 159. Conflict-free representation; right to assistance of counsel; right to due process; rights of confrontation, cited. Id. Cited. Id., 212; Id., 246. Rights to due process of law and constitutional rights cited. Id. Cited. Id., 385. State constitutional rights to obtain and present witnesses to establish a defense cited. Id., 445. Constitutional right to an impartial jury cited. Id., 506. Rights to due process; unconstitutionally vague, cited. Id. Due process violation implicating fairness of trial cited. 204 C. 1. Cited. Id., 4. Constitutional rights to due process cited. Id. Cited. Id., 120. Constitutional right to impartial jury cited. Id., 156. Due process rights cited. Id., 187. Constitutional right to a fair trial; fundamental constitutional right that state establish guilt beyond a reasonable doubt, cited. Id., 207. Due process cited. Id., 240. Cited. Id., 287. Due process cited. Id. Cited. Id., 377. Due process clauses cited. Id. Cited. Id., 410. Unconstitutionally vague; due process, cited. Id. Unconstitutionally vague and violation of right to due process cited. Id., 429. Cited. Id., 523. Right to impartial jury and fair trial cited. Id. Constitutional right to due process cited. Id., 571. Cited. Id., 585. Constitutional right to develop a defense cited. Id., 654. In criminal prosecutions for sexual abuse of children of tender years, videotaping of victim’s testimony outside physical presence of defendant is constitutionally permissible only under circumstances discussed. Id., 683. Federal and state confrontation clauses; right of confrontation, cited. Id. Cited. Id., 724. Constitutional right to due process cited. Id. Cited. Id., 769; 205 C. 39. Deprivation of constitutional due process and confrontation rights; right to establish a defense, cited.

Id., 61. Due process; constitutional duty of disclosure; right to fair trial; ineffective assistance of counsel, cited. Id., 132. Cited. Id., 201; Id., 262. Constitutional privilege against self-incrimination; "Miranda" rights, cited. Id. Cited. Id., 298. "Miranda" rights; due process rights, cited. Id. Fundamental constitutional right to proof of guilt beyond reasonable doubt cited. Id., 352. Deprivation of fundamental constitutional right to proof of every element of alleged crime beyond a reasonable doubt; "... it is an abuse of the trial court's discretion to permit a reopening of the case to supply the missing evidence." Id., 370. Constitutional rights to confrontation, cross-examination and proper notice; constitutional right to proof of guilt beyond a reasonable doubt, cited. Id., 386. Cited. Id., 437. State constitutional right to consult with counsel during custodial interrogation; due process, cited. Id. Cited. Id., 456. Unconstitutionally vague or over broad; due process, cited. Id. Cited. Id., 507. Constitutional right to cross-examine cited. Id. Cited. Id., 515. Common law rule against double jeopardy "adopted ... as necessary to the due process guaranteed by ... our constitution". Id., 528. Cited. Id., 542. Right of cross-examination cited. Id. Fundamental constitutional right that state prove guilt beyond a reasonable doubt; constitutional right to a fair trial, cited. Id., 616. Cited. Id., 638; Id., 673. Due process; confrontation, cited. Id. Due process right to present a defense; rights to due process and a fair trial, cited. Id., 723. Lack of authority of counsel to invoke personal right of suspect no bar to imposition of duty to inform suspect of counsel's efforts. 206 C. 157. Right to counsel; due process; "Miranda" warnings independently required under due process, cited. Id. Denial of due process; constitutional standards of due process, cited. Id., 182. Cited. Id., 203. Constitutional right against self-incrimination; due process; right to fair trial, cited. Id., 213. Due process; vagueness and overbreadth, cited. Id., 267. Cited. Id., 300. State due process rights cited. Id. Cited. Id., 391. Rights to due process cited. Id., 512. Constitutional right not to testify cited. Id., 621. Cited. Id., 636. Due process and taking clause cited. Id. Due process rights cited. Id., 657; Id., 685. Cited. 207 C. 1. Due process; privilege against self-incrimination, cited. Id. Right to fair trial cited. Id., 35. Cited. Id., 59. Rights to due process cited. Id. Cited. Id., 109. Due process; effective assistance of counsel, cited. Id. Effective assistance of counsel and due process cited. Id., 118. Due process cited. Id., 152. Clarification of the instructions is mandatory when the jury or one of its members manifests confusion about the law; deprivation of fair trial cited. Id., 191. Failure to advise of mandatory minimum sentence does implicate constitutional rights. Id., 276. Fundamental constitutional right and fair trial; due process; privilege against self-incrimination; right to confront one's accusers; right to assistance of counsel, cited. Id. Due process cited. Id., 374. Sec. 53-21 unconstitutionally vague in circumstances of the case; due process and unconstititional vagueness; void for vagueness doctrine, cited. Id., 456. Due process cited. Id., 565. Right to fair trial and denial of constitutional due process right to a fair trial cited. Id., 646. Due process cited. 208 C. 38. Cited. Id., 52. Right to fair trial and fair and impartial jury; due process, cited. Id. Cited. Id., 125. State confrontation clause cited. Id. Cited. Id., 156. Denial of fair trial; due process, cited. Id., 202. Cited. Id., 267. Connecticut Constitution cited; due process cited. Id. Right to public trial cited; rights to confront accusers, present a defense and due process, and compulsory process cited. Id., 365. Cited. Id., 543. Due process cited. Id. Cited. 209 C. 23. Due process cited. Id. Cited. Id., 34. Due process rights cited; right to be convicted by a unanimous verdict cited. Id. Constitutional right to a speedy trial cited. Id., 52. Denial of effective assistance of counsel cited. Id., 75. Due process cited. Id., 143. Fundamental fairness and due process cited. Id., 225. Due process cited; right of confrontation cited. Id., 290. Fundamental right to unanimous jury decision; fundamental due process rights cited. Id., 322. Due process rights and a fair trial cited. Id., 423. Right to confrontation cited; right to impartial jury and fair trial cited; right to speedy trial cited. Id., 564. Cited. Id., 622. Deprived of fundamental constitutional right and a fair trial cited. Id. Cited. Id., 636. Right to confront witnesses cited; right not to present evidence cited; right not to testify cited. Id. Cited. Id., 652. Due process and unconstititional vagueness cited. Id. Due process cited. Id., 719. Due process cited; right to present a defense cited; right to unanimous jury verdict cited. Id., 733. Amount involved essential element of offense. Id., 801. Cited. 210 C. 22. "Miranda" rights cited; due process cited; constitutional rights cited. Id. Cited. Id., 51. Right to confront witnesses cited; right of confrontation cited. Id. Cited. Id., 78. Right to a speedy trial cited; due process rights cited; right to fair trial cited; rights to confrontation and cross-examination cited. Id. Cited. Id., 110. Due process rights cited. Id. Unconstitutionally vague cited; constitutional right to remain silent cited; deprivation of due process cited; deprivation of fundamental constitutional right and a fair trial cited. Id., 132. Due process cited. Id., 157. Right of confrontation cited; due process rights cited; deprivation of fundamental constitutional right cited; double jeopardy cited. Id., 244. Cited. Id., 286. Due process cited. Id. Due process cited. Id., 304. Due process cited; due process right to trial by impartial jury cited. Id., 315. Cited. Id., 359. Due process cited; right to confrontation cited; due process right to notice of charges cited; right to unanimous verdict and fair trial cited. Id. Cited. Id., 396; Id., 435. Due process cited; notice of charges, right to counsel, privilege against self-incrimination, right to confrontation and cross-examination cited; proof beyond reasonable doubt cited. Id. "Miranda" rights cited. Id., 619. Due process right to fair trial cited. Id., 631. Cited. Id., 652. Constitutional rights of confrontation cited; due process cited. Id. Constitutional right and a fair trial cited. Id., 751. Cited. 211 C. 18. Due process guarantees cited. Id. Right against self-incrimination cited; due process right cited. Id., 101. Fundamental due process right cited. Id., 151. Cited. Id., 215. Constitutional duty to counsel cited. Id. Constitutional right to present witnesses and due process rights cited. Id., 258. Cited. Id., 289. Due process right of confrontation and cross-examination cited. Id. Cited. Id., 352. Ineffective assistance of counsel cited; Connecticut Constitution due process clause cited. Id. Cited. Id., 398. Ineffective assistance of counsel cited; right to a fair trial cited. Id. Cited. Id., 455. Rights to notice of charges against him cited. Id. Due process and right of confrontation cited; right to fair trial cited. Id., 555. Due process and right to fair trial cited. Id., 672. Cited. 212 C. 31. Due process rights cited. Id. Cited. Id., 50. Right to confrontation cited; due process clause cited. Id. Cited. Id., 83. Fee requirement not violation of constitutional rights. Id. Due process cited. Id. Cited. Id., 223. Confrontation rights cited; right to be informed of nature of charges cited. Id. Due process right to a fair trial, denial of fair trial cited. Id., 325. Cited. Id., 351. Due process clause cited; fair trial cited. Id. Failure to disclose exculpatory evidence due process cited; constitutional duty of disclosure cited. Id., 387. Right to a speedy trial cited. Id., 441. Right to due process and a fair trial cited; right to impartial jury cited. Id., 593. Right to due process cited; fair opportunity to defend cited. Id., 612. Home release status, unlike probation, does not confer liberty interest protected by state constitutional due process. 213 C. 38. Due process clause cited. Id. Cited. Id., 97. Right to due process cited. Id. Cited. Id., 161. Due process provision cited; right to fair trial cited; right to compulsory process cited; right to assistance of counsel cited. Id. Cited. Id., 233. Appellate review under *State v. Evans*, 165 C. 61, discussed; guidelines furnished. Id. Deprivation of a fundamental

constitutional right and a fair trial cited. Id. Cited. Id., 243. Right to due process cited. Id. Cited. Id., 388. Due process rights cited; constitutional right to a fair trial cited; confrontation clause of state constitution cited. Id. Cited. Id., 405. Involuntary statements under state constitution cited; due process right to fair trial cited. Id. Due process cited; right to establish a defense cited. Id., 579. Equation of “great bodily harm” with “serious physical injury” insufficient to instruct jury on use of deadly physical force in self-defense against threat of forcible sexual assault. Id., 593. Due process right to establish a defense cited. Id. Cited. 214 C. 77; Id., 89. Deprivation of due process and a fundamental constitutional right and a fair trial cited. Id., 118. Deprivation of right to due process under federal and state constitutions and a fair trial cited. Id., 122. Insufficiency of evidence presented at probable cause hearing renders moot subsequent prosecution and conviction. Id., 132. Due process of law cited. Id. Constitutional rights of confrontation, compulsory process, due process and privilege against self-incrimination cited. Id., 146. Fundamental right to have guilt established beyond a reasonable doubt cited. Id., 161. Cited. Id., 232. Due process and due process jurisprudence and claims cited; constitutionally protected interests cited. Id. Summary criminal contempt procedure discussed; due process rights cited; no claim of constitutional deprivation of notice cited. Id., 344. Cited; deprivation of fair trial cited; void for vagueness cited; claims of prosecutorial misconduct cited; constitutional right to due process cited. Id., 378. Due process cited; constitutional right not to be tried without probable cause being found cited. Id., 476. Cited; right to notice of charges cited; right to present a defense and to a fair trial and deprivation of due process rights cited. Id., 493. Due process right to establish a defense cited. Id., 540. Considerations of due process cited. Id., 616. Cited. Id., 657. Ineffective assistance of counsel cited; right to confrontation and pertaining to self-incrimination cited. Id., 717. Right to fair trial and due process cited; right to impartial jury cited. Id., 752. Ability to present a defense cited; ineffective assistance of counsel cited. 215 C. 1. Cited; rights to fair trial before impartial jury cited; due process clause cited. Id., 231. Constitutional right of confrontation cited; due process cited. Id., 257. Due process clause cited. Id., 292. Due process right to fair trial cited. Id., 653. Opportunity to cross-examine effectively; constitutional right to confrontation cited. Id., 716. Due process clause of Connecticut Constitution cited. Id., 739. Cited. 216 C. 150, see also 26 CA 423, 27 CA 291, 223 C. 902 and 225 C. 10, reversing judgment in *State v. Marsala*. Due process cited. Id. Cited. Id., 172; Id., 188. Constitutional rights to due process cited. Id. Right to establish defense cited. Id. Rights to due process cited; right to confrontation cited. Id., 273. Cited. Id., 367. Right to impartial jury cited. Id. Right to due process cited. Id. Right to be convicted only upon proof beyond reasonable doubt cited. Id. Cited. Id., 402, see also 234 C. 301. Cited. Id., 436. Due process rights cited. Id. Constitutional right to due process cited; rights to confrontation cited. Id., 492. Right to confront witnesses in criminal proceeding cited. Id., 563. Right to fair trial; deprivation of due process cited. Id., 585. Cited. Id., 647. Rights to effective assistance of counsel and to due process of law and a fair trial cited. Id. Cited. Id., 678. Right to counsel, and ineffective assistance of counsel cited. Id. Fair trial and right to be present at trial cited. Id. Due process limitation and claims cited. Id. Confrontation clause cited. Id. Constitutional right to undivided loyalty of counsel cited. Id., 822. Privilege against self-incrimination cited. 217 C. 24. Cited. Id., 73; Id., 243. Right to be informed of nature and cause of accusation cited. Id. Due process cited. Id. Right to confrontation cited. Id. Cited. Id., 498; Id., 532. Right to due process; right to impartial jury cited. Id. Constitutional rights to due process cited; rights to fair trial and to present a defense cited. Id., 648. Right to be heard by himself and by counsel cited. Id., 671. Cited. 218 C. 65. Due process cited. Id. Cited. Id., 85. Right to speedy trial cited. Id. Rights to due process and to confront witnesses against him cited. Id. State was free to create own methods and procedures to establish probable cause; Sec. 54-46a constitutional. Id., 151. Rights to due process, deprivation of fair trial cited. Id. Cited. Id., 239. Rights to present a defense and to due process cited. Id. Privilege against self-incrimination cited. Id. Right to assistance of counsel cited. Id. No right to presence of counsel at psychiatric examination itself. Id., 349. Right to due process cited. Id. Guarantee against self-incrimination cited. Id. Right to counsel cited. Id. Cited. Id., 447. Right to confrontation cited. Id. Right to present a defense cited. Id. Due process right to a fair trial cited. Id. Constitutional dilution of burden of proof cited. Id. Rights to due process cited. Id., 458. Cited. Id., 486. State constitutional privilege against compelled self-incrimination cited. Id. Due process and right to fair trial cited. Id. Cited. Id., 714. “Miranda” rights and self-incrimination clauses cited. Id. Constitutional privilege against self-incrimination cited; rights to due process cited. Id., 766. Deprivation of due process rights cited. 219 C. 93. Rights to due process, deprivation and rights of fair trial cited. Id., 160. Due process clauses cited; privileges against self-incrimination cited; rights to counsel cited; rights to present a defense cited. Id., 234. Unconstitutionally vague, deprivation of fair trial, due process right to fair warning, right to confront witnesses against cited. Id., 489. Due process requirements, right to fair trial cited. Id., 605. Cited. Id., 721. Due process rights cited. Id. Constitutional right to fair trial cited. Id. Cited. Id., 743. State constitutional right to counsel cited. Id. “... proper measure of attorney performance remains simply reasonableness under prevailing professional norms.” 220 C. 1. Right to effective assistance of counsel cited. Id. Fundamental constitutional rights to jury trial, confrontation and self-incrimination cited. Id., 6. Cited. Id., 61. Due process cited. Id. “... due process concerns actual impact of resentencing on a defendant, not percentages.” Id., 169. Due process cited. Id. Cited. Id., 270. Mandate that there be valid probable cause hearing cited. Id. Due process cited. Id. Cited. Id., 345. Right to present defense and confront witnesses cited. Id. Right to a fair trial cited. Id., 385. Due process, unconstitutional jury selection and discrimination cited; right to fair trial cited. Id., 487. Cited. Id., 602. Due process cited. Id. Right to confront witnesses cited. Id. Right to counsel cited. Id. Right to fair trial cited. Id. Rights against self-incrimination cited; rights to present a defense and to due process cited. Id., 698. Right to due process and a fair trial cited. Id., 765. State due process rights cited. Id., 796. Cited. Id., 922. Rights to present a defense, confront and cross-examine witnesses and to due process cited. 221 C. 58. Ineffective assistance of counsel cited. Id., 84. Right to counsel cited; constitutional standard of cross-examination cited. Id., 128. Constitutional right to presumption of innocence and right to fair trial before impartial jury cited. Id., 264. Rights to present a defense, to due process and to a fair trial cited; right to confront witnesses cited. Id., 315. Right against self-incrimination cited. Id., 407. Voluntariness of statements under state constitution cited. Id., 430. Cited. Id., 447. Due process rights cited. Id. Right to present a defense cited. Id. Right to compulsory process cited. Id. Right to confront witnesses cited. Id. Prohibition against double jeopardy cited. Id. Due process rights cited. Id., 498. Deprivation of fair trial or an impartial jury cited. Id., 518. Cited. Id., 643. Right to present a defense cited. Id. Right to notice of charges against him cited. Id. Cited. Id., 685; 222 C. 1. Deprivation of constitutional rights cited. Id. Right to present a defense cited. Id. Deprivation of effective assistance of counsel cited. Id., 87. Deprivation of fair

trial cited; dilution of obligation to prove guilt beyond reasonable doubt cited. *Id.*, 117. Attorney in a disciplinary proceeding has no constitutional right to effective assistance of counsel under general rule that civil proceedings ordinarily do not give rise to right to counsel. *Id.*, 131. Denial of right to effective assistance of counsel cited. *Id.* State due process clause cited. *Id.*, 233. Denial of effective assistance of counsel cited. *Id.*, 254–258. Right to confront witnesses and to due process cited; fairness of trial cited. *Id.*, 299. Cited. *Id.*, 312. Deprivation of effective assistance of counsel cited. *Id.* Due process cited. *Id.* Confrontation rights cited. *Id.* Sec. 54-64f(c) as applied to defendant does not violate right of bail provision. *Id.*, 331. Constitutional right to be released on bail cited. *Id.* Due process cited. *Id.* Due process rights to fair trial cited. *Id.*, 444. Cited. *Id.*, 506. Due process and right to be informed of charges cited. *Id.* Privilege against self-incrimination cited. *Id.* Right to remain silent cited. *Id.* Entitlement to probable cause hearing cited. *Id.* Right to fair trial cited. *Id.* Cited. *Id.*, 556; *Id.*, 799. Due process cited. *Id.* Deprivation of fair trial cited; undue emphasis on defendant's burden of proof with respect to affirmative defense of extreme emotional disturbance cited. 223 C. 41. Cited. *Id.*, 52. Right to due process cited; violation of fundamental fairness cited. *Id.*, 180. Constitutional right to present a defense cited. *Id.*, 207. Cited. *Id.*, 243. Prohibition against double jeopardy cited. *Id.* Due process rights cited. *Id.* Deprivation of fair trial cited. *Id.*, 273. Cited. *Id.*, 299. Due process cited. *Id.* Right of confrontation cited. *Id.* Cited. *Id.*, 354. Fundamental fairness required by due process cited. *Id.* Due process right to impartial panel cited. *Id.* Ineffective assistance of appellate counsel cited. *Id.*, 411. Due process right to fundamental fairness cited; right to fair trial cited. *Id.*, 461. Cited. *Id.*, 535. Due process right to fair trial cited. *Id.* Constitutional right to present a defense cited. *Id.* Cited. *Id.*, 595. Deprivation of due process cited. *Id.* Cited. *Id.*, 635. Right to confrontation cited. *Id.* Violation of constitutional right to remain silent cited. *Id.* Rights of confrontation cited; rights to fair trial cited; rights under due process cited. *Id.*, 731. Cited. *Id.*, 834. Right to due process cited. *Id.*, 903. Violation involving constitutional rights of due process warrants no more than a new trial; judgment of appellate court in 25 CA 270 reversed in part; part of ruling in 182 C. 585 overruled. 224 C. 1. Right to due process cited. *Id.* Cited. *Id.*, 63. Ineffective assistance of counsel and due process cited. *Id.* "Miranda" rights cited. *Id.* Cross-examination and impeachment of witnesses cited. *Id.* Constitutional right to a speedy trial cited. *Id.*, 163. Right to due process cited; unconstitutionally vague cited. *Id.*, 168. Right to present a defense cited. *Id.*, 196. Right to assistance of counsel cited. *Id.*, 253. Constitutional right to confrontation cited. *Id.* 325. Due process cited; right to notice of crimes charged and to conduct adequate cross-examination cited. *Id.*, 397. Cited. *Id.*, 445. Due process cited. *Id.* Guarantees to due process and an impartial jury cited; right to jury selected from fair cross section of the community cited. *Id.*, 711. Right to due process cited. *Id.*, 730. Void for vagueness cited. *Id.*, 914. Cited. *Id.*, 920; 225 C. 55. Constitutional claim cited. *Id.* Privilege against self-incrimination and "Miranda" rights cited. *Id.* Due process and fair trial cited. *Id.* Cited. *Id.*, 270. Due process rights cited. *Id.* Due process rights to a fair trial cited. *Id.*, 347. Due process cited. *Id.*, 355. Sec. 53a-13(a) does not violate state due process rights. *Id.*, 450. Rights and provisions for due process cited. *Id.* Defendant's right to testify cited. *Id.* Right of cross-examination cited. *Id.* Deprivation of fair trial cited. *Id.*, 519. Due process challenge to constitutionality of Sec. 54-56d cited. *Id.*, 524. Cited. *Id.*, 609. Privilege against self-incrimination cited. *Id.*, 666. Cited. 226 C. 237. Due process and deprivation of fair trial cited. *Id.* Cited. *Id.*, 314. Due process cited. *Id.* Balance between fifth amendment privilege against self-incrimination and defendant's right to compel witness testimony discussed. *Id.*, 497. Right to compel witnesses cited. *Id.* Privilege against compelled self-incrimination cited. *Id.* Cited. *Id.*, 618. Rights to a fair trial cited. *Id.* Cited. 227 C. 1. Right to confrontation, cross-examination and due process cited. *Id.* Cited. *Id.*, 32; *Id.*, 101. "Miranda" warnings and custodial interrogation cited. *Id.* Cited. *Id.*, 301. Due process clauses and due process rights cited. *Id.* Deprivation of fair trial cited. *Id.* Right to impartial jury cited. *Id.* Cited. *Id.*, 333; *Id.*, 389. Right to confront witnesses cited. *Id.* Right to due process and a fair trial cited; rights against compelled self-incrimination cited. *Id.*, 417. Cited. *Id.*, 456. Due process cited. *Id.* Involuntary statements cited. *Id.* Due process and right to present a defense cited; burden of proof beyond a reasonable doubt cited. *Id.*, 518. Cited. *Id.*, 534. Due process cited. *Id.* Unconstitutionally vague cited; right to due process cited. *Id.*, 566. Cited. *Id.*, 611. Confrontation and due process cited. *Id.* Due process clause of Connecticut Constitution requires a new trial if jury is instructed that defendant may be found guilty on a statutory alternative for which there is no evidence. *Id.*, 616. Due process rights cited. *Id.* Right to due process and to be present cited; right to assistance of counsel cited; right to cross-examine cited. *Id.*, 677. Cited. *Id.*, 711. Right to due process cited. *Id.* Right to confront witnesses cited. *Id.* Right to jury drawn from cross section of community cited. *Id.* Right to effective assistance of counsel cited. *Id.* Right to fair trial cited. *Id.* Right to adequately instructed jury cited. *Id.* Cited. *Id.*, 751. Confrontation and due process rights cited. *Id.* Cited. *Id.*, 921. Due process clause cited. *Id.* Cited. 228 C. 62. Probable cause hearing cited. *Id.* Cited. *Id.*, 118. Right to confront witnesses; right to due process and burden of proof cited. *Id.* Proper standard for appellate review of denial of motion for continuance to retain private counsel discussed. *Id.*, 234. Ineffective assistance of counsel cited. *Id.* Rights to due process cited. *Id.* Right to counsel of choice cited. *Id.* Cited. *Id.*, 281. "Miranda" warnings' independent significance under state constitution cited. *Id.* Privilege against compelled self-incrimination cited. *Id.* Right to present a defense and to due process of law cited. *Id.*, 335. Cited. *Id.*, 393; *Id.*, 412; *Id.*, 456. Right to due process cited. *Id.* Right to confrontation cited. *Id.* Right to speedy appeal and to confrontation and a fair trial cited; right to meaningful appeal cited; right to speedy trial cited. *Id.*, 552. Right to have one's guilt proven beyond a reasonable doubt cited. *Id.*, 610. Constitutional right to establish a defense cited. *Id.*, 756. Cited. *Id.*, 795. Void for vagueness cited. *Id.* Due process rights and right to effective assistance of counsel cited. *Id.*, 919. Cited. *Id.*, 928. Due process clause of the Connecticut Constitution cited. 229 C. 60. Cited. *Id.*, 125. Disclosure of exculpatory evidence cited. *Id.* Deprivation of fair trial cited. *Id.* Provision of counsel cited. *Id.* Due process rights cited. *Id.* Deprivation of due process cited; ineffective assistance of counsel cited. *Id.*, 178. Cited. *Id.*, 228. Right to due process and a fair trial cited. *Id.* Cited. *Id.*, 285. Due process cited. *Id.* Right to due process cited. *Id.* Unconstitutionally vague cited. *Id.* Cited. *Id.*, 397. Ineffective assistance of counsel cited. *Id.* Rights to due process of law cited. *Id.* Right to a fair trial cited. *Id.* Cited. *Id.*, 516. Right of defendant not to testify; right against self-incrimination cited. *Id.* Cited. *Id.*, 529. Due process rights cited; right to be informed of nature and cause of charges cited. *Id.* Violation of due process rights by diluting state's burden of proof cited; right of confrontation cited. *Id.*, 557. Judgment of appellate court in 32 CA 217 reversed. *Id.*, 580. Due process clause cited. *Id.* Due process clauses of state or federal constitution protect individuals against governmental rather than private deprivation of property. *Id.*, 592. Due process cited. *Id.* Cited. *Id.*, 691; *Id.*, 703. Due process rights cited. *Id.* Right to confrontation and due process cited. 230 C. 43. Deprivation of effective assistance

of trial and appellate counsel cited; judgment of appellate court in 31 CA 771 reversed. Id., 88. Cited. Id., 183. Unconstitutional vagueness cited; rights of due process cited; due process clauses impliedly prohibiting cruel and unusual punishment cited; jury instruction depriving defendant of fair trial cited. Id. Right to effective assistance of counsel cited; rights to due process and a fair trial cited. Id., 351. Cited. Id., 385, see also 37 CA 801. Right to impartial jury with adequate voir dire cited; right to counsel, to remain silent, to be present during trial, to confrontation and against self-incrimination cited. Right to due process cited; right to present an insanity defense cited. Id., 400. Cited. Id., 572. Rights to due process cited. Id. Ineffective assistance trial and appellate counsel cited; rights to due process cited. Id., 608. Cited. Id., 909. Unconstitutionally vague cited. Id., 916. Cited. 231 C. 43. Constitutional right to trial cited; nondisclosed exculpatory evidence cited. Id. Cited. Id., 77. Unconstitutionally vague cited. Id. Cited. Id., 235. Due process cited; right to confrontation cited. Id. Lack of due process and ineffective assistance of counsel cited. Id., 274. Rights to due process cited; right of defendants to establish a defense cited; burden of disproving beyond a reasonable doubt cited. Id., 484. Right to due process and effective assistance of counsel cited. Id. Claim of ineffective assistance of counsel cited. Id., 936. Constitutional right to fair trial and due process cited. 232 C. 1. Cited. Id., 198. Due process rights cited. Id. Due process requiring trial judge to ensure jury remains impartial and unprejudiced throughout trial; judgment of appellate court in 33 CA 339 reversed with respect to this issue. Id., 431; judgment superseded by en banc reconsideration, see 235 C. 502. Right to due process cited; right to unprejudiced jury cited. Id. Cited. Id., 691. Right to due process cited. Id. Due process under state constitution requires consideration of three factors discussed; judgment of appellate court in 33 CA 184 reversed and remanded for further proceedings. Id., 707. Rights to due process and a fair trial cited. Id. Cited. Id., 740. Right to confrontation cited. Id., 910. Right to present a defense and self defense instruction cited. 233 C. 1. Due process rights under state constitution cited. Id., 44. "... efficient, intervening cause ..." discussed. Id., 106. Right to confrontation cited; right to consult with counsel cited; instruction regarding element of causation cited. Id. Cited. Id., 215. Effective assistance of counsel cited; due process cited; instruction violating right to a fair trial cited. Id. Review of comment on evidence is not constitutionally mandated when trial court in exercise of sound discretion determines such commentary not necessary; judgment of appellate court in 33 CA 743 reversed. Id., 502. Right to due process cited. Id. Judgment of appellate court in 34 CA 368 affirmed in part and remanded for articulation. Id., 517. Cited. Id., 557; Id., 813. Self representation cited; right to effective assistance of counsel cited; due process requirements cited; prosecutorial misconduct cited; confrontation issue cited. Id. Due process cited. 234 C. 97. Cited. Id., 139. Effective assistance of counsel cited. Id. Due process rights cited. Id., 301. Due process of law cited; right to effective assistance of counsel cited. Id., 324. Ban on assault weapons, Secs. 53-202a–53-202k, sufficiently clear to satisfy due process requirements; right to due process cited; facial vagueness cited. Id.; 455. Interplay of double jeopardy and prosecutorial misconduct discussed. Id., 683. Prosecutorial misconduct cited; right to confrontation cited; ineffective assistance of counsel and compulsory process cited. Id. Due process rights and deprivation of fair trial cited. 235 C. 145. Cited. Id., 206. Cruel and unusual punishment impliedly prohibited cited; violation of state constitution cited. Id. Due process and right of defendant to establish a defense cited. Id., 274. Unconstitutional dilution of proof beyond a reasonable doubt cited. Id., 397. Admissibility of identification cited. Id., 402. Right to due process cited. Id., 405. Sec. 26-40a held not unconstitutionally vague. Id., 427. Unconstitutionally vague and due process cited. Id. Rights of confrontation cited. Id., 473. Judgment of appellate court in 33 CA 339 reversed on issues of sufficiency of evidence and jury misconduct; judgment in 232 C. 431 superseded by en banc reconciliation. Id., 502. Rights to fair and impartial jury and due process cited. Id. Cited. Id., 595. Right to confrontation and due process cited; constitutional prohibitions against mandatory presumptions cited. Id. Due process rights cited. Id., 671. Due process cited; privilege against self-incrimination and right to confront one's accusers cited. Id., 679. Right to present an effective defense cited. Id., 711. Right to confront witnesses against cited. Id., 746. Cited. Id., 748. Due process and a fair trial cited; prosecutorial misconduct cited. Id. Due process cited; due process right to present a defense cited. Id., 802. Cited. 236 C. 1. Due process and deprivation of fair trial cited. Id., 31. Cited. Id., 112. Defendant's right to be present throughout the trial cited; right of confrontation cited; defendant's failure to testify and due process cited. Id. Cited. Id., 176; Id., 189. Due process and prohibition against relieving state of burden of proving every element of crime beyond a reasonable doubt cited. Id. Right to a fair trial cited. Id., 209. Cited. Id., 266. Rights to fair trial, due process and to counsel cited; right to present a defense cited. Id. Due process and right of defendant to establish a defense cited. Id., 342. Cited. Id., 388. Right to assistance of counsel cited; due process cited; voluntariness of statement cited. Id. Cited. Id., 421. Procedural and substantive due process cited. Id. Cited. Id., 514. Constitutional rights of confrontation, compulsory process and due process cited; right to impeach and discredit witnesses cited; right to cross-examination cited. Id. Right to due process cited; right to counsel cited. Id., 561. Due process cited. Id., 602. Constitutional right to present a defense cited. 237 C. 58. Cited. Id., 284. Fair trial and due process rights cited; unconstitutionally vague and adequate notice of changes cited. Id. Right to counsel cited. Id., 332. Cited. Id., 348. Due process rights cited; right that state prove every element beyond a reasonable doubt cited. Id. Right to counsel; right to remain silent; right against self-incrimination, right to confrontation cited. Id., 378. Cited. Id., 390. Due process clause of state constitution cited; proof beyond reasonable doubt of voluntariness of confession cited; failure to record confession electronically cited; "Miranda" rights cited; preponderance of evidence cited. Id. Does not require electronic recording in order for confession to be admissible at trial. Id. Cited. Id., 454. Fair trial by impartial jury cited; right to jury selected from fair cross section of community cited. Id. Cited. Id., 576. Right to confront and cross-examine witnesses cited. Id. Waiver of right to counsel cited; right to self-representation cited; right to confront accusers and privilege against self-incrimination cited; due process cited. Id., 633. Electronic recording of confessions is not a prerequisite to their admissibility at trial under this section. Id., 694. State constitutional right to due process cited; right to counsel cited. Id. Cited. 238 C. 1. Rights to due process cited. Id. Right to present a defense cited. Id., 313. Cited. Id., 389. Prohibition against cruel and unusual punishment derived from due process clauses of state constitution cited; due process cited; right to assistance of counsel cited; right to impartial jury cited; unconstitutional vagueness cited. Id. Cited. Id., 588. Right to counsel cited. Id., 692. Cited. Id., 784. Right to due process cited. 239 C. 56. Cited. Id., 313. Procedural due process cited. Id. Cited. Id., 405. Voluntariness of confession cited. Id. Due process cited. Id., 427. Judgment of appellate court in 39 CA 645 reversed and case remanded to that court with direction to remand case to trial court to consider due process claim by full evidentiary hearing. Id., 467. Due process cited. Id. Rights to due process cited; right to fair trial cited;

dilution of burden of proof cited. Id., 481. Fundamental requirements of fairness and right to fair trial cited. Id., 629. Cited. 240 C. 97; Id., 119. State constitution cited; due process cited. Id., 157. Due process right to fair trial cited. Id., 210. Rights to confrontation and to present a defense cited; right to due process cited. Id., 395. Ineffective assistance of counsel cited. Id., 547. Cited. Id., 708. Due process rights cited; right to counsel cited. Id. Right to due process and unconstitutionally vague cited. Id., 766. Cited. 241 C. 57. Right to compulsory process and to present a defense cited. Id. Cited. Id., 322. Rights to due process and a fair trial cited. Id. Cited. Id., 439. Due process and right to jury determination of essential element cited; failure to instruct jury on essential element cited. Id. Cited. Id., 502. Rights to due process and a fair trial under state constitution cited. Id. Prosecutorial misconduct, due process and a fair trial cited. Id., 802. Cited. Id., 823. Confrontation requirements cited. Id. Improper shifting of burden of proof, constitutional rights and deprivation of a fair trial cited. 242 C. 93. Cited. Id., 125. Right to trial by jury cited; right to present a defense and to cross-examination cited; violation of due process cited. Id. Cited. Id., 143. Due process right to fair and impartial jury cited. Id. Unconstitutionally vague on its face and as applied to conduct; due process requirements cited. Id., 211. Cited. Id., 296. Prohibition against double jeopardy and right to due process cited; right to confront accusers cited. Id. Deprivation of due process cited; right to confront witnesses and to compulsory process cited. Id., 318. Speedy trial principles cited; ineffective assistance of counsel and a fair trial cited. Id., 389. Notice of charge against defendant cited; constitutionally required hearing re probable cause cited. Id., 409. Cited. Id., 432. Deprivation of due process and rights to a fair trial and to present a defense cited; ineffective assistance of counsel cited. Id., 445. Protected rights to due process cited. Id., 485. Cited. Id., 505. Due process and withholding of exculpatory evidence cited. Id. Due process clause of Connecticut Constitution cited; court invoked its supervisory authority to require trial courts to explain, upon request by a defendant, their reason for imposing a greater sentence after trial than previously had been imposed under the terms of a plea agreement. Id., 523. Cited. Id., 605; Id., 666. Right to confrontation and to cross-examination cited; right to due process and jury trial cited. Id. Ineffective assistance of counsel and deprivation of due process cited. Id., 689. Ineffective assistance of counsel cited. Id., 723. Rights to due process cited; constitutional requirements for fairness in initial identification procedures cited. Id., 745. Cited. 243 C. 115. Constitutional speedy trial rights cited. Id. Does not require the presence of counsel for a valid waiver of the right to counsel when defendant himself initiates contact with the police and has been properly advised of his “Miranda” rights. Id., 205. Waiver of “Miranda” rights and right to counsel cited. Id. No due process right exists for plaintiff lacking a property interest but the court recognizes a common-law right to fundamental fairness in administrative hearings. Id., 266. Failure of police to preserve evidence was not a due process violation where evidence was not material, police did not consider evidence significant and any prejudice was minimal. Id., 282. Since Sec. 46b-127(a) does not create a vested liberty interest in juvenile status, the right to due process is not violated by transferring a juvenile to the criminal docket without notice, hearing or the assistance of counsel. 245 C. 93. Right to effective assistance of counsel with respect to access to sentence review discussed. Id., 132. Lack of fair warning to defendant of new construction of assault statute that found criminal liability for failure to act discussed. Id., 209. Defendant not deprived of right to probable cause hearing when attorney requested postponement beyond sixty-day period because waiver of the time period in which to hold hearing may be asserted by the attorney for the defendant and does not require the defendant personally to appear and be canvassed. Id., 301. Although Sec. 10-233d(a)(1) was not unconstitutionally vague on its face, it was unconstitutionally vague as applied to the facts of case since it did not provide student with adequate notice that having marijuana in the trunk of a car off school grounds after school hours was seriously disruptive of the educational process and would subject him to expulsion. 246 C. 89. Improper jury instruction concerning evidentiary matter did not violate defendant’s due process rights. 248 C. 132. Court presumes that limitations provision in Sec. 31-349(b) and re-notification provision of Sec. 31-349(e) do not violate Connecticut Constitution because plaintiffs briefed no argument that Connecticut Constitution entitles them to relief greater than that afforded by U.S. Constitution. Id., 466. Court adheres to test that defendant’s right to remain silent is violated when a prosecutor’s comments are of such character that the jury would “naturally and necessarily” take them to be comments on the failure of the defendant to testify, declining to adopt less stringent test for state constitutional claims that right is violated when prosecutor’s comments are “fairly susceptible” of being considered a comment on defendant’s failure to testify. Id., 652. Action of prosecutor in giving doll to child victim, and trial court’s response in refusing to allow defendant to question child concerning her treatment by the prosecutor, denied defendant due process. 249 C. 735. Amendment rendered indicting grand juries obsolete. 250 C. 188. Jury was not coerced where judge did not permit it to cease deliberation and be sent home for the day. Id., 385. Appellate Court properly rejected defendant’s claim of prosecutorial misconduct during state’s closing argument and state was not prohibited from asking jury to draw an inference from the absence of evidence concerning any improper motivation behind the minor female victim’s identification of defendant. 251 C. 252. Duty of disclosure of effort of counsel to contact defendant; *State v. Stoddard*, 206 C. 157, factually distinguished. Id., 285. Identification and excusal for cause, prior to the guilt phase of a capital felony trial, of venire persons whose views concerning the death penalty preclude them from serving as jurors at the sentencing phase, but not at the guilt phase, of the trial does not violate the state constitutional guarantee of trial by an impartial jury. Id., 671. Supreme Court has repeatedly equated common-law right to trial by an impartial jury that was incorporated into state constitution in 1818 to that provided by federal constitution. Id. Defendant’s right to self-representation was not violated by trial court’s use of standby counsel to provide defendant with access to legal materials, and defendant’s rights to self-representation and a fair trial were not violated by trial court’s order that he remain in leg shackles during trial and trial court’s failure to allow defendant to respond to the reasons given by officials for the shackling. Id., 768. Because lethal injection is constitutional under federal constitution, it is constitutional under state constitution. 252 C. 128. Defendants were not entitled to either new probable cause hearing or new trial because they failed to establish that the two pieces of allegedly exculpatory evidence, a police report in which an informant stated that a third person admitted committing the murders and a witness statement, were both favorable and material to their defenses under test for a Brady violation and that such violation tainted subsequent prosecution of defendants and deprived them of right to a fair trial. Id., 533. Defendant’s due process rights not violated by photographic identification of defendant by the mother of a victim who came to police station without an appointment and unsolicited by the police for the purpose of requesting a picture of the person for whom an arrest warrant had been issued and such identification procedures were not unnecessarily suggestive. Furthermore, such

identification was reliable under the totality of the circumstances—victim’s mother had ample opportunity to observe defendant both times he visited her home, she viewed the picture with sufficient closeness and in good lighting and her level of certainty was high. *Id.* Venire person’s potential reluctance to vote to convict constitutes a valid, race neutral reason for the exercise of peremptory challenge; Supreme Court refused to consider unpreserved claim; trial court is not required to undertake sua sponte review of prior peremptory challenges due to subsequent challenges that do not pass Batson case test. *Id.* 280. Right to fair trial; trial court did not abuse its discretion in considering potential juror bias. *Id.* Reasonable doubt; jury instruction that defines reasonable doubt as doubt for which you can give or assign a reason is permitted; jury instruction that says reasonable doubt is something you can explain to someone is disapproved but does not render an otherwise adequate instruction unconstitutional. *Id.* Reasonable doubt; jury instruction permissible that the law is made to protect society and those whose guilt has not been established beyond a reasonable doubt and not to protect those whose guilt has been so established. *Id.* Jury instruction was proper that Sec. 53a-54a incorporates doctrine of transferred intent and holds both a principal and an accomplice liable for death of an unintended victim; no constitutional error. *Id.*, 354. Only substantial compliance is necessary for plea of guilty or nolo contendere under Practice Book Sec. 39-20; Appellate Court reversed. *Id.*, 375. Requirement that defendant bear burden of persuasion with respect to affirmative defense of driving pursuant to valid work permit under Sec. 14-37a does not violate defendant’s due process rights. 254 C. 107. Jury instructions concerning self-defense, in particular defendant’s duty to retreat and victims’ right to use reasonable force in defense of their premises, did not violate defendant’s right to present a defense. *Id.*, 184. Prosecutor’s remarks during closing argument in which she rendered her opinion as to the credibility of victim’s testimony, referred to facts not in evidence and appealed to the passions and emotions of jury constituted misconduct and denied defendant his due process right to a fair trial. *Id.*, 290. Witness statement as to furtherance of murder conspiracy held to be within coconspirator exception to hearsay rule and therefore not violative of confrontation clause. *Id.*, 739. Trial court did not improperly prevent defendant from effectively cross-examining police detective about conduct during questioning of witness in unrelated civil case where civil judgment did not clearly or directly reflect on detective’s veracity as a witness in present case, did not prove that detective harbored a bias toward reluctant witnesses, and was collateral and did not link detective’s acts in civil case with acts alleged in present case. 255 C. 61. Where the cause of a declared mistrial, the conflict between trier of fact presiding over both motion to suppress and trial itself, was brought to attention of the court prior to trial, there was no surprise warranting declaration of a mistrial based on manifest necessity and, therefore, subsequent re prosecution would constitute double jeopardy. *Id.*, 186. Even though parental rights terminated, parent has constitutional right to effective assistance of counsel at termination proceeding because of claim to being a parent. *Id.*, 208. In case concerning assault of a police officer under Sec. 53a-167c, trial court denied defendant’s right to confrontation and right to present a defense when it prevented defendant from questioning the officer re the first element of the crime, namely, whether the officer was performing his duties when defendant struck him. *Id.*, 581. Defendant’s due process right to a fair and impartial jury was not violated by trial court’s failure to sequester jury since pretrial publicity was not so inflammatory or inaccurate as to create a trial atmosphere utterly corrupted by press coverage. 256 C. 23. Limited constancy of accusation doctrine upheld, and admission of overlapping constancy of accusation testimony from multiple witnesses did not violate defendant’s confrontation and due process rights. *Id.* Due process rights of defendant were not violated when trial court allowed witness who was reimbursed by state for lost wages in violation of state statute to testify because trial court’s remedy of disclosing the reimbursement to the jury and allowing defendant to cross-examine the witness about the reimbursement was sufficient to cure any prejudice created by the reimbursement. *Id.* Due process does not require that defendant be given the opportunity to substantiate an immaterial claim. *Id.* Review of claims that trial court lengthened defendant’s sentence as a punishment for exercising his or her constitutional right to a jury trial should be based on the totality of the circumstances with the burden of proof on defendant. *Id.* In order for defendant to have constructively possessed narcotics, the state must prove beyond a reasonable doubt that defendant knew of the character and presence of the narcotics and that he intended to and did exercise dominion and control over the narcotics. *Id.*, 164. There was substantial evidence presented to establish beyond reasonable doubt that defendant had intentionally set one of the four fires in question, despite defendant’s claim that there was an insufficiency of evidence for the jury to find him guilty and that he therefore was deprived of his constitutional right to a fair trial; direct and circumstantial evidence was cited to show that defendant had the financial motive and logistic opportunity to set the fire and the state’s experts testified that the fire was set intentionally. *Id.*, 214. Exemption from the securities registration requirement is an affirmative defense to charge of selling unregistered securities under Sec. 36b-16 and Sec. 36b-21(g) expressly places the burden of proving an exemption on the person claiming it; the existence and applicability of an exemption does not negate any essential element of the crime that the state has the burden of proving beyond reasonable doubt in order to convict, and requiring defendant to bear the burden of proving that affirmative defense by a preponderance of the evidence does not violate defendant’s right to due process. *Id.*, 313. Trial court’s instruction on attempted first degree sexual assault by fellatio found to be constitutionally infirm since trial court neither stated nor intimated that penetration is a requirement generally of the crime and thus there was not reason for jury to have known that proof of penetration was necessary to find defendant guilty. *Id.*, 517. Procedures of Sec. 31-349c(a) do not meet minimal due process requirements under fourteenth amendment to federal constitution and Art. I, Secs. 8 and 10 of Connecticut Constitution. At a minimum, parties to workers’ compensation claim seeking transfer to Second Injury Fund must have opportunity to review evidence presented to medical panel and panel’s findings prior to its decision. Identity of panel members must be disclosed with opportunity for parties to object. Parties must have opportunity to present their evidence and arguments to panel, panel must have at least one member who is an expert in field of medicine applicable to claimant’s injuries, and there must be some level of review by commissioner to insure application by panel of appropriate legal standards and opportunity for correction of clearly erroneous factual findings. 257 C. 481, see also 257 C. 520, 257 C. 527. Trial court abused its discretion by failing to inquire into or investigate further defendant’s allegation, made following his conviction but before sentencing, that he knew one of the jurors in his case from a prior criminal relationship; trial court must conduct a preliminary inquiry, on the record, whenever it is presented with any allegations of jury misconduct in a criminal case, regardless of whether an inquiry is requested by counsel. 259 C. 75. Unnecessary for court to decide whether search warrant was required to conduct a thermal imaging scan to detect heat emanating from the

artificial lighting system used to cultivate marijuana within commercial premises; affidavit supporting search warrant application for defendant's commercial premises contained sufficient other facts to establish probable cause for issuance of the warrant without the results of the thermal imaging scan. *Id.*, 94. In future cases where defendant pleads not guilty by reason of mental disease or defect and state substantially agrees with the claim so the trial is not an adversarial proceeding on the issue, trial court must canvass defendant to ensure that his plea is made voluntarily and with full understanding of its consequences. 261 C. 309. Although some of victim's statements were improperly admitted and defendant was unable to cross-examine victim because she was unavailable, the error was harmless because the facts alleged in the statement were properly introduced at trial from different sources. *Id.*, 336. Defendant's right to counsel was not violated because trial court was not required to complete a more detailed inquiry or canvass defendant, *sua sponte*, about a potential conflict of interest re defense attorney when the attorney, as officer of the court, attested that there was no such conflict; state and federal constitutional standards for review of ineffective assistance of counsel claims are identical. *Id.*, 420. Trial court's inquiry into potential conflict of interest between defendant and his defense attorney was sufficient under the circumstances—trial court learned that defendant and defense counsel could communicate during *voir dire* even though they were seated approximately eight to ten feet away from each other, that defendant wanted defense counsel to continue to represent him, although he wanted counsel to sit next to him, that defense counsel assured court that he "absolutely" could represent his client adequately and that on the first day of trial, counsel reported to court that their differences were resolved. Furthermore, defendant made no claim during *voir dire* or trial that defense counsel's performance was deficient. 262 C. 276. Where court instructed jury to disregard prejudicial testimony, burden is on defendant to establish that, in context of the proceedings as a whole, the stricken testimony was so prejudicial, notwithstanding court's curative instructions, that jury reasonably cannot be presumed to have disregarded it. *Id.*, 825. Housing authority's failure to comply with statutory notice requirement of Sec. 8-44(d) did not deprive plaintiffs of any use or enjoyment of their own property or deprive them of any other preexisting property right. 265 C. 280. Trial court's finding that defendant suffered from a severe personality disorder that justified involuntary confinement and was therefore not a person who should be discharged pursuant to Sec. 17a-593 was not an arbitrary or fundamentally unfair decision and did not violate the defendant's substantive due process rights. *Id.*, 697. In considering death sentence, application of reasonable doubt standard to measuring balance between aggravating and mitigating factors is not constitutionally required. 266 C. 171. Trial court did not violate defendant's rights against self-incrimination under Art. I, Sec. 8 of Connecticut Constitution by ordering him to undergo polygraph examination; record discloses that defendant waived any such claim by failing to raise such claim in trial court and by affirmatively acquiescing to trial court's order. 267 C. 576. Although only relevant evidence may be elicited through cross-examination, evidence tending to show motive, bias or interest of an important witness is never collateral or irrelevant. *Cited. Id.*, 710. Sec. 17a-593(c), as applied to insanity acquittee, did not violate his procedural due process rights. 268 C. 508. Trial court properly allowed inmate imprisoned with defendant while he awaited trial to testify re incriminating statements that defendant made to him both prior to and after the inmate first met with police to report the statements; inmate, after becoming an agent for the police, had not elicited defendant's statements deliberately and was no more than a passive listener; there is no constitutional violation when government informant merely listens and reports. *Id.*, 781. Alleged prosecutorial misconduct including remarks in closing argument did not deny defendant due process; because it is necessary to review misconduct in the light of the entire trial, it is unnecessary for reviewing court to apply the *Golding* test but rather court must apply the *Williams* factors; questions asked outside jury's presence during a hearing on motion to suppress were not improper. 269 C. 563. Prosecutor who asked defendant whether police "put words in his mouth" did not improperly require defendant to comment on veracity of other witnesses; prosecutor who asked re defendant's testimony "Did all these witnesses get together and lie?" was not acting improperly because it was defendant who initially suggested the witnesses were lying, not the state; defendant was not deprived right to fair trial by prosecutor's misdeeds, including prosecutor's statement of personal opinions, gratuitous sarcasm and use of defendant's nickname, because of strength of the state's case, trial court's curative instructions and defendant's failure to object to the lesser improprieties. *Id.*, 726. Sec. 17a-112(j) not unconstitutional as applied to termination of parental rights of unfit mother upon proof by clear and convincing evidence that her child has been, among other things, uncared for. 270 C. 382. Defendant's due process right to have the state prove guilt beyond a reasonable doubt does not mean that defendant has a due process right to have state's burden evaluated only on state's evidence to the exclusion of the evidence that defendant chose to present and that jury heard. 271 C. 218. Defendant's claim that waiver rule violates the privilege against self-incrimination held contrary to well-established law. Waiver rule does not compel defendant in a fifth amendment sense to testify at all, but merely allows reviewing court to consider defendant's testimony as part of the record. *Id.* Denial of defendant's right to be present during in-chambers inquiry was structural defect necessitating automatic reversal of conviction and new trial without specific showing of harm. *Id.*, 724. Temporal proximity to finding of competency gives defendant with history of mental illness meaningful opportunity to discuss waiver of probable cause hearing since defendant was competent when waiver occurred. *Id.*, 740. Due process rights of defendant not violated by trial court's failure to canvass defendant regarding plea of not guilty by reason of mental disease or defect. *Id.* Trial court's acceptance of jury's corrected verdict, prior to jury's discharge, does not violate defendant's double jeopardy rights. 272 C. 106. Defendant does not possess a state constitutional right of allocution in a capital sentencing hearing. *Id.* Trial court's failure to inform defendant of the range of possible penalties he would face upon conviction during its canvass of defendant made defendant's waiver of counsel "not knowing, intelligent and voluntary", and therefore violated his right to counsel. 274 C. 818. Petitioner was not deprived of right to effective assistance of counsel because there was no evidence that counsel failed to conform to the law and counsel had no obligation to pursue novel legal claims. 275 C. 451. "Street show up" identification not unconstitutional under *Neil v. Biggers* test, 409 U.S. 188. Court failed to adopt new identification process standard. *Id.*, 534. Trial court properly denied defendant's motion to suppress tape-recorded conversations between defendant and his cellmate in which defendant had portrayed himself as a leader and active participant in victim's murder and in destruction and disposal of victim's body and personal effects; in applying the four factors enunciated in *State v. Asherman*, defendant's rights to due process were not violated. 277 C. 458. State's failure to preserve defendant's cellmate as an available witness did not violate defendant's right to compulsory process, defendant having advanced no compelling policy considerations to warrant a broader reading of the state

compulsory process clause. *Id.* Deprivation of counsel at a probable cause hearing constitutes procedural error for which harmless error review is proper. 279 C. 493. Sec. 53-21(a)(1), concerning risk of injury to a child, violated due process and did not provide notice to defendant that conditions of apartment were so squalid that they posed a risk of injury to a child's mental health, where apartment was cluttered and had an unpleasant odor but showed no sign of mice or vermin, rotting food or garbage. *Id.*, 698. Disqualification of judge not required by defendant's right to a probable cause hearing when not specifically required by Sec. 54-46a. 281 C. 572. Defendant, by his violent conduct, forfeited his right to represent himself. *Id.*, 613. State constitutional right to counsel is triggered at the same time as federal constitutional right to counsel, at arraignment. *Id.*, 742. Reiterated previous holdings that "Miranda" warnings not necessary when defendant informed numerous times that he is not under arrest and can leave the police station. 283 C. 598. Although constitution guarantees defendant counsel that is effective, it does not guarantee counsel whom defendant will like. 284 C. 597. Standard of review in evaluating habeas petitioner's claim of ineffective assistance of appellate counsel is whether there is a reasonable probability that, but for appellate counsel's failure to raise the issue on appeal, petitioner would have prevailed on his direct appeal. 286 C. 707. Violation of constitutional rights where defendant charged with possession of narcotics under Sec. 21-279(a) and possession of narcotics with intent to sell under Sec. 21-277(a) where charges arose from the same act or transaction and information alleges crimes committed on same date, at same location and with same narcotic. 288 C. 345. A defendant personally must waive the fundamental right to a jury trial; counsel may not make that decision as a matter of trial strategy; in the absence of a written waiver, trial court must canvass the defendant to ensure that any waiver is knowing, intelligent and voluntary. *Id.*, 770. Defendant received ineffective assistance of counsel and was entitled to a new trial when trial counsel refused to present witnesses to support third party culpability defense and there was a reasonable probability sufficient to undermine confidence in the jury's verdict. 290 C. 502. Until scientific research produces more definitive answers re various identification procedures, due process does not require the suppression of a photographic identification that is not the product of a double-blind sequential procedure, and in this case, the procedures employed, although not ideal, were within the acceptable parameters of effective and fair police work and satisfy due process requirements; photographic identifications at issue were reliable under the totality of the circumstances and therefore admissible at trial (opinion concurring in the judgment). 291 C. 122. Defendant was not deprived of impartial jury when juror was dismissed due to his actions toward marshal and responses to trial court's questions. *Id.*, 769. Due process was violated when resentencing on remand effectively enlarged defendant's original sentence by substituting term of probation for term of special parole, thereby exposing defendant to incarceration for an additional ten-year period; resentencing did not violate double jeopardy where defendant challenged legality of sentences and not validity of conviction, and trial court was free to refashion entire sentence for each crime within confines of the original sentencing package as long as the entire sentence had not been fully served. 292 C. 417. Trial court did not abuse its discretion by precluding defense counsel from asking venirepersons specifically about self-defense. *Id.*, 656. Defendant's due process rights were not violated because there was manifest necessity to declare a mistrial on basis of totality of the circumstances when prosecutor unexpectedly became seriously ill during complex trial and no other prosecutor could have assumed duties within the time constraints of existing jurors. 295 C. 1. Trial court improperly denied state's motion to dismiss state employee's due process claims alleging stock had been taken without affording right to hearing or other process, those claims having been premised on state constitutional taking claim that trial court should have dismissed. 296 C. 186. State constitution does not provide defendant with greater compulsory process rights than under federal constitution. *Id.*, 476. Connecticut due process clause does not provide greater protection than the federal constitution with respect to resentencing and application of the aggregate package theory. 297 C. 262. Neither privilege against self-incrimination, right to counsel, right to present a defense or right to confrontation mandates that custodial interrogation, advisement of Miranda rights and any resulting statements of defendant be recorded. 298 C. 537. Defendant was not deprived of his rights to a jury trial and due process when trial court, at sentencing, considered evidence related to crimes of which defendant was acquitted by the jury, because the evidence relied on by court in sentencing defendant, i.e. his criminal record, the presentence investigation report, his flight to avoid arrest and sworn trial testimony, had the necessary minimal indicium of reliability. 301 C. 669. Defendant's decision to forgo a jury determination in capital felony sentencing proceeding and opt for sentencing by a three-judge panel was knowing, voluntary and intelligent; formulaic canvass of defendant is not required and validity of jury waiver is determined by examination of totality of the circumstances. 303 C. 71. Court's limiting instruction on aggravating factor of committing murder in "an especially heinous, cruel or depraved manner" that permits proof by callousness or indifference to the additional pain, suffering or torture that defendant's intentional conduct inflicted on the victim does not render aggravating factor unconstitutionally vague. *Id.* Death penalty does not constitute cruel and unusual punishment; holdings in 230 C. 183 and 238 C. 389 reaffirmed. *Id.* Rights afforded crime victims do not grant a victim party status under statutes that govern appeals in criminal matters. 304 C. 330. It is not a violation for the sole aggravating factor found by the jury re a capital felony, namely, murder committed for pecuniary gain under Sec. 53a-46a(i)(6), to duplicate an element of the underlying crime of capital felony by murder for hire under Sec. 53a-54b(2); evidence that codefendant had said "I've got a job for you" and that defendant made preparations for the murder and received a snowmobile after the victim was killed was sufficient to support finding of probable cause that defendant committed murder for pecuniary gain. 305 C. 101, but see 318 C. 1. Where the state's evidence in support of the conclusion that multiple thefts were part of a single scheme or course of conduct, pursuant to Sec. 53a-121, was so overwhelming, and where that evidence was uncontested by defendant, the trial court's improper failure to instruct the jury that it could aggregate the value of the property stolen in the individual thefts only if it first concluded that the thefts were part of one scheme or course of conduct did not contribute to the verdict and was harmless error. *Id.*, 806. In the absence of improper state action, the admission of identification evidence implicates due process principles only when the evidence is so extremely unreliable that its admission would deprive defendant of his right to a fair trial. 312 C. 687. Preclusion of proffered demonstrative evidence by which defendant sought to physically display to jury how his alleged disability prevented him from performing two mobility based field sobriety tests under any conditions did not infringe on constitutional right to present a defense. 313 C. 140. Automatic reversal, not harmless error review, is the exceptional remedy for instances of structural defect of constitutional magnitude, and the state's use of unreliable eyewitness identifications resulting from unduly suggestive police procedures is

not one of the rare circumstances necessitating a new trial. 314 C. 131. Retroactive application of amended civil action statute of limitations, Sec. 52-577d, to revive an otherwise time barred claim does not violate defendant's substantive due process rights; court has never recognized a vested right in the lapsing of a statute of limitations; state constitution does not provide greater protection to defendant's interest in the lapse of a statute of limitations than is afforded under federal constitution; however, retroactive application of statute that would extend a lapsed criminal statute of limitations would violate the ex post facto clause of the federal constitution. 317 C. 357. Vacatur remedy set forth in 308 C. 242 applies to the double jeopardy violation caused by cumulative homicide convictions arising from the killing of a single victim. *Id.*, 741. Cruel and unusual punishments are prohibited under the due process provisions; the death penalty as imposed following the enactment of P.A. 12-5 repealing the death penalty only for those felonies committed on or after April 25, 2012, is so out of step with contemporary standards of decency as to violate the ban on excessive and disproportionate punishment; the prospective abolition of the death penalty also violates the due process provisions because it no longer serves any legitimate penological purpose. 318 C. 1. Right to bail not denied where trial court set monetary bond as a condition of insanity acquittee's release where acquittee was charged with committing new, violent crimes while housed at maximum security psychiatric facility, and acquittee could not post that bond and was transferred to custody of Commissioner of Correction for temporary pretrial detention. 319 C. 288. Presumption of prejudice in jury tampering cases articulated in 347 U.S. 227 remains good law with respect to external interference with jury's deliberative process via private communication, contact or tampering with jurors that relates directly to the matter being tried; once triggered, presumption requires state to prove that there was no reasonable possibility that tampering affected the impartiality of the jury. 320 C. 265. The bar on appellate relief under the victim's rights amendment merely prohibits the court from granting any relief that would directly affect the judgment in a criminal case or otherwise abridge the substantive rights of a defendant; provision barring appellate relief does not deprive the court of jurisdiction over writs of error arising from the victim's rights amendment; focus of prohibition on appellate relief is on the substance of the relief, not on the identity of the party seeking the relief, and prohibition was intended to apply to any person seeking a prohibited form of relief, including victims; prohibition imposes same limitations on writs of error that it would impose on appeals by victims, if they were statutorily authorized; victim's rights amendment does not deprive victims of their right to file a writ of error to enforce their constitutional rights, it also does not expand their rights to seek a form of appellate relief that previously had been barred by statute. 326 C. 512. When it is undisputed and the arrest warrant application clearly alleges that criminal misconduct was perpetrated against victim specifically, the arrest warrant constitutes a sufficient determination of status as victim to trigger the rights afforded by this article. 327 C. 173. In-chambers, off-the-record disposition conferences between the prosecuting attorney, defense counsel, and the presiding judge are not court proceedings the accused has the right to attend, consequently, neither does the victim or his or her authorized representative have a right to attend them. *Id.* The right to bail is extinguished upon conviction, i.e., a finding of guilt, accepted by the court. *Id.*, 932. The proper framework, for state constitutional purposes, for evaluating the reliability of an identification that is the result of an unnecessarily suggestive identification procedure requires that, to obtain a pretrial hearing, defendant has the initial burden of offering some evidence that a system variable undermined the reliability of the eyewitness identification. If defendant meets this burden, the state must then offer evidence demonstrating that the identification was reliable in light of all relevant system and estimator variables. If the state adduces such evidence, defendant must then prove a very substantial likelihood of misidentification. If defendant meets that burden of proof, the identification must be suppressed. 330 C. 91.

Cited. 1 CA 373. Trial court abused its discretion in denying defendant's motions for continuance of trial so as to permit him to be represented by the counsel of his choice. *Id.*, 669. Although trial court's charge concerning the defendant's capacity to distinguish right from wrong was in error since it involved the abandoned M'Naghten test, when reviewed in the context of the entire trial it did not violate defendant's fundamental constitutional rights. *Id.*, 697. Due process at sentencing discussed where court considered facts which concerned counts dismissed pursuant to plea bargain. *Id.*, 724. Cited. 2 CA 127. Due process cited. *Id.* Cited. *Id.*, 204. Due process cited. *Id.* Cited. *Id.*, 219. Right to speedy trial by impartial jury and right to assert privilege against self-incrimination cited. *Id.* Decision in 2 CA 551 et seq.; judgment of appellate court reversed and case remanded to court with direction to reinstate judgment of trial court, see 199 C. 231. Due process cited. *Id.*, 551. Right to fair trial cited. *Id.*, 617. Cited. 3 CA 148. Effective assistance of counsel and due process cited. *Id.* Fair trial cited. *Id.* Cited. *Id.*, 166. Fundamental constitutional right and a fair trial cited. *Id.* Cited. *Id.*, 339. Right to speedy trial cited. *Id.* Rights of confrontation and due process, and right to present witnesses in own behalf cited; right to fair trial cited. *Id.*, 374. State constitutional question relative to burden of proof beyond a reasonable doubt cited. *Id.*, 650. Due process and constitutional right to a fair trial cited. 4 CA 54. Cited. *Id.*, 451; *Id.*, 514. Effective assistance of counsel cited. 5 CA 79. Due process cited. *Id.*, 113. Denial of due process cited; fair trial cited. *Id.*, 277. Cited. *Id.*, 369. Due process cited. *Id.* Due process cited; fundamental constitutional right cited. *Id.*, 378. Due process cited. *Id.*, 500. Cited. *Id.*, 556. Right to compulsory process cited. *Id.* Due process cited. *Id.*, 571. Due process cited; fair trial cited. *Id.*, 599. Effective assistance of counsel cited. *Id.*, 612. Effective assistance of counsel; issue of fundamental constitutional significance cited. 6 CA 24. Right to effective assistance of counsel is not guaranteed to defendant in civil proceeding. *Id.*, 83. Right to effective assistance of counsel cited. *Id.* Cited. *Id.*, 124. Right to a fair trial cited. *Id.* Constitutional right of confrontation cited; fair trial cited. *Id.*, 164. Robbery in second degree not a lesser included offense of robbery in the first degree; effect of attempted substitution discussed. *Id.*, 247. Right to notice of crime charged cited. *Id.* Deprivation of fair trial cited. *Id.* Unconstitutionally vague or over broad cited. *Id.*, 407. Cited. *Id.*, 471. Ineffective assistance of counsel cited. *Id.*, 518. Constitutional rights of due process cited; ineffective assistance of counsel cited. *Id.*, 546. Cited. *Id.*, 680. Denial of effective assistance of counsel cited. *Id.* Right to trial cited. *Id.* Cited. *Id.*, 667. Fundamental constitutional right and a fair trial cited. *Id.* Due process right for conviction only upon proof beyond a reasonable doubt cited. *Id.* Cited. 7 CA 1. Fundamental constitutional right and a fair trial cited. *Id.* Waiver of constitutional right to remain silent cited. *Id.* Cited. *Id.*, 27. Right to jury trial cited. *Id.* Due process cited. *Id.*; *Id.*, 95. Cited. *Id.*, 149. Due process cited. *Id.* Compulsory process cited. *Id.* Effective assistance of counsel cited. *Id.* Cited. *Id.*, 180. Does not guarantee the right of hybrid representation. *Id.*, 217. Cited. *Id.*, 257; *Id.*, 326. Due process cited. *Id.* Cited. *Id.*, 445. Denial of effective assistance of counsel cited. *Id.* Constitutional right of defendant to testify cited. *Id.* Cited.

Id., 457. Right of effective assistance of counsel cited. Id. Due process right to fair trial cited. Id. Cited. Id., 470. Fundamental right to a fair trial cited. Id. Cited. Id., 477. Fundamental right to a fair trial cited. Id. Due process rights cited. Id. Cited. Id., 503. Rights to due process cited. Id. Cited. Id., 532; Id., 701. Ineffective assistance of counsel cited. Id. Cited. Id., 726; 8 CA 35. Right to fair trial and impartial jury cited. Id. Cited. Id., 44. Constitutional right to confrontation and due process right to call witnesses in defense cited. Id. Cited. Id., 63. Right to effective assistance of counsel cited. Id. Cited. Id., 96. Right to confront opponent cited. Id. Cited. Id., 111. Effective assistance of counsel cited. Id. Fundamental constitutional right to notice of nature of charges cited. Id., 153. Right to confront accuser cited. Id., 190. Cited. Id., 216. Due process and right to counsel; right to confrontation; right to fair trial, cited. Id. Right to public trial, impartial jury and counsel present; due process; right of confrontation, cited. Id., 273. Cited. Id., 317. State right to confront witnesses and due process right to fair trial cited. Id. Ineffective assistance of counsel cited. Id., 342. State due process rights cited. Id., 345. Due process cited. Id., 387. Cited. Id., 399. Ineffective assistance of counsel; constitutional right to notice, cited. Id., 478. Violation of a fundamental constitutional right; right of confrontation and right against self-incrimination, cited. Id., 491. Cited. Id., 528. Deprivation of constitutional right and denial of fair trial; due process, cited. Id. Constitutional right to fair notice cited. Id., 545. Deprivation of a fair trial and due process cited. Id., 566. Denial of effective assistance of counsel cited. Id. Due process right to a fair trial cited. Id., 581. Due process rights; fundamental constitutional right, cited. Id., 620. Due process rights cited. Id., 631. Due process cited. Id., 667. Constitutional right of cross-examination cited. Id., 673. Right to fair, speedy trial; due process, cited. 9 CA 74. Deprivation of effective assistance of counsel cited. Id., 79. Ineffective assistance of counsel cited. Id., 133. Due process cited. Id., 141. Cited. Id., 147. Due process cited. Id. Fundamental constitutional right not to testify cited. Id., 169; judgment reversed, see 205 C. 370. Right to assistance of counsel; right to be free from compelled self-incrimination; due process right to fair trial; right to testify in own behalf, cited. Id., 208. Denial of due process cited. Id., 228. "Use of an information to charge an offense not otherwise entitled to a trial by jury does not thereby entitle a defendant to a trial by jury ...". Id., 255. Constitutional requirement of proof beyond a reasonable doubt; unconstitutional dilution of burden of proof, cited. Id., 275. Denial of due process cited. Id., 313. Denial of effective assistance of counsel; due process rights; right to counsel, cited. Id., 340. Due process cited. Id., 464. Due process rights and clause cited. Id., 548. Cited. Id., 587. Constitutional right to self-representation; right to counsel cited. Id. Cited. Id., 631; judgment reversed, see 205 C. 352. Constitutional rights to confront and cross-examine witnesses cited. Id., 631; judgment reversed, see 205 C. 352. Right to be tried before an impartial jury; constitutional right to fair trial, cited. Id., 656. Constitutional right to a fair trial cited. Id., 667. Right of confrontation; due process rights; constitutional right of cross-examination; right of compulsory production of witnesses, cited. 10 CA 103. Right to due process cited. Id., 130. Right to due process and effective assistance of counsel cited. Id., 147. Right to assistance of counsel under state constitution cited. Id., 265. Cited. Id., 279. Fundamental constitutional right cited. Id., 302. Due process and fundamental constitutional right cited. Id., 330. Cited. Id., 347. Constitutional right to due process cited. Id. Cited. Id., 361. Constitutional due process claims; right to fair trial and impartial jury, cited. Id. Right to due process; rights under state and federal constitutions, cited. Id., 404. Denial of due process cited. Id., 422. Constitutional right against self-incrimination cited. Id., 428. Due process rights cited. Id., 457. Proof of each element beyond a reasonable doubt; claim of insufficient evidence, cited. Id., 462. Fundamental constitutional right that state establish guilt beyond reasonable doubt; instructional error, cited. Id., 474. Due process and effective assistance of counsel cited. Id., 520. Ineffective assistance of counsel cited. Id., 546. Defendant not entitled under due process clause to cross-examine witnesses in a sentencing hearing; due process cited. Id., 591. Cited. Id., 624. Constitutional right to an impartial jury cited. Id. Cited. Id., 643. Deprivation of fundamental constitutional right and fair trial cited. Id., 659. Cited. Id., 683. Right to impartial jury cited. Id. Clarification of instructions is mandatory when any member of jury manifests confusion about the law. Id., 697. Constitutionally protected right to properly instructed jury; fundamental constitutional right to due process and a fair trial, cited. Id. Constitutional right to fair notice of charges cited. Id., 709. Cited. 11 CA 80. Right to fair notice of charges cited. Id. Constitutional right to testify and present a defense cited. Id., 102. Constitutional rights to an adequately instructed jury and conviction only on proof beyond a reasonable doubt cited. Id. Constitutionally void for vagueness; due process; burden of proving guilt beyond a reasonable doubt, cited. Id., 122. Constitutional rights to conviction on proper evidence by impartial jury and to confrontation cited. Id., 236. Constitutional right to confront adverse witnesses cited. Id., 238. Due process; unconstitutionally vague, cited. Id., 316. Due process cited. Id., 425. Cited. Id., 473. Due process violation implicating fairness of trial cited. Id., 575. Due process cited. Id., 665. Rights of confrontation, compulsory process and due process, cited. Id., 673. Constitutional right to fair trial and cross-examination cited. Id., 684. Cited. Id., 693. Deprivation of due process cited. Id. Due process cited. Id., 699. Due process rights cited. Id., 709. Cited. 12 CA 1. Constitutional right to a speedy trial; constitutionally right to notice, cited. Id. Deprivation of fundamental constitutional right and a fair trial cited. Id., 74. Due process cited. Id., 101. Cited. Id., 163. Deprivation of fair trial and due process cited. Id. Fundamental constitutional right cited. Id., 172. Constitutional right of confrontation cited. Id., 196. Cited. Id., 221. Right to due process cited. Id., 225. Due process rights cited. Id., 239. Due process; unconstitutionally vague, cited. Id., 258. Cited. Id., 268. Due process rights cited. Id. Cited. Id., 306. Constitutional right to a fair trial cited. Id., 320. Cited. Id., 364. Constitutional right to speedy trial cited. Id. Ineffective assistance of counsel cited. Id., 385. Cited. Id., 395. Right to fair trial and due process cited. Id. Cited. Id., 427. Constitutional right not to testify; opportunity for cross-examination, cited. Id., 481. Constitutional right to a fair trial cited 13 CA 40. "... denial of cross-examination subject to harmless error analyses." Id., 60. Cited. Id., 76. Deprivation of a fundamental constitutional right and a fair trial cited. Id. Exculpatory evidence unconstitutionally suppressed cited. Id., 133. Constitutional right to present a defense; constitutional right of confrontation, cited. Id., 139. Constitutional right to a unanimous jury verdict cited. Id., 288. Cited. Id., 368. Right of confrontation; fundamental constitutional right that guilt be proved beyond a reasonable doubt, cited. Id. Right to confront accusers; privilege against self-incrimination cited. Id., 378. Constitutional right to a fair trial cited. Id., 386. Ineffective assistance of counsel; constitutional right to counsel, cited. Id., 413. Rights to due process; right to fair trial, cited. Id., 420. Due process purposes; fundamental constitutional right and a fair trial cited. Id., 438. Due process clause and rights cited. Id., 554. Fundamental constitutional right and right to fair trial cited. Id., 576. Constitutional right to proof of guilt beyond reasonable doubt cited. Id., 578. Fundamental constitutional right to proof of guilt beyond reasonable doubt cited. Id., 596. Cited. Id.,

687. Denial of fair trial; denial of due process, cited. 14 CA 6. Due process guarantees of this article have been held to encompass protection against double jeopardy. *Id.*, 10. Due process violation; fundamental constitutional right and fair trial, cited. *Id.*, 88. Due process cited. *Id.*, 108. Effective assistance of counsel cited. *Id.*, 140. Fundamental constitutional right and fair trial; denial of due process, cited. *Id.*, 146. Right of confrontation; right against self-incrimination; right to due process, cited. *Id.*, 159. Essentials of due process and fair treatment cited. *Id.*, 205. Cited. *Id.*, 272. Unconstitutionally vague; due process rights; double jeopardy clause, cited. *Id.* Right to confrontation cited. *Id.*, 309. Right to confrontation is right to cross-examine but not right to all-inclusive cross-examination. *Id.*, 322. Privilege against self-incrimination; rights to confrontation, cited. *Id.* Cited. *Id.*, 451. Due process; right to confront witnesses against, cited. *Id.* Right to counsel; right against self-incrimination; right to confront witnesses against; right to fair trial, cited. *Id.*, 586. State due process clause cited. *Id.*, 605. Presumption of innocence and state's burden of proof; proof of guilt beyond a reasonable doubt; fairness of trial; due process; right to testify, cited. *Id.*, 657. Cited. *Id.*, 688. Right to due process; right to notice of charges; right to confront and cross-examine witnesses; constitutional right to fair trial; burden of proving guilt beyond reasonable doubt, cited. *Id.* Denial of due process and a fair trial cited. 15 CA 34. Constitutional right that guilt be proved beyond a reasonable doubt cited. *Id.*, 58. Right to due process; right to confront witnesses against him, cited. *Id.*, 122. Constitutional requirement to prove guilt beyond reasonable doubt cited; unconstitutional vagueness cited; fundamental constitutional right and fair trial cited. *Id.*, 161. Ineffective assistance of counsel cited; right to due process cited. *Id.*, 197. "This court will not impose a degree of certitude as to date, time and place that will render prosecution of those who sexually abuse children impossible"; constitutional requirement satisfied by information providing time frame with distinct beginning and equally clear end within which crimes are alleged to have been committed. *Id.*, 222. Cited. *Id.*, 251. Right to present defense cited; due process cited. *Id.* Cited. *Id.*, 289. Due process rights cited; right to fair and impartial jury cited; right to confront and cross-examine witnesses cited. *Id.*, 342. Due process rights cited. *Id.*, 589; *Id.*, 641. Cited. *Id.*, 704. Right not to be convicted except upon proof beyond reasonable doubt cited; right to fair trial and due process cited. *Id.* Cited. 16 CA 18. Due process right to a fair trial cited. *Id.* Privilege against self-incrimination and right to remain silent cited. *Id.*, 75. Cited. *Id.*, 184; *Id.*, 318. Constitutional right to due process cited; rights of confrontation cited. *Id.* Due process rights cited. *Id.*, 333. Constitutional right to have issues of fact decided by a jury and not by a court cited; right to have elements of offense proven beyond reasonable doubt cited. *Id.*, 346. Cited. *Id.*, 358; *Id.*, 402. Constitutional right to fair trial cited; right to due process cited. *Id.* Constitutional right to fair trial cited. *Id.*, 455. Ineffective assistance of counsel cited. *Id.*, 518. Right of confrontation cited; right against self-incrimination cited; due process cited. *Id.*, 601. Constitutional due process safeguards cited. 17 CA 17. Right not to be convicted except on proof beyond reasonable doubt cited. *Id.*, 104. Cited. *Id.*, 174. Right to confrontation cited. *Id.* Acceptance of admission of parole violation requires only that court advise defendant of his right to a hearing to contest alleged violations. *Id.*, 226. Constitutional right of proof of guilt beyond a reasonable doubt cited. *Id.*, 243. Cited. *Id.*, 257. Rights of due process and right to remain silent cited; constitutional right to a fair trial cited. *Id.* Cited. *Id.*, 359. Right to compulsory process cited. *Id.* Ineffective assistance of counsel cited; due process cited. *Id.*, 447. Due process cited; right to confront accusers cited. *Id.*, 466. Unconstitutionally diluted state's burden of proof of guilt beyond reasonable doubt cited; due process rights cited; fundamental rights to a fair trial cited. *Id.*, 490. Cited. *Id.*, 602. Privilege against self-incrimination cited; due process cited; right to fair trial cited. *Id.* Right to confrontation cited. *Id.*, 648. Cited. 18 CA 134. Due process cited; rights under state constitution cited. *Id.* Due process cited. *Id.*, 175. Destruction of evidence discussed. *Id.*, 223. Deprivation of due process cited. *Id.* Cited. *Id.*, 273. Rights to confrontation cited; right to effective cross-examination cited; right to a public trial cited. *Id.* Cited. *Id.*, 297. Rights to due process, effective assistance of counsel, compulsory process and to present a defense cited. *Id.* Right to assistance of counsel cited. *Id.*, 368. Due process and constitutional right to a fair trial cited. *Id.*, 602. Cited. *Id.*, 694. Right to due process cited; right to impartial jury cited. *Id.* Due process cited; ineffective assistance of counsel cited. *Id.*, 716. Due process cited. 19 CA 48. Cited. *Id.*, 195. Due process cited. *Id.* Due process cited; right to present a defense and compulsory process cited; right to be informed of nature of charge cited. *Id.*, 125. Cited. *Id.*, 179. Nature of charges against cited. *Id.* Cited. *Id.*, 445. Rights to confront accusers and to due process cited. *Id.* Denial of right to speedy trial cited; due process cited. *Id.*, 495. Unconstitutionally vague cited. *Id.*, 521. Cited. *Id.*, 554, 560. Inform of nature and cause of accusation cited. *Id.* Cited. *Id.*, 571. Proof beyond a reasonable doubt cited. *Id.*, 594. Right not to testify cited. *Id.*, 618. Due process rights cited. *Id.*, 640. Denial of effective assistance of counsel cited. *Id.*, 646. Denial of fundamental constitutional right of fair trial cited; due process cited. *Id.*, 654. Cited. *Id.*, 668; *Id.*, 674. Ineffective assistance of counsel cited. *Id.* Cited. *Id.*, 695. Right to be present cited; right to acquittal unless proven guilty of each element beyond a reasonable doubt cited. *Id.* Right to due process cited. 20 CA 27. Right to impartial jury and fair trial cited; constitutional due process right and fair trial cited; right to unanimous verdict cited. *Id.*, 40. Rights to due process and fair trial cited. *Id.*, 75. Cited. *Id.*, 101. Due process cited; right to confrontation cited. *Id.*, 115. Cited. *Id.*, 168; *Id.*, 193. Double jeopardy cited. *Id.* Cited. *Id.*, 241. Constitutional rights to due process cited. *Id.*, 271. Denial of due process cited. *Id.*, 386. Right to due process cited. *Id.*, 410. Due process right to establish a defense cited. *Id.*, 430. Right to be apprised of charges cited. *Id.*, 495. Due process guarantees interpreted as including protection against double jeopardy cited; due process rights cited. *Id.*, 572. Cited. *Id.*, 586. Unconstitutional dilution of state's burden of proof. Cited. *Id.* Unconstitutionally vague cited; due process cited. *Id.*, 599. Due process rights cited. *Id.*, 643. Cited. *Id.*, 691. Protection against self-incrimination cited. *Id.* "Statute does not limit the definition of 'any person' to adults." *Id.*, 694. Due process rights cited; vagueness and void for vagueness cited. *Id.* Due process right to fair trial cited. *Id.*, 721. Due process cited; right of confrontation cited; fair trial cited. *Id.*, 737. Cited. 21 CA 48. Due process rights and right to a fair trial cited. *Id.* Cited; due process rights cited. *Id.*, 138. Cited; right to confrontation cited; constitutional due process claims cited. *Id.*, 162. Due process cited. *Id.*, 172. Constitutional rights to fair trial cited; due process rights cited. *Id.*, 235. Cited; ineffective assistance of counsel cited. *Id.*, 260. Cited; right to confrontation and confrontation clause cited; opportunity to cross-examine adverse witnesses cited; restrictions on cross-examination cited. *Id.*, 291. Violation of fundamental constitutional right and deprivation of fair trial cited; due process clause cited; constitutional right to adequate instruction cited. *Id.*, 299. Denial of due process cited. *Id.*, 331. Privilege against self-incrimination cited. *Id.*, 386. Due process right to present a defense and right to a fair trial cited. *Id.*, 403. Cited; right to confront witnesses cited. *Id.*, 411. Rights of due process and ability to prepare a defense cited. *Id.*, 431.

Unconstitutionally vague cited. *Id.*, 449. Right to cross-examine and confront witnesses cited; right to trial by fair and impartial jury cited. *Id.*, 467. Precluded from effective cross-examination cited. *Id.*, 474. Violation of due process rights cited. *Id.*, 496. No due process violation cited. *Id.*, 557. Fundamental right to a fair trial cited. *Id.*, 622. Due process rights cited. *Id.*, 654. Right to fair trial, due process cited; right to impartial jury cited. *Id.*, 688. Privilege against self-incrimination cited. 22 CA 53. Right not to be tried twice for same offense cited; double jeopardy claim cited. *Id.*, 73. Due process rights cited. *Id.*, 108. Cited; guarantees right to present closing argument cited; right to confront adverse witnesses through cross-examination cited. *Id.*, 207. Right to effective assistance of counsel cited; due process rights cited. *Id.*, 303. Due process and a fair trial cited; constitutional duty to disclose exculpatory evidence cited. *Id.*, 329. Due process rights cited. *Id.*, 340. Right to trial by jury cited; due process cited. *Id.*, 440. Due process cited; deprivation of fair trial cited. *Id.*, 449. Due process rights cited. *Id.*, 477. Cited. *Id.*, 531. Rights to due process cited. *Id.* Cited. *Id.*, 567. Right to be informed of charges cited. *Id.* Deprivation of due process and a fair trial cited. *Id.* Due process cited. *Id.*, 601. Right to confrontation cited. *Id.*, 665. Cited. *Id.*, 669. Ineffective assistance of counsel cited. *Id.* Unconstitutionally vague and over broad; deprivation of due process cited. *Id.*, 683. Right to confront accusers cited; due process cited; privilege against self-incrimination cited. 23 CA 1. Constitutional right not to testify cited; defendant's rights cited; resort to privilege cited. *Id.*, 28. Due process rights cited. *Id.*, 50. Cited. *Id.*, 63; judgment reversed, see 220 C. 112. Denial of effective assistance of counsel cited. *Id.* Right to fair trial before impartial jury cited. *Id.* Right to confront witnesses against him cited. *Id.*, 83. Taking without due process of law cited. *Id.*, 115. Right to present a defense cited; right to assistance of counsel cited; no enlargement of crime, constitutional infringement cited. *Id.*, 151. Right to present a defense cited; right to fair or impartial trial cited; dilution or shifting of state's burden of proof cited. *Id.*, 160. Due process guarantees cited. *Id.*, 215. Cited. *Id.*, 221. Unconstitutional vagueness cited; fundamental due process right to fair warning cited. *Id.*, 272. Cited. *Id.*, 358. Right to confrontation cited. *Id.* Right to due process, confrontation cited. *Id.*, 392. Respondent's right to confrontation and cross-examination here are statutory not constitutional. *Id.*, 410. Constitutional rights to confrontation and to cross-examination cited. *Id.* Rights to due process cited. *Id.*, 431. Violation of constitutional rights by relieving state of burden of proof cited; deprivation of right to due process cited. *Id.*, 479. Deprivation of fundamental constitutional right and fair trial cited; defendant convicted of offense of which he was never given notice has been deprived of fundamental constitutional right. *Id.*, 502. Right to fair trial; deprivation of fair trial cited. *Id.*, 532. Due process rights cited. *Id.*, 564; judgment reversed in part, see 220 C. 400. Rights to due process cited; right to be present cited. *Id.*, 642; judgment reversed, see 219 C. 629. Right of confrontation cited. *Id.*, 667. Ineffective assistance of counsel cited. *Id.*, 692. Privilege not to incriminate self cited; "Miranda" warnings cited. *Id.*, 705. Due process cited. *Id.*, 746; judgment reversed, see 221 C. 595. Due process and deprivation of fair trial cited. 24 CA 27; judgment reversed, see 220 C. 652. Due process rights cited. *Id.*, 57. Violation of due process cited. *Id.*, 146. Ineffective assistance of counsel cited. *Id.*, 152. Cited. *Id.*, 195. Due process right to present a defense cited. *Id.* Right to fair trial cited. *Id.* Right to due process cited; violation of constitutional rights by jury instruction cited. *Id.*, 264. Due process and right against compelled self-incrimination cited; "Miranda" rights cited; use of statement for impeachment purposes made following "Miranda" warnings discussed. *Id.*, 295. Unconstitutionally vague and over broad cited. *Id.*, 300. Right to be informed of nature and cause of accusation against him cited. *Id.*, 316. Right to speedy trial cited. *Id.*, 408. Due process rights cited. *Id.*, 473; judgment reversed in part, see 221 C. 788. Due process rights cited. *Id.*, 493. Due process violations cited. *Id.*, 541. Due process assertion of recognized specific defense cited. *Id.*, 556. Due process cited. *Id.*, 563. A probation revocation hearing is not a criminal prosecution encompassing right to trial by jury. *Id.*, 575. Right to jury trial cited. *Id.* Denial of due process cited. *Id.* Fundamental right to establish a defense cited. *Id.*, 586. Right to due process cited. *Id.*, 598. Due process cited. *Id.*, 612. Cited. *Id.*, 624. Due process cited. *Id.* Right not to testify cited; right to establishment of guilt beyond reasonable doubt cited; right to fair trial, due process cited. *Id.*, 642. Right to due process and to present a defense cited. *Id.*, 678. Rights to due process cited; right to be convicted only on proof beyond reasonable doubt cited. *Id.*, 685. Pertains to trial counsel not habeas counsel; effective assistance of counsel cited. *Id.*, 723. Cited. *Id.*, 729. Confrontation rights cited. 25 CA 21. Right to due process cited; fair trial cited. *Id.*, 149. Cited. *Id.*, 171. Deprivation of a fair trial, constitutional right to a fair trial, denial of due process rights cited. *Id.*, 181. Right to a fair trial, due process cited. *Id.*, 243. Right to confront and cross-examine witnesses cited. *Id.*, 255. Cited. *Id.*, 282; *Id.*, 334. Right to a fair trial cited. *Id.* Right to confront cited. *Id.*, 354. Right to due process and to cross-examine cited. *Id.*, 421; judgment reversed, see 222 C. 299. Cited. *Id.*, 433. Right to fair trial and impartial jury cited. *Id.* Right to due process cited. *Id.* Right to fair trial and to present a defense cited. *Id.*, 456. Rights to due process and establishment of guilt beyond reasonable doubt cited. *Id.*, 472. Right to confrontation cited; due process cited; right to an attorney cited; right to remain silent cited. *Id.*, 503. Right to due process and a fair trial cited. *Id.*, 565. Due process concerns of right to fair and adequate notice of charges cited. *Id.*, 619. Due process rights cited. *Id.*, 646. Right to confrontation cited; right to impeach witnesses cited; unconstitutional comment on defendant's failure to testify cited. *Id.*, 653; judgment reversed, see 223 C. 52. Right to due process and fair trial cited; rights of confrontation and cross-examination cited. *Id.*, 725. Right to effective assistance of counsel and due process cited. *Id.*, 734. Right to effective assistance of counsel cited. *Id.*, 741. Cited. 26 CA 10. Rights to due process cited. *Id.* Denial of effective assistance of counsel cited. *Id.*, 52. Cited. *Id.*, 81. Right of confrontation and cross-examination cited. *Id.* Due process, right to remain silent, "Miranda" warnings, right to fair trial cited. *Id.*, 86. Cited. *Id.*, 125. Ineffective assistance of counsel cited. *Id.* Violation of right to fair trial by failure to disclose exculpatory information cited. *Id.*, 242. Cited. *Id.*, 259. Due process overtones cited. *Id.* Right to fair notice of crimes charged cited. *Id.* Information on nature and cause of accusation cited. *Id.* Dilution of burden of proof in violation of right to fair trial cited. *Id.* Right to unanimous jury verdict and right to fair trial cited. *Id.*, 279. Cited. *Id.*, 305. Right to cross-examine witnesses cited. *Id.* Cited. *Id.*, 331. Right to fair trial and due process cited. *Id.* Right to present a defense cited. *Id.*, 367. Unconstitutionally vague cited. *Id.*, 395. Due process rights cited. *Id.*, 433. Right to counsel cited; right to fair trial and due process of law cited. *Id.*, 472. Due process rights cited. *Id.*, 553. Cited. *Id.*, 625; judgment reversed, see 224 C. 656; judgment of acquittal reversed, see 31 CA 452. Right to notice cited. *Id.* Conviction only on proof of each element of offense beyond reasonable doubt cited. *Id.*, 641. Cited. *Id.*, 674. Right to due process cited. *Id.* Privileges against self-incrimination cited. *Id.* Rights of confrontation cited. *Id.* Constitutional speedy trial cited. *Id.*, 698. Cited. *Id.*, 758. Ineffective assistance of counsel cited. *Id.* Due process cited. *Id.* Right to public trial cited.

Id. Rights to due process cited. Id., 805. Due process cited; deprivation of fair trial cited. 27 CA 1. Right to cross-examine cited; right to fair trial cited. Id., 30. Right to present a defense cited. Id., 49. Right to present a defense cited; right to due process cited. Id., 73. Cited. Id., 103. Right to reasonable notice of the charges cited. Id. Cited. Id., 128; Id., 171. Due process and a fair trial cited. Id. Right to effective assistance of counsel cited. Id. Right of cross-examination cited. Id., 370. Right to fair trial under due process clauses cited. Id., 520. Cited. Id., 530. Fundamental protection of due process of law cited. Id., 558. Denial of due process cited. Id., 601. Cited. Id., 654. Constitutional rights to notice cited. Id., 654. Cited. Id., 675. Ineffective assistance of counsel cited. Id. Cited. Id., 780. Deprivation of effective assistance of counsel cited. Id. Ineffective assistance of counsel cited. Id., 794. Difference between identification and “resemblance” testimony and reliability of such testimony where impermissibly suggestive identification procedures used discussed; due process rights cited. 28 CA 9. Denial of fair trial by being tried jointly cited. Id., 64. Right to be informed of the nature and cause of accusations cited. Id., 91. Cited. Id., 126. Right to confront witnesses cited. Id. Confrontation rights cited. Id. Right not to be convicted except upon proof beyond reasonable doubt of each element cited. Id., 161. Constitutional standard for confrontation cited; rights to confront witnesses cited; dilution of state’s burden of proof cited. Id., 231. Due process clauses cited. Id., 283. Constitutional rights to a fair trial cited. Id., 290. Right to an impartial jury cited. Id., 388. Cited. Id., 360; judgment reversed, see 229 C. 529. Right to be informed of nature of charge cited. Id. Constitutional right to a fair trial cited. Id., 402. Cited. Id., 425. Right to effective assistance of counsel cited. Id. Constitutional violation existing and deprivation of a fair trial cited. Id., 444. Cited. Id., 474. Right to due process of law cited. Id. Deprivation of a fair trial cited. Id. Deprivation of fair trial cited; guarantees of due process cited. Id., 548. Cited. Id., 581; judgment reversed, see 226 C. 601. Right to fair notice cited. Id. Dilution or shift of state’s burden of proof cited; issue of reasonable doubt cited; deprivation of constitutional right and a fair trial cited. Id., 638. Violation of due process rights by pretrial identification procedure cited; unconstitutional procedure cited; deprivation of fair trial cited. Id., 645. Cited. Id., 708. Right to a fair trial cited. Id. Cited. Id., 721. Effective cross-examination cited. Id. Due process cited. Id. Fundamental right to a fair trial cited; due process right to a fair trial cited. Id., 771. Due process rights and unconstitutionally vague cited. Id., 825. Unconstitutionally vague cited. 29 CA 68; judgment reversed, see 227 C. 566. Ineffective assistance of counsel cited; unreliable evidence and violation of fundamental fairness and guarantee of due process cited. Id., 162; judgment reversed, see 229 C. 397. Violation of a fundamental right, right to fair trial, right to present a defense and due process cited. Id., 262. Necessity for expert witnesses in habeas proceedings involving ineffective assistance of counsel claims discussed. Id., 274. Deprivation of effective assistance of counsel cited. Id. Unconstitutionally vague cited. Id., 283; judgment reversed, see 228 C. 795. Violation of due process cited; privilege against self-incrimination cited; right to confront accusers cited. Id., 359. Due process rights cited. Id., 409. Due process of law cited. Id., 452. Cited. Id., 524. Right of due process and defective instructions; constitutional right to fair trial cited. Id. Rights to due process and a fair trial cited. Id., 533. Cited. Id., 584. Due process clauses cited. Id. So vague and indefinite as to violate due process cited; vagueness challenge, provision for fair warning cited; fair notice cited. Right to confront witnesses against and to present witnesses in own behalf. Id., 642. Unconstitutionally vague cited; due process right to fair warning cited. Id., 683. Deprivation of due process cited. Id., 744. Right to fair trial and due process; right to select jury from fair cross section of community cited. Id., 754. Ineffective assistance of counsel cited; constitutionally guaranteed right to understand consequences cited. Id., 773. Ineffective assistance of counsel cited. Id., 817. Cited. Id., 843. Right to due process and a fair trial cited. Id. Fundamental right to acquittal where there if failure to prove beyond a reasonable doubt each and every element of crime charged cited. Id., 825. Cited. 30 CA 9. Right to due process cited. Id. Cited. Id., 68. Right to due process cited. Id. Deprivation of fair trial cited. Id. Right to effective assistance of counsel cited. Id. Fundamental fairness and due process cited. Id., 108. Due process rights cited; right to confront and cross-examine witnesses and to present a defense cited. Id., 164; judgment reversed, see 229 C. 10. Unconstitutionally vague and over broad cited. Id., 224. Right to due process and to present a defense cited. Id., 232. Right to acquittal when failure to prove beyond reasonable doubt each and every element of crime charged cited; due process cited. Id., 281. Cited. Id., 340. Right to due process and to cross-examine witnesses cited. Id., 346. Cited. Id., 359. Right to speedy trial cited. Id. Due process and confrontation rights cited. Id., 381. Right to due process cited. Id., 416. Cited. Id., 428. Due process of law; call or confront witnesses; establish a defense and effective assistance of counsel cited. Id. Due process rights cited; right to present a defense cited; right of cross-examination cited; denial of confrontation cited. Id., 470. Right to present a defense cited; right to fair trial cited. Id., 527. Cited. Id., 606. Right to compulsory process and due process cited. Id., 654. Cited. Id., 677. Ineffective assistance of counsel cited. Id. Cited. 31 CA 94. Right to effective assistance of counsel and a fair trial cited. Id. Rights to due process and a fair trial cited. Id., 140. Cited. Id., 178. Right to due process and a fair trial cited. Id. Right to confront witnesses cited. Id. Precluded from cross-examining witness cited. Id. Cited. Id., 278. Right to public trial by impartial jury cited. Id. Voir dire in obtaining fair and impartial jury cited. Id. Unconstitutionally broad jury instruction cited. Id. Due process safeguards cited. Id. Right to due process cited. Id., 312. Fundamental right to present a defense cited. Id., 385. Cited. Id., 443. Denial of rights to due process cited. Id. Compulsory process and confrontation cited. Id. Unconstitutionally vague cited. Id. Unconstitutionally vague cited; prosecutorial misconduct cited; ineffective assistance of counsel cited. Id., 497. Constitutional right to fair notice cited. Id., 548. Rights of notice and hearing and due process cited. Id., 621. Cited. Id., 771. Right to effective assistance of counsel cited; due process right to fair trial cited. Id. Cited. 32 CA 21. Due process, fair trial before impartial jury cited. Id. Cited. Id., 38. Ineffective assistance of counsel and right to speedy trial cited. Id. Right to due process cited. Id. Due process rights cited. Id., 84. Due process right to present a defense, right to confrontation cited. Id., 178. Right to be informed of nature of charge cited; due process clauses cited. Id., 217. Cited. Id., 224. Right not to be compelled to testify against himself cited; violation of due process cited. Id. Cited. Id., 296. Ineffective assistance of counsel cited. Id. Cited. Id., 438. Ineffective assistance of counsel cited. Id. Right to present a defense and to confront witnesses against him cited; fundamental right to fair trial cited. Id., 448. Due process rights cited; right to fair trial cited. Id., 483. Prosecutorial misconduct and deprivation of fair trial cited. Id., 505. Cited. Id., 553. Due process concerns cited. Id. Cited. Id., 656. Due process considerations cited; over breadth or vagueness cited. Id. Due process and fundamental right to present a defense cited; right to confrontation cited. Id., 687. Due process rights cited. Id., 759. Cited. Id., 811. Privilege against self-incrimination cited; due process rights to a fair trial and to establish a defense cited; right of confrontation cited. Id. Cited. Id., 831.

Right to due process and fair trial cited. *Id.* Unconstitutionally vague cited; fundamental constitutional right and a fair trial cited. *Id.*, 854. Right to speedy trial cited. 33 CA 49. Cited. *Id.*, 60. Rights to due process and against self-incrimination cited; right to remain silent and “Miranda” rights cited. *Id.* Rights to confrontation cited. *Id.*, 90. Due process and confrontation rights cited. *Id.*, 103. Due process cited. *Id.*, 107. Due process and a fair trial cited. *Id.*, 116. Cited. *Id.*, 126. Rights to due process and against self-incrimination cited. *Id.* Cited. *Id.*, 133. Right to due process cited. *Id.* Due process clauses cited. *Id.*, 162. Right to effective assistance of counsel and a fair trial cited; due process rights cited. *Id.*, 171. Cited. *Id.*, 184. Right to speedy trial and due process cited. *Id.* Fair and impartial trial cited; rights to due process cited. *Id.*, 205. Due process clauses cited; constitutionally flawed cited. *Id.*, 232. Cited. *Id.*, 253. Confrontation or due process clauses cited; dilution of burden of proof cited; deprivation of fair trial cited. *Id.* Rights to due process cited; right to cross-examination cited. *Id.*, 311. Cited. *Id.*, 339; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502. Due process cited. *Id.* Rights to due process and a fair trial cited. *Id.*, 368. Cited. *Id.*, 432. Rights to due process cited; dilution of state’s burden of proof cited; right not to be convicted except on proof beyond a reasonable doubt and right to fair trial cited. *Id.* Cited. *Id.*, 449. Ineffective assistance of counsel cited. *Id.* Right to due process cited. *Id.*, 457. Cited. *Id.*, 590. Right to due process and to present a defense cited; unconstitutional dilution of the state’s burden of proving its case beyond a reasonable doubt cited. *Id.*, 616. Rights to confront accusers cited; right to cross-examine cited; right to due process of law cited; protection against self-incrimination cited. *Id.*, 647. Charge to jury cannot be given in the abstract without evidence sufficient to provide guidance to the jury. *Id.*, 743; judgment reversed, see 233 C. 502. Rights to due process cited. *Id.* Cited. *Id.*, 763. Rights to due process and a fair trial cited. *Id.*; *Id.*, 782. Right to due process cited; constitutional rights cited. 34 CA 46. Cited. *Id.*, 58. Fundamental element of due process and right to establish a defense of self-defense cited; right to confrontation or cross-examination cited; privilege against compulsory self-incrimination cited; right not to testify cited; right to impartial jury cited; rights to be present and participate in trial cited. *Id.* Rights to cross-examination, confrontation and a fair trial cited; improper instruction of jury cited. *Id.*, 96. Cited. *Id.*, 103. Constitutional due process claims alleging prosecutorial misconduct cited; right to adequately instructed jury cited; right to fair trial cited. *Id.* Right to due process cited. *Id.*, 191. Cited. *Id.*, 223; *Id.*, 236. Due process guarantees cited; effective assistance of counsel cited. *Id.* Cited. *Id.*, 250. Right not to testify on own behalf cited; right to remain silent cited. *Id.* Cited. *Id.*, 261. Right to due process and a fair trial cited; right to remain silent and “Miranda” warnings cited; right of confrontation cited. *Id.* Constitutional right to present defense cited. *Id.*, 276. Fundamental element of due process, right to present a defense cited. *Id.*, 317. Cited. *Id.*, 368, see also 233 C. 517. Standard of due process cited. *Id.* Cited. *Id.*, 411. Right to due process and a fair trial cited. *Id.* Right to confrontation and to present a defense cited. *Id.*, 473. Cited. *Id.*, 557. Due process cited; unusual punishment cited. *Id.* Violation of due process cited; privilege against self-incrimination cited; right to confront accusers cited. *Id.*, 595. Due process violation cited. *Id.*, 599. Cited. *Id.*, 610. Constitutional right to present a defense cited. *Id.* Void for vagueness or unconstitutionally vague cited. *Id.*, 741. Cited. *Id.*, 751; judgment reversed, see 233 C. 211. Right to remain silent and “Miranda” rights cited. *Id.* Cited. *Id.*, 823. Right to testify cited; right to present a closing argument and to a fair trial cited. *Id.* Cited. 35 CA 51. Due process right to present a defense cited; rights to confront and cross examine cited; right to fair trial cited. *Id.* Constitutional right to prepare a defense and due process cited. *Id.*, 173. Due process right cited. *Id.*, 201, 202. Cited. *Id.*, 405. Right to due process and notice cited. *Id.* Cited. *Id.*, 527. Ineffective assistance of counsel and violation of due process cited. *Id.* Right to present a defense and denial of due process and a fair trial cited; right to adequately instructed jury cited. *Id.*, 541. Right to present a defense cited; failure to instruct jury and due process rights cited. *Id.*, 609. Cited. *Id.*, 699. Due process rights and failure to properly instruct jury cited. *Id.* Violation of due process and fair trial cited; privilege against self-incrimination and right to confront accusers cited. *Id.*, 714. Deprivation of fair trial from instruction diluting state’s burden of proof cited. *Id.*, 728. Cited. *Id.*, 740. Due process rights cited. *Id.* Cited. *Id.*, 754. Due process rights cited. *Id.* Ineffective assistance of counsel cited. *Id.*, 762. Cited. *Id.*, 781; *Id.*, 839; 36 CA 41. Constitutional right not to take witness stand cited. *Id.* Due process rights cited. *Id.*, 59. Cited. *Id.*, 76. Due process rights cited. *Id.* Cited. *Id.*, 123; *Id.*, 161. Claim is due process and fundamental fairness and a fair trial cited. *Id.* Right to fair trial by impartial jury cited; burden of proof constitutional in nature cited. *Id.*, 177. Cited. *Id.*, 190. Fair trial and due process cited. *Id.* Cited. *Id.*, 216. Ineffective assistance of counsel cited; fair trial cited. *Id.* Cited. *Id.*, 228. Right to confrontation and a fair trial cited. *Id.* Limitation of cross-examination cited; dilution of state’s burden of proof beyond a reasonable doubt cited; right to present witnesses cited; right to confrontation cited. *Id.*, 250. Cited. *Id.*, 282. Right to public trial by impartial jury cited; deprived of effective assistance of counsel cited. *Id.* Cited. *Id.*, 345. Confrontation rights cited. *Id.* Cited. *Id.*, 401. Due process and fair trial cited. *Id.* Cited. *Id.*, 417. Right to due process and to present a defense cited; assistance of counsel cited; right to disclosure of exculpatory evidence cited; right to fair trial cited. *Id.* Due process rights cited. *Id.*, 440. Cited. *Id.*, 462. “Miranda” warnings cited; state constitutional issue cited. *Id.* Cited. *Id.*, 473. Confrontation rights cited; right of cross-examination cited. *Id.* Cited. *Id.*, 516. Right to impartial jury and fair trial cited; due process clauses cited. *Id.* Right to fair trial cited. *Id.*, 525. Cited. *Id.*, 587. Due process rights cited. *Id.* Right to fair and impartial jury cited; right to speedy, public trial cited; right to due process cited. *Id.*, 631. Denial of effective assistance of counsel cited; due process cited. *Id.*, 641. Right to counsel cited; inadequate counsel cited; constitutional rights to present a defense, to a fair trial and due process cited. *Id.*, 680. Cited. *Id.*, 695. Ineffective assistance of counsel cited. *Id.* Due process right to fair trial and constitutional right to be found guilty only on finding of proof beyond reasonable doubt cited. *Id.*, 718. Cited. *Id.*, 753. Improper prosecutorial conduct and due process claims cited. *Id.* Right to confrontation cited. *Id.*, 774. Due process rights and a fair trial cited; right to confrontation cited; rights to an adequately instructed jury cited. *Id.*, 805. Cited. *Id.*, 821. Due process rights and rights to present a defense cited. *Id.* Cited. 37 CA 21. Right to confront and cross-examine cited; unconstitutionally diluted state’s burden of proof cited. *Id.* Cited. *Id.*, 40. Restricted cross-examination cited. *Id.* Cited. *Id.*, 105. Rights to due process cited. *Id.* Deprivation of fair trial by court’s marshaling of the evidence. *Id.*, 180. Due process rights cited. *Id.*, 213. Cited. *Id.*, 228. Right to be informed of nature and clause of criminal charge cited. *Id.* Cited. *Id.*, 252; judgment reversed, see 236 C. 388. Self-incrimination and right to counsel cited. *Id.* Due process and personal liberty guarantees provided by this section and Art. I, Sec. 9 of Connecticut Constitution encompass the protection against double jeopardy. *Id.*, 276. Due process cited. *Id.* Due process violation; failure to instruct on essential elements cited. *Id.*, 338. Due process and suppression by presentation of evidence favorable to

accused; right to fair trial cited. Id., 355. Right to confrontation cited; right to due process and a fair trial cited. Id., 360. Cited. Id., 379. Due process cited; unconstitutionality of Sec. 31-71b cited. Id. Unconstitutionally vague and void for vagueness cited. Id., 388. Cited. Id., 404. Right against self-incrimination cited. Id., 437. Cited. Id., 456; judgment reversed, see 236 C. 176. Due process rights and a fair trial cited; claim of privilege against self-incrimination cited; right of confrontation cited. Id. Court declines to elevate an impermissibly suggestive identification procedure of an inanimate object to one of constitutional magnitude. Id., 464. Due process cited. Id. Right to counsel cited; right to be informed adequately of nature of charges cited. Id., 500. Dilution of state's burden of proof and deprivation of fair trial cited. Id., 509. Right to speedy trial cited. Id., 574. Cited. Id., 589. Right to due process of law cited; right to confrontation cited; prosecutorial misconduct and deprivation of fair trial cited; dilution of state's burden of proof cited. Id. Cited. Id., 619. Right to be informed of nature and cause of accusation cited. Id. Rights to fair trial or due process cited. Id., 635. Denial of due process cited; right is effective assistance of counsel cited. Id., 672. Cited. Id., 722. Unconstitutionally vague cited. Id. Cited. Id., 733. Ineffective assistance of counsel cited; right to due process, suppression of out of court identification, prosecutorial misconduct cited. Id. Cited. Id., 801. Rights to fair cross section jury panel cited; due process cited. Id. Due process and jury instruction cited. 38 CA 29. Due process and failure to preserve potentially exculpatory evidence cited; right to present a defense cited; prosecutorial misconduct cited. Id., 56. Right to present a defense and right not to testify cited. Id., 85. Cited. Id., 100. Right of confrontation cited. Id. Cited. Id., 125. Rights to fair trial, confrontation and due process cited. Id. Right to fair trial by impartial jury cited; right to due process cited. Id., 247. Dilution of state's burden of proof cited. Id., 282. Cited. Id., 371. Prosecutorial misconduct, deprivation of fair trial, due process, right to present a defense and to confront adverse witness cited. Id. Rights to due process cited; reduction of state's burden of proof cited. Id., 434. "... Asherman balancing test must be used in cases involving a claim of violation of due process because of the loss or destruction of physical evidence." Id., 531. Right to due process cited. Id. Cited. Id., 581. Due process cited. Id. Right to fair trial cited. Id., 598. Cited. Id., 643. Double jeopardy cited; due process cited. Id. Cited. Id., 661. Double jeopardy provisions cited; due process cited; trial by jury cited; right to fair trial cited; proof of guilt beyond reasonable doubt cited. Id. Right of confrontation cited; due process cited. Id., 731. Due process cited. Id., 762. Cited. Id., 777. Right to notice of charges cited; due process and duty to disclose exculpatory evidence cited. Id. Due process rights cited. Id., 801. Cited. Id., 815; Id., 868. Right to speedy trial cited; due process cited. Id. Cited. 39 CA 45. Cited. Id., 63. Due process cited; right to present a defense cited; dilution of state's burden of proof cited; burden to prove guilt beyond a reasonable doubt cited; right to be informed of nature of charge cited. Id. Right to counsel of his choice cited. Id., 82; Id., 96; Id., 175. Cited. Id., 183. Due process cited. Id. Cited. Id., 224. "Miranda" rights cited; right to obtain counsel cited; nature of accusations against defendant cited. Id. Cited. Id., 267. Lack of nature of charges cited; due process and deprivation of fair trial cited. Id. Prosecutorial misconduct, due process and a fair trial cited. Id., 333. Right to due process and a fair trial cited. Id., 369. Due process and prosecutorial misconduct cited; right to fair trial cited; ineffective assistance of counsel cited. Id., 384. Due process rights cited. Id., 407. Cited. Id., 455. Due process and prosecutorial misconduct cited. Id., 478. Due process and prosecutorial misconduct cited; "Miranda" warning cited. Id., 579. Cited. Id., 617. Right to due process cited; loss or destruction of evidence cited. Id. Cited. Id., 645. Due process cited. Id. Cited. Id., 657. Unconstitutional enlargement cited; right to be informed of nature of charges cited; fair trial and due process cited. Id. Cited. Id., 674. Rights to due process cited. Id. Right of confrontation cited; due process clause of Connecticut Constitution cited. Id., 702. Right to assistance of counsel cited. Id., 722. Cited. Id., 789. Deprivation of fair and impartial trial cited. Id. Right to present a defense cited. Id., 800. Right to uncoerced jury cited. Id., 810. Ineffective assistance of counsel cited. Id., 813. Ineffective assistance of counsel and deprivation of due process cited. Id., 832. Due process rights cited. Id., 840. Cited. 40 CA 1. Unconstitutionally vague cited; constitutional right to compel appearance of witnesses for defense cited. Id. Rights of compulsory process, due process and a fair trial cited. Id., 47. Cited. Id., 60; Id., 75. Impermissibly vague cited. Id. Rights to due process cited; deprivation of right to confront witness and a fair trial cited. Id., 132. Cited. Id., 151. Due process right to a fair trial cited; right to notice cited. Id. Cited. Id., 189. Rights to due process, to present a defense and to a fair trial cited; right to impartial jury cited. Id. Cited. Id., 233. Due process clause of the Connecticut Constitution cited. Id. Deprivation of a fair trial and due process right to counsel of choice cited. Id., 374. Cited. Id., 387. Due process and a fair trial cited; instructions constitutionally defective cited. Id. Cited. Id., 470. Right to confrontation cited. Id. Cited. Id., 483. Right to speedy trial cited; right to fair trial and effective assistance of counsel cited. Id. Cited. Id., 515. Due process cited. Id. Due process rights cited. Id., 526. Effective assistance of counsel cited. Id., 553. Due process and fairness of trial cited. Id., 601, 603. Right to impartial jury and fair trial cited; denial of due process cited; prosecutorial misconduct cited; diminished state's burden of proof cited. Id., 624. Cited. Id., 643. Right to speedy trial and speedy sentencing cited; due process rights cited. Id. Right to effective assistance of counsel cited. Id., 757. Cited. Id., 762. Right to have jury selected from a fair cross section of the community cited. Id. Cited. Id., 805. Right to due process cited; right to present a defense and to a fair trial cited; right not to be placed in double jeopardy cited. Id. Cited. 41 CA 7. Rights to due process and against self incrimination and "Miranda" warnings cited; right to contact attorney cited. Id. Right against self-incrimination; right to counsel; right to cross examination; right to due process cited. Id., 47. Cited. Id., 139. Due process violation cited. Id. Cited. Id., 147. Due process rights cited. Id. Right to confrontation cited. Id., 204. Cited. Id., 255. Due process rights cited; right to notice cited. Id. Right to due process, to a fair trial and to present a defense cited. Id., 317. Due process right to establish a defense cited. Id., 361. Cited. Id., 391. Privilege against self-incrimination and "Miranda" warnings cited; due process cited. Id. Right to counsel cited. Id., 454. Due process cited. Id., 476. Due process and a fair trial cited. Id. 495. Cited. Id., 515. Ineffective assistance of counsel cited. Id. Right to due process and a fair trial cited. Id., 604. Right against self-incrimination and to remain silent cited; right to confront witnesses cited. Id., 695. Cited. Id., 701. Impermissible cross-examination about post arrest silence cited; right to adequately instructed jury cited; right to due process cited; "Miranda" rights cited. Id. Cited. Id., 751. Right not to be put twice in jeopardy cited; double jeopardy rights cited. Id. Cited. Id., 772. Right against unreasonable seizures, inevitable discovery doctrine cited. Id. Cited. Id., 809. Right to conflict-free representation, due process and a fair trial cited. Id. Right to not have uncharged offenses presented to the jury. Id., 817. Constitutional right to present a defense cited; right to compulsory process cited. Id. Cited. Id., 831. "Miranda" warnings and right against self-incrimination cited. Id. Unconstitutionally shifted burden of proof from state cited. 42 CA 10. "The

jury was never instructed that the presumption or inference was mandatory and the burden of persuasion never shifted.” Id. Cited. Id., 17. Right to effective assistance of counsel cited; denial of fair trial and due process cited; right to conflict-free representation cited. Id. “Miranda” warnings and exercise of right to remain silent cited; right to confrontation and restriction of cross-examination cited; due process cited. Id., 41. Denial of motion to dismiss on speedy trial and due process grounds is not final for the purposes of appeal. Id., 144. Rights to a speedy trial cited. Id. Denial of presumption of innocence and due process rights cited. Id. Right of confrontation cited. Id., 186; judgment reversed, see 241 C. 823. Ineffective assistance of trial and appellate counsels cited. Id., 304. Constitutionally guaranteed due process right to establish a defense cited. Id., 348. Constitutional right to counsel cited; waiver of counsel and right of self-representation cited. Id., 371. Cited. Id., 445. Prosecutorial misconduct and deprivation of right to a fair trial cited; ineffective assistance of appellate counsel cited. Id. Cited. Id., 472. Deprivation of constitutional right to fair trial by improper instruction cited. Id., 555. Unconstitutionally vague as applied to defendant cited; claim of ineffective assistance of counsel cited. Id., 640. Denial of fair trial and due process of law cited; obligation to produce exculpatory evidence cited. Id., 669. Due process cited; due process right to address court cited; right to counsel cited. Id., 768. Right to due process and fair trial cited; lowering of state’s burden of proof cited. Id., 810. Deprivation of due process cited; waivers of right to counsel, to remain silent, to be present at trial, to jury trial, to confrontation and against self-incrimination cited. 43 CA 142. Cited. Id., 209. Right to assistance of counsel cited; right to remain silent cited; “Miranda” rights cited. Id. Cited. Id., 252. Confrontation and due process rights cited; right of cross-examination cited. Id. Cited. Id., 339. Due process cited; state’s satisfaction of burden of proof cited. Id. Ineffective assistance of counsel cited. Id., 374. Due process cited. Id., 387. Rights to due process and a fair trial cited. Id., 458. Right to due process and a fair trial cited. Id., 480. Cited. Id., 488. Right to a speedy trial cited; due process and opportunity afforded to present a defense cited. Id., 488. Unconstitutionally vague cited. Id., 527. Right to confront witnesses and denial of effective assistance of counsel cited. Id., 549. “Miranda” rights and denial of effective assistance of counsel cited. Id., 552. Right against self-incrimination and right to due process and to confront accusers cited. Id., 555. Cited. Id., 606. Procedural and substantive due process claims cited. Id. Right to due process cited; claim of prosecutorial misconduct cited; deprivation of fair trial cited. Id., 619. Cited. Id., 667. Rights to confrontation and due process cited; fair trial cited. Id. Alleging prosecutorial misconduct cited; fair trial cited; right of confrontation cited. Id., 680. Cited. Id., 704. Right to present a defense cited; due process clauses cited; right to assistance of counsel and prosecutorial misconduct cited; right to fair trial cited. Id. Cited. Id., 715. Right to confront witnesses cited; cross-examination cited; right to present witnesses in own defense cited. Id. Rights to be informed of charges against him and to due process cited. Id., 785. Cited. 44 CA 6. Due process rights cited; rights to counsel cited; rights to remain silent cited; reliability of identification cited; privilege against self-incrimination cited. Id. Due process rights cited. Id., 70. Unconstitutionally vague and overbroad on its face cited; due process cited. Id., 84. Cited. Id., 162. Right to counsel cited. Id. Cited. Id., 187. Fundamental right to a jury trial cited. Id. Cited. Id., 198. Right of confrontation cited. Id. Cited. Id., 231. Due process cited. Id. Due process and a fair trial cited. Id., 280. Due process rights cited; right against self-incrimination cited. Id., 307. Ineffective assistance of counsel cited. Id., 387. Right to due process and confrontation cited. Id., 457. Cited. Id., 476. State due process rights cited. Id. Cited. Id., 548. Due process rights cited. Id. Cited. Id., 561. Due process and a fair trial cited. Id. Cited. Id., 702. Due process cited. Id. Rights to confrontation cited; due process rights to inadequately instructed jury cited. Id., 731. Cited. Id., 746; Id., 790. Prosecutorial misconduct claim cited. Id., 818. Due process rights cited. 45 CA 32. Rights to confrontation cited. Id., 66. Right to confrontation cited; prosecutorial misconduct cited; right to due process, to present a defense and a fair trial cited. Id., 116. Prosecutorial misconduct and deprivation of a fair trial cited. Id., 142. Violation of due process cited. Id., 187. Cited. Id., 207. Right to counsel cited. Id. Claim of ineffective assistance of counsel cited. Id., 242. Right to remain silent and right to counsel cited. Id., 261. Right to due process and to present witnesses and privilege against self-incrimination cited. Id., 282. Violated rights to fair trial, to present a defense and to due process of law cited. Id., 297. Ineffective assistance of counsel cited. Id., 362. Right to fair trial and present a defense cited. Id., 369. Right to confrontation and to be represented by counsel cited. Id., 390. Deprivation of fair trial cited. Id., 408. Cited. Id., 476. Due process of law cited. Id. Level of due process violation cited. Id., 512. Right to confront and cross-examine witnesses and to present a defense cited. Id., 584. Prosecutorial misconduct, denial of due process and a fair trial cited. Id., 591. Due process and unnecessarily suggestive identification procedures cited; obligation to disclose exculpatory evidence cited. Id., 658. Federal and state rights of confrontation and to present a defense cited. Id., 756. Right to due process and to be present at trial cited; effective assistance of counsel cited. Id., 809. Right to be informed of charges cited. 46 CA 24. Right of confrontation cited. Id., 118. Right to a fair trial cited. Id., 131. Poisoned fruit of unwarned statement and “Miranda” warnings cited; due process and right to establish a defense cited. Id., 216. Right to a fair trial and to proper instruction cited. Id., 269. Cited. Id., 285. Due process rights to a fair trial, to present a defense and to confront witnesses against him cited. Id. Cited. Id., 414. Right to be informed of nature and cause of the accusations and to a fair trial cited. Id. Cited. Id., 486. Ineffective assistance of counsel and due process cited; unconstitutionally vague cited; self-representation cited. Id. Cited. Id., 545. Right to remain silent, “Miranda” warnings and due process cited; right to effective assistance of counsel, confrontation and compulsory process cited. Id. Due process, a fair trial and prosecutorial misconduct cited. Id., 578. Right to impartial jury and a fair trial cited. Id., 600. Constitutional right to due process and to present a defense and a fair trial cited; assistance of counsel cited. Id., 640. Cited. Id., 661. Due process, facially and unconstitutionally vague and a fair trial cited; void for vagueness cited. Id. Right to due process cited. Id., 684. Due process right to proof of an element cited. Id., 691. Cited. Id., 721; Id., 741. Due process and right to impartial jury cited. Id. Right to due process and a fair trial; right to confrontation cited. Id., 810. Denial of due process cited; right to fair trial cited. 47 CA 1. Record does not disclose adequate prosecutorial misconduct for review of unpreserved claim and does not meet the third prong of the *State v. Golding* test. Id., 134. Prosecutorial statements that directly linked defendant’s decision to testify on his own behalf with defendant’s guilt impermissibly burdened defendant’s exercise of constitutional right to testify. Id., 401. Standard for determining claim of ineffective assistance of counsel discussed. Id., 499. Pretrial identification procedure did not violate due process rights. Id., 632. Prosecutor’s rebuttal closing argument did not violate defendant’s right to confront witnesses and to testify on his own behalf. Id. Court improperly struck testimony of defendant’s expert witness regarding behavioral changes caused by drug defendant allegedly used on day of the crimes, but

error was harmless. Id., 678. State constitution does not afford greater double jeopardy protection than federal constitution. 48 CA 71. A jury instruction re included offenses is a matter of common law and does not implicate constitutional rights. Id., 677. Claim that trial court violated defendant's right of confrontation by unduly restricting his right to engage in cross-examination denied. Id., 755. Factors for determining whether prosecutorial misconduct amounts to a denial of due process. Id., 812. Accused has fundamental right to be acquitted unless proven guilty of each element of the charged offense beyond a reasonable doubt. Id. Court disagreed with defendant's claim that state allowed to ask improper questions on voir dire. 49 CA 41. Fairness of trial and not culpability of prosecutor is the standard for analyzing defendant's claim of prosecutorial misconduct. Id., 56. Defendant not deprived of right to fair trial by court's questioning of a witness since any prejudice was cured by instructions to jury. Id., 183. Due process requires that a hearing be held whenever the trial court is required to make a finding concerning a disputed factual issue such as whether the statute of limitations has been tolled. Id., 198. Evidentiary rulings and prosecutor's comments did not deprive defendant of right to a fair trial. Id., 252. The offense of risk of injury to a child and the offense of sexual assault in the fourth degree are not the same offense for double jeopardy purposes. Id., 409. Re standard of proof in criminal trial, the state need only prove that the cumulative impact of the facts proved beyond reasonable doubt that the defendant acted intentionally; instruction re reasonable doubt proper. Id., 459. Jury instruction re consciousness of guilt was proper. Id. Trial court did not marshal the evidence so as to unduly prejudice the defendant or deprive him of his right to due process. Id., 486. Fundamental constitutional right that a defendant charged with the commission of crime of assault be permitted to establish a defense includes proper jury instructions on the elements of self-defense so that jury may ascertain whether the state has met its burden of proving beyond a reasonable doubt that the assault was not justified. Id., 738. Effective cross-examination does not include eliciting or presenting evidence that is immaterial or irrelevant. 50 CA 1. Exclusion of certain videotape evidence of alleged bias against defendant on the part of police officer was within trial court's discretion where a more than ample opportunity had been provided for cross-examination on issues of hostility or bias and other evidence was allowed to be introduced on that issue. Id., 51. Failure to give jury instruction regarding efficient intervening cause of victim's death held not violative of due process where defendant did not present evidence of such cause. Id., 159. On a claim of prosecutorial misconduct, defendant failed to establish a sufficient pattern of misconduct pervading throughout the trial that was so blatantly egregious that it infringed on his right to a fair trial. Id., 175. Trial court did not improperly bolster credibility of witness where result of court's statement to jury was to place certain testimony in proper context. Id. Prosecutor's remarks commenting on defendant's presence in courtroom and alleged opportunity to tailor his testimony held to be improper as infringement on right to be present during trial and expression of prosecutor's opinion as to credibility of defendant's testimony held to be denial of due process. Id., 242. Jury instructions that reference victim's right to use reasonable force in defense of dwelling and defendant's right to engage in self defense sufficient to mislead jury. Id., 607. Due process of law guarantees criminal defendant fair trial before impartial judge and jury in neutral atmosphere. 51 CA 328. Standard for analyzing defendant's due process claim alleging prosecutorial misconduct. Id., 345. Failure to object at trial to display of knife for identification without connecting knife to defendant does not violate due process. Id., 489. Mischaracterization of evidence in closing argument did not violate due process because not egregious and damaging so as to deprive defendant of fair trial. Id. Failure of counsel to address jury to explain rulings of lesser included offenses did not deny defendant counsel or a fair trial. Id., 505. Jury instructions required to include essential elements of alleged crime. Id., 541. Two-part analysis for reviewing sufficiency of the evidence claims. Id., 563. When defendant claims prosecutor's improper remarks violate right to fair trial, burden is on defendant to show that remarks were prejudicial in light of entire proceeding and appellate court must give great weight to trial court's determination as to fairness of the trial. Id., 589. No violations of constitutional rights to effective assistance of counsel and to fair trial resulting from court threats to hold defense counsel in contempt for improper and gratuitous comments. Id., 604. Defendants who are parties as individuals cannot assert the due process claims of their partnership. Id., 790. Evidence was sufficient for the trial court to find probable cause, and thus did not clearly deprive defendant of a fair trial. Id., 798. Although defendant has constitutionally guaranteed due process right to establish a defense, the defense sought must be legally cognizable as a valid defense to the crime charged. Id. Trial court did not abuse its discretion by denying defendant's request, raised on the eve of trial, to dismiss counsel. 52 CA 408. Trial court's refusal to disclose victim's psychiatric records and the names of mental health care providers, and to permit voir dire of the providers, when the records were not probative as to victim's capacity as a witness, did not violate defendant's right to confrontation. Id. Defendant failed to demonstrate that a constitutional violation clearly existed and clearly deprived him of a fair trial. Id., 466. Police request that defendant submit to a sobriety test was necessary to a legitimate police procedure and the resulting incriminating statements made by the defendant were admissible under *Miranda*. Id., 475. Defendant's conviction of operating motor vehicle while license under suspension reversed and case remanded for new trial where trial court's charge improperly shifted burden of proof to defendant on issue of whether he operated motor vehicle within scope of work permit. 53 CA 23. Prohibition against double jeopardy was not implicated where there was only one trial and defendant was convicted of, and sentenced on, only one offense. 54 CA 278. Defendant's claim that he was denied a speedy trial cannot succeed when the delay resulted first from defendant's own failure to appear at trial, and second from necessary competency proceedings and related treatment. Id., 361. Trial court's failure to appoint counsel to oppose competency proceedings was harmless beyond a reasonable doubt; procedural due process re competency hearings cited. Id. Where defendant was present when charges against him and long-form substituted information were presented to the jury, and defendant pleaded not guilty to "this case of sexual assault that I didn't do", defendant cannot successfully claim that he was not informed of the nature and cause of the accusation against him. Id. Improper comments by juror held to be juror misconduct which deprived defendant of fair trial before impartial jury. 55 CA 60. Defendant could not meet third condition of *Golding* test in his objection to the jury charge because it was not reasonably possible that the jury was misled. Id., 412. Despite state's error in failing to tell defendant that a witness was paid for his testimony, the testimony was corroborated at trial and defendant's claim cannot succeed because there is not a reasonable probability that trial outcome would have been different if the information had been disclosed. Id., 426. State's failure to tell defendant that a witness was paid for his testimony did not therefore deprive the defendant of his constitutional right to confront the paid witness. Id. Defendant was not deprived of effective counsel; actions of counsel either did not constitute deficient

performance, or where they may have been deficient, defendant failed to establish a reasonable probability that the outcome of his trial would have otherwise been different. Id. Jury instruction re reasonable doubt and presumption of innocence did not amount to a constitutional violation. Id., 469. Change from live testimony to videotape testimony of child re her sexual assault did not deprive defendant of the presumption of innocence. Id., 717. In defendant's claim of denial of effective assistance of counsel, to withdraw his guilty plea, defendant must prove that counsel's assistance was ineffective and that it was this ineffectiveness that rendered the guilty plea involuntary. 57 CA 385. Due process claim not properly preserved; defendant's failure to file proper pretrial motions constituted waiver of his claim that charge was too vague as to when alleged offense was committed. Id., 736. Evidence was sufficient for jury to find defendant guilty beyond a reasonable doubt. Id. Evidence was sufficient to support conviction beyond a reasonable doubt. 58 CA 125. Statements were not subject to suppression under *Miranda* because there was no interrogation of defendant. Id., 136. Due process not violated where probation was revoked despite failure to deliver notice re probation pursuant to Secs. 53a-30 and 54-108. Id., 153. Due process violated when court initially allowed admission of hearsay evidence for a limited purpose but later reversed itself and allowed statement to be used without limitation; due process requires that parties be given sufficient time and notice to prepare themselves. Id., 176. Claim is not valid that Sec. 17a-112(c)(3)(A) is unconstitutionally void for vagueness because it fails to put an incarcerated parent on notice re how to prevent termination of parental rights; state interest in terminating parental rights sufficient to satisfy due process requirements. Id., 244. Defendant was not denied right of confrontation or right to a fair trial where child witness was allowed to hold a stuffed animal while testifying. Id., 501. Photographic array with photographs of other individuals bearing a description similar to but not exactly the same as descriptions given by witnesses was not unnecessarily suggestive and did not violate defendant's rights to due process and fair trial. 59 CA 112. Defendant not deprived of rights to due process, fair trial and effective assistance of counsel when court refused to instruct jury that state was not prosecuting one of three cases that jury had been told it would hear and refused to allow defense counsel to make any reference in final argument to such third case. Id. Defendant not deprived of right to fair trial by prosecutor's questions during cross-examination and comments during closing arguments and by jury instructions concerning state's burden of proof on element of intent and the effect of defendant's intoxication in determining whether state proved the requisite intent beyond a reasonable doubt. Id., 207. Evidence was sufficient to constitute probable cause to arrest defendant and therefore search of defendant and vehicle incident to that arrest was permissible even though search preceded arrest. Id., 272. Jury instruction concerning thoroughness of the police investigation did not deprive defendant of a fair trial by undermining the presumption of innocence and diluting state's burden of proof. Id., 282. Defendant's right to fair trial and unanimous verdict not violated when court made it clear that jury had to find each element of crime proven beyond a reasonable doubt and there was ample evidence to support conviction under both alternate theories of liability. Id., 305. Jury instruction did not dilute the presumption of innocence and reasonable doubt standard. Defendant's right to confront accusers was not denied when trial court precluded him from asking police officer certain questions for which no foundation had been established. Id., 394. Reiterated previous holdings that constancy of accusation does not violate right to confrontation. Id., 469. Defendant has no right to present evidence that is not admissible according to the rules of evidence and it is trial court's function to make evidentiary determinations. 60 CA 398. Jury instructions, read as a whole, adequately informed jury of the standard of proof. Id., 487. After plenary review of record as a whole, court concluded that habeas court correctly found that petitioner, in claiming that trial counsel failed to adequately explain difference between consecutive and concurrent sentencing, failed to carry burden of establishing that counsel provided ineffective assistance under Strickland-Hill test. 61 CA 55. Standard of review re constitutional claim of ineffective assistance of counsel discussed. Id. Trial court charge on presumption of innocence that "the law is made to protect society and persons whose guilt has not been proven beyond a reasonable doubt, and not to protect persons proven guilty beyond a reasonable doubt" did not unconstitutionally deprive defendant of a fair trial. Id., 73. Defendant did not demonstrate that trial court charge that a reasonable doubt is "a real doubt, an honest doubt" was constitutionally improper. Id. Defendant did not, under circumstances of case, demonstrate that trial court's denial of request for a continuance of violation of probation hearing until thirty days after trial concerning underlying criminal charges violated due process rights under state constitution. Id., 99. Defendant failed to furnish adequate analysis of due process claim re establishment of violation of probation by proof beyond a reasonable doubt or, in the alternative, proof by clear and convincing evidence in a revocation of probation hearing since adequate analysis requires more than abstract assertions. Id. Denial of defendant's request for a jury charge re consideration of photographs not produced into evidence was not, under circumstances of case, a constitutional violation that clearly deprived defendant of a fair trial. Id., 164. Trial court properly denied defendant's motion to suppress photographic identification where court determined that photographic display of five suspects was not unnecessarily suggestive and witness' identification of defendant was reliable. Id., 219. Where court found that defendant was hearing impaired and, as an accommodation, provided him with a particular transcription system for use during trial, court's failure to provide defendant with a different, allegedly better system was within court's discretion and did not deprive defendant of his constitutional rights. Id., 275. Failure to instruct jury re elements of Sec. 53-202k was harmless error, since evidence against defendant was overwhelming and uncontested, and not violative of due process. Id., 417. Trial court's removal of alternate juror who made unsupported allegations of racial bias against a juror deemed neither abuse of discretion nor chilling effect on racial bias reports by jurors. 62 CA 148. Appellate court rejected defendant's claim that trial court violated his rights under Art. I, Secs. 8, 19 and 20 of the Connecticut Constitution when it improperly allowed the state to exercise a peremptory challenge against a prospective juror, who was a member of defendant's racial group, without a racially neutral explanation reasonably related to the issues in the case. Appellate court found that evidence supported the prosecutor's reasons for striking the prospective juror, and defendant failed to establish that the state gave a pretextual reason for excusing the prospective juror. Id., 182. Jury instruction in which the phrases "reasonable doubt" and "the benefit of the doubt" are included does not suggest that jury could only acquit in a close case if it could give defendant "the benefit of the doubt" and therefore does not impinge on defendant's right to due process. Id., 625. Defendant not deprived of fair trial by court's instruction on what constitutes reasonable doubt. 63 CA 245. Prosecutor's comments with respect to defendant's personal use of drugs, which defendant argued fell into the category of asking for an explanation that only the defendant can provide, did not encroach on defendant's right to remain silent and did not

deprive defendant of right to a fair trial. *Id.*, 263. Defendant not deprived of fair trial when testimony concerning his gang membership was introduced during his trial for possession of drugs since probative value of the testimony outweighed any prejudicial effect. *Id.*, 284. In order to establish violation of defendant's right to conflict-free representation he must establish that counsel actively represented conflicting interests and that an actual conflict of interest adversely affected his lawyer's performance. To prevail on ineffective assistance of counsel claim, petitioner must show that counsel's performance was deficient and that the deficient performance prejudiced the defense. *Id.*, 297. Fairness of the trial and not the culpability of the prosecutor is the standard for analyzing constitutional due process claims of criminal defendants alleging prosecutorial misconduct. *Id.*, 319. Being shackled did not interfere with defendant's right to self-representation since defendant has not shown that shackles denied him actual control over the case he presented to the jury. *Id.*, 386. Defendant's right to represent himself was not infringed when he was denied access to a law library and court declines to hold that standby counsel was required to perform legal research for him. *Id.* Although court did not hold an evidentiary hearing before ordering defendant to wear leg shackles, defendant's right to a fair trial before an impartial jury was not infringed since court detailed for the record its justification for ordering use of restraints. *Id.* Because trial court properly satisfied its affirmative obligation to explore the alleged conflict of interest after being alerted to its possible existence and because defendant was not prejudiced by his counsel's previous brief representation of the state's witness, defendant was not deprived of his right to conflict free representation. *Id.*, 419. Court's refusal to disclose complaining witness' treatment records and exclusion of defense counsel from in camera hearing on such records held not violative of defendant's right to confrontation and right to present a defense. 64 CA 312. Court's omission of word "cocaine" from jury instructions did not deprive defendant of his right to present a defense where testimony concerning his cocaine use bore no relevance to his capacity to form the specific intent necessary to commit the crimes. 67 CA 194. Prosecutor's comments did not deprive defendant of fair trial. *Id.*, 249. Court did not deny defendant's due process rights when it denied defendant's motion to dismiss criminal charges or to exclude certain police testimony that was based on the police's destruction of recorded police radio broadcasts made on the evening of his arrest. *Id.*, 299. Defendant could not prevail on her unpreserved claim that her conviction of two counts of assault in the first degree pursuant to Subdivs. (1) and (2) of Sec. 53a-59(a) constitutes double jeopardy because each Subdiv. contains an element that the other does not. Only Subdiv. (1) requires that a person intend to cause serious physical injury by means of a deadly weapon or dangerous instrument and only Subdiv. (2) requires that a person intend to disfigure another permanently; legislature's use of different language indicated its intention to differentiate between the types of harm a person can cause. *Id.*, 803. Defendant in probation revocation hearing must take affirmative action to invoke the due process right to testify on his behalf. In a probation revocation hearing, court is not required to canvass the parties about whether they want to resent closing arguments. 68 CA 40. State did not breach duty to specify specific time of alleged events because it did not have such information. *Id.*, 313. Right to present a defense not violated when testimony of defendant's prior attorney concerning the atmosphere surrounding an interview of her by the police was excluded as irrelevant. *Id.*, 351. Court did not improperly exclude evidence of semen from third party on victim's clothing. *Id.*, 470. No abuse of discretion in finding defendant competent to stand trial. *Id.* Trial court committed plain error and deprived defendant of right to a fair trial when it presided over defendant's trial and sentencing after having participated actively in pretrial plea negotiations. *Id.*, 884. Statements made by prosecutor in closing argument violated Art. I, Sec. 8 of Connecticut Constitution. 69 CA 299. Defendant's plea found to be entered knowingly and voluntarily where court did not specifically state that defendant would not be able to withdraw her plea if she did not appear but the record indicated that the omission did not create a misunderstanding as to the terms of the plea agreement. *Id.*, 691. Defendant's oral and written statements to police while he was in the hospital for gunshot wounds found to be voluntary where defendant initiated the contact and he was coherent and lucid despite being medicated. *Id.*, 717. Defendant not deprived of constitutional right to confront and cross-examine witnesses when court allowed minor victim to provide videotaped testimony where victim expressed feelings of intimidation and fear of defendant, and such feelings were compounded by victim's developmental delays and precarious emotional state. 70 CA 171. Court did not deprive defendant of constitutional right to cross-examine victim by denying his motion to recall victim as a witness where record revealed that defendant was afforded an opportunity to cross-examine victim fully and fairly concerning her credibility and had an opportunity to explore victim's credibility through the examination of other witnesses. *Id.* Defendant could not prevail on claim that court deprived him of his right to present a defense when it refused to admit into evidence a laboratory report indicating that certain evidence seized from his apartment by police had tested negative for the presence of cocaine because report was not relevant to whether defendant had sold cocaine to two police informants prior to the search and the events described at trial. *Id.*, 255. Defendant's rights under the confrontation clause were not violated by court's exclusion of evidence of witnesses' prior convictions and specific acts of misconduct on grounds that such prior convictions and acts of misconduct were "much too remote in time" to be relevant. *Id.* Defendant's objections to jury instructions regarding essential elements of conspiracy discussed and determined not to have violated defendant's due process rights under state constitution. *Id.*, 393. Standard for reviewing denial of request for alternate counsel discussed. *Id.*, 515. Most of the challenged comments made by prosecutor were appropriate and based on evidence presented at trial and any improper comments, taken as a whole, were not sufficiently pervasive to have established a pattern of misconduct or so blatantly egregious that they infringed on defendant's right to a fair trial, cumulative effect of the challenged comments did not clearly deprive defendant of a fair trial. *Id.*, 594. There is no reasonable possibility, given these circumstances, that in rendering its verdict the jury was misled by court's reading of the entire statute. 71 CA 110. A prosecutor's remark about not allowing defendant "to escape justice" because of a reluctant witness was severe. *Id.*, 121. Cumulative effect of the misconduct at issue was not so egregious as to constitute an infringement of defendant's right to a fair trial. *Id.* Reiterated previous holdings that right to cross-examination not denied when counsel precluded from quoting verbatim from defendant's medical records during cross-examination of victim. *Id.*, 190. Plaintiff's right to a fair civil trial was not violated by defense counsel's improper remarks because the remarks, although improper, were not grave enough to skew the result and require a new trial. *Id.*, 537. Although prosecutor made improper comments in his rebuttal argument, those comments alone were not such as to affect the entire proceeding and defendant was not denied his right to a fair trial. 72 CA 380. In the context of the entire trial, certain instances of improper questioning by state did not cause substantial

prejudice or undermine the fairness of the trial. *Id.*, 545. On claim that prosecutor in closing argument improperly stated the law, it was held that jury was presumed to have followed court's instructions that the court alone is responsible for stating the law and that the role of closing argument is to interpret the evidence. *Id.* Considered in the entirety of the jury instructions read as a whole and judged by the total effect rather than by the individual component parts, certain inapplicable or inaccurate jury instructions were held not to have misled the jury. *Id.* This article does not create a right for defendant to testify on his own behalf. *Id.* Reiterated previous holdings that even if there was no probable cause for arrest, police officer could detain individual based on reasonable suspicion and totality of evidence, even if defendant wore different clothing than suspect. 74 CA 248. Petitioner failed to establish that trial counsel rendered ineffective assistance and failed to rebut strong presumption that counsel's conduct fell within the wide range of reasonable professional assistance; court found that petitioner and his counsel conferred on multiple occasions following petitioner's arrest and during pretrial proceedings in court. *Id.*, 489. State's attorney's remarks during rebuttal argument that defendant may have been the person who shot murder victim due to a process of elimination based on multiple inferences were based on facts properly in evidence and inferences jury could reasonably draw from the facts and argument that defendant used a revolver to shoot victim was not so blatantly egregious that it infringed on defendant's right to fair trial. *Id.*, 511. Trial court's determination that defendant waived his Miranda rights voluntarily, knowingly and intelligently was supported by substantial evidence, i.e. defendant's conduct in initially agreeing to an interview, placing his initials on first five lines of waiver form but refusing to sign a statement, actively participating in an interview and subsequently ending that interview when he realized he could not negotiate his release in exchange for information demonstrate a valid waiver and exercise of his Miranda rights. *Id.*, 580. Defendant was not deprived of right to fair trial for violation of Sec. 53a-111 because evidence was sufficient to establish that she possessed requisite intent. Although prosecutor improperly asked defendant to comment on other witnesses' veracity, the questioning occurred just once and was not prejudicial; prosecutor's closing statements, even if found improper, were isolated and not prejudicial. 75 CA 163. Cumulative effect of improperly admitted constancy of the evidence testimony did not violate defendant's right to fair trial. *Id.*, 201. Conviction of both possession of at least one-half gram of crack cocaine with intent to sell under Sec. 21a-278 and possession of powder cocaine with intent to sell under Sec. 21a-277 does not constitute double jeopardy. *Id.*, 223. Court was entitled to find that defendant was given a "Miranda" warning against self-incrimination because defendant did not rebut officer's testimony that the warning was given; defendant's claim that inculpatory remark was made after request for an attorney was not supported by factual findings at trial and thus defendant's Miranda rights were not violated. *Id.*, 304. Given a record replete with references to defendant's post-Miranda silence and his request for counsel, court cannot conclude that jury would have returned guilty verdict without the impermissible questions or comments on defendant's silence and request for counsel and therefore cannot conclude that state met its burden of proving guilt. *Id.* Taken as a whole, prosecutor's improper remarks to jury did not undermine defendant's defense or make a difference in outcome and did not substantially prejudice defendant's right to fair trial. *Id.*, 408. Prosecutor's improper cross-examination was cured by court's jury instructions and admonishments and had no bearing on the critical issue of the defendant's intent and did not have an adverse effect on defendant's defense. *Id.* In action regarding allegedly improper sentence, defendant's claims that prosecutor misrepresented certain information and that court improperly relied on inaccurate information were unavailing where the information was irrelevant and immaterial to the sentence. *Id.*, 423. Upon review of entire record, it was held that court's abuse of discretion in failing to disclose additional, cumulative material for defendant's use in cross-examination was harmless beyond a reasonable doubt. *Id.*, 447. Where statute concerning termination of parental rights allowed the court to consider events which took place after filing of petition for termination, it was held that court had opportunity to do so and that the statute protected the due process rights of the respondent by requiring clear and convincing evidence in the adjudicatory phase. *Id.*, 485. Where defendant's request for jury instruction was an inaccurate statement of applicable law and because jury instructions, taken as a whole were correct in the law, it was held that court properly refused to give excluded portion of defendant's requested charge. *Id.*, 578. With regard to potential plea agreement, defendant cannot make an intelligent and knowing decision with regard to a probation sentence without knowledge of special conditions attached thereto. *Id.*, 615. In statutory rape case, improper admission of testimony of a number of "constancy of accusation" witnesses was held to be part of mosaic of improperly admitted evidence that, in the aggregate, served to deny defendant a fair trial. *Id.*, 671. Where defense counsel subsequently waived client's right to a jury instruction that he originally sought, court was found to have properly omitted the instruction. *Id.*, 721. Although court reiterated statutory definition of intent, one aspect of which was overbroad, throughout jury instructions, it was held not to have misled jury where other numerous, specific and unambiguous instructions accurately directed jury to a proper consideration of the evidence. *Id.* When jury's vote tally is disclosed to court voluntarily and without solicitation, the fact that court knew of the split before giving a Chip Smith charge does not constitute error. 76 CA 91. State's filing of substitute information alleging burglary in the second degree did not violate defendant's rights under sixth amendment to U.S. Constitution and this section to adequate notice of charges against him because state provided sufficient descriptive facts in the initial information alleging burglary in the first degree such that it was not possible to commit the greater offense without also committing the lesser offense; thus, the information was held to have placed defendant on notice of the lesser offense of burglary in the second degree. *Id.*, 779. Section does not require state to choose a particular moment as the time of an offense when the best information available to state is imprecise. 77 CA 405. Court did not have responsibility, *sua sponte*, to investigate further whether remaining jurors were aware of excused juror's prior knowledge of witness. *Id.* Court's misstatement in its charge did not mislead jury since charge considered as a whole made abundantly clear that state has burden of disproving the defense of self-defense beyond a reasonable doubt. 78 CA 513. Court properly denied defendant's motion to suppress statements he made while being transported in police car because, regardless of whether defendant's right to counsel had attached, defendant failed to invoke that right. *Id.*, 610. Because defendant was not afforded a timely probable cause hearing after state filed a part B information charging assault of victim sixty years of age or older, which subjected defendant to a possible life sentence, court dismissed that part of the information that related to such charge. 79 CA 535. Discussion of defendant's unsuccessful claim that, as there was insufficient evidence in the record to support his conviction of robbery in the first degree, court improperly charged jury in violation of his right to due process. 81 CA 367. Since a combination to commit several crimes

is a single offense, defendant's right to be free of double jeopardy was violated by his separate sentences for conviction of three conspiracy counts. *Id.*, 738. Since prosecutor did not engage in misconduct by referring to evidence that he properly elicited during adjudicative phase of probation hearing, defendant was not deprived of his due process right to fair trial. 82 CA 832. Arrest, whether or not accompanied by a warrant, does not mark the start of adversarial judicial proceedings and therefore defendant's right to counsel did not attach at time of his arrest by warrant. 83 CA 28. Statute is not void for vagueness and due process is not violated because crime of failure to pay wages does not require a mens rea of at least criminal negligence. *Id.*, 67. Court upheld prior rulings that convictions under both Sec. 29-35(a) and Sec. 53a-217(a)(1) do not constitute double jeopardy. *Id.*, 377. Defendant's right not to testify was violated by court's post-charge, supplemental instruction that materially and substantially misstated the nature of defendant's privilege not to testify. *Id.*, 811. Jury instruction that applied language of Sec. 53a-3(11) re general intent to counts of information requiring finding of specific intent deprived defendant of due process right to fair trial by unconstitutionally reducing state's burden of proof as to those counts. 84 CA 105. Where defendant claimed that jury instruction permitted jury to convict on the basis of an uncharged theory, court held that, since the charging information was adequate to enable defendant to prepare a defense, to avoid surprise and to raise the disposition as a bar to further prosecution, jury instruction did not prejudice the defense. *Id.*, 263. Where defendant claimed that charging information was defective, court held that, since the information clearly apprised defendant of specific statute that he had violated and of nature of the violation, the information was sufficient to put defendant on notice of the charge against him. *Id.* Appellate court disagreed with defendant's view that his long history of mental illness, his conduct during the plea canvass and his counsel's initial representation to court that defendant was incompetent to enter a plea established a reasonable doubt about his competence to plead guilty. Accordingly, trial court did not violate defendant's due process rights to fair trial by accepting his Alford plea without ordering, on its own motion, another evidentiary hearing concerning defendant's competence. *Id.*, 436. Plaintiff who attempted to limit court's review under Sec. 12-117a to only one portion of an assessment was not deprived due process when entire assessment was reviewed because Connecticut law has consistently held that trial court exercises de novo review under Sec. 12-117a. *Id.*, 473. Defendant's right to due process and to confrontation not violated by loss of second page of statement and purported loss of photograph. 85 CA 329. Trial court's imposition of enhanced sentence reflecting defendant's failure to fulfill a condition of plea agreement deprived defendant of liberty interest without due process of law since fulfillment of that condition was not within defendant's control. *Id.*, 473. Use of clearly erroneous standard of review on appeal from a termination of parental rights proceeding does not deny respondent adequate procedural safeguards. *Id.*, 528. Failure of counsel to request a continuance to have defendant evaluated and to offer testimony of a psychiatrist deprived defendant of opportunity to establish diminished capacity defense and constituted ineffective assistance of counsel. *Id.*, 544. Where medical hearing panel in hearing re revocation of physician's license did not include a physician, due process rights not violated. *Id.*, 854. Interfering with officer is a lesser offense included in the greater offense of assault of public safety personnel and thus conviction of both offenses for the same act constituted a double jeopardy violation. 86 CA 607. Prosecutor's statement that sexual assault cases are often decided on credibility of victim or defendant was not an improper comment on defendant's failure to testify. *Id.*, 641. Court did not abuse its discretion and did not violate defendant's rights to due process and a fair trial when it denied jury's request to review certain trial testimony because to do so would require playing back almost the entire trial testimony. *Id.*, 751. Trial court abused its discretion in excluding medical records relevant to defendant's theory of self-defense, thus violating defendant's right to establish a defense under U.S. and Connecticut Constitutions. Accordingly, judgment was reversed and the case remanded for new trial. 88 CA 495. No right to counsel at summary contempt proceedings because, although criminal in nature, such proceedings concern offenses against the court as an organ of public justice and not violations of criminal law. *Id.*, 599. Petitioner's claim of ineffective assistance of counsel due to trial counsel's decision not to exercise peremptory challenges to excuse two potentially biased jurors failed because petitioner did not satisfy the deficient performance prong enunciated in *Strickland v. Washington*; petitioner's counsel conducted an extensive voir dire examination of jurors on the possibly tainted panel and declined to exercise a peremptory challenge of either of jurors chosen from such panel because he did not want to exhaust petitioner's limited peremptory challenges and was convinced that both jurors would be fair and impartial and court concluded that such decision by trial counsel was a reasonable tactical one. 89 CA 371. Defendant could not prevail on claim that trial court violated his constitutional right to present a defense and to notice of the charges against him by instructing jury on accessorial liability when he had not been charged as an accessory in the information and where state's evidence did not show that he had acted as an accessory; defendant had sufficient notice that he risked conviction as an accessory under the circumstances of this case where state's evidence as to commission of the crime raised the possibility of accessorial or principal liability for each shooter's participation, defendant did not submit a request for a bill of particulars and prosecutor specifically asserted that state was proceeding on the principle of accessorial liability before the defense began its case. *Id.*, 440. Evidence of drug possession, without any evidence of use, may not be introduced in support of claim that a witness has a compromised sense of perception, and, if cross examination is allowed re drug-related activities, does not constitute violation of defendant's right to confrontation. *Id.*, 635. Defendant did not prove ineffective assistance of counsel where no prejudicial effect from such ineffective assistance is shown due to defendant's failure to produce any evidence that witnesses were available to testify or that such testimony would have had an impact on trial's outcome. *Id.*, 850. Legislature's choice of "clear and convincing evidence" standard of proof under Sec. 17a-112(j) does not violate due process provisions of state constitution; state constitution does not require court or legislature to equate terminations of parental rights with criminal convictions. 90 CA 565. Trial court did not improperly exclude proffered evidence re defendant's claim of intoxication at time or murder. 91 CA 169. Habeas court properly found petitioner was not denied effective assistance of counsel. 92 CA 534. State constitution does not require that photographic identification be conducted in a double-blind, sequential manner and thus defendant failed to establish that a state constitutional due process violation deprived him of fair trial. *Id.*, 818. State disclosure of certain police reports and additional witness list at a conference that occurred the morning that defendant's trial commenced, but prior to the start of evidence, found not to be a violation of defendant's due process rights where defendant's counsel was provided an additional one to two hours to review the documents and then made no use of the documents at trial and court. *Id.*, 844. Court's failure to give defendant's requested jury instruction

that use of a deadly weapon, by itself, does not prove an intent to cause victim's death and commit murder did not violate due process by shifting state's burden of proof on the essential element of intent. Court's instruction that defined reasonable doubt as real doubt, honest doubt and something more than a guess or surmise did not impermissibly dilute the fundamental protection that requires state to prove guilt beyond a reasonable doubt. 95 CA 263. Prosecutor's use of peremptory challenges to strike prospective jurors did not improperly discriminate against members of minority groups and deprive defendant of fair trial because the nondiscriminatory reasons given by the state for each challenge were legitimate and not pretextual. Prosecutor's comments on credibility of witness and defendant that reflected reasonable inferences from the evidence adduced at trial did not constitute prosecutorial misconduct and deprive defendant of fair trial. *Id.*, 400. Trial court properly granted motion to suppress evidence that was fruit of the poisonous tree; police officer who conducted investigatory stop did not have a reasonable and articulable suspicion of criminal activity to justify the stop—defendant had not been operating his vehicle in an erratic or illegal manner, police officer cited no facts to indicate that defendant was operating his vehicle while under the influence of intoxicating liquor or that he was otherwise engaged in, or about to engage in, criminal behavior, and such officer had a suspicion that the defendant wanted to avoid her but lacked a specific and articulable basis necessary to conclude reasonably that an investigatory stop was justified. *Id.*, 616. Reaffirmed previous holdings that for defendant to prevail in claim that he was not informed of the nature and cause of charges with sufficient precision to prepare defense, there must be a showing that the information was insufficient and prejudiced the defense and that substantial injustice resulted from lack of specificity, where state amended the information after the original charges. 96 CA 42. Trial and appellate counsel did not violate defendant's constitutional right to effective assistance of counsel by failing to instruct jury on definition of attempt to commit robbery, an element of felony murder, because jury could have found the state proved the element of attempt by using its ordinary definition. 98 CA 389. Murder is specific intent crime and although court's instruction improperly referred to general intent to engage in proscribed conduct, the erroneous instruction was not harmful beyond a reasonable doubt and did not deprive defendant of a fair trial because court also properly instructed jury that it had to find defendant intended to cause victim's death. 99 CA 230. Conviction of sexual assault in the second degree as a lesser offense included within count of sexual assault in the first degree, without age of victim being alleged in that count of the charging documents, deprived defendant of opportunity to mount defense to the very crime for which he was ultimately convicted and violated his right to a fair trial. *Id.*, 251. Although trial court erred when it defined "likely" as "possibly" in the term "likely to impair the health or morals of a minor child", it was not reasonably possible that jury was misled and therefore defendant was not clearly deprived of a fair trial. *Id.* Defendant knowingly, voluntarily and intelligently waived right to a jury trial where evidence established that defendant, who was found competent to stand trial, did not raise any concerns about his competency until after he was found guilty of all charges, had some familiarity with court system, having a lengthy criminal history that included robberies, received his general equivalency diploma during a period of incarceration, was represented by counsel at all times, conferred with counsel before and during the course of court's canvass re his waiver of a jury trial and testified at his trial in a coherent and lucid manner. 100 CA 313. Review of transcripts and records showed defendant's waiver of counsel was knowing and voluntary and defendant's guilty pleas did not have to be precluded from evidence at his violation of probation hearing. 102 CA 154. Defendant could not prevail on claims that court's failure to properly instruct jury deprived him of due process and a fair trial where court's instruction to jury re presumption of innocence eliminated any reasonable likelihood of juror misunderstanding, the charge re reasonable doubt fairly presented the case to jury and court's instruction to jury re self-defense was clear and comprehensive. *Id.*, 556. Defense counsel did not provide ineffective assistance of counsel by failing to pursue additional medical and psychiatric evaluations that were not likely to produce evidence of petitioner being brain damaged. 103 CA 662. Although trial court improperly imposed an additional superfluous element with respect to the charges of which defendant was acquitted, the judgment of conviction rendered by the court on the charge of attempt to commit murder was not legally or factually inconsistent with the judgment of acquittal on those other charges and did not deprive defendant of due process. 104 CA 599. Failure of trial court to admit prior inconsistent statement for substantive use was an evidentiary matter and did not violate right of defendant to present a defense. *Id.*, 710. Defendant was not deprived of right to jury trial and proof beyond a reasonable doubt when court in its sentencing remarks referred to uncharged robberies involving defendant because court properly relied on evidence presented at trial in imposing sentence. 107 CA 441. Habeas petitioner did not sustain burden of establishing that because of failure of his appellate counsel to raise a sufficiency of evidence claim there is reasonable probability that he remains burdened by an unreliable determination of his guilt. *Id.*, 539. Defendant cannot show unfair surprise in burglary case re evidence of stolen cash not specifically referenced in the information because crime was of the nature charged in the information and defendant did not object. 111 CA 543. State may fulfill constitutional duty to inform accused of nature and cause of accusation by providing the statutory name of the crime with which the accused is charged. *Id.*, 752. Sec. 14-149(a), when applied to prohibit knowingly possessing a vehicle with one or more altered vehicle identification numbers, is not unconstitutionally vague. 113 CA 541. Defendant was not deprived of right to impartial jury when presumptively prejudicial extrinsic evidence was submitted to jury because error was harmless due to nature and purpose of evidence and jury instruction. *Id.* Due process rights not violated where there was no evidence of bad faith or negligence on the part of the state for not disclosing and maintaining records of an investigation that had taken place fourteen years earlier and had exonerated prosecution witness; no due process violation where state failed to make accurate information available to defendant about pending federal actions against prosecution witness, where state was not a party to the federal actions, the actions were not in prosecutor's possession and they were matters of public record to which the state and defendant had equal access. 115 CA 124. Defendant not denied due process when court failed to state explicit findings of fact regarding the rationale underlying its decision to revoke probation since that failure did not, in and of itself, signify the absence of the dispositional phase of the probation revocation proceeding and the record supported the reasonableness of the court's conclusion to revoke probation. 116 CA 76. Although no exact length of time has been established as sufficient to presume prejudice for purposes of determining a violation of a defendant's right to a speedy trial, a delay of approximately seventeen months is sufficient to warrant an investigation by the court into the factors regarding a speedy trial violation examination. 118 CA 389. Where best information available to state is imprecise, neither sixth amendment to U.S. Constitution nor this section requires state to

choose particular moment as time of offense charged. *Id.*, 589. Defendant's exclusion from an in-chambers hearing concerning juror impartiality did not deprive defendant of the right to presumption of innocence. 119 CA 660. Trial court erred in excluding defendant from an in-chambers hearing concerning possible juror partiality thereby depriving defendant of the right to be present during a critical stage of the proceedings; however, the court's error was harmless beyond a reasonable doubt. *Id.* Court did not violate procedural due process rights of incarcerated respondent in termination of parental rights proceeding when it denied him the opportunity to participate using videoconferencing technology. 120 CA 465. Persistent dangerous felony offender statute, Sec. 53a-40(h), is not unconstitutionally vague as applied to defendant because a person of ordinary intelligence would comprehend that defendant's acts were prohibited and that the public interest would be best served by defendant's extended incarceration and lifetime supervision, and is not unconstitutionally vague on its face because statute may be applied constitutionally to the facts of the case. 121 CA 672. Defendant was prejudiced by counsel's deficient performance re entry of guilty plea because counsel failed to inform defendant that plea could be used at trial and such fact was material to defendant's entering of plea. 123 CA 121. In light of circumstances, defendant's due process rights were not violated by total consumption of DNA evidence during state's DNA testing. 128 CA 296. Instruction to jury that it must unanimously find defendant not guilty of the greater offense before deliberating on a lesser included offense did not necessarily lead the jury to believe that a compromise verdict was permissible; court's refusal to allow defendant to testify about his victim's alleged prior violent acts against a third party did not violate defendant's right to present a defense or to due process of law. 131 CA 1. Return of evidentiary merchandise to stores before trial did not deprive defendant of his right to a fair trial due to totality of circumstances and defendant's ample opportunity to review evidence and make motions. *Id.*, 510. Convictions for manslaughter in the first degree and carrying a dangerous weapon do not violate double jeopardy because manslaughter in the first degree does not require use of or carrying a dangerous weapon and carrying a dangerous weapon does not require the intent element that first degree manslaughter mandates. *Id.*, 528. Requirement to obtain opinion letter from similar health care provider under Sec. 52-190a in medical malpractice case does not violate due process because requirement is reasonably related to legitimate state interest in preventing frivolous or meritless medical malpractice claims. 132 CA 68. Where defendant indicated emphatically that he wanted his lawyer to continue to represent him, and his lawyer made affirmative representations to the court, defendant's constitutional right to counsel was satisfied and the court did not know, or have reason to know, that a conflict of interest existed and had no duty to inquire further. *Id.*, 414. The failure to retroactively apply legislative amendment to property value limit re larceny in Sec. 53a-123 was not a constitutional violation because P.A. 09-138 does not apply retroactively to crimes committed before the act was enacted. 136 CA 427. When considered against a backdrop of extraordinarily overbearing manner of the identification procedure, the pretrial identification was not reliable and the subsequent in-court identification was not sufficiently removed from the taint of the earlier out-of-court identification to be independently reliable and should have been suppressed. *Id.*, 568; judgment reversed, see 314 C. 131. No legal basis exists for argument that Connecticut Constitution confers any broader protection than U.S. Constitution for defendant to confront witnesses. 140 CA 455. Sec. 31-296 procedural safeguards, postdeprivation remedies and public interest in providing speedy, effective, inexpensive method for determining workers' compensation claims are sufficient to satisfy due process requirements. 144 CA 413. It is not necessary for adequate assistance of counsel for defense counsel to know the exact testimony of witnesses as a precondition to making a reasonable professional decision about their involvement. 145 CA 16. Prohibition against being compelled to give evidence against himself only applies to testimonial evidence; handwriting exemplar that defendant was ordered to provide was nontestimonial and did not violate prohibition. 152 CA 753; judgment reversed on alternate grounds, see 320 C. 589. Neither the federal, nor the state constitution's text expressly deal with an absolute right to demand substitution of one court appointed counsel for another. 163 CA 155. Habeas court erred in denying petitioner's claim of ineffective assistance of counsel regarding counsel's failure to object to inadmissible hearsay. 166 CA 1; judgment reversed, see 329 C. 584. Parole eligibility hearing under Sec. 54-125a(f) is a constitutionally adequate remedy for sentences that were imposed in violation of *Miller v. Alabama*, 132 S. Ct. 2455; resentencing not required. 167 CA 744. Defendant's contention that the court's failure to grant his motion for a bill of particulars caused him to lack constitutionally sufficient notice fails as the prosecutor gave defendant sufficient notice by means of oral statement on the record at pretrial hearing. 172 CA 556. Section does not provide greater protection than the federal constitution with respect to ambiguous or equivocal references to counsel during a custodial interrogation. 174 CA 401. Mandatory minimum sentence of twenty-five years of incarceration imposed on juvenile homicide offender not violative of constitutional requirements because subsequent enactment of Sec. 54-125a(f) rendered offender eligible for parole. 177 CA 242. Petitioner's due process right not violated for lack of competence when entering guilty plea even though he was receiving medication because he denied having taken any drugs, alcohol or medication that day and his responses to the trial court's questions during his canvass show that he fully understood the circumstances. 182 CA 188. Defendant's right to due process was not infringed when court found that he had violated the Garvin agreement without first conducting a hearing in accordance with 278 C. 1. *Id.*, 833.

Cited. 5 CS 506; 22 CS 7, 324. Sec. 53-25 declared void. The all inclusive prohibition has no reasonable relationship to the objects to be accomplished. 23 CS 121. Before enactment of Secs. 54-1b, 54-1c and 54-43 of the 1963 session of the General Assembly, a court did not have duty to advise defendant accused of a misdemeanor of his right to obtain counsel before plea was entered. *Id.*, 176. Due process does not require that the state advise the accused of the possible legal effect of pleading guilty to a noncapital charge nor of the later consequences of such plea and conviction. *Id.* In cases involving misdemeanors court as a matter of law is under no duty to advise an accused of his right to counsel. 24 CS 15, 96. Cited. *Id.*, 187. Constitutional right of accused to demand nature and cause of accusation is satisfied if bill of particulars he obtains, taken together with the information, states sufficient facts to enable him to prepare his defense or protect his rights on appeal. *Id.*, 247. Accused who is able to pay for legal assistance and asks for it has constitutional right to secure assistance of his lawyer immediately after being charged. *Id.*, 266. Provision guaranteeing accused a speedy trial held inapplicable to delay in commencement of prosecution. *Id.*, 308. Where state's case rested entirely on defendant's testimony, held it was error not to inform defendant of his privilege against self-incrimination. *Id.*, 353. Cited. 25 CS 387. Grand juries are not prohibited from receiving hearsay evidence. That such evidence may have been considered by the grand jury would not entitle one who had been indicted to have the indictment quashed. *Id.*, 388.

Counsel for the accused may not accompany him before the grand jury. *Id.* Constitutional right of an accused to counsel does not include representation by counsel before a grand jury. 26 CS 215. Where nolle prosequi is unconditionally entered there is no case pending before court and second bench warrant and information fifteen months later charging defendant with same crimes not denial of right to speedy trial. 27 CS 209. Appointment of state's attorneys by superior court not violative of due process rights of defendant on his theory that prosecutor and judge are in the same department of government. 28 CS 252. Cited. *Id.*, 257. Absence of counsel at a bench warrant proceeding not denial of due process. Accused person has recourse to relief against excessive bail immediately on arrest. *Id.*, 315. No denial of due process because the judges appoint the state's attorney to conduct prosecutions. *Id.*, 366. Narcotic substances in Secs. 19-480 and 19-481 not void for vagueness. 30 CS 267. Cited. *Id.*, 584. Physical examination does not violate the privilege against self-incrimination. 32 CS 306. Accused in any criminal case, proceeding or prosecution, may elect, when called upon to plead, to be tried by court instead of by jury. 33 CS 739. Cited. 34 CS 657. Exclusion of aliens from grand jury service under Sec. 54-45 did not violate defendant's rights since citizenship requirement bears rational relation to demands of jury service. 35 CS 98. Failure of state to pay expense of blood grouping tests for indigent defendant in paternity action does not violate due process. *Id.*, 679. Cited. 37 CS 506; *Id.*, 515; *Id.*, 678. Right to assistance of counsel held not to include employment of persons as counsel lacking in training and qualifications established for practice of law. *Id.*, 693. By failing to present rebuttal evidence to price tags in evidence as to market value, defendant's claim of denial of right to confrontation was defeated. *Id.*, 796. Due process cited. 38 CS 24. Cited. *Id.*, 301. Due process cited. *Id.*, 301; *Id.*, 331. Right to speedy trial and tolling of statute of limitations discussed. *Id.*, 377. Cited. *Id.*, 426; *Id.*, 472; *Id.*, 521; *Id.*, 581; 39 CS 392; *Id.*, 347; *Id.*, 273. Right to effective assistance of counsel cited. *Id.* Cited. *Id.*, 273. Due process cited. *Id.* Cited. 40 CS 38. Taking of property without due process cited. *Id.*, 226. Cited. *Id.*, 365; *Id.*, 394. Due process rights cited. *Id.*, 498. Cited. 41 CS 48. Right to trial by jury in criminal case cited. *Id.* Due process cited. *Id.*, 229. Procedural due process, due process problems and due process requirements cited. *Id.*, 320. Rights to due process cited. 42 CS 1. Cited. *Id.*, 10. Due process cited. *Id.* Right of confrontation cited. *Id.* Right of due process cited. *Id.*, 291. "No person shall be compelled to give evidence against himself" protects against certain document production requests. *Id.*, 445. Privilege against self-incrimination cited. *Id.* Modern notion of due process cited. *Id.*, 534. Rights to due process, counsel and confrontation cited; right to cross-examination cited. *Id.*, 574. Due process guarantees cited; whether unconstitutionally vague or over broad cited. 43 CS 46. Cited. *Id.*, 211; *Id.*, 441; 44 CS 223. Denial of right of confrontation cited. 45 CS 1. Failure of hearing officer to subpoena police officer in hearing on motor vehicle license suspension not violative of due process. *Id.*, 489. Retroactive application of statute terminating parental rights (Sec. 17a-112(c)(3)(F)) does not violate parent's right to due process of law. *Id.*, 586. Defendant's claim of ineffective counsel dismissed; defendant failed to show that counsel's representation fell below an objective standard of reasonableness. 46 CS 344. Evidence of environmental contamination should be excluded in eminent domain valuation proceeding; due process requires value and liability to be determined separately to avoid inadvertent double liability. *Id.*, 355. Failure to grant defendant's motion for change of venue did not violate his right to fair trial. 48 CS 82. To ensure that prior felony conviction based on a constitutionally invalid guilty plea is not used as aggravant in a death penalty case, it is in the interests of justice that court hear evidence on whether the plea was voluntarily and knowingly made, and defendant bears burden of establishing constitutional invalidity of the prior plea. *Id.*, 279. Cumulative effect of procedural deficiencies by Statewide Grievance Committee denied plaintiff attorney his due process rights; plaintiff did not receive notice of date of continued hearings and reviewing committee of said committee proceeded in plaintiff's absence, and despite having prior knowledge of the conflict of interest of one reviewing committee member, failed to obtain an alternate member to hear grievance on the continued date, in violation of Sec. 51-90g which requires that reviewing committee consist of at least three members, therefore Statewide Grievance Committee decisions reversed. *Id.*, 420. Civil union legislation does not deny plaintiffs, eight same sex couples, equal protection, due process, and right of free expression and association because civil union and marriage in Connecticut now share same benefits, protections and responsibilities under law; Connecticut Constitution requires that there be equal protection and due process of law, not that there be equivalent nomenclature for such protection and process. 49 CS 644. Due process requires notice and hearing under Sec. 54-76c for court to determine independently whether transfer from youthful offender docket to regular criminal docket is appropriate. 51 CS 342.

Under-representation of a racial group on juries is not violative of any constitutional requirements. Constitution requires only a fair jury selected without regard to race. 2 Conn. Cir. Ct. 202-205. Trial and conviction of defendant sixty-one days after arrest held not violation of right to speedy trial. *Id.*, 207. Right to "speedy trial" question of fact. *Id.* Constitutional provisions guaranteeing a speedy trial do not apply to the commencing of prosecution. *Id.*, 618. Constitutional right to counsel has not been limited to a single attorney. 3 Conn. Cir. Ct. 104, 105. The publication in a national magazine of an article based on the defendant's case, written by the trial judge, and published during the pendency of the defendant's appeal did not prejudice his case so his right to a speedy and public trial was not violated. Judges of the appellate courts consider and decide cases on the basis of facts and law uninfluenced by extraneous matters. *Id.*, 538, 546. Where the crime concerned is a misdemeanor and the case is such that the defendant must prove that he is an indigent in order to be appointed counsel, and he does not sustain his burden of proof, there is no violation of his constitutional rights if the court fails to appoint counsel. *Id.*, 624, 636. Dram shop act not in violation of this section. 4 Conn. Cir. Ct. 89. Cited. *Id.*, 95, 358. It would ordinarily appear that a five-hundred dollar appeal bond for a traffic violation for which the maximum fine is one hundred dollars would be more than what is required to secure appearance of defendant, but there must be some finding or matter in the record on which the appellate court can act. *Id.*, 109. Jury trial criteria (Sec. 51-266) not a violation. *Id.*, 493. Sec. 30-100 is constitutional. Regulation of trade in liquor is in police power of state and means used are reasonable. Lack of scienter by defendant is not deprivation of his rights; many police regulations put the risk of knowledge on the owner. *Id.*, 565. Defendant charged with crime of keeping a gaming house was sufficiently informed of crime he was accused of and was not entitled to bill of particulars as matter of right.

5 Conn. Cir. Ct. 78. Jury array and panel dismissed because of deficiencies in preparation of list in unauthorized class exemptions from duty, advertising for volunteers, etc. Id., 140. Strict interpretation of compliance with Sec. 54-16 is required where defendant is below average intelligence or has linguistic difficulties. Id., 178. No constitutional rights of defendant were abridged on trial for drunken driving where defendant was represented by counsel, evidence of financial status considered and minimum fine under statute imposed. Id., 228. Denial of right of assistance of counsel at preliminary hearing was prejudicial and new trial ordered. Id., 242. Sec. 54-33b is constitutional and the search of defendant's person pursuant to its provisions was lawful. Id., 637. However forceful and persuasive the arguments may be compelling a determination that the Connecticut disorderly conduct statute, Sec. 53-175 is unconstitutional as containing no ascertainable standard of quiet. The circuit court should leave such a decision to higher courts. 6 Conn. Cir. Ct. 73, 77. Defendant was found guilty on three counts of possession of policy play on a single day under Sec. 53-298. Since his offense was one continuous offense, conviction on each of the second and third counts put him in double jeopardy and was in error. Id., 170, 173, 174, 175. Denial of a further continuance to enable the defendant to secure counsel nearly a year after his arrest does not violate due process where to grant it would be disruptive of the court's business or unduly delay the trial. Id., 218, 221. Constitutional protection does not extend to crimes with sentences excluded in Sec. 51-266. Id., 558.

**(Rights of accused in criminal prosecutions. What cases bailable. Speedy trial. Due process. Excessive bail or fines. Probable cause shown at hearing, when necessary. Rights of victims of crime.)**

Article seventeen of the amendments to the Constitution is amended to read as follows:

a. In all criminal prosecutions, the accused shall have a right to be heard by himself and by counsel; to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process to obtain witnesses in his behalf; to be released on bail upon sufficient security, except in capital offenses, where the proof is evident or the presumption great; and in all prosecutions by information, to a speedy, public trial by an impartial jury. No person shall be compelled to give evidence against himself, nor be deprived of life, liberty or property without due process of law, nor shall excessive bail be required nor excessive fines imposed. No person shall be held to answer for any crime, punishable by death or life imprisonment, unless upon probable cause shown at a hearing in accordance with procedures prescribed by law, except in the armed forces, or in the militia when in actual service in time of war or public danger.

b. In all criminal prosecutions, a victim, as the general assembly may define by law, shall have the following rights: (1) The right to be treated with fairness and respect throughout the criminal justice process; (2) the right to timely disposition of the case following arrest of the accused, provided no right of the accused is abridged; (3) the right to be reasonably protected from the accused throughout the criminal justice process; (4) the right to notification of court proceedings; (5) the right to attend the trial and all other court proceedings the accused has the right to attend, unless such person is to testify and the court determines that such person's testimony would be materially affected if such person hears other testimony; (6) the right to communicate with the prosecution; (7) the right to object to or support any plea agreement entered into by the accused and the prosecution and to make a statement to the court prior to the acceptance by the court of the plea of guilty or nolo contendere by the accused; (8) the right to make a statement to the court at sentencing; (9) the right to restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law; and (10) the right to information about the arrest, conviction, sentence, imprisonment and release of the accused. The general assembly shall provide by law for the enforcement of this subsection. Nothing in this subsection or in any law enacted pursuant to this subsection shall be construed as creating a basis for vacating a conviction or ground for appellate relief in any criminal case.

## ARTICLE XXX.\*

---

\*Adopted November 29, 2000.

**(Sheriffs for the several counties.)**

Section 1. Section 25 of article fourth of the Constitution is repealed.

**(Reapportionment procedure. Reapportionment Committee.)**

Sec. 2. Subsection a. of article twenty-sixth of the amendments to the Constitution is amended to read as follows:

<sup>1</sup>a. The assembly and senatorial districts and congressional districts as now established by law shall continue until the regular session of the general assembly next after the completion of the taking of the next census of the United States. On or before the fifteenth day of February next following the year in which the decennial census of the United States is taken, the general assembly shall appoint a reapportionment committee consisting of four members of the senate, two who shall be designated by the president pro tempore of the senate and two who shall be designated by the minority leader of the senate, and four members of the house of representatives, two who shall be designated by the speaker of the house of representatives and two who shall be designated by the minority leader of the house of representatives, provided there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the committee in lieu of the designation by the minority leader of that house. Such committee shall advise the general assembly on matters of apportionment. Upon the filing of a report of such committee with the clerk of the house of representatives and the clerk of the senate, the speaker of the house of representatives and the president pro tempore of the senate shall, if the general assembly is not in regular session, convene the general assembly in special session for the sole purpose of adopting a plan of districting. Upon the request of the speaker of the house of representatives and the president pro tempore of the senate, the secretary of the state shall give notice of such special session by mailing a true copy of the call of such special session, by registered or certified mail, return receipt requested, to each member of the house of representatives and of the senate at his or her address as it appears upon the records of said secretary not less than ten nor more than fifteen days prior to the date of convening of such special session or by causing a true copy of the call to be delivered to each member by a constable, state policeman or indifferent person at least twenty-four hours prior to the time of convening of such special session. Such general assembly shall, upon roll call, by a yea vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session or special session called for the purpose of adopting a plan of districting following the completion of the taking of the census of the United States, upon roll call, by a yea vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary in accordance with the provisions of this article.

<sup>1</sup> Under former provisions: Completion of census means the figures broken down into counties, towns and wards and officially released to the public and available for use by the General Assembly. The General Assembly convening next after the completion of the federal census has the power, but not the duty, to alter senatorial districts and intervening

sessions have no continuing duty to redistrict. 141 C. 1. Sec. 6d, 6e cited. 163 C. 637. Plan used on interim basis by court order, when. 164 C. 8. Cited. Id. Sec. 6a cited. Id. Sec. 6b cited. Id. The plan of apportionment adopted pursuant to the provisions of this section does not violate the equal protection clause of the fourteenth amendment to the federal constitution. 165 C. 316. Cited. 187 C. 721; 222 C. 166. Federal "one person one vote" principle, see *Reynolds v. Sims*, 377 U.S. 533, cited; federal constitutional requirements for fair voting standards cited; reconciliation of principle and town integrity principle discussed. Id. Sec. 6c, 6d cited. Id. Cited. 230 C. 441; 231 C. 602.

## ARTICLE XXXI.\*

---

\*Adopted November 26, 2008.

**(Preregistration of seventeen-year-old citizens as electors. When seventeen-year-old citizens may vote in primary elections.)**

Article fourteenth of the amendments to the Constitution is amended to read as follows:

Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as an elector at such times and in such manner as may be prescribed by law, and, if qualified, shall become an elector on the day of his or her eighteenth birthday. Any citizen who has not yet attained the age of eighteen years but who will have attained the age of eighteen years on or before the day of a regular election, who is otherwise qualified to be an elector and who has applied for admission as an elector in such manner as may be prescribed by law, may vote in any primary election, in such manner as may be prescribed by law, held for such regular election.

## ARTICLE XXXII.\*

---

\*Adopted November 28, 2018.

**(Special Transportation Fund. Resources of fund to be expended for transportation purposes.)**

Article third of the Constitution is amended by adding section 19 as follows:

Sec. 19. The Special Transportation Fund shall remain a perpetual fund. The general assembly shall direct the resources of said fund solely for transportation purposes, including the payment of debt service on obligations of the state incurred for transportation purposes. Sources of funds, moneys and receipts of the state credited, deposited or transferred to said fund by state law on or after the effective date of this amendment shall be credited, deposited or transferred to the Special Transportation Fund, so long as such sources are authorized by statute to be collected or received by the state, or any officer thereof, and the general assembly shall enact no law authorizing the resources of said fund to be expended other than for transportation purposes.

## ARTICLE XXXIII.\*

---

\*Adopted November 28, 2018.

**(Legislation requiring state agency to sell, transfer or dispose of real property or interest in real property.)**

Article third of the Constitution is amended by adding section 19 as follows:

Sec. 19. (a) The general assembly shall not enact any legislation requiring a state agency to sell, transfer or otherwise dispose of any real property or interest in real property that is under the custody or control of such agency to any person or entity other than another state agency unless a committee of the general assembly has held a public hearing regarding such sale, transfer or disposition of such property or interest and the act of the general assembly requiring such sale, transfer or disposition of real property or interest in real property is limited in subject matter to provisions concerning such sale, transfer or disposition.

(b) In the case of real property or an interest in real property that is under the custody or control of the Department of Agriculture or the Department of Energy and Environmental Protection, or a successor agency of either department, in addition to complying with the requirements of subsection (a) of this section, any act requiring the sale, transfer or disposition of such property or interest shall pass upon roll call by a ye a vote of at least two-thirds of the total membership of each house.



**CODIFIED CONSTITUTION\***  
**OF THE**  
**STATE OF CONNECTICUT**  
**INCORPORATING ALL EXTANT**  
**AMENDMENTS**

---

---

\*This unofficial codified version of the Constitution of the State of Connecticut has been prepared by the Revisors as a convenience to the users of this publication. It is not intended to supersede the Constitution of the State of Connecticut and the Amendments to the Constitution of the State of Connecticut which are printed earlier in this Volume. Users are advised to refer to these original constitutional documents for the official text, annotations and other pertinent information. This unofficial codified version includes the original Constitution of the State of Connecticut adopted in 1965 and incorporates the amendments thereto which have been adopted since 1965 and which are in effect on January 1, 2011. Historical notes briefly summarize the amendments and additions to the original 1965 Constitution.

All material printed in bold type and enclosed within parentheses did not form part of the original document concerned but has been incorporated in this publication to assist the user.

**PREAMBLE.**

The People of Connecticut acknowledging with gratitude, the good providence of God, in having permitted them to enjoy a free government; do, in order more effectually to define, secure, and perpetuate the liberties, rights and privileges which they have derived from their ancestors; hereby, after a careful consideration and revision, ordain and establish the following constitution and form of civil government.

**ARTICLE FIRST.**  
**DECLARATION OF RIGHTS.**

That the great and essential principles of liberty and free government may be recognized and established,

## WE DECLARE:

**(Equality of rights.)**

Sec. 1. All men when they form a social compact, are equal in rights; and no man or set of men are entitled to exclusive public emoluments or privileges from the community.

**(Source of political power. Right to alter form of government.)**

Sec. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient.

**(Right of religious liberty.)**

Sec. 3. The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in the state; provided, that the right hereby declared and established, shall not be so construed as to excuse acts of licentiousness, or to justify practices inconsistent with the peace and safety of the state.

**(Liberty of speech and the press.)**

Sec. 4. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

**(Prohibiting laws limiting liberty of speech or press.)**

Sec. 5. No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

**(Prosecutions for libel; defenses.)**

Sec. 6. In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts, under the direction of the court.

**(Security from searches and seizures.)**

Sec. 7. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches or seizures; and no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

**(Rights of accused in criminal prosecutions. What cases bailable. Speedy trial. Due process. Excessive bail or fines. Probable cause shown at hearing, when necessary. Rights of victims of crime.)**

Sec. 8. a. In all criminal prosecutions, the accused shall have a right to be heard by himself and by counsel; to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process to obtain witnesses in his behalf; to be released on bail upon sufficient security, except in capital offenses, where the proof is evident or the presumption great; and in all prosecutions by information, to a speedy, public trial by an impartial jury. No person shall be compelled to give evidence against himself, nor be deprived of life, liberty or property without due process of law, nor shall excessive bail be required nor excessive fines imposed. No person shall be held to answer for any crime, punishable by death or life imprisonment, unless upon probable cause shown at a hearing in accordance with

procedures prescribed by law, except in the armed forces, or in the militia when in actual service in time of war or public danger.

b. In all criminal prosecutions, a victim, as the general assembly may define by law, shall have the following rights: (1) The right to be treated with fairness and respect throughout the criminal justice process; (2) the right to timely disposition of the case following arrest of the accused, provided no right of the accused is abridged; (3) the right to be reasonably protected from the accused throughout the criminal justice process; (4) the right to notification of court proceedings; (5) the right to attend the trial and all other court proceedings the accused has the right to attend, unless such person is to testify and the court determines that such person's testimony would be materially affected if such person hears other testimony; (6) the right to communicate with the prosecution; (7) the right to object to or support any plea agreement entered into by the accused and the prosecution and to make a statement to the court prior to the acceptance by the court of the plea of guilty or nolo contendere by the accused; (8) the right to make a statement to the court at sentencing; (9) the right to restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law; and (10) the right to information about the arrest, conviction, sentence, imprisonment and release of the accused. The general assembly shall provide by law for the enforcement of this subsection. Nothing in this subsection or in any law enacted pursuant to this subsection shall be construed as creating a basis for vacating a conviction or ground for appellate relief in any criminal case.

Historical Note: This section, as printed here, incorporates Article XVII., of the Amendments to the Constitution of the State of Connecticut, and Article XXIX., of said Amendments. Said Article XVII., was adopted on November 24, 1982, and deleted reference to prosecutions by "indictment" and replaced provision barring the prosecution of persons for crimes punishable by death or life imprisonment except "on a presentment or indictment of a grand jury" with provision requiring a finding of "probable cause shown at a hearing in accordance with procedures prescribed by law". Said Article XXIX., was adopted on November 27, 1996, and designated existing section as subsection a. and added subsection b. enumerating rights of victims in all criminal prosecutions, requiring the general assembly to enforce those rights and prohibiting construction of the subsection and related laws subsequently enacted so as to create a basis for vacating a conviction or ground for appellate relief in any criminal case.

**(Right of personal liberty.)**

Sec. 9. No person shall be arrested, detained or punished, except in cases clearly warranted by law.

**(Right of redress for injuries.)**

Sec. 10. All courts shall be open, and every person, for an injury done to him in his person, property or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

**(Right of private property.)**

Sec. 11. The property of no person shall be taken for public use, without just compensation therefor.

**(Writ of habeas corpus.)**

Sec. 12. The privileges of the writ of habeas corpus shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it; nor in any case, but by the legislature.

**(No attainder.)**

Sec. 13. No person shall be attainted of treason or felony, by the legislature.

**(Right to assemble and petition.)**

Sec. 14. The citizens have a right, in a peaceable manner, to assemble for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address or remonstrance.

**(Right to bear arms.)**

Sec. 15. Every citizen has a right to bear arms in defense of himself and the state.

**(Military power subordinate to civil.)**

Sec. 16. The military shall, in all cases, and at all times, be in strict subordination to the civil power.

**(Quarterming of soldiers.)**

Sec. 17. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

**(No hereditary emoluments.)**

Sec. 18. No hereditary emoluments, privileges or honors, shall ever be granted, or conferred in this state.

**(Trial by jury. Challenging of jurors.)**

Sec. 19. The right of trial by jury shall remain inviolate, the number of such jurors, which shall not be less than six, to be established by law; but no person shall, for a capital offense, be tried by a jury of less than twelve jurors without his consent. In all civil and criminal actions tried by a jury, the parties shall have the right to challenge jurors peremptorily, the number of such challenges to be established by law. The right to question each juror individually by counsel shall be inviolate.

Historical Note: This section, as printed here, incorporates Article IV., of the Amendments to the Constitution of the State of Connecticut. Said Article IV., was certified as adopted on December 22, 1972, (See *Ponsor et al v. Schaffer*; Hartford Superior Court Docket No. 179114), and added provisions re minimum number of jurors, re parties' rights to make peremptory challenges and re counsels' rights to question jurors individually.

**(Equal protection. No segregation or discrimination.)**

Sec. 20. No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin, sex or physical or mental disability.

Historical Note: This section, as printed here, incorporates Article V., of the Amendments to the Constitution of the State of Connecticut, and Article XXI., of said Amendments. Said Article V., was adopted on November 27, 1974, and prohibited discrimination based on sex. Said Article XXI., was adopted on November 28, 1984, and prohibited discrimination based on physical or mental disability.

ARTICLE SECOND.  
OF THE DISTRIBUTION OF POWERS.

**(Distribution of powers. Delegation of regulatory authority. Disapproval of administrative regulations.)**

The powers of government shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit, those which are legislative, to one; those which are executive, to another; and those which are judicial, to another. The legislative department may delegate regulatory authority to the executive department;

except that any administrative regulation of any agency of the executive department may be disapproved by the general assembly or a committee thereof in such manner as shall by law be prescribed.

Historical Note: This Article, as printed here, incorporates Article XVIII., of the Amendments to the Constitution of the State of Connecticut. Said Article XVIII., was adopted on November 24, 1982, and authorized the legislative department to delegate regulatory authority to the executive department, reserving to the general assembly or a committee thereof the authority to disapprove any administrative regulation made by an executive department agency.

ARTICLE THIRD.  
OF THE LEGISLATIVE DEPARTMENT.

**(Legislative power, in whom vested.)**

Sec. 1. The legislative power of this state shall be vested in two distinct houses or branches; the one to be styled the senate, the other the house of representatives, and both together the general assembly. The style of their laws shall be: Be it enacted by the Senate and House of Representatives in General Assembly convened.

**(General assembly, when and where held. Adjournment. Reconvened session to consider vetoes.)**

Sec. 2. There shall be a regular session of the general assembly on the Wednesday following the first Monday of January in the odd-numbered years and on the Wednesday following the first Monday of February in the even-numbered years, and at such other times as the general assembly shall judge necessary; but the person administering the office of governor may, on special emergencies, convene the general assembly at any other time. All regular and special sessions of the general assembly shall be held at Hartford, but the person administering the office of governor may, in case of special emergency, convene the assembly at any other place in the state. The general assembly shall adjourn each regular session in the odd-numbered years not later than the first Wednesday after the first Monday in June and in the even-numbered years not later than the first Wednesday after the first Monday in May and shall adjourn each special session upon completion of its business. If any bill passed by any regular or special session or any appropriation item described in Section 16 of Article Fourth has been disapproved by the governor prior to its adjournment, and has not been reconsidered by the assembly, or is so disapproved after such adjournment, the secretary of the state shall reconvene the general assembly on the second Monday after the last day on which the governor is authorized to transmit or has transmitted every bill to the secretary with his objections pursuant to Section 15 of Article Fourth of this constitution, whichever occurs first; provided if such Monday falls on a legal holiday the general assembly shall be reconvened on the next following day. The reconvened session shall be for the sole purpose of reconsidering and, if the assembly so desires, repassing such bills. The general assembly shall adjourn sine die not later than three days following its reconvening. In the even year session the general assembly shall consider no business other than budgetary, revenue and financial matters, bills and resolutions raised by committees of the general assembly and those matters certified in writing by the speaker of the house of representatives and president pro tempore of the senate to be of an emergency nature.

Historical Note: This section, as printed here, incorporates Article III., of the Amendments to the Constitution of the State of Connecticut. Said Article III., was adopted on November 25, 1970, and revised existing language concerning dates for convening regular sessions of the general assembly to provide for annual, rather than biennial, sessions,

retaining original date of Wednesday following the first Monday in January for odd-numbered years and instituting Wednesday following the first Monday in February as the commencement date for sessions in even-numbered years, and specified the business which may be considered during sessions in even-numbered years.

**(Senate, number, qualifications.)**

Sec. 3. The senate shall consist of not less than thirty and not more than fifty members, each of whom shall have attained the age of eighteen and be an elector residing in the senatorial district from which he is elected. Each senatorial district shall be contiguous as to territory and shall elect no more than one senator.

Historical Note: This section, as printed here, incorporates Article II., Sec. 1, of the Amendments to the Constitution of the State of Connecticut, and the first section of Article XV., of said Amendments. Said Article II., Sec. 1, was adopted on November 25, 1970, and required that senators have attained the age of twenty-one. Said Article XV., was adopted on November 26, 1980, and reduced the required minimum age to eighteen.

**(House of representatives, how constituted.)**

Sec. 4. The house of representatives shall consist of not less than one hundred twenty-five and not more than two hundred twenty-five members, each of whom shall have attained the age of eighteen years and be an elector residing in the assembly district from which he is elected. Each assembly district shall be contiguous as to territory and shall elect no more than one representative. For the purpose of forming assembly districts no town shall be divided except for the purpose of forming assembly districts wholly within the town.

Historical Note: This section, as printed here, incorporates Article II., Sec. 2, of the Amendments to the Constitution of the State of Connecticut, and the second section of Article XV., of said Amendments. Said Article II., Sec. 2, was adopted on November 25, 1970, and required that representatives have attained the age of twenty-one. Said Article XV., was adopted on November 26, 1980, and reduced the required minimum age to eighteen.

**(Congressional and general assembly districts to be consistent with federal standards.)**

Sec. 5. The establishment of congressional districts and of districts in the general assembly shall be consistent with federal constitutional standards.

Historical Note: This section, as printed here, incorporates Article XVI., Sec. 1 of the Amendments to the Constitution of the State of Connecticut. Said Article XVI., Sec. 1 was adopted on November 26, 1980, and required that congressional districts be established in a manner consistent with federal constitutional standards.

**(Reapportionment procedure. Reapportionment Committee. Reapportionment Commission.)**

Sec. 6. a. The assembly and senatorial districts and congressional districts as now established by law shall continue until the regular session of the general assembly next after the completion of the taking of the next census of the United States. On or before the fifteenth day of February next following the year in which the decennial census of the United States is taken, the general assembly shall appoint a reapportionment committee consisting of four members of the senate, two who shall be designated by the president pro tempore of the senate and two who shall be designated by the minority leader of the senate, and four members of the house of representatives, two who shall be designated by the speaker of the house of representatives and two who shall be designated by the minority leader of the house of representatives, provided there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the committee in lieu of the designation by the minority leader

of that house. Such committee shall advise the general assembly on matters of apportionment. Upon the filing of a report of such committee with the clerk of the house of representatives and the clerk of the senate, the speaker of the house of representatives and the president pro tempore of the senate shall, if the general assembly is not in regular session, convene the general assembly in special session for the sole purpose of adopting a plan of districting. Upon the request of the speaker of the house of representatives and the president pro tempore of the senate, the secretary of the state shall give notice of such special session by mailing a true copy of the call of such special session, by registered or certified mail, return receipt requested, to each member of the house of representatives and of the senate at his or her address as it appears upon the records of said secretary not less than ten nor more than fifteen days prior to the date of convening of such special session or by causing a true copy of the call to be delivered to each member by a constable, state policeman or indifferent person at least twenty-four hours prior to the time of convening of such special session. Such general assembly shall, upon roll call, by a yeas vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session or special session called for the purpose of adopting a plan of districting following the completion of the taking of the census of the United States, upon roll call, by a yeas vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary in accordance with the provisions of this article.

b. If the general assembly fails to adopt a plan of districting by the fifteenth day of the September next following the year in which the decennial census of the United States is taken, the governor shall forthwith appoint a commission designated by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives, each of whom shall designate two members of the commission, provided that there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house. The eight members of the commission so designated shall within thirty days select an elector of the state as a ninth member.

c. The commission shall proceed to consider the alteration of districts in accordance with the principles recited in this article and it shall submit a plan of districting to the secretary of the state by the thirtieth day of the November next succeeding the appointment of its members. No plan shall be submitted to the secretary unless it is certified by at least five members of the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law. If the commission shall fail to submit such a plan by the thirtieth day of November, the secretary of the state shall forthwith so notify the chief justice of the supreme court.

d. Original jurisdiction is vested in the supreme court to be exercised on the petition of any registered voter whereby said court may compel the commission, by mandamus or otherwise, to perform its duty or to correct any error made in its plan of

districting, or said court may take such other action to effectuate the purposes of this article, including the establishing of a plan of districting if the commission fails to file its plan of districting by the thirtieth day of November as said court may deem appropriate. Any such petition shall be filed within thirty days of the date specified for any duty or within thirty days after the filing of a plan of districting. The supreme court shall render its decision not later than forty-five days following the filing of such petition or shall file its plan with the secretary of the state not later than the fifteenth day of February next following the time for submission of a plan of districting by the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law.

Historical Note: This section, as printed here, incorporates Article XII., of the Amendments to the Constitution of the State of Connecticut, and Article XVI., Sec. 2, Article XXVI., and Article XXX., Sec. 2, of said Amendments. Said Article XII., was adopted on November 24, 1976, and added provisions in subsection a. requiring the appointment of a reapportionment committee and set forth the procedures governing the designation of its members, changed the deadline for enactment of a redistricting plan in subsection b. from the April first next following the completion of a census to the May fifteenth next following completion and added a ninth commission member, to be selected by the eight appointees of the speaker, president pro tem and minority leaders, in subsection c., changed the deadline for the submission of the plan to the secretary of the state from the July first next succeeding the appointment of commission members to the September first next succeeding their appointment, required certification by five commission members rather than six and added new provision requiring secretary of the state to notify the chief justice in the event that the commission fails to submit a plan, and entirely replaced former subsections d. and e. which had authorized empaneling a three-member board to consist of superior court judges charged with altering districts as need be with a new subsection d. vesting original jurisdiction in the supreme court to compel the commission to perform its duties or to correct errors in the plan or to establish a plan itself. Said Article XVI., Sec. 2, was adopted on November 26, 1980, and replaced references to the "completion" of a census with references to the "taking" of a census throughout this section, amended subsection a. to include congressional districts and to add provisions governing the calling of a special session to adopt a redistricting plan, amended subsection b. to change the deadline for adoption of a plan from May fifteenth to August first in the year next following the census, amended subsection c. to change the deadline from the September first next succeeding the appointment of members to the October thirtieth next succeeding their appointment, and amended subsection d. to change the deadline for filing a petition from "within forty-five days of the date specified for any duty or within forty-five days after the filing of a plan of districting" to "within thirty days" of such date for any duty or filing, to reduce the time allotted for supreme court action on a petition from sixty to forty-five days and to change court's deadline for filing its own plan from the December fifteenth following a census to the January fifteenth next following the commission's deadline for submission of a plan. Said Article XXVI., was adopted on November 28, 1990, and amended subsection b. to change the deadline for adoption of a plan from the August first next following the year a census is taken to the fifteenth of September next following such year, amended subsection c. to change the deadline from the October thirtieth next succeeding the appointment of members to the November thirtieth next succeeding their appointment and amended subsection d. to change court's deadline for filing its own plan from the January fifteenth next following the commission's deadline for submission of a plan to the February fifteenth following the commission's deadline. Said Article XXX., Sec. 2, was adopted on November 29, 2000, and amended subsection a. by deleting reference to sheriff and deputy sheriff.

**(Canvass and declaration of votes. Return and result to be submitted to both houses.)**

Sec. 7. The treasurer, secretary of the state, and comptroller shall canvass publicly the votes for senators and representatives. The person in each senatorial district having the greatest number of votes for senator shall be declared to be duly elected for such district, and the person in each assembly district having the greatest number of votes for representative shall be declared to be duly elected for such district. The general assembly shall provide by law the manner in which an equal and the greatest number of votes for two or more persons so voted for for senator or representative shall be resolved. The return of votes, and the result of the canvass, shall be submitted to the house of representatives and to the senate on the first day of the session of the general assembly. Each house shall be the final judge of the election returns and qualifications of its own members.

**(General assembly, election.)**

Sec. 8. A general election for members of the general assembly shall be held on the Tuesday after the first Monday of November, biennially, in the even-numbered years. The general assembly shall have power to enact laws regulating and prescribing the

order and manner of voting for such members, for filling vacancies in either the house of representatives or the senate, and providing for the election of representatives or senators at some time subsequent to the Tuesday after the first Monday of November in all cases when it shall so happen that the electors in any district shall fail on that day to elect a representative or senator.

**(Counting of votes. Return of votes.)**

Sec. 9. At all elections for members of the general assembly the presiding officers in the several towns shall receive the votes of the electors, and count and declare them in open meeting. The presiding officers shall make and certify duplicate lists of the persons voted for, and of the number of votes for each. One list shall be delivered within three days to the town clerk, and within ten days after such meeting, the other shall be delivered under seal to the secretary of the state.

**(Term of office.)**

Sec. 10. The members of the general assembly shall hold their offices from the Wednesday following the first Monday of the January next succeeding their election until the Wednesday after the first Monday of the third January next succeeding their election, and until their successors are duly qualified.

**(Dual job ban.)**

Sec. 11. No member of the general assembly shall, during the term for which he is elected, hold or accept any appointive position or office in the judicial or executive department of the state government, or in the courts of the political subdivisions of the state, or in the government of any county. No member of congress, no person holding any office under the authority of the United States and no person holding any office in the judicial or executive department of the state government or in the government of any county shall be a member of the general assembly during his continuance in such office.

**(Officers. Quorum.)**

Sec. 12. The house of representatives, when assembled, shall choose a speaker, clerk, and other officers. The senate shall choose a president pro tempore, clerk and other officers, except the president. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

**(Powers of each house.)**

Sec. 13. Each house shall determine the rules of its own proceedings, and punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

**(Journal. Yeas and nays.)**

Sec. 14. Each house shall keep a journal of its proceedings, and publish the same when required by one-fifth of its members, except such parts as in the judgment of a majority require secrecy. The yeas and nays of the members of either house shall, at the desire of one-fifth of those present, be entered on the journals.

**(Privilege from arrest. Privilege as to speech or debates.)**

Sec. 15. The senators and representatives shall, in all cases of civil process, be privileged from arrest, during any session of the general assembly, and for four days

before the commencement and after the termination of any session thereof. And for any speech or debate in either house, they shall not be questioned in any other place.

**(Debates to be public.)**

Sec. 16. The debates of each house shall be public, except on such occasions as in the opinion of the house may require secrecy.

**(Salary. Transportation.)**

Sec. 17. The salary of the members of the general assembly and the transportation expenses of its members in the performance of their legislative duties shall be determined by law.

**(Limit on state expenditures. Maximum authorized increase; “emergency or extraordinary circumstances”; definitions to be defined by general assembly. Surplus.)**

Sec. 18. (a) The amount of general budget expenditures authorized for any fiscal year shall not exceed the estimated amount of revenue for such fiscal year.

(b) The general assembly shall not authorize an increase in general budget expenditures for any fiscal year above the amount of general budget expenditures authorized for the previous fiscal year by a percentage which exceeds the greater of the percentage increase in personal income or the percentage increase in inflation, unless the governor declares an emergency or the existence of extraordinary circumstances and at least three-fifths of the members of each house of the general assembly vote to exceed such limit for the purposes of such emergency or extraordinary circumstances. The general assembly shall by law define “increase in personal income”, “increase in inflation” and “general budget expenditures” for the purposes of this section and may amend such definitions, from time to time, provided general budget expenditures shall not include expenditures for the payment of bonds, notes or other evidences of indebtedness. The enactment or amendment of such definitions shall require the vote of three-fifths of the members of each house of the general assembly.

(c) Any unappropriated surplus shall be used to fund a budget reserve fund or for the reduction of bonded indebtedness; or for any other purpose authorized by at least three-fifths of the members of each house of the general assembly.

Historical Note: This section, as printed here, was added by Article XXVIII., of the Amendments to the Constitution of the State of Connecticut. Said Article XXVIII., was adopted on November 25, 1992, and limited state expenditures in any fiscal year and designated purposes for which unappropriated surpluses may be used.

**(Special Transportation Fund. Resources of fund to be expended for transportation purposes.)**

Sec. 19. The Special Transportation Fund shall remain a perpetual fund. The general assembly shall direct the resources of said fund solely for transportation purposes, including the payment of debt service on obligations of the state incurred for transportation purposes. Sources of funds, moneys and receipts of the state credited, deposited or transferred to said fund by state law on or after the effective date of this amendment shall be credited, deposited or transferred to the Special Transportation Fund, so long as such sources are authorized by statute to be collected or received by the state, or any officer thereof, and the general assembly shall enact no law authorizing the resources of said fund to be expended other than for transportation purposes.

Historical Note: This section, as printed here, was added by Article XXXII., of the Amendments to the Constitution of the State of Connecticut. Said Article XXXII., was adopted on November 28, 2018.

**(Legislation requiring state agency to sell, transfer or dispose of real property or interest in real property.)**

Sec. 20. (a) The general assembly shall not enact any legislation requiring a state agency to sell, transfer or otherwise dispose of any real property or interest in real property that is under the custody or control of such agency to any person or entity other than another state agency unless a committee of the general assembly has held a public hearing regarding such sale, transfer or disposition of such property or interest and the act of the general assembly requiring such sale, transfer or disposition of real property or interest in real property is limited in subject matter to provisions concerning such sale, transfer or disposition.

(b) In the case of real property or an interest in real property that is under the custody or control of the Department of Agriculture or the Department of Energy and Environmental Protection, or a successor agency of either department, in addition to complying with the requirements of subsection (a) of this section, any act requiring the sale, transfer or disposition of such property or interest shall pass upon roll call by a yeas vote of at least two-thirds of the total membership of each house.

Historical Note: This section, as printed here, was added by Article XXXIII., of the Amendments to the Constitution of the State of Connecticut and designated as "Sec. 20". Said Article XXXIII., was adopted on November 28, 2018.

**ARTICLE FOURTH.  
OF THE EXECUTIVE DEPARTMENT.****(State officers, election date.)**

Sec. 1. A general election for governor, lieutenant-governor, secretary of the state, treasurer, comptroller and attorney general shall be held on the Tuesday after the first Monday of November, 1974, and quadrennially thereafter.

Historical Note: This section, as printed here, incorporates Article I., of the Amendments to the Constitution of the State of Connecticut. Said Article I., was adopted on November 25, 1970, and required election of an attorney general at the November 1974 election and quadrennially thereafter.

**(Terms of officers.)**

Sec. 2. Such officers shall hold their respective offices from the Wednesday following the first Monday of the January next succeeding their election until the Wednesday following the first Monday of the fifth January succeeding their election and until their successors are duly qualified.

**(Governor and lieutenant-governor voted for as unit.)**

Sec. 3. In the election of governor and lieutenant-governor, voting for such offices shall be as a unit. The name of no candidate for either office, nominated by a political party or by petition, shall appear on the voting machine ballot labels except in conjunction with the name of the candidate for the other office.

**(Counting of votes. Return of votes. Canvass and declaration of votes. Choice by general assembly, when and how made.)**

Sec. 4. At the meetings of the electors in the respective towns held quadrennially as herein provided for the election of state officers, the presiding officers shall receive the votes and shall count and declare the same in the presence of the electors. The presiding officers shall make and certify duplicate lists of the persons voted for, and of the

number of votes for each. One list shall be delivered within three days to the town clerk, and within ten days after such meeting, the other shall be delivered under seal to the secretary of the state. The votes so delivered shall be counted, canvassed and declared by the treasurer, secretary, and comptroller, within the month of November. The vote for treasurer shall be counted, canvassed and declared by the secretary and comptroller only; the vote for secretary shall be counted, canvassed and declared by the treasurer and comptroller only; and the vote for comptroller shall be counted, canvassed and declared by the treasurer and secretary only. A fair list of the persons and number of votes given for each, together with the returns of the presiding officers, shall be, by the treasurer, secretary and comptroller, made and laid before the general assembly, then next to be held, on the first day of the session thereof. In the election of governor, lieutenant-governor, secretary, treasurer, comptroller and attorney general, the person found upon the count by the treasurer, secretary and comptroller in the manner herein provided, to be made and announced before December fifteenth of the year of the election, to have received the greatest number of votes for each of such offices, respectively, shall be elected thereto; provided, if the election of any of them shall be contested as provided by statute, and if such a contest shall proceed to final judgment, the person found by the court to have received the greatest number of votes shall be elected. If two or more persons shall be found upon the count of the treasurer, secretary and comptroller to have received an equal and the greatest number of votes for any of said offices, and the election is not contested, the general assembly on the second day of its session shall hold a joint convention of both houses, at which, without debate, a ballot shall be taken to choose such officer from those persons who received such a vote; and the balloting shall continue on that or subsequent days until one of such persons is chosen by a majority vote of those present and voting. The general assembly shall have power to enact laws regulating and prescribing the order and manner of voting for such officers. The general assembly shall by law prescribe the manner in which all questions concerning the election of a governor or lieutenant-governor shall be determined.

**(Governor. Qualifications.)**

Sec. 5. The supreme executive power of the state shall be vested in the governor. No person who is not an elector of the state, and who has not arrived at the age of thirty years, shall be eligible.

**(Lieutenant-governor, qualifications.)**

Sec. 6. The lieutenant-governor shall possess the same qualifications as are herein prescribed for the governor.

**(Compensation of governor and lieutenant-governor.)**

Sec. 7. The compensations of the governor and lieutenant-governor shall be established by law, and shall not be varied so as to take effect until after an election, which shall next succeed the passage of the law establishing such compensations.

**(Governor to command militia.)**

Sec. 8. The governor shall be captain general of the militia of the state, except when called into the service of the United States.

**(Governor may require information.)**

Sec. 9. He may require information in writing from the officers in the executive department, on any subject relating to the duties of their respective offices.

**(Power to adjourn general assembly.)**

Sec. 10. The governor, in case of a disagreement between the two houses of the general assembly, respecting the time of adjournment, may adjourn them to such time as he shall think proper, not beyond the day of the next stated session.

**(Information and recommendations to general assembly.)**

Sec. 11. He shall, from time to time, give to the general assembly, information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

**(Faithful execution of laws.)**

Sec. 12. He shall take care that the laws be faithfully executed.

**(Reprieves after conviction.)**

Sec. 13. The governor shall have power to grant reprieves after conviction, in all cases except those of impeachment, until the end of the next session of the general assembly, and no longer.

**(Commissions to be in name and by authority of state.)**

Sec. 14. All commissions shall be in the name and by authority of the state of Connecticut; shall be sealed with the state seal, signed by the governor, and attested by the secretary of the state.

**(Powers and duties of governor in relation to bills. Presentation to governor after adjournment. Procedure on veto.)**

Sec. 15. Each bill which shall have passed both houses of the general assembly shall be presented to the governor. Bills may be presented to the governor after the adjournment of the general assembly, and the general assembly may prescribe the time and method of performing all ministerial acts necessary or incidental to the administration of this section. If the governor shall approve a bill, he shall sign and transmit it to the secretary of the state, but if he shall disapprove, he shall transmit it to the secretary with his objections, and the secretary shall thereupon return the bill with the governor's objections to the house in which it originated. After the objections shall have been entered on its journal, such house shall proceed to reconsider the bill. If, after such reconsideration, that house shall again pass it, but by the approval of at least two-thirds of its members, it shall be sent with the objections to the other house, which shall also reconsider it. If approved by at least two-thirds of the members of the second house, it shall be a law and be transmitted to the secretary; but in such case the votes of each house shall be determined by yeas and nays and the names of the members voting for and against the bill shall be entered on the journal of each house respectively. In case the governor shall not transmit the bill to the secretary, either with his approval or with his objections, within five calendar days, Sundays and legal holidays excepted, after the same shall have been presented to him, it shall be a law at the expiration of that period; except that, if the general assembly shall then have adjourned any regular or special session, the bill shall be a law unless the governor shall, within fifteen calendar days after the same has been presented to him, transmit it to the secretary with his objections, in which case it shall not be a law unless such bill is reconsidered and repassed by the general assembly by at least a two-thirds vote of the members of each house of the general assembly at the time of its reconvening.

**(Veto of separate items in appropriation bills.)**

Sec. 16. The governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items while at the same time approving the remainder of the bill, and the part or parts of the bill so approved shall become effective and the item or items of appropriations so disapproved shall not take effect unless the same are separately reconsidered and repassed in accordance with the rules and limitations prescribed for the passage of bills over the executive veto. In all cases in which the governor shall exercise the right of disapproval hereby conferred he shall append to the bill at the time of signing it a statement of the item or items disapproved, together with his reasons for such disapproval, and transmit the bill and such appended statement to the secretary of the state. If the general assembly be then in session he shall forthwith cause a copy of such statement to be delivered to the house in which the bill originated for reconsideration of the disapproved items in conformity with the rules prescribed for legislative action in respect to bills which have received executive disapproval.

**(Lieutenant-governor, president of senate.)**

Sec. 17. The lieutenant-governor shall by virtue of his office, be president of the senate, and have, when in committee of the whole, a right to debate, and when the senate is equally divided, to give the casting vote.

**(Permanent or temporary transfer of governor's authority, powers and duties to lieutenant-governor. Council on gubernatorial incapacity.)**

Sec. 18. a. In case of the death, resignation, refusal to serve or removal from office of the governor, the lieutenant-governor shall, upon taking the oath of office of governor, be governor of the state until another is chosen at the next regular election for governor and is duly qualified.

b. In case of the impeachment of the governor or of his absence from the state, the lieutenant-governor shall exercise the powers and authority and perform the duties appertaining to the office of governor until, if the governor has been impeached, he is acquitted or, if absent, he has returned.

c. Whenever the governor transmits to the lieutenant-governor his written declaration that he is unable to exercise the powers and perform the duties of his office, and until the governor transmits to the lieutenant-governor a written declaration to the contrary, the lieutenant-governor shall exercise the powers and authority and perform the duties appertaining to the office of governor as acting governor.

d. In the absence of a written declaration of incapacity by the governor, whenever the lieutenant-governor or a majority of the members of the council on gubernatorial incapacity transmits to the council on gubernatorial incapacity a written declaration that the governor is unable to exercise the powers and perform the duties of his office, the council shall convene within forty-eight hours after the receipt of such written declaration to determine if the governor is unable to exercise the powers and perform the duties of his office. If the council, within fourteen days after it is required to convene, determines by two-thirds vote that the governor is unable to exercise the powers and perform the duties of his office, it shall transmit a written declaration to that effect to the president pro tempore of the senate and the speaker of the house of representatives and to the lieutenant-governor and the lieutenant-governor, upon receipt of such declaration, shall exercise the powers and authority and discharge the duties appertaining

to the office of the governor as acting governor; otherwise, the governor shall continue to exercise the powers and discharge the duties of his office. Upon receipt by the president pro tempore of the senate and the speaker of the house of representatives of such a written declaration from the council, the general assembly shall, in accordance with its rules, decide the issue, assembling within forty-eight hours for that purpose if not in session. If the general assembly, within twenty-one days after receipt of the written declaration or, if the general assembly is not in session, within twenty-one days after the general assembly is required to assemble, determines by two-thirds vote of each house that the governor is unable to exercise the powers and discharge the duties of his office, the lieutenant-governor shall continue to exercise the powers and authority and perform the duties appertaining to the office of governor; otherwise, the governor shall resume the powers and duties of his office.

e. In the absence of a written declaration of incapacity by the governor and in an emergency, when the governor is unable to exercise the powers and perform the duties of his office and the business of the state requires the immediate exercise of those powers and performance of those duties, the lieutenant-governor shall transmit to the council on gubernatorial incapacity a written declaration to that effect and thereupon shall exercise the powers and authority and discharge the duties appertaining to the office of governor as acting governor. The council shall convene or the members of the council shall otherwise communicate with each other collectively within twenty-four hours after the receipt of such written declaration to determine if the governor is unable to exercise the powers and perform the duties of his office. If the council, within fourteen days after it is required to convene, determines by two-thirds vote that the governor is unable to exercise the powers and perform the duties of his office, it shall transmit a written declaration to that effect to the president pro tempore of the senate and the speaker of the house of representatives and to the lieutenant-governor and the lieutenant-governor shall continue to exercise the powers and authority and perform the duties appertaining to the office of governor as acting governor; otherwise, the governor shall resume the powers and duties of his office. Upon receipt by the president pro tempore of the senate and the speaker of the house of representatives of such a written declaration from the council, the general assembly shall, in accordance with its rules, decide the issue, assembling within forty-eight hours for that purpose if not in session. If the general assembly, within twenty-one days after receipt of the written declaration or, if the general assembly is not in session, within twenty-one days after the general assembly is required to assemble, determines by two-thirds vote of each house that the governor is unable to exercise the powers and discharge the duties of his office, the lieutenant-governor shall continue to exercise the powers and authority and perform the duties appertaining to the office of governor; otherwise, the governor shall resume the powers and duties of his office.

f. Whenever the governor transmits to the president pro tempore of the senate and the speaker of the house of representatives his written declaration that no inability exists he shall resume the powers and duties of his office upon the determination by a majority vote of each house of the general assembly, in accordance with its rules, that he is able to exercise the powers and perform the duties of his office.

g. There shall be a council on gubernatorial incapacity, the membership, procedures and terms of office of the members of which the general assembly shall establish by law.

h. The supreme court shall have original and exclusive jurisdiction to adjudicate disputes or questions arising under this section.

Historical Note: This section, as printed here, incorporates Article XXII., of the Amendments to the Constitution of the State of Connecticut. Said Article XXII., was adopted on November 28, 1984, and designated existing provisions as subsections a. and b., removing reference to the governor's inability "to exercise the powers and perform the duties of his office", which condition is more fully detailed in new provisions designated as subsections c. to f., inclusive, and added provisions re council on gubernatorial incapacity and supreme court jurisdiction.

**(When president pro tempore to become lieutenant-governor or act as lieutenant-governor.)**

Sec. 19. If the lieutenant-governor succeeds to the office of governor, or if the lieutenant-governor dies, resigns, refuses to serve or is removed from office, the president pro tempore of the senate shall, upon taking the oath of office of lieutenant-governor, be lieutenant-governor of the state until another is chosen at the next regular election for lieutenant-governor and is duly qualified. Within fifteen days of the administration of such oath the senate, if the general assembly is in session, shall elect one of its members president pro tempore. In case of the inability of the lieutenant-governor to exercise the powers and perform the duties of his office or in case of his impeachment or absence from the state, the president pro tempore of the senate shall exercise the powers and authority and perform the duties appertaining to the office of lieutenant-governor until the disability is removed or, if the lieutenant-governor has been impeached, he is acquitted or, if absent, he has returned.

**(Election of president pro tempore when general assembly in recess.)**

Sec. 20. If, while the general assembly is not in session, there is a vacancy in the office of president pro tempore of the senate, the secretary of the state shall within fifteen days convene the senate for the purpose of electing one of its members president pro tempore.

**(Death or failure to qualify of governor-elect.)**

Sec. 21. If, at the time fixed for the beginning of the term of the governor, the governor-elect shall have died or shall have failed to qualify, the lieutenant-governor-elect, after taking the oath of office of lieutenant-governor, may qualify as governor, and, upon so qualifying, shall become governor. The general assembly may by law provide for the case in which neither the governor-elect nor the lieutenant-governor-elect shall have qualified, by declaring who shall, in such event, act as governor or the manner in which the person who is so to act shall be selected, and such person shall act accordingly until a governor or a lieutenant-governor shall have qualified.

**(Treasurer, duties.)**

Sec. 22. The treasurer shall receive all moneys belonging to the state, and disburse the same only as he may be directed by law. He shall pay no warrant, or order for the disbursement of public money, until the same has been registered in the office of the comptroller.

**(Secretary, duties.)**

Sec. 23. The secretary of the state shall have the safe keeping and custody of the public records and documents, and particularly of the acts, resolutions and orders of the general assembly, and record the same; and perform all such duties as shall be prescribed by law. He shall be the keeper of the seal of the state, which shall not be altered.

**(Comptroller, duties.)**

Sec. 24. The comptroller shall adjust and settle all public accounts and demands, except grants and orders of the general assembly. He shall prescribe the mode of keeping and rendering all public accounts. He shall, ex officio, be one of the auditors of the accounts of the treasurer. The general assembly may assign to him other duties in relation to his office, and to that of the treasurer, and shall prescribe the manner in which his duties shall be performed.

**(Sheriffs for the several counties.)**

Sec. 25. Repealed.

Historical Note: This section was repealed by Article XXX., Sec. 1, of the Amendments to the Constitution of the State of Connecticut. Said Article XXX., Sec. 1, was adopted on November 29, 2000. This section had provided for the quadrennial election of sheriffs in the several counties, and for their bonding, removal from office, and for the filling of vacancies.

**(Accounts of the state to be published.)**

Sec. 26. A statement of all receipts, payments, funds, and debts of the state, shall be published from time to time, in such manner and at such periods, as shall be prescribed by law.

**(Division of criminal justice. Appointment of state's attorneys by a criminal justice commission.)**

Sec. 27. There shall be established within the executive department a division of criminal justice which shall be in charge of the investigation and prosecution of all criminal matters. Said division shall include the chief state's attorney, who shall be its administrative head, and the state's attorneys for each judicial district, which districts shall be established by law. The prosecutorial power of the state shall be vested in a chief state's attorney and the state's attorney for each judicial district. The chief state's attorney shall be appointed as prescribed by law. There shall be a commission composed of the chief state's attorney and six members appointed by the governor and confirmed by the general assembly, two of whom shall be judges of the superior court. Said commission shall appoint a state's attorney for each judicial district and such other attorneys as prescribed by law.

Historical Note: This section, as printed here, was added by Article XXIII., of the Amendments to the Constitution of the State of Connecticut and designated as "Sec. 27" by the Revisors. Said Article XXIII., was adopted on November 28, 1984, and established a division of criminal justice within the executive department and provided for the appointment of state's attorneys by a criminal justice commission.

ARTICLE FIFTH.  
OF THE JUDICIAL DEPARTMENT.**(Courts, powers and jurisdiction.)**

Sec. 1. The judicial power of the state shall be vested in a supreme court, an appellate court, a superior court, and such lower courts as the general assembly shall, from time to time, ordain and establish. The powers and jurisdiction of these courts shall be defined by law.

Historical Note: This section, as printed here, incorporates Article XX., Sec. 1, of the Amendments to the Constitution of the State of Connecticut. Said Article XX., Sec. 1, was adopted on November 24, 1982, and established the appellate court.

**(Selection, nomination, appointment and removal of judges. Judicial selection commission.)**

Sec. 2. Judges of all courts, except those courts to which judges are elected, shall be nominated by the governor exclusively from candidates submitted by the judicial selection commission. The commission shall seek and recommend qualified candidates in such numbers as shall by law be prescribed. Judges so nominated shall be appointed by the general assembly in such manner as shall by law be prescribed. They shall hold their offices for the term of eight years, but may be removed by impeachment. The governor shall also remove them on the address of two-thirds of each house of the general assembly and the supreme court may also remove them as is provided by law.

Historical Note: This section, as printed here, incorporates Article XX., Sec. 2, of the Amendments to the Constitution of the State of Connecticut, and Article XXV., of said Amendments. Said Article XX., Sec. 2, was adopted on November 24, 1982, and added references to judges of the appellate court. Said Amendment XXV., was adopted on November 19, 1986, and specified inapplicability to judges who are elected, specified that governor's nominees are to be chosen from candidates submitted by the judicial selection commission, and added provision authorizing the supreme court to remove judges as provided by law.

**(Lower court judges, appointment, terms.)**

Sec. 3. Judges of the lower courts shall, upon nomination by the governor, be appointed by the general assembly in such manner as shall by law be prescribed, for terms of four years.

**(Probate court judges, election, terms.)**

Sec. 4. Judges of probate shall be elected by the electors residing in their respective districts on the Tuesday after the first Monday of November, 1966, and quadrennially thereafter, and shall hold office for four years from and after the Wednesday after the first Monday of the next succeeding January.

**(Justices of the peace.)**

Sec. 5. Repealed.

Historical Note: This section was repealed by Article VIII., Sec. 1, of the Amendments to the Constitution of the State of Connecticut. Said Article VIII., Sec. 1, was adopted on November 27, 1974. This section had provided for the election of justices of the peace by each town as prescribed by law.

**(Age limitation, exception.)**

Sec. 6. No judge shall be eligible to hold his office after he shall arrive at the age of seventy years, except that a chief justice or judge of the supreme court, a judge of the superior court, or a judge of the court of common pleas, who has attained the age of seventy years and has become a state referee may exercise, as shall be prescribed by law, the powers of the superior court or court of common pleas on matters referred to him as a state referee.

Historical Note: This section, as printed here, incorporates Article VIII., Sec. 2, of the Amendments to the Constitution of the State of Connecticut. Said Article VIII., Sec. 2, was adopted on November 27, 1974, and removed justices of the peace from purview of section.

**(Judicial censure, removal or suspension. Judicial Review Council.)**

Sec. 7. In addition to removal by impeachment and removal by the governor on the address of two-thirds of each house of the general assembly, judges of all courts, except those courts to which judges are elected, may, in such manner as shall by law be prescribed, be removed or suspended by the supreme court. The general assembly may establish a judicial review council which may also, in such manner as shall by law

be prescribed, censure any such judge or suspend any such judge for a definite period not longer than one year.

Historical Note: This section, as printed here, was added by Article XI., of the Amendments to the Constitution of the State of Connecticut and designated as "Sec. 7" by the Revisors. Said Article XI., was adopted on November 24, 1976, and authorized the supreme court to remove or suspend judges of all courts, except those who are elected, and empowered the general assembly to establish a judicial review council authorized to censure or suspend judges for not longer than one year.

## ARTICLE SIXTH. OF THE QUALIFICATIONS OF ELECTORS.

### **(Qualifications of electors.)**

Sec. 1. Every citizen of the United States who has attained the age of eighteen years, who is a bona fide resident of the town in which he seeks to be admitted as an elector and who takes such oath, if any, as may be prescribed by law, shall be qualified to be an elector.

Historical Note: This section, as printed here, incorporates Article IX., of the Amendments to the Constitution of the State of Connecticut. Said Article IX., was adopted on November 24, 1976, and changed minimum voting age from twenty-one to eighteen, replaced requirement that applicant have resided in the town where he wishes to be admitted as an elector for six months with requirement that applicant be a bona fide resident of such town, deleted a provision requiring that applicants be able to read passages of the Constitution or general statutes in English as condition of registration as an elector, and clarified that elector's oath is not mandatory.

### **(Determination of qualifications.)**

Sec. 2. The qualifications of electors as set forth in Section 1 of this article shall be decided at such times and in such manner as may be prescribed by law.

### **(Forfeiture and restoration of electoral privileges.)**

Sec. 3. The general assembly shall by law prescribe the offenses on conviction of which the right to be an elector and the privileges of an elector shall be forfeited and the conditions on which and methods by which such rights may be restored.

Historical Note: This section, as printed here, incorporates Article VII., of the Amendments to the Constitution of the State of Connecticut. Said Article VII., was adopted on November 27, 1974, and added language re forfeiture of the right to be an elector.

### **(Free suffrage.)**

Sec. 4. Laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult and other improper conduct.

### **(Prohibiting the use of a party lever in any state or local election.)**

Sec. 5. In all elections of officers of the state, or members of the general assembly, the votes of the electors shall be by ballot, either written or printed, except that voting machines or other mechanical devices for voting may be used in all elections in the state, under such regulations as may be prescribed by law. No voting machine or device used at any state or local election shall be equipped with a straight ticket device. The right of secret voting shall be preserved.

Historical Note: This section, as printed here, incorporates Article XXIV., of the Amendments to the Constitution of the State of Connecticut. Said Article XXIV., was adopted on November 19, 1986, and replaced provision which had allowed the use of voting machines equipped with straight ticket voting devices with provision specifically prohibiting the use of such machines and devices.

**(Privilege of electors from arrest.)**

Sec. 6. At all elections of officers of the state, or members of the general assembly, the electors shall be privileged from arrest, during their attendance upon, and going to, and returning from the same, on any civil process.

**(Absentee voting.)**

Sec. 7. The general assembly may provide by law for voting in the choice of any officer to be elected or upon any question to be voted on at an election by qualified voters of the state who are unable to appear at the polling place on the day of election because of absence from the city or town of which they are inhabitants or because of sickness or physical disability or because the tenets of their religion forbid secular activity.

**(Absentee admission of electors.)**

Sec. 8. The general assembly may provide by law for the absentee admission of electors.

Historical Note: This section, as printed here, incorporates Article XXVII., of the Amendments to the Constitution of the State of Connecticut. Said Article XXVII., was adopted on November 25, 1992, and replaced provision limiting absentee elector privilege to "members of the armed forces, the United States merchant marine, members of religious or welfare groups or agencies attached to and serving with the armed forces and civilian employees of the United States, and the spouses and dependents of such persons" with general authority for general assembly to legislate conditions for absentee admission of electors.

**(Removal to another town.)**

Sec. 9. Repealed.

Historical Note: This section was repealed by Article XIII., of the Amendments to the Constitution of the State of Connecticut. Said Article XIII., was adopted on November 26, 1980. This section had governed admission of an elector in a town to which he had moved after his admission as an elector in a town of prior residence.

**(Eligibility to office.)**

Sec. 10. Every elector who has attained the age of eighteen years shall be eligible to any office in the state, but no person who has not attained the age of eighteen shall be eligible therefor, except in cases provided for in this constitution.

Historical Note: This section, as printed here, incorporates Article II., Sec. 3, of the Amendments to the Constitution of the State of Connecticut, and the third section of Article XV., of said Amendments. Said Article II., Sec. 3, was adopted on November 25, 1970, and imposed minimum age requirement of twenty-one years for eligibility to hold state office. Said Article XV., was adopted on November 26, 1980, and reduced minimum age required for eligibility to hold state office to eighteen.

**(Preregistration of seventeen-year-old citizens as electors. When seventeen-year-old citizens may vote in primary elections.)**

Sec. 11. Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as an elector at such times and in such manner as may be prescribed by law, and, if qualified, shall become an elector on the day of his or her eighteenth birthday. Any citizen who has not yet attained the age of eighteen years but who will have attained the age of eighteen years on or before the day of a regular election, who is otherwise qualified to be an elector and who has applied for admission as an elector in such manner as may be prescribed by law, may vote in any primary election, in such manner as may be prescribed by law, held for such regular election.

Historical Note: This section, as printed here, was added by Article X., of the Amendments to the Constitution of the State of Connecticut and designated as "Sec. 11" by the Revisors. It incorporates Article XIV., and Article XXXI., of said Amendments. Said Article X., was adopted on November 24, 1976, and allowed seventeen-year-olds to apply for admission as electors within the four months preceding an election if they will be eighteen on or before the election.

Said Article XIV., was adopted on November 26, 1980, and deleted provision limiting preregistration of seventeen-year-olds to the four-month period before an election. Said Article XXXI., was adopted on November 26, 2008, and added provision allowing seventeen-year-olds who will be eighteen on or before a regular election and who have applied for admission as an elector to vote in any primary election held for such regular election.

ARTICLE SEVENTH.  
OF RELIGION.

**(No legal compulsion to join or support church. No preference in religion. Equal rights of all religious denominations.)**

It being the right of all men to worship the Supreme Being, the Great Creator and Preserver of the Universe, and to render that worship in a mode consistent with the dictates of their consciences, no person shall by law be compelled to join or support, nor be classed or associated with, any congregation, church or religious association. No preference shall be given by law to any religious society or denomination in the state. Each shall have and enjoy the same and equal powers, rights and privileges, and may support and maintain the ministers or teachers of its society or denomination, and may build and repair houses for public worship.

ARTICLE EIGHTH.  
OF EDUCATION.

**(Free public schools.)**

Sec. 1. There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation.

**(System of higher education.)**

Sec. 2. The state shall maintain a system of higher education, including The University of Connecticut, which shall be dedicated to excellence in higher education. The general assembly shall determine the size, number, terms and method of appointment of the governing boards of The University of Connecticut and of such constituent units or coordinating bodies in the system as from time to time may be established.

**(Charter of Yale College.)**

Sec. 3. The charter of Yale College, as modified by agreement with the corporation thereof, in pursuance of an act of the general assembly, passed in May, 1792, is hereby confirmed.

**(School fund.)**

Sec. 4. The fund, called the SCHOOL FUND, shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public schools throughout the state, and for the equal benefit of all the people thereof. The value and amount of said fund shall be ascertained in such manner as the general assembly may prescribe, published, and recorded in the comptroller's office; and no law shall ever be made, authorizing such fund to be diverted to any other use than the encouragement and support of public schools, among the several school societies, as justice and equity shall require.

ARTICLE NINTH.  
OF IMPEACHMENTS.**(Power of impeachment.)**

Sec. 1. The house of representatives shall have the sole power of impeaching.

**(Trial of impeachments.)**

Sec. 2. All impeachments shall be tried by the senate. When sitting for that purpose, they shall be on oath or affirmation. No person shall be convicted without the concurrence of at least two-thirds of the members present. When the governor is impeached, the chief justice shall preside.

**(Liability to impeachments.)**

Sec. 3. The governor, and all other executive and judicial officers, shall be liable to impeachment; but judgments in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit under the state. The party convicted, shall, nevertheless, be liable and subject to indictment, trial and punishment according to law.

**(Treason against the state.)**

Sec. 4. Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of at least two witnesses to the same overt act, or on confession in open court. No conviction of treason, or attainder, shall work corruption of blood, or forfeiture.

ARTICLE TENTH.  
OF HOME RULE.**(Delegation of legislative authority to political subdivisions. Terms of town, city and borough elective officers. Special legislation.)**

Sec. 1. The general assembly shall by general law delegate such legislative authority as from time to time it deems appropriate to towns, cities and boroughs relative to the powers, organization, and form of government of such political subdivisions. The general assembly shall from time to time by general law determine the maximum terms of office of the various town, city and borough elective offices. After July 1, 1969, the general assembly shall enact no special legislation relative to the powers, organization, terms of elective offices or form of government of any single town, city or borough, except as to (a) borrowing power, (b) validating acts, and (c) formation, consolidation or dissolution of any town, city or borough, unless in the delegation of legislative authority by general law the general assembly shall have failed to prescribe the powers necessary to effect the purpose of such special legislation.

**(Regional governments and compacts.)**

Sec. 2. The general assembly may prescribe the methods by which towns, cities and boroughs may establish regional governments and the methods by which towns, cities, boroughs and regional governments may enter into compacts. The general assembly shall prescribe the powers, organization, form, and method of dissolution of any government so established.

ARTICLE ELEVENTH.  
GENERAL PROVISIONS.**(Official oath. Form.)**

Sec. 1. Members of the general assembly, and all officers, executive and judicial, shall, before they enter on the duties of their respective offices, take the following oath or affirmation, to wit:

You do solemnly swear (or affirm, as the case may be) that you will support the Constitution of the United States, and the Constitution of the state of Connecticut, so long as you continue a citizen thereof; and that you will faithfully discharge, according to law, the duties of the office of .... to the best of your abilities. So help you God.

**(Extra compensation to elected officials and public contractors prohibited; exception.)**

Sec. 2. Except as provided in this section, neither the state nor any political subdivision of the state shall pay or grant to any elected official of the state or any political subdivision of the state, any compensation greater than the amount of compensation set at the beginning of such official's term of office for the office which such official holds or increase the pay or compensation of any public contractor above the amount specified in the contract. The provisions of this section shall not apply to elected officials in towns in which the legislative body is the town meeting. The compensation of an elected official of a political subdivision of the state whose term of office is four years or more may be increased once after such official has completed two years of his term by the legislative body of such political subdivision. The term "compensation" means, with respect to an elected official, such official's salary, exclusive of reimbursement for necessary expenses or any other benefit to which his office would entitle him.

Historical Note: This section, as printed here, incorporates Article XIX., of the Amendments to the Constitution of the State of Connecticut. Said Article XIX., was adopted on November 24, 1982, and replaced "the general assembly nor any county, city, borough, town or school district" with "the state nor any political subdivision of the state" and "any public officer, employee, agent or servant" with "any elected official of the state or any political subdivision of the state", and added provisions exempting elected officials of towns in which the legislative body is the town meeting from terms of the section, allowing one increase in compensation for officials whose term of office is four years or more after two years of a term have been served and defining "compensation".

**(Emergency provision for temporary succession to powers and duties of public offices.)**

Sec. 3. In order to insure continuity in operation of state and local governments in a period of emergency resulting from disaster caused by enemy attack, the general assembly shall provide by law for the prompt and temporary succession to the powers and duties of all public offices, the incumbents of which may become unavailable for carrying on their powers and duties.

**(Claims against the state.)**

Sec. 4. Claims against the state shall be resolved in such manner as may be provided by law.

**(Effect of Constitution on existing corporations, officers, laws.)**

Sec. 5. The rights and duties of all corporations shall remain as if this constitution had not been adopted; with the exception of such regulations and restrictions as are contained in this constitution. All laws not contrary to, or inconsistent with, the provisions of this constitution shall remain in force, until they shall expire by their own limitation, or shall be

altered or repealed by the general assembly, in pursuance of this constitution. The validity of all bonds, debts, contracts, as well of individuals as of bodies corporate, or the state, of all suits, actions, or rights of action, both in law and equity, shall continue as if no change had taken place. All officers filling any office by election or appointment shall continue to exercise the duties thereof, according to their respective commissions or appointments, until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

ARTICLE TWELFTH.  
OF AMENDMENTS TO THE CONSTITUTION.

**(Method of proposing and approving amendments.)**

Amendments to this constitution may be proposed by any member of the senate or house of representatives. An amendment so proposed, approved upon roll call by a yea vote of at least a majority, but by less than three-fourths, of the total membership of each house, shall be published with the laws which may have been passed at the same session and be continued to the regular session of the general assembly elected at the next general election to be held on the Tuesday after the first Monday of November in an even-numbered year. An amendment so proposed, approved upon roll call by a yea vote of at least three-fourths of the total membership of each house, or any amendment which, having been continued from the previous general assembly, is again approved upon roll call by a yea vote of at least a majority of the total membership of each house, shall, by the secretary of the state, be transmitted to the town clerk in each town in the state, whose duty it shall be to present the same to the electors thereof for their consideration at the next general election to be held on the Tuesday after the first Monday of November in an even-numbered year. If it shall appear, in a manner to be provided by law, that a majority of the electors present and voting on such amendment at such election shall have approved such amendment, the same shall be valid, to all intents and purposes, as a part of this constitution. Electors voting by absentee ballot under the provisions of the statutes shall be considered to be present and voting.

Historical Note: This Article, as printed here, incorporates Article VI., of the Amendments to the Constitution of the State of Connecticut. Said Article VI., was adopted on November 27, 1974, and made minor changes in wording involving the placement of the word "next", replacing "the general election to be held on the Tuesday after the first Monday of November in the next even-numbered year" with "the next general election to be held on the Tuesday after the first Monday of November in an even-numbered year" in two occurrences.

ARTICLE THIRTEENTH.  
OF CONSTITUTIONAL CONVENTIONS.

**(Method of convening by vote of general assembly.)**

Sec. 1. The general assembly may, upon roll call, by a yea vote of at least two-thirds of the total membership of each house, provide for the convening of a constitutional convention to amend or revise the constitution of the state not earlier than ten years from the date of convening any prior convention.

**(Method of convening by vote of electors.)**

Sec. 2. The question "Shall there be a Constitutional Convention to amend or revise the Constitution of the State?" shall be submitted to all the electors of the state at the general election held on the Tuesday after the first Monday in November in the even-numbered year next succeeding the expiration of a period of twenty years from the date of convening of the last convention called to revise or amend the constitution

of the state, including the Constitutional Convention of 1965, or next succeeding the expiration of a period of twenty years from the date of submission of such a question to all electors of the state, whichever date shall last occur. If a majority of the electors voting on the question shall signify "yes", the general assembly shall provide for such convention as provided in Section 3 of this article.

**(Selection of membership, date of convening.)**

Sec. 3. In providing for the convening of a constitutional convention to amend or revise the constitution of the state the general assembly shall, upon roll call, by a ye vote of at least two-thirds of the total membership of each house, prescribe by law the manner of selection of the membership of such convention, the date of convening of such convention, which shall be not later than one year from the date of the roll call vote under Section 1 of this article or one year from the date of the election under Section 2 of this article, as the case may be, and the date for final adjournment of such convention.

**(Submission of proposals to electors, approval, effective date.)**

Sec. 4. Proposals of any constitutional convention to amend or revise the constitution of the state shall be submitted to all the electors of the state not later than two months after final adjournment of the convention, either as a whole or in such parts and with such alternatives as the convention may determine. Any proposal of the convention to amend or revise the constitution of the state submitted to such electors in accordance with this section and approved by a majority of such electors voting on the question shall be valid, to all intents and purposes, as a part of this constitution. Such proposals when so approved shall take effect thirty days after the date of the vote thereon unless otherwise provided in the proposal.

ARTICLE FOURTEENTH.  
OF THE EFFECTIVE DATE OF THIS CONSTITUTION.

**(Approval of Constitution by the people.)**

This proposed constitution, submitted by the Constitutional Convention of 1965, shall become the constitution of the state of Connecticut upon approval by the people and proclamation by the governor as provided by law.

Historical Note: The 1965 Constitution of the State of Connecticut was adopted by referendum on December 14, 1965, and proclaimed by the governor as adopted on December 30, 1965.