

CONSTITUTION*

OF THE

UNITED STATES

*The superscript numbers and asterisks appearing throughout the Constitution of the United States and the Amendments to the Constitution of the United States 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.

The words which were interlined in the original document (referred to in Secretary William Jackson's explanatory note following Article VII) are distinguished by italics in this publication.

With the exception of the format, which has been modified only to the extent necessary to render same compatible with automated type composition, the orthography and punctuation, both of the Constitution and the several Amendments, as printed in a copy furnished for the purpose by the Secretary of State of the United States, have been followed in the printing of this publication.

State and federal constitutions form substantially one ordinance. 73 C. 259. One violating statute passed in aid of constitution is guilty of crime involving moral turpitude. 104 C. 263. Invalidity of a legislative act must be established beyond a reasonable doubt before it can be held unconstitutional; every presumption in favor of constitutionality. *Id.*, 205. Constitutionality of a statute must be tested by its effect on one who challenges it under particular circumstances of his case, and not under some other and different circumstances. 146 C. 78. When question of constitutionality is raised, court presumes validity and sustains the legislation unless it clearly violates constitutional principles; to successfully challenge constitutionality of legislation, challenger must show his interests are adversely affected. *Id.*, 720. Courts cannot, by the process of construction, abrogate a clear expression of legislative intent, especially when unambiguous language is fortified by refusal of the legislature, in the light of judicial interpretation, to change it. 147 C. 48. In case of real doubt, constitutionality of a law must be sustained. *Id.*, 374. Proof of injury to plaintiff essential to attack on constitutionality of statute. 153 C. 247.

(Preamble to the Constitution.)

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.¹

¹ Fundamental constitutional right to liberty cited. 201 C. 605. Fundamental right of liberty cited. 209 C. 23. Right to vote for candidate of choice cited. 232 C. 65. Preamble cited. 236 C. 646. Fundamental constitutional right of bodily self-determination cited. *Id.* Preamble cited. 237 C. 321. Fundamental right to liberty cited. *Id.*

Fundamental right of liberty cited. 15 CA 74; 24 CA 612; 25 CA 421; judgment reversed, see 222 C. 299.

"Family life" constitutional liberty interest cited. 41 CS 23.

ARTICLE I.*

*Cited. 144 C. 647. Separation of powers under U.S. and Connecticut Constitutions compared. 166 C. 501 (Diss. Op.). Cited. 210 C. 286. Separation of powers cited. 229 C. 664. Cited. 234 C. 539. Separation of powers in federal constitution cited. Id.

Cited. 11 CA 316.

Cited. 32 CS 502.

(Legislative powers, where vested.)

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.¹

¹ Cited. 209 C. 652. Unconstitutional usurpation of legislative power cited. 215 C. 616.

(House of Representatives, how constituted.)

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have *the* Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

(Qualifications of a representative.)

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

(Representatives and direct taxes, how apportioned. Altered by Amendment XIV, S. 2. Census.)

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

(Vacancies to be filled.)

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

(Power of choosing officers and of impeachment.)

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.¹

¹ Cited. 192 C. 704.

(Senators, how and by whom chosen. Altered by Amendment XVII.)

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

(How classified. Vacancies, how filled.)

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

(Qualifications of a senator.)

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

(President of Senate, his right to vote.)

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

(Officers of Senate, how chosen.)

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

(Power to try impeachments. Chief Justice to preside, when.)

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States *is tried* the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.¹

(Judgment in cases of impeachment.)

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

¹ Cited. 192 C. 704.

(Times, etc., of holding elections, how prescribed.)

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

(One session in each year. Altered by Amendment XX, S. 2.)

The Congress shall assemble at least once in every Year, and such Meetings shall be on the first Monday in December, unless they shall by Law appoint a different Day.

(Membership. Quorum. Adjournments.)

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.¹

(Rules; power to punish or expel.)

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

(Journal. Yeas and Nays.)

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

(Time of adjournment limited, unless, etc.)

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

¹ Cited. 231 C. 602.

(Compensation. Privileges.)

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

(Disqualification, in certain cases.)

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

(House to originate all revenue bills.)

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

(Presentation of bills to President; approval; veto; reconsideration by Congress; passage by two-thirds vote of each house. Bills not returned by President within ten days.)

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.¹

(Joint Resolutions, etc., to be presented to President for approval. Disapproval; repassage.)

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

¹ Time for signing after adjournment discussed. 109 C. 644.

(Powers of Congress.)

Section 8.¹ The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;²

To regulate Commerce with foreign Nations, and among the Several States, and with the Indian Tribes;³

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;⁴

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;⁵

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;⁶

To constitute Tribunals inferior to the Supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies,^{6a} but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;^{6b}

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;^{6c}

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to

the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.⁷

¹ Cited. 139 C. 368. Zoning regulations did no more than offer assurance of measure of supervision by responsible public authority over conditions which affected the public health, safety and general welfare, and consequently they were a proper exercise of the police power. 149 C. 712. Where U.S. had not accepted exclusive jurisdiction of land, municipal zoning ordinances and building code were valid exercise of police power if not inconsistent with federal purpose or statutes. 170 C. 344. Cited. Id., 344; 179 C. 552. Held not to be amenable to decisions by the courts; nonjusticiability discussed. 193 C. 670. Cited. 198 C. 168; 209 C. 652. Compensation review board improperly concluded that workers' compensation commissioner lacked jurisdiction over claim because injury occurred on navigable waters of United States and, therefore, federal government had exclusive jurisdiction over claim under Art. III, Sec. 2 and Art. I, Sec. 8 of the U.S. Constitution and the Longshore and Harbor Workers' Compensation Act, 33 USC 901 et seq. 283 C. 1.

Cited. 13 CS 359; 44 CS 472. Uniformity clause and principle of uniformity cited. Id.

² Law forbidding use of documents not having revenue stamps affixed not applicable in state courts. 35 C. 240; 73 C. 665. Provisions as to uniformity not applicable to state succession tax. 76 C. 243; 73 C. 263.

³ This power extends only over waters whose navigation has a substantial value for commerce. 22 C. 179. States may authorize the collection of tolls for the improvement of navigable rivers. 12 C. 7; 18 C. 500. State tax of one per cent upon the total valuation of a railroad, with proportionate reduction for the part of the road without the state, is not a tax on interstate commerce. 60 C. 334. An act prohibiting the transportation of game to points without the state, is not unconstitutional as restricting interstate commerce. 61 C. 152; 161 U.S. 519. An act prohibiting persons from transmitting money to any race track, whether within or without the state, there to be wagered, is not unconstitutional as a restriction on interstate commerce. 70 C. 489–493. Power of Congress defined; right of state to pass law incidentally affecting state commerce; workmen's compensation acts. 82 C. 352; Id., 375; reversed, 223 U.S. 1; 88 C. 409. Congress has preempted entire field of interstate commerce; our courts must follow presumptions applied by federal courts. 104 C. 730. Federal employer's liability act applicable, and not compensation act, when employee is injured while engaged in interstate commerce. 99 C. 406; 96 C. 119; 105 C. 127. Compensation act inapplicable to injuries arising out of maritime contracts and occurring in navigable waters. 102 C. 527 overruling 89 C. 367. Test of whether employee is engaged in interstate commerce. 96 C. 121; 99 C. 406; 105 C. 127. Use tax designed to reach transactions which cannot be reached as sales because of commerce clause. 145 C. 161. Former section 12-430 (4) limited exemption of trade-in value of used car from sales tax to purchases from Connecticut dealers and was unconstitutional discrimination against interstate commerce. 158 C. 234. Cited. 179 C. 363. Commerce clause cited. 198 C. 168; 199 C. 609; 202 C. 412; 203 C. 14; 206 C. 253. Cited. 209 C. 679. Commerce clause cited. Id; 210 C. 349. Cited. 211 C. 246. Commerce clause cited; restraint on interstate commerce cited. 214 C. 292. Commerce clause cited. 217 C. 220. Cited. Id., 612. Commerce clause cited; constitutional rights cited. 221 C. 166. Cited. 224 C. 426. Commerce clause cited. Id; 228 C. 137. Cited. 229 C. 664. Commerce clause cited. 232 C. 325; 236 C. 701. Violation of commerce clause cited. 238 C. 571. Commerce clause cited. 240 C. 531. Cited. 243 C. 115. Argument that state taxing scheme discriminated against out-of-state trustees by allegedly encouraging the appointment of in-state trustees to avoid potential multistate taxation of trust income for certain testamentary and inter vivos trusts was deemed too remote and speculative to find a commerce clause violation. 249 C. 172. The nature and extent of the activities of in-state teachers participating in an out-of-state seller's book sale program that is directed at Connecticut schoolchildren and teachers provide the requisite nexus under the commerce clause to justify the imposition of Connecticut sales and use taxes. 304 C. 204.

Commerce clause cited. 4 CA 261; 12 CA 417; Id., 455. Cited. 17 CA 82; 22 CA 229.

Unconstitutional to impose registration fee upon each motor vehicle brought into state for resale. 8 CS 152. Cited. 25 CS 465. Limousines purchased in Connecticut by airport limousine service, although to be used exclusively in interstate commerce, were subject to education, welfare and public health tax. 28 CS 2. Cited. 36 CS 59. Commerce clause cited. 42 CS 356; 43 CS 91. Commerce clause does not invalidate Connecticut's tax on testamentary trust income. 45 CS 368. Where local company, engaged to service computers sold by plaintiff, a national computer manufacturer, pursuant to an agreement with plaintiff company, did not have sufficient, substantive physical presence in this state, plaintiff's appeal of the state's determination that plaintiff was subject to laws requiring it to collect sales and use tax on behalf of state was sustained. 48 CS 170.

⁴ Effect of federal bankruptcy law on state insolvent laws; 72 C. 709; 88 C. 70; on receivership proceedings pending in state court. 84 C. 712. Cited. 210 C. 175; 229 C. 664. Power to regulate immigration and naturalization cited. Id.

State tort claims alleging violation of bankruptcy process are preempted by federal bankruptcy law. 86 CA 596.

⁵ Does not keep punishment for counterfeiting federal money solely within federal jurisdiction. Prosecution may be maintained under Sec. 53-348 since both federal and state governments may deal with matter, former to protect its currency, latter to protect its citizens against fraud. 149 C. 41.

⁶ How far state courts have jurisdiction as to patents. 87 C. 74; 217 U.S. 497.

^{6a} Cited. 217 C. 73. Power to “raise and support Armies” cited. Id. Delegation to Congress of plenary authority over the military cited. 226 C. 314.

^{6b} Cited. 217 C. 73. Power to “provide and maintain Navy” cited. Id. Delegation to Congress of plenary authority over the military cited. 226 C. 314.

^{6c} Cited. 217 C. 73. Power to “provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions” cited. Id. Delegation to Congress of plenary authority over the military cited. 226 C. 314.

⁷ Charter of the U.S. Bank constitutional. 4 C. 317, 323; 4 Wheat. (4, 5) 316. Established federal system of admiralty jurisdiction as embodied in the U.S. Constitution cited. 198 C. 168.

(Provision as to migration or importation of certain persons.)

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

(Habeas corpus.)

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the Public Safety may require it.¹

(Bills of Attainder, ex post facto laws.)

No bill of Attainder or ex post facto Law shall be passed.^{1a}

(Taxes, how apportioned.)

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.²

(No export duty.)

No Tax or Duty shall be laid on Articles exported from any State.

(No commercial preferences.)

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

(No money to be drawn from treasury, unless appropriated by law.)

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

(No titular nobility. Officers not to accept presents, emoluments, office or title from foreign power.)

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

¹ Cited. 180 C. 153; 196 C. 309; 238 C. 809.

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 habeas corpus petitioner to prevail on claim of ineffective assistance of counsel. 57 CA 383. Two-part showing required by petitioner to obtain appellate review of dismissal of habeas corpus petition. Id., 390. Held that the habeas court did not abuse its discretion in dismissing petition for certification to appeal denial of the writ where court

found that habeas corpus petitioner failed to prove his counsel's representation fell below an objective standard of reasonableness and said counsel had not represented conflicting interests, therefore not denying defendant his due process rights. 61 CA 347. Case remanded with direction to render judgment granting petition for writ of habeas corpus where reasonable probability exists that, but for ineffective assistance of counsel, petitioner would not have entered plea of *nolo contendere*. 82 CA 701.

^{1a} Cited. 202 C. 541. Prohibition against ex post facto laws cited. *Id.* Cited. 211 C. 441. Change in rules of evidence that allows admission of evidence previously inadmissible does not violate ex post facto prohibition. *Id.* Ex post facto prohibitions cited. *Id.* Cited. 234 C. 455. Ex post facto law cited. 237 C. 364. Ex post facto clause cited. 240 C. 119. Imposition of longer period of probation than prescribed at the time of the offense constituted "additional punishment" in violation of ex post facto clause; requirement that defendant register as sexual offender did not violate ex post facto clause since said requirement is regulatory and not punitive in nature; provision authorizing parole and probation officers to disseminate sex offender registration information to the public is not punitive for ex post facto purposes. 256 C. 23.

Cited. 3 CA 497. Ex post facto clause cited. *Id.* Prohibition against bill of attainder and ex post facto law cited. 15 CA 161. Ex post facto law cited. 28 CA 283. Cited. 34 CA 557. Bills of attainder cited. *Id.* Ex post facto violation cited. 45 CA 116. In an ex post facto analysis, a court must first determine whether the challenged law is a penal statute, and, if not, whether the law is so punitive in fact as to render it penal despite its intent, second if the law is punitive, it must be found to apply to events occurring before its enactment and finally whether the effect of the newly enacted law increases the amount of the punishment imposed for the crime's commission. 50 CA 421. Removal of petitioner's presentence confinement credit from his longer sentence and its application to his shorter sentence was not an ex post facto violation because petitioner did not receive increased punishment as a result of the recalculation and recalculation did not result in more severe punishment than law in effect on date of underlying offenses warranted. 104 CA 793.

² See 73 C. 263; 76 C. 243.

(States prohibited from exercise of certain powers.)

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law,¹ or Law impairing the Obligation of Contracts,² or grant any Title of Nobility.

No State shall, without the Consent of *the* Congress, lay any Imposts or Duties on Imports³ or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of *the* Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State,⁴ or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

¹ Ex post facto law defined. 3 Dal. 389; 5 C. 240. It includes only criminal laws. 96 C. 367. The acts of 1820, 1825 and 1826, confirming marriages, and the levies of executions, valid. 4 C. 209; 6 C. 54, 190; 7 C. 319, 350. Act of 1820 regulating the laying out of highways in cities and boroughs, valid. 5 C. 237. Act of 1856, confirming certain usurious contracts, valid. 28 C. 97. The legislature can validate tax liens, and make the law retroactive. 90 C. 312. A statute passed after the commission of a crime increasing the number of challenges allowed the state is not an ex post facto law. 47 C. 532. Amendment to statute increasing penalty for conspiracy cannot be applied where last overt act took place before effective date; 126 C. 86; but can be where continuing conspiracy existed at that time. 127 C. 604. Cited. 173 C. 450; 183 C. 17; 189 C. 346. Prohibition against ex post facto laws cited. 202 C. 541; 203 C. 641. Cited. 206 C. 316; 211 C. 441. Change in rules of evidence allowing admission of previously inadmissible evidence does not violate ex post facto prohibitions. *Id.* Ex post facto prohibitions cited. *Id.* Cited. 215 C. 675. Ex post facto law or prohibition cited. *Id.* Cited. 221 C. 595. Ex post facto clause cited. *Id.* Cited. 230 C. 183. Ex post facto laws cited. *Id.* Cited. 231 C. 938; 232 C. 901; *Id.*, 902; 237 C. 518. Prohibition against ex post facto laws cited. *Id.* Sentencing concept of cruelty under Sec. 53a-46(h) does not violate the ex post facto clause. 251 C. 285. Judicial construction of murder statute did not effectively operate as a prohibited ex post facto law because recognition of born alive rule cannot be characterized as a departure from settled law, let alone a radical and unforeseeable change in the law. 296 C. 622.

Cited. 3 CA 497. Ex post facto clause cited. *Id.* Prohibition against bill of attainder and ex post facto law cited. 15 CA 161. Cited. 34 CA 557. Bills of attainder cited. *Id.* Retroactive application of P.A. 93-77 cited, see *Aetna Life v. Braccidiferno*, 231 C. 918. 36 CA 141. Cited. 41 CA 221. Ex post factor clause cited. *Id.* Cited. 43 CA 176. Ex post facto laws cited. *Id.* Cited. *Id.*, 592. Ex post facto clause cited. *Id.* Sec. 14-227a, as applied to defendant, does not violate ex post facto clause because section did not result in a second punishment for previous convictions, but rather enhanced current conviction on the basis of his status as repeat offender. Also, section does not violate such clause given that defendant was effectively put on notice of changes to the statute, and therefore he is precluded from relying on previous five-year look back period to prove that state's burden of proof was reduced or that he was deprived of a defense. 80 CA 589.

Petitioner alleged sufficient facts to make a colorable showing that he would serve more prison time as result of board of pardons and paroles application of revised statute, as amended by Jan. Sp. Sess. P.A. 08-1, that specified he would not be eligible for parole until he served 85 per cent, rather than 50 per cent, of his sentence. 121 CA 1. No colorable ex post facto claim where habeas petitioner made no claim that change in the law (Secs. 18-98e, 54-125a(b)) after 2003 extended the length of his incarceration or delayed the date of his first eligibility for parole consideration beyond the time periods in existence at the time of his criminal conduct; a merely conclusory allegation of an ex post facto violation without any legally supporting factual allegations is insufficient to constitute a colorable ex post facto claim. 160 CA 727. Ex post facto prohibition not implicated where legislation enacted after petitioner's criminal conduct conferred a benefit on him that was subsequently taken away by a change in law since the changes have no bearing on the punishment to which petitioner's criminal conduct exposed him to when he committed the crime. 177 CA 71.

Cited. 36 CS 18. Congress, not the state, made the dollar legal tender. 37 CS 693. Cited. 38 CS 426.

²This protects charters of private corporations. 7 C. 48; 18 C. 53. But it does not interfere with state laws, regulating their internal police; 31 C. 261; 151 U.S. 567; or validating void contracts. 30 C. 149. Whether act of 1820 regarding draw of New Haven and East Haven toll bridge, and that of 1848, regarding draw of Washington bridge, constitutional, see 4 C. 54; 18 C. 53. Discharge under state insolvent law, when valid, and when not. 3 C. 253, 304, 472; 5 C. 1; 6 C. 480; 9 C. 314. Taxation of property given to ecclesiastical societies under act of 1702. 6 C. 223; 7 C. 335; 11 C. 251; 36 C. 116; 38 C. 274. The acts of 1833 and 1838, disposing of moneys distributed by the act of 1816, constitutional. 13 C. 87. Taking a franchise granted by the legislature, without compensation, invalid; 7 C. 28; 10 C. 522; 17 C. 40; with compensation, valid; 17 C. 454; so right of town to operate ferry may be taken away. 10 How. 511. Mere diversion of travel from chartered turnpike, not unconstitutional. 18 C. 451. Acts of 1836 and 1842, reviving ferry between Hartford and East Hartford, unconstitutional. 16 C. 149; 17 C. 79. Divorce, though depriving the creditor of husband of title by levy and execution, not unconstitutional. 8 C. 541. An act authorizing superior court to order sale of any real estate, etc., held constitutional. 23 C. 94. Act of 1857, establishing Union Ferry Co., not unconstitutional. 29 C. 210. Right to declare statute void for unconstitutionality only to be exercised in clear cases. 42 C. 583. Act not to be construed so as to impair obligation of contract. *Id.*, 524. Act requiring trains to stop at station discontinued by commissioners, valid. 43 C. 351; 104 U.S. 1. Statute providing compensation for betterments in ejection, valid. 48 C. 577. A statute imposing liability on railroads, for fire started by locomotives, provided it is not caused by property owner's negligence, does not impair charter contract authorizing use of fire in locomotives; 54 C. 459, 467; the law for the elimination of grade crossings by railroads is valid; 151 U.S. 556; so the law requiring street railways to lay paving. 203 U.S. 379. An exclusive right to lay water pipes in streets, granted by city council and affirmed by the legislature, constitutes a contract which the legislature cannot impair. 55 C. 9-15. A license to sell liquor granted by the state is not a contract between the state and the person licensed. 50 C. 321. This section does not prevent the condemnation of the shares of stock of a railroad; 77 C. 422; 203 U.S. 372; nor the imposition of a double liability upon the shareholders of a corporation. 79 C. 178; 212 U.S. 567. Laws prohibiting usurious contracts under a penalty not forbidden. 83 C. 3; 218 U.S. 563, 572. To take property held by trustees to protect debentures of a corporation and give it to receiver would impair contract; 89 C. 657; power to alter charitable trust. 85 C. 309. A reasonable modification of a remedy is not invalid. 74 C. 509; 76 C. 163; 79 C. 165. Amendments to charter of a private corporation without consent of all stockholders. 84 C. 275. Contracts protected in general. 83 C. 3. Legislation as to municipal corporations does not ordinarily give rise to contract; 68 C. 140; but may, as to its private property; shares in water company. 80 C. 646. Town cannot avail itself of fact that legislation impairs contract of individual. 68 C. 155; 170 U.S. 309. Enlarging creditor's remedy against corporation or stockholders not impairment of contract between them. 79 C. 163. Provisions in workmen's compensation act making void contract exempting employer from liability and the like. 82 C. 352; reversed, 223 U.S. 1. Judgment against a railroad for temporarily closing a highway as authorized by its charter upheld. 76 C. 311. Modification by public utilities commission of rate contract between municipality and water company held valid; exceptions, 101 C. 159. Statute making clauses in insurance policy void cannot affect existing contracts. 97 C. 15. Law attempting to make nonnegotiable instrument negotiable violates this clause. 111 C. 65. Right to have workmen's compensation determined by act in effect at time of injury is a vested right. 112 C. 130, 142. Succession tax on inter vivos transfers reserving life estate in settlor sustained. 114 C. 220. Is validly applicable to inter vivos trust made before tax statute was adopted, if rights of remainderman did not vest. 118 C. 233-243. Subjecting parcels of mortgaged property to strict foreclosure in inverse order of their conveyance until their value satisfies the debt does not impair mortgagee's rights. 121 C. 219. Common control provision of unemployment compensation act is valid. 128 C. 213. Special act validating notice of injury which affected liability of insurer, held constitutional. 145 C. 368. Cited. 150 C. 241. Application of antitrust act to contracts in restraint of trade entered into prior to the effective date of the act is not unconstitutional. 177 C. 218. Cited. 179 C. 128. A state statute may validate an invalid provision of a contract. 180 C. 459. Marriage is not a contract within meaning of this clause of the U.S. Constitution. 181 C. 225. Cited. 194 C. 165. Impairment of contractual relationships cited. *Id.* Cited. 195 C. 399. State employees retirement act confers no contractual rights in the statutory pension plan; creation of contract rights in favor of state employees discussed. *Id.*, 405. Impairment of obligation of contract violating federal constitution cited. 196 C. 623. Contracts clause cited. 197 C. 91. Exercise of power of eminent domain does not violate prohibition against impairment of contract. 209 C. 480. Prohibition against impairment of contract cited. *Id.* Cited. 210 C. 286. Protection of contracts cited. *Id.* Impairing obligations of contract cited. *Id.* Contract clause cited. 213 C. 184. Cited. 216 C. 523. Unconstitutional impairment of vested rights cited. *Id.* Violation of contracts clause cited. *Id.* Cited. 231 C. 918; *Id.*, 919; 233 C. 437. Contract clause cited. *Id.* Contractual rights cited. *Id.* Cited. *Id.*, 460. Contractual rights cited. *Id.*, 474. Cited. 238 C. 778. Contract clause cited. *Id.* Re-notification clause in Sec. 31-349(e) does not violate contract clause, because no showing under circumstances of this case that legislature, in establishing second injury fund, entered into a contract with employees, employers and insurers. 248 C. 457. Limitations provision in Sec. 31-349(b) and re-notification provision in Sec. 31-349(e) do not violate contract clause because premise that second injury fund had a contractual relationship with employees, employers and insurers is unsustainable. *Id.*, 466.

Contracts clause cited. 25 CA 199. Cited. 34 CA 833. Contract clause cited. *Id.* P.A. 93-77 does not violate this provision of the U.S. Constitution. *Id.* Contracts clause of U.S. Constitution cited, see *Aetna Life v. Braccidiferno*, 231 C.

918. 36 CA 141. Cited. 41 CA 641. Contracts clause cited. Id. Cited. 46 CA 721. Contractual rights cited. Id. Repeal of statute re reimbursement for motor vehicle insurer of benefits paid to claimant is not a substantial impairment of insurer's contractual rights. 48 CA 690. Attorney fee cap in Sec. 52-251c does not constitute an unconstitutional deprivation of the right to contract. 139 CA 147.

Cited. 44 CS 472. Impairment of obligation of contracts cited. Id.

³ Foreign imports in original packages stored in plaintiff's warehouse and held for sale are not subject to state or local taxes. 28 CS 134.

⁴ Two states may unite to form one corporation. 82 C. 84. Agreements relating to care of poor, made among states pursuant to their statutes, are not compacts which challenge supremacy of United States and can be entered into without consent of Congress. 149 C. 224. Cited. 198 C. 168; 206 C. 253.

Cited. 12 CA 417.

ARTICLE II.

(President and Vice President; their term of office. See Amendment XX.)

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

(Electors of President and Vice President; number and how appointed.)

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

(President and Vice President; how chosen. Altered by Amendment XII. See also Amendment XX, S. 4.)

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a list of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

(Electors to vote on same day.)

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

(Qualifications of President.)

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President;

neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

(Death, resignation or inability of President; devolution of duties. See Amendments XX and XXV.)

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

(President's compensation.)

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

(Presidential oath.)

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: – “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

(President to be Commander-in-Chief; may require opinion of cabinet officers; power to reprieve and pardon.)

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

(Treaty making power. Nomination of certain officers.)

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

(When President may fill vacancies.)

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

(Messages to Congress. May convene, and, in some cases, adjourn Congress. Shall receive ambassadors, execute laws, and commission officers.)

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the

Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed,¹ and shall Commission all the Officers of the United States.

¹ President's duty to take care that the laws be faithfully executed held not to be amenable to decisions by the courts, nonjusticiability discussed. 193 C. 670.

(Forfeiture of offices for crimes.)

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.¹

¹ Cited. 192 C. 704.

ARTICLE III.*

*Separation of powers under U.S. and Connecticut Constitutions compared. 166 C. 501 (Diss. Op).

Cited. 41 CS 90.

(Judicial power, where vested. Tenure of office. Compensation.)

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.¹ The Judges, both of the supreme and inferior Courts shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

¹ Acts of Congress conferring jurisdiction on state courts invalid. 7 C. 239, 244. State courts can refuse to accept duties cast on them by act of Congress. 82 C. 367; reversed, 223 U.S. 1. Cited. 173 C. 303; 213 C. 373.

(Extent of judicial power. See Amendment XI.)

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;— between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.¹

(Original jurisdiction of Supreme Court. Appellate jurisdiction.)

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such regulations as the Congress shall make.

(Trial by jury of criminal prosecutions. Place of trial.)

The trial of all Crimes, except in Cases of Impeachment, shall be by Jury;² and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

¹ United States and state courts form one system. 73 C. 154; 74 C. 656. Power of state courts in patent matters; 87 C. 74; 217 U.S. 497; in admiralty; workmen's compensation laws. 102 C. 527. Early admiralty jurisdiction of state courts.

131 U.S. App. XIX, XXI. Application of state laws as to attachment. 73 C. 154. Federal courts may entertain suit for construction of will. 65 C. 161. Writ of error from United States supreme court should run to superior court, when. 70 C. 483. Removal of causes, see 65 C. 162; 71 C. 339. United States courts cannot ordinarily enjoin suit in state court. 4 Cranch. 179. Disputes as to state lines prior to constitution, see 131 U.S. App. LIV; controversy between individuals not to suit between states though location of state boundary is in issue. 3 Dal. 411. Assignment to create diversity of citizenship; right of removal; injunction by state court. 122 C. 583. Cited. 179 C. 541. Compensation review board improperly concluded that workers' compensation commissioner lacked jurisdiction over claim because injury occurred on navigable waters of United States and, therefore, federal government had exclusive jurisdiction over claim under Art. III, Sec. 2 and Art. I, Sec. 8 of the U.S. Constitution and the Longshore and Harbor Workers' Compensation Act, 33 USC 901 et seq. 283 C. 1.

Cited. 19 CA 402. Trial court had jurisdiction to hear matter concerning unpaid charges for overseas shipping of goods because the jurisdiction of federal admiralty courts has never been wholly exclusive, and state courts may exercise in personam jurisdiction over litigants to provide remedies to causes of action that are cognizable under both admiralty and state law. 137 CA 623.

Cited. 2 Conn. Cir. Ct. 202.

²Right to trial by jury cited. 187 C. 264; Id., 469. Right to jury trial cited. 194 C. 573. Right to trial by jury cited. 197 C. 337. Right to jury trial cited. Id., 358; 199 C. 308. Right to trial by jury cited. 200 C. 412; 202 C. 369; 207 C. 276; Id., 590. Right to jury trial cited. 210 C. 359; 212 C. 31; 214 C. 717. Fundamental constitutional right to jury trial cited. 220 C. 6. Right to trial by jury cited. 221 C. 635; 233 C. 813. Waiver of jury trial and election of three-judge panel in capital felony case discussed. There is no constitutional right to a jury trial in sentencing phase of a capital felony case. 251 C. 285.

Right to trial by jury cited. 3 CA 374. Jury trial cited. 5 CA 434. Right to jury trial implicates right to unanimous verdict if jury consists of six members. 6 CA 667. Right to trial by jury cited. 7 CA 27. Clarification of instructions is mandatory when any member of jury manifests confusion about the law. 10 CA 697. Constitutionally protected right to properly instructed jury cited. Id. Right to trial by jury cited. 13 CA 667; 14 CA 10; Id., 159. Right to jury trial cited. 16 CA 318; Id., 601. Right to trial by jury cited. 17 CA 466; 18 CA 602; 22 CA 440. Right to jury trial cited. 23 CA 1. Right to trial by jury cited. 24 CA 729; 34 CA 595. 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. Jury instructions that reference victim's right to use reasonable force in defense of dwelling and the defendant's right to engage in self defense sufficient to mislead jury. 50 CA 607. Jury instruction re reasonable doubt and presumption of innocence did not amount to a constitutional violation. 55 CA 469.

(Treason defined. Proof.)

¹Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

(Punishment of treason.)

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

¹ Cited. 227 C. 616.

ARTICLE IV.*

*Cited. 193 C. 270. Clause 2 [sic] cited. 204 C. 287.

Cited. 20 CA 168. Violation of constitutional rights cited. Id. Cited. 22 CA 98.

(Each state to give credit to the records of every other.)

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.¹

¹ Notice when necessary to validity of judgment. 4 C. 380; 6 C. 508; 17 C. 500; 31 C. 224. Judgment of a state court has the same validity in the courts of every other state, as in the state where pronounced. 28 C. 433; 96 C. 271; 98 C. 259. Equity may restrain prosecution here of suit on a judgment fraudulently obtained in another state. 20 C. 544. Applied to action here by receiver appointed in another state to enforce double liability of stockholders. 79 C. 188; 82 C.

702. Applies to judgments of probate court. 81 C. 686. Judgment is open to attack on jurisdictional grounds; residence in divorce action 88 C. 689; see 67 C. 91; 72 C. 528. Rule generally; judgment rendered in foreign country; service while defendant is transiently in jurisdiction. 67 C. 91. Fraud in procuring judgment; judgments in rem and in personam distinguished. *Id.*, 127. Judgment as regards note of married woman, presented to commissioners on an estate here. 71 C. 708; 74 C. 247. As applied to judgment of United States court. *Id.*, 652; 107 U.S. 3. Statutes of United States as determining effect of foreign judgment. 73 C. 389. Effect of record that defendant appeared. 79 C. 177. Conclusiveness of judgment as to meaning of statute of state where rendered. *Id.*, 175. But a judgment subject to modification by court rendering it and to be enforced by contempt proceedings is not enforceable here. 80 C. 1; 218 U.S. 1. And proceedings for removal of foreign guardian do not create an estoppel in an action on his bond by his successor in office here; 80 C. 111; nor do proceedings determining devolution of title to land in this state. 178 U.S. 195. Divorce decree. 91 C. 608; 110 C. 356 (Diss. Op.); 122 C. 158. Right of receiver appointed by court of another state to sue in courts of Connecticut; when such right is absolute. 104 C. 670. Limitations on enforcement of penal statute of a foreign state; what is a penal statute; Massachusetts statute giving damages for wrongful death held not penal and enforceable in Connecticut. 108 C. 388 ff. Denial to receiver of bank of another state of right to sue in our courts would violate this section. 119 C. 91. Divorce decree held entitled to full faith and credit where wife received notice and contested jurisdiction. 128 C. 628. Order granting custody of minor is ordinarily entitled to full faith and credit with same effect as in state where rendered. 131 C. 383. Jurisdiction of Nevada court held colorable. 134 C. 440. At time New York action involving custody was brought, child was domiciled in this state. Superior court in action of habeas corpus had right to determine custody of child, and in so doing was not obligated to give full faith and credit to provisions of New York decree as to his custody. 135 C. 124. The fact that a Nevada divorce decree did not set out in the judgment file the terms of an agreement for support but incorporated them by reference did not affect validity of decree. 137 C. 707. The judgment of a court without jurisdiction is a nullity and may always be challenged. 138 C. 306. Arkansas decree held colorable; no bona fide domicile to establish jurisdiction in divorce action. 144 C. 579. In its application, local policy must at times be required to give way. 145 C. 154. Legal effect of incorporating an agreement into judgment was to make it a part of the judgment. *Id.* Decree of Florida court re custody of child is entitled to full faith and credit in this state, and since the Florida court could modify the decree upon proof that circumstances had materially changed, the courts of this state can so act on similar proof. 148 C. 255. In action on foreign judgment counter affidavit furnished no facts to negative the jurisdiction of foreign court over either subject matter or parties, or its power to grant the relief which its judgment provided; held, judgment was entitled to full faith and credit in this state. *Id.*, 260. The requirements of due process must be met in order for judgment to be entitled to full faith and credit in a foreign state. Personal judgment rendered by court of state in which absent defendant was domiciled at time of service is valid as to him if service was made in accordance with manner prescribed by the applicable statutes, provided they prescribe a method of service reasonably calculated to give him actual notice of the proceedings and an opportunity to defend. 150 C. 15. Decree of Connecticut court awarding wife legal separation and support must be vacated where husband obtained final decree of divorce in Texas where both parties appeared before the courts in both states. But judgment will award total support and costs up to date of final entry of Texas decree. 157 C. 470. Custody decree rendered by sister state is entitled to full faith and credit, provided court had jurisdiction. 158 C. 217. Foreign custody decree can be modified in Connecticut for same reasons that decree can be modified in state wherein it was rendered. *Id.* Full faith and credit shall be given in each state to public acts, records and judicial proceedings of every other state. And Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof. 173 C. 62. Under the full faith and credit clause, review of a foreign court's jurisdiction is somewhat restricted and the court is under a duty to accord prima facie validity to a divorce decree of a foreign state. 174 C. 434. Where Connecticut order was not final judgment, California court did not have jurisdiction and its judgment was not entitled to full faith and credit when it had not established the modifiable Connecticut decree as a local decree. 179 C. 488. Clause should not be construed to preclude successive worker's compensation awards. 182 C. 24. Cited. 186 C. 404; 191 C. 92; 192 C. 447; 193 C. 270; 195 C. 98; 201 C. 632; 218 C. 181. Full faith and credit clause cited. 227 C. 616.

Full faith and credit clause cited. 3 CA 679. Cited. 15 CA 615. Full faith and credit clause cited. *Id.*; 21 CA 610; 26 CA 720. Cited. 30 CA 821. Full faith and credit clause cited. *Id.*; 33 CA 359. Cited. 34 CA 46. "Connecticut has no legitimate interest in preventing Massachusetts from providing employers with a right of action for damages against a third party, where both the employee and the employer are residents of Massachusetts." 46 CA 142. Full faith and credit clause cited. *Id.* Interpreting Sec. 52-605(b) to allow judgment debtor to raise substantive defenses to continuing validity of a domesticated foreign judgment would put statute into conflict with the full faith and credit clause. 86 CA 617.

Cited. 7 CS 186. Adjudication to enforce criminal law of New York does not come within the rule. 13 CS 302. Alabama "instant divorce" held void as result of attack on foreign court's jurisdiction. 25 CS 235. Connecticut courts will recognize decree of West Virginia courts enjoining plaintiff from prosecuting this action to modify order of decree of West Virginia courts, where full faith and credit is given to decree by Connecticut. 26 CS 443. Puerto Rico Supreme Court judgment entitled to full faith and credit despite strong Connecticut public policy against gambling. 35 CS 522. Cited. 38 CS 468; 41 CS 505.

(Privileges of citizens of each state.)

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.¹

(Fugitives from justice to be delivered up.)

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive

Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.²

(Persons held to service having escaped, to be delivered up.)

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.³

¹ Whether act of 1833, regarding schools for colored persons, was constitutional, *quaere*. 10 C. 339. An assignment of property may be valid against citizens of one state and not those of another. 14 C. 583. In order to take advantage of this provision in the supreme court, the record must show that the persons affected are citizens of the United States. 70 C. 599. Right of state to debar citizens of another state from holding stock in domestic corporation or to condition that right. *Id.*, 590. A method of taxation, by which the state tax exacted from nonresident stockholders may be greater than the municipal tax exacted from stockholders resident in this state, is not in conflict with this provision. 73 C. 255. Impliedly guarantees right to engage in interstate commerce. 82 C. 364. Not against public policy to take jurisdiction of actions between nonresidents. 117 C. 684. Purpose and scope of section. 122 C. 539, 540. Cited. 193 C. 270; 209 C. 679. Privileges and immunities clause cited. *Id.*

Re probable cause for traffic stop, an investigatory stop is authorized if the police officer had a reasonable and articulable suspicion that the person has committed or is about to commit a crime. 49 CA 481.

² A person convicted, imprisoned and released on parole is, if he breaks such parole, still “charged with crime” and a “fugitive from justice,” and hence subject to extradition. 68 C. 445–450. Applies to every possible crime. 84 C. 372. Proceedings before governor and effect of his findings. 78 C. 150. Definition of “fugitive from justice”; nonsupport while in Connecticut of wife and children in New York does not come within the rule; crime must be committed in demanding state; habeas corpus to test validity of extradition papers. 92 C. 542 ff. Even though plaintiff was removed from Florida by legal process and against his will, he is a fugitive from justice and subject to extradition. 139 C. 272. Condition precedent to valid extradition is probable cause to find person sought to be extradited is a fugitive from justice in demanding state. 157 C. 403. State has constitutional obligation to comply with demand of executive authority of another state to deliver up a person who is a fugitive from the justice of that state. 171 C. 366. Cited. 185 C. 562; 188 C. 364; 190 C. 631; 193 C. 116; *Id.*, 270; 194 C. 702.

Cited. 3 CA 512.

Words “or other crime” necessarily include misdemeanors. 25 CS 177. Affiant’s statement she “believes” the plaintiff to be the perpetrator of crimes charged in Florida insufficient to comply with Sec. 54-159 and plaintiff ordered released. 31 CS 412. Governor is obligated to surrender fugitives from justice, but exercises informed legal discretion as to non-fugitives—implemented by Secs. 54-159 and 54-162, respectively; where governors of both demanding and rendering states falsely believed person was a fugitive, he must be released as discretion for nonfugitive extradition was not exercised. 34 CS 78. Cited. 40 CS 179.

³ Not applicable to slaves voluntarily brought into this state by their masters. 12 C. 38.

(Admission of new states.)

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

(Power of Congress over territory and other property of the United States.)

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

(Republican form of government guaranteed. Each state to be protected.)

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government,¹ and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

¹ Section restricts power of states; 81 C. 536; but so long as a state obeys it, Congress cannot interfere. 82 C. 352; reversed, 223 U.S. 1. Forbids laying taxes for any but public purpose. 85 C. 349. Accumulation of a large surplus without a public purpose is illegal; an abuse of taxing power. 178 C. 81 (*Diss. Op.*). Held not to be amenable to decision by the courts; nonjusticiability discussed. 193 C. 670.

ARTICLE V.

(Constitution, how amended. Limitation of amendments.)

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year of One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.*

*Cited. 139 C. 368; 170 C. 344. The “exhaustion of tribal remedies doctrine” discussed re supremacy clause. 245 C. 657.

(Confirmation of old obligations of the United States.)

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

(Supremacy of Constitution, treaties, and laws of the United States.)

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.¹

(Oath to support Constitution, by whom taken. No religious test.)

The Senators and Representatives before mentioned, and the Members of the several State legislatures, and all executive and judicial Officers, both of the United States and of the several states, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

¹ Cited. 176 C. 57; 184 C. 285; 192 C. 460. Federal preemption not applicable where state has regulated cross-ownership of cable television stations and newspapers. Id., 506. Supremacy clause cited. 204 C. 287; 205 C. 104; 206 C. 253. Cited. 208 C. 329. Supremacy clause cited. 210 C. 349. Cited. 213 C. 1. Supremacy clause cited. Id.; 222 C. 166. Cited. 226 C. 219. Supremacy clause cited. Id. Cited. 229 C. 664. Supremacy clause cited. Id. Cited. 231 C. 287. Supremacy clause cited. Id.; 234 C. 539; 239 C. 599.

Supremacy clause cited. 12 CA 417; Id., 455; 21 CA 678. Cited. 24 CA 234. Supremacy clause cited. Id. Cited. 31 CA 824. Supremacy clause cited. Id. Cited. 35 CA 72. Supremacy clause cited. Id. Cited. 40 CA 777. Supremacy clause cited. Id. Cited. 42 CA 583. Supremacy clause cited. Id. Violation of constitutional rights cited. Id. Cited. 47 CA 1. Supremacy clause; federal supremacy cited. Id.

Cited. 39 CS 347. Supremacy clause cited. 44 CS 274.

ARTICLE VII.*

*This constitution was ratified by a convention of delegates from the several towns in this state on January 9, 1788, by a vote of one hundred and twenty-eight yeas to forty nays. By July, 1788, it had been ratified by the following states, viz.:

Delaware, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina, New Hampshire, and Virginia. The congress of the confederation provided for the organization of the new government, which went into operation on the first Wednesday of March (March 4th), 1789.

(What ratifications sufficient to establish this Constitution.)

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

The Word, "the," being interlined between the seventh and eighth Lines of the first Page, The Word "Thirty" being partly written on an Erasure in the fifteenth Line of the first Page, The Words "is tried" being interlined between the thirty second and thirty third Lines of the first Page and the Word "the" being interlined between the forty third and forty fourth Lines of the second Page.

Attest William Jackson Secretary.

DONE In Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In witness whereof We have hereunto subscribed our Names,

Go: Washington - Presidt.
and deputy from Virginia

New Hampshire JOHN LANGDON, NICOLAS GILMAN; Massachusetts NATHANIEL GORHAM, RUFUS KING; Connecticut WM. SAML. JOHNSON, ROGER SHERMAN; New York ALEXANDER HAMILTON; New Jersey WIL. LIVINGSTON, DAVID BREARLEY, WM. PATTERSON, JONA: DAYTON; Pennsylvania B FRANKLIN, THOMAS MIFFLIN, ROBT MORRIS, GEO. CLYMER, THOS. FITZSIMONS, JARED INGERSOLL, JAMES WILSON, GOUV MORRIS; Delaware GEO: READ, GUNNING BEDFORD jun, JOHN DICKINSON, RICHARD BASSETT, JACO: BROOM; Maryland JAMES McHENRY, DAN OF ST THOS. JENIFER, DANL CARROLL; Virginia JOHN BLAIR, JAMES MADISON, Jr.; North Carolina WM. BLOUNT, RICHD. DOBBS SPAIGHT, HU WILLIAMSON; South Carolina J. RUTLEDGE, CHARLES COTESWORTH PINCKNEY, CHARLES PINCKNEY, PIERCE BUTLER; Georgia WILLIAM FEW, ABR BALDWIN.

IN CONVENTION.

Monday, September, 17, 1787.

PRESENT

The States of New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Resolved,

That the preceding Constitution be laid before the United States in Congress assembled, and that it is the Opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled. Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States assembled should fix a Day on which Electors should be appointed shall have ratified this Constitution, the United States in Congress by the States which shall have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the Time and

Place for commencing Proceedings under this Constitution. That after such Publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the Time and Place assigned; that the Senators should appoint a President of the Senate for the sole Purpose of receiving, opening and counting the Votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without Delay, proceed to execute this Constitution.

By the Unanimous Order of the Convention

Go: WASHINGTON Presidt.

W. JACKSON, Secretary.

AMENDMENTS*

TO THE

CONSTITUTION

OF THE

UNITED STATES

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

*Brackets enclosing an amendment number indicate that the number was not specifically assigned in the resolution proposing the amendment. It will be seen, accordingly, that only amendments XIII, XIV, XV and XVI were thus technically ratified by number. The first ten amendments and amendment XXVII and two others which failed of ratification were proposed by Congress on September 25, 1789, when they passed the Senate [1 Ann. Cong. (1st Cong., 1st sess.) 90], having previously passed the House on September 24 [Id., 948]. They appear officially in 1 Stat. 97. Ratification of the first ten amendments was completed on December 15, 1791, when the eleventh State (Virginia) approved these amendments, there being then fourteen States in the Union. Amendment XXVII was ratified by this state by House Joint Resolution No. 54 which was adopted by the House of Representatives on May 6, 1987, and by the Senate on May 13, 1987, and certified as valid, to all intents and purposes, as part of the Constitution of the United States by Don W. Wilson, Archivist of the United States, on May 18, 1992.

ARTICLE [I.]*

*Proposed September 25, 1789. Ratification consummated December 15, 1791. Ratified by this state, April 19, 1939.

Sec. 53-32 prohibiting use of contraceptives unconstitutional as violation of right to marital privacy. Penumbra of first amendment protects privacy from governmental intrusion. 85 S. Ct. 1678.

Amendments I–X do not apply to the states and the “due process” clause of the fourteenth amendment effectuated no change. 135 C. 262. But see 147 C. 374. Providing of school transportation to nonprofit private schools by towns under Sec. 10-281 held constitutional. 147 C. 374. Made applicable to states by the fourteenth amendment of U.S. Constitution. *Id.* Reasonable regulation of the location of churches and schools for religious education does not violate the constitutional guarantee of freedom of religion. 149 C. 712. Since our antiobscenity statute (Sec. 53-243) has been construed as including a scienter requirement by implication, the constitutionality of the statute is not open to attack on the ground that it lacks such a requirement. Obscenity is not protected by the unconditional language of the first amendment and the primary requirement of decency may be enforced by the states by outlawing traffic in obscenity. 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. Cited. 154 C. 129, 148. Continued confinement in a state hospital of dementia praecox patient who mutilated himself when suffering religious delusions held not violation of right of religious freedom. 157 C. 56. Redevelopment agency’s sale of property condemned for public use to a church at a lower price than that paid for condemnation value of former church land, is not an aid to religion and is constitutional. 159 C. 116. Sec. 10-153e, prohibiting teacher’s strikes, is constitutional. 164 C. 348. Cited. 170 C. 367; 172 C. 496; 175 C. 545. Amendment does not automatically interdict all restrictions on ability to become candidate. *Id.*, 586. Cited. 177 C. 440; 180 C. 54; *Id.*, 243. Discussion of first amendment rights within prison community. 181 C. 85. Regulation on location of sign not infringement on right of free speech. *Id.*, 230. Cited. 182 C. 272. Secs. 30-74, 30-77 and 30-91 insofar as they prohibit sale of alcoholic liquor on Good Friday are unconstitutional. 183 C. 552. Entanglement of government and religion discussed. *Id.* 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. Privilege of fair comment discussed; right to privacy discussed. 188 C. 107. Cited. *Id.*, 145; 190 C. 371. Sec. 53-303e(b) is clearly violative of establishment clause. 191 C. 336. Doctrine of freedom of commercial speech discussed. 192 C. 15. Commercial speech discussed. *Id.*, 27. Cited. *Id.*, 48. Constitutional right of free speech cited. 193 C. 612. Cited. 195 C. 326. Freedom of press and freedom of speech cited. 197 C. 698. Cited. 199 C. 575; 200 C. 664; 202 C. 601; *Id.*, 609; 203 C. 624. Right to free speech cited. *Id.* Cited. *Id.*, 682. Freedom of religion cited. 204 C. 17. Cited. *Id.*, 287. Standards of appellate review in defamation of public officials discussed. *Id.*, 336. Unprotected speech cited. *Id.* Cited. *Id.*, 683; *Id.*, 746. “When first amendment rights have already been vindicated in the trial court they require no special protective standard of review in the appellate courts.” 205 C. 8. Cited. *Id.*, 456; *Id.*, 495. Deprivation of fundamental federal constitutional rights cited. *Id.* Right to freedom of religion cited. *Id.*, 723. Cited. 206 C. 316. First amendment rights cited. 207 C. 496. Cited. 208 C. 146. Free expression cited. *Id.* Cited. *Id.*, 156. First amendment rights cited. *Id.*, 620. “... right of freedom of association and an infringement on liberty of contracts ...” cited. *Id.* Right to free speech cited. 209 C. 352. Cited. *Id.*, 497. Violation of constitutional rights cited. *Id.* Cited. *Id.*, 692. Constitutional right to privacy cited. *Id.* Cited. 211 C. 370. Cited. 212 C. 176. Commercial speech cited. *Id.* Right of freedom of speech cited. *Id.* Cited. 214 C. 23. Constitutional right of free speech cited. *Id.*, 464. Cited. 215 C. 173; *Id.*, 590. Right to free speech and protection of commercial speech cited. *Id.* Unconstitutionally over broad cited. *Id.* Freedom of religion cited. 216 C. 85. Cited. *Id.*, 253; 217 C. 193. Decisions dealing with more traditional first amendment problems do not extend automatically this as yet uncharted area (commercial speech). *Id.*, 404. First amendment freedom cited. 219 C. 489. Cited. *Id.*, 657. Freedom of association and privacy rights cited. *Id.* Cited. 220 C. 61; *Id.*, 225. Freedom of the press cited. 221 C. 166. Constitutional rights cited. *Id.* First amendment cited. *Id.* Cited. *Id.*, 346. Right to freedom of speech cited. *Id.*, 674. Cited. 222 C. 331; *Id.*, 361. Federal 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. Cited. 224 C. 797. Rights to free speech cited. 225 C. 355. Cited. 226 C. 237. Right of free speech cited. *Id.* Cited. *Id.*, 265. Protection of free speech cited. *Id.* Cited. *Id.*, 314. Rights involving freedom of artistic impression cited. *Id.*, 418. Cited. 227 C. 207; 228 C. 795. First amendment overbreadth cited. *Id.* Right of free speech or association cited. *Id.* Constitutionally protected speech cited. *Id.* Cited. *Id.*, 907; 230 C. 525. Freedom of expression cited. *Id.* Qualified immunity discussed. *Id.*, 735. Religion’s free exercise cited. 231 C. 944. Cited. 232 C. 65. Associational rights cited. *Id.* Cited. *Id.*, 345. Protected speech; overbreadth cited. *Id.* Freedom of speech and vagueness test cited. *Id.* Cited. 233 C. 44; 23 C. 1; *Id.*, 324. Right to religious freedom cited. Right of free speech or association cited. *Id.*, 455. Cited. 236 C. 646. Federal constitutional right of religious free exercise cited. *Id.* Sec. 7-284 as applied to plaintiff is content-neutral; serves substantial governmental interest; does not unreasonably limit alternative avenues of communications. *Id.*, 781. Protected speech and first amendment cited. *Id.* Cited. 237 C. 284. First amendment freedoms cited. *Id.* First amendment context cited. *Id.*, 613. Cited. 238 C. 692. Review of inmates’ outgoing nonprivileged correspondence cited. *Id.* Cited. *Id.*, 784. Sec. 51-88 prohibiting unauthorized practice of law is not unconstitutionally void for vagueness or overly broad so as to infringe on first amendment rights. 239 C. 251. Cited. *Id.*, 356. Enumerated constitutional rights cited; right to free speech cited. *Id.* Cited. 240 C. 766; 242 C. 211. Right of free speech or association cited. *Id.* Freedom of association cited. *Id.*, 485. Jury instruction was permissible that for protection to apply under Sec. 31-51q, employee’s statement must concern a broader issue of public concern and not merely the employee’s personal matters. 249 C. 766. Rights to freedom of speech and association of members of a trade association are not violated by imposition of a project labor agreement as a bid specification for construction project, which project labor agreement requires contractors on a public works project to comply with existing collective bargaining agreements and requires workers not to strike while the project is under construction. 251 C. 202. Reaffirmed previous holdings that consideration of letter to determine conduct, not to regulate content of communication, does not violate first amendment. 254 C. 561. Sec. 9-333w(a) is narrowly tailored to serve compelling state interests and is valid and enforceable. 255 C. 78. Plaintiffs’ free speech rights were not violated either by the time frame in which Elections Enforcement Commission adjudicated complaints under Sec. 9-7a(g) or by prehearing publicity. *Id.* Town ordinance restricting park access to town residents and their guests violates freedom of expression and association guarantees. 257 C. 318. DOT employee’s speech fairly could be characterized as constituting speech on a matter of public concern, where evidence demonstrated that employee expressed to supervisor and police concerns about airport security after someone broke into his office. 263 C. 639. DOT’s articulated reasons for demoting and

reassigning a carpentry supervisor in reaction to supervisor's speech concerning a security breakdown at airport were highly unreasonable, pretextual and did not outweigh first amendment interest in such speech; thus supervisor's speech was protected by first amendment. *Id.* A "true threat" is serious expression of intent to harm or assault that falls outside ambit of constitutionally protected speech, and first amendment does not demand that the class of statements that constitute true threats be narrowed when spoken to a police officer. 265 C. 145. Trial court order compelling defense counsel to turn over certain documents during trial did not violate defendant's first amendment rights. 272 C. 106. Reiterated previous holdings that appointment of guardian ad litem does not intrude upon right of defendant but is consistent with right of parents in the care, custody and control of children and defendant is prohibited from asserting the constitutional claim of another, where defendant objected to appointment of the guardian ad litem for victim witness. 275 C. 624. Constitutional protection re freedom of speech not extended to attorney acting in a pro se capacity in a matter that contained sufficient evidence of pro se attorney's knowing or reckless disregard as to the truth or falsity of statements made concerning conduct of probate court judge in handling court proceeding involving pro se attorney. Rule 8.2 of the Rules of Professional Conduct is constitutional as applied to pro se attorney's conduct. 277 C. 218. Although challenged provision of Sec. 9-410(c) prohibiting a person circulating petitions for more than maximum number of candidates to be nominated by a party for the same office or position implicates core political speech, burden it imposes is slight and under applicable relaxed standard of review, the court concludes provision furthers important state interests and does not violate right to free speech or association. 284 C. 573. Offense of carrying a dangerous weapon under Secs. 53-206 and 53a-3 is not constitutionally overbroad. 287 C. 237. The circumstances surrounding an alleged threat are critical in determining if the threat is a true threat. The trial court should have instructed jury to consider the particular factual context in which the allegedly threatening conduct occurred, including victim's reaction to defendant's actions before and after the allegedly threatening conduct. *Id.* Defendant's threatened use of a table leg to inflict serious bodily injury against victim, in the event that victim continued to bother him, constitutes a violation of Secs. 53-206 and 53a-3 if the threat is found to be a true threat not protected by the first amendment. *Id.* Court may enforce party's contractual waiver of prohibition on prior restraints on speech even if contract is not narrowly tailored to advance a compelling state interest; a contractual waiver of first amendment rights is presumptively enforceable and party seeking to avoid the waiver has the burden of proving that the waiver is invalid. 292 C. 187. In employment related action against a religious institution, even if it is established that plaintiff's primary duties render him a ministerial employee, Connecticut courts must consider whether adjudicating the particular claims and defenses would require the court to intrude into a religious institution's exclusive right to decide matters pertaining to doctrine or its internal governance or organization; present claims would result in pervasive violations of first amendment protections. 301 C. 759. In criminal proceeding, defendant's witness list may be sealed when the effect of disclosing the witness list on defendant's sixth amendment rights and the public's interest in knowing the identity of possible witnesses is extremely limited and adequately protected by access to voir dire proceedings and the trial. 302 C. 162. Commissioner of Correction's action to seek injunction to force-feed an inmate on a hunger strike, when medically necessary to avert permanent damage or death, did not violate inmate's constitutional right to free speech because action was rationally related to legitimate penological interests. 303 C. 800. To ensure that only serious expressions of an intention to commit an act of unlawful violence are punished, as the first amendment requires, state must do more than demonstrate that a statement could be interpreted as a threat. 313 C. 434. New trial on claim of intentional infliction of emotional distress required where trial court's findings with respect to such claim were largely supported by conduct protected by first amendment; missing person flyers posted by defendants, which sought information about the missing person without referring to plaintiff or anyone else potentially implicated in the disappearance, related to matter of public concern; new trial on claim of defamation required where trial court failed to conduct the falsity analysis required by first amendment. 319 C. 394. Threat by a shirtless man to retrieve a gun from his house and kill water company employees on his property did not constitute fighting words likely to provoke immediate violence because the objectively apparent circumstances, including that the man was wearing only a pair of shorts, carrying what appeared to be a can of worms, and otherwise apparently unarmed, did not indicate the man's immediate intent or ability to carry out his threat. 329 C. 386.

Guarantee of freedom of speech requires that that part of breach of peace statute (Sec. 53a-181) prohibiting use of abusive language be confined to language which constitutes "fighting" words. 1 CA 669. Cited. 3 CA 80. "The meager factual record before the trial court precluded it from making a proper decision on that constitutional basis." 4 CA 520. Constitutionally protected free speech cited. 6 CA 407. Proof of actual malice discussed; independent appellate review of trial court's findings on actual malice mandated in cases of defamation of public official, discussed. 7 CA 418. Cited. 10 CA 499; 11 CA 122; *Id.*, 584; 12 CA 258. Protected speech and conduct cited. *Id.* Cited. *Id.*, 455. Federal counterparts to state freedom of speech provisions cited. *Id.* Cited. *Id.*, 481. Constitutionally protected speech cited. *Id.* Cited. 15 CA 297; 17 CA 53. Free exercise of religion clauses cited. *Id.* Cited. 18 CA 316. Constitutional protection of free speech cited. *Id.* Cited. 20 CA 193; *Id.*, 231; *Id.*, 599. Does not extend its immunity to speech or writing used as integral part of conduct which is in violation of a valid criminal statute. 24 CA 300. Freedom of speech and press cited. *Id.* Constitutional guarantee of free speech cited. 25 CA 16. First amendment freedom cited. 26 CA 395. Cited. 27 CA 103; 28 CA 306; 30 CA 224. Right to freedom of speech cited. *Id.* Cited. *Id.*, 765. Freedom of religion cited. *Id.* Right to free expression cited. *Id.* Cited. 31 CA 443; *Id.*, 497. Cited. 32 CA 656; judgment reversed in part, see 232 C. 345. Rights of free speech cited. *Id.* Overbreadth or vagueness cited. *Id.* Cited. *Id.*, 704. Right to free speech cited. *Id.* First amendment freedoms cited. 34 CA 741; judgment reversed in part, see 235 C. 426. Cited. 36 CA 155; *Id.*, 625; 38 CA 306. Constitutionally protected speech cited; "fighting words" limitation cited. *Id.* Cited. 39 CA 778. Right of free speech cited. *Id.* Cited. 41 CA 204. Freedom of association cited. 41 CA 495. Cited. 43 CA 265; 44 CA 84. Free speech cited. *Id.*, 611. Cited. *Id.*, 771; 45 CA 142. Right of public access to courts cited. *Id.* Cited. 46 CA 559; *Id.*, 661. Vague statutes and basic first amendment freedoms cited. *Id.* 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. Prohibition of harassing telephone calls under Sec. 53-183(A)(3) is not unconstitutionally overbroad; statute prohibits purposeful harassment by use of telephone and does not prohibit speech on public concerns. 55 CA 475. Zoning actions not objectively baseless, which failed and were not a sham, are not vexatious and are protected under right of association and right to petition. 59 CA 545. Ordinance did

not violate free speech guarantee as it contained no restriction on content and merely regulated the size of residential signs. 60 CA 376. Standard for determining whether forcible medication to restore or attain competency to stand trial would deprive defendant of first amendment right to free speech or right to free thought and communication as it affects defendant's ability to produce ideas discussed. 70 CA 488. Under both free exercise and establishment clauses, first amendment prohibits civil courts from resolving disputed issues of religious doctrine and practice. 78 CA 865. Court's order regarding possession of child's passport and determinations re child's travel in marriage dissolution case did not violate free exercise clause because the order did not prohibit or limit plaintiff's ability to travel or exercise religion but simply imposed restrictions on plaintiff's ability to make unilateral decisions. 91 CA 315. Reasonable person would believe that petitioner communicated a serious expression of intent to commit an act of unlawful violence on victim and said expression is not protected under first amendment. 93 CA 95. Commission on Human Rights and Opportunities properly invoked ministerial exception to conclude that it lacked subject matter jurisdiction to hear allegations of employment discrimination brought by Catholic priest against his diocese. 98 CA 646. A person's speech during a telephone call may be evidence of the person's intent in physically making the telephone call, but cannot be the basis for conviction for harassment under Sec. 53a-183(a)(3) without implicating the person's freedom of speech rights. 120 CA 330. Trial court properly granted defendant's motion to dismiss claim that it failed to assist plaintiff in obtaining employment as Baptist minister because plaintiff's claims are too closely related to ecclesiastical functions of the church to be treated as simple civil wrongs addressable solely by neutral secular principals without consideration of areas protected by first amendment. *Id.*, 666. Re threatening and breach of peace charges, defendant's statements constituted a true threat and were not constitutionally protected speech. 130 CA 470. Conviction of cruelty to animals in violation of Sec. 53-247(c) (4) for knowingly being a spectator at a cockfight does not violate rights of freedom of assembly and association. 131 CA 388. Subdivs. (1) and (2) of Sec. 53a-181a(a), which establish an infraction for creating a public disturbance, are not facially vague. 134 CA 175. Commission on Human Rights and Opportunities cannot require a newspaper to publish the materials requested by plaintiff regarding his religious beliefs because such an order would violate the right to freedom of the press. 144 CA 861. Context and placement of missing person posters was designed to "hound" individual into providing details re disappearance of missing person, rather than to raise matter of public concern, and was not protected speech. 149 CA 283; judgment reversed, see 319 C. 394. Defendant's use of racial slurs while in his car and directed at parking attendant was not likely to tend to provoke a reasonable person in parking attendant's position immediately to retaliate with violence and thus were not "fighting words" upon which he might appropriately be convicted of breach of the peace under the fighting words exception to the first amendment. 181 CA 37.

Motion for summary judgment by defendant in action for defamation by plaintiff collector of delinquent taxes for the city of Waterbury, where plaintiff's opposing affidavits fail to show defendant made statements with actual malice, granted. 28 CS 35. In libel action, if plaintiff is a public figure, he must prove (1) defamatory falsehood which endangers reputation and (2) highly unreasonable reporting; actual malice must be proven. *Id.*, 109. In absence of evidence New Haven police commissioners had not appointed plaintiff a supernumerary policeman for the reason that he was a conscientious objector, his application for a permanent injunction was denied. 31 CS 362. Cited. 35 CS 555; *Id.*, 587. Failure of charge to limit application of section 53a-182(a)(2) to "fighting words" deprived defendant of his constitutional right. Sec. 53a-183(a)(3) not similarly limited. *Id.*, 689. Cited. 36 CS 239. To uphold the suspension of the plaintiff's permit by the liquor control commission stemming from performances of the stage show "Oh, Calcutta," at the Hartford Hilton hotel ballroom would constitute a significant erosion of first amendment rights which should not be tolerated. *Id.*, 305. Cited. *Id.*, 352; 37 CS 506. Speech incident to solicitation for prostitution advances no social value; intended to sell a product; is within reach of state regulation. *Id.*, 506. Cited. *Id.*, 515; *Id.*, 767; 38 CS 349; *Id.*, 581; *Id.*, 629; 39 CS 142. Court found that video games are not a form of speech protected by first amendment since they lack some element of information or idea communicated. *Id.*, 170. Cited. 40 CS 40. The right to privacy arises from penumbras of specific guarantees, in the first, third, fourth, fifth and ninth amendments; includes right to be free from unwarranted governmental intrusion; includes right to be free from unwarranted infringements of bodily integrity. *Id.*, 127. Free exercise clause of first amendment cited. *Id.*, 208. Cited. *Id.*, 394. Constitutional right of privacy cited. *Id.* Cited. 41 CS 31. Right to free speech cited. *Id.* Opinions protected by federal constitution cited. *Id.* Cited. *Id.*, 66. "... the regulation barring commercial signs within 500 feet of an interchange is constitutionally valid". *Id.* Cited. *Id.*, 362; *Id.*, 525. First amendment perspective of vagueness and overbreadth cited. *Id.* Cited. 42 CS 256. Free exercise of religion and freedom of religion cited. *Id.* Cited. *Id.*, 562. Right to privacy cited. *Id.* Cited. 43 CS 46. Exercise of religion; rights of assembly; freedom of the press; protected speech or expression cited. *Id.* Cited. *Id.*, 152. Cited. 44 CS 472. Freedom of press and speech cited. *Id.* Protecting stability of leading Fortune 500 corporation's shares of stock outweighed public's and media's right to access files and hearings in divorce proceedings of high ranking executive of such corporation. 45 CS 208. The free exercise of religion clause and the establishment clause of this amendment do not prevent a state from prohibiting criminal conduct on the part of clergy through laws not aimed at the promotion or restriction of religious beliefs. *Id.*, 397. Neither the establishment clause nor the free exercise clause preempt or prohibit the court from determining negligent supervision claims against defendant clergy. *Id.* Where newspaper mistakenly published picture of plaintiff, identifying him as having been arrested, court found that plaintiff was a public figure and had to show actual malice on the part of the newspaper and, failing that, concluded that plaintiff had failed to carry that burden and defendant's motion for summary judgment was granted. 46 CS 634. Attorney's false statements in grievance proceedings, having no reasonable basis and made with reckless disregard of the truth, do not enjoy constitutional protection. 48 CS 94. Plaintiff's claim re injuries she suffered while voluntarily participating in church healing ritual service is barred by the first amendment which protects religious worship. 52 CS 218; judgment affirmed, see 134 CA 459.

Connecticut obscenity law (Sec. 53-244a) must be construed in light of the free press guarantee of this article. 3 Conn. Cir. Ct. 362. Motion pictures are within protection of freedom of speech and press, but obscenity is not so protected, because it is utterly without redeeming social importance. *Id.*, 429. Obscenity is not protected by the language of this section. *Id.*, 441. Criteria for determining obscenity discussed. *Id.*, 442. Constitutional status of material may not be made to turn on a "weighing" of its social importance against its prurient appeal, for a work cannot be proscribed

unless it is “utterly” without social importance. Id., 605, 608. In cases involving indecency and obscenity the appellate court is required to make its own independent constitutional judgment on the evidence introduced in the trial court as to the obscenity of the motion picture in question. Id. Constitutional protection does not extend to crimes with sentences excluded in Sec. 51-266. 6 Conn. Cir. Ct. 558. Flag law not violation of right to free speech. Id., 611. Cited. Id., 668.

(Religious establishment prohibited. Freedom of speech and of the press, right of assembly and right of petition.)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE [II.]*

*Proposed September 25, 1789. Ratification consummated December 15, 1791. Ratified by this state, April 19, 1939.

Cited. 179 C. 516; 192 C. 48. Right to keep and bear arms cited; plaintiffs did not establish standing to assert constitutional rights of individual permit holders not properly before court. 222 C. 621. Cited. 234 C. 455. Right to bear arms cited. Id. Dirk knives and police batons are arms protected under the second amendment and the prohibition on transporting such arms to one’s home, as set forth in Sec. 29-38, is unconstitutional under second amendment intermediate scrutiny analysis. 315 C. 79. Defendant waived his second amendment right when he agreed to condition of his probation barring him from possessing firearms. 320 C. 678.

Right to bear arms cited. 15 CA 342. Right to present a defense cited. 26 CA 367. Sec. 29-38c does not violate second amendment. 163 CA 36.

Cited. 36 CS 108.

(Right to keep and bear arms.)

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

ARTICLE [III.]*

*Proposed September 25, 1789. Ratification consummated December 15, 1791. Ratified by this state, April 19, 1939.

Cited. 192 C. 48; 209 C. 692. Constitutional right to privacy cited. Id. Constitutional right to family unity cited; violation of constitutional rights cited. 214 C. 256. Federal 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. Cited. 233 C. 557.

The right to privacy arises from penumbras of specific guarantees in the first, third, fourth, fifth and ninth amendments. 40 CS 127. Constitutional right to privacy cited. Id., 394. Cited. 42 CS 562. Right to privacy cited. Id.

(Quartering soldiers in private houses.)

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.

ARTICLE [IV.]*

*Proposed September 25, 1789. Ratification consummated December 15, 1791. Ratified by this state, April 19, 1939.

First ten amendments of federal constitution apply to federal government only. 96 C. 310; 97 C. 546; 101 C. 236; 110 C. 500; 112 C. 173; 120 C. 575. Bill of discovery directed to a person not a party to main action but which seeks information material and necessary to the proof of a cause of action not an unreasonable search and seizure. 146 C. 252. Evidence obtained by searches and seizures in violation of the federal constitution is inadmissible in a state court. 367 U.S. 643. Cited. 149 C. 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, state could not claim search was incidental to lawful arrest. *Id.*, 488. Whether a search is reasonable and evidence seized admissible is a question for the court in light of the circumstances of the case and constitutional guarantees. 152 C. 93. Basis for finding probable cause for issuance of a search warrant discussed. 153 C. 8–10. 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. Cited. *Id.*, 151. Statutory procedure for issuance of bench warrant (Sec. 54-43) is in violation of this amendment since warrant may be issued without any facts, supported by oath or affirmation, from which the court or judge issuing the warrant can make an independent determination of probable cause. *Id.*, 132. Search by police officer, not made as an incident to a lawful arrest, if otherwise reasonable, could be justified under this amendment, section 1 of the fourteenth amendment and Art. I, Sec. 8, of the Connecticut Constitution only on proof that protection afforded by these provisions had been waived. *Id.*, 70, 71. Where defendant failed to object at trial to introduction of evidence which he claimed had been procured by illegal search and seizure, he is barred from making objection for first time on appeal. 155 C. 297. Rule re inadmissibility of illegally seized evidence is not retroactive to cases decided before it became law. 155 C. 316. Retrospective effect is not given to rule re illegally issued bench warrants, enunciated in *State v. Licari*, 153 C. 127, in habeas corpus proceeding brought by prisoner for illegal detention. By his pleading and representation by counsel, petitioner consented to jurisdiction of court and thereby waived defects in bench warrant. *Id.*, 593. Petitioner consented to jurisdiction of court by his trial and, when no timely objection was made thereat concerning petitioner's allegedly illegal arrest, such claim cannot be later raised by habeas corpus proceeding alleging unlawful imprisonment. *Id.*, 627, 701, 703. Rule in *Licari* case (153 C. 127) not applicable when first challenge to original arrest of plaintiff occurred in this habeas corpus proceeding brought twenty years after plaintiff's conviction after trial in which he was represented by counsel. 156 C. 339. Defect in arrest warrant because it was unsworn is waived by consent to court's jurisdiction by voluntary plea of guilty, knowingly made by defendant. 157 C. 143. Search of defendant's car and home under warrant held reasonable. Items seized were related to crime of rape with which defendant was charged. *Id.*, 198. Arrest of defendant upon speedy information of others was lawful and search of a car in which defendant was seated was properly made without warrant incidental to lawful arrest. *Id.*, 222. By failure to object to procedure for bench warrant at any time during proceedings below, defendants submitted to jurisdiction of the court and cannot on appeal first claim reversible error because of defect in arrest warrant. *Id.*, 330. An impartial and deliberate determination of probable cause for issuance of bench warrant of arrest for trial for perjury not possible where the state's attorney presented merely a statement under oath by a witness contradicting defendant's testimony. 159 C. 96. A search to which defendant consents may be lawful if the state establishes that the consent is voluntary. *Id.*, 433, 436. 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, 525. Since the authorization in the warrant to seize "paraphernalia" made the warrant, to that extent, a general warrant, it was illegal and did not meet the constitutional requirement that a search warrant particularly describes the things to be seized. 160 C. 28. Informant's information reliable, when. 162 C. 440. Police have 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. A police officer's action in entering a car, which the officer had ordered parked after he had learned that the operator's license was under suspension, in the absence of the operator, to remove a plainly visible guitar for safekeeping was in performance of his "community caretaking function" and was a reasonable intrusion not prohibited by the fourth and fourteenth amendments. 166 C. 126. "Plain view doctrine" can be applied where a police officer is not searching for evidence against the accused but nonetheless inadvertently comes across an incriminating object. *Id.* Cited. 169 C. 322. Fact that judge does not state his finding of probable cause in body of arrest warrant or that state's attorney does not state in writing his belief that crime has been committed does not render arrest warrant contrary to 4th amendment where attached affidavits afford sufficient basis for finding of probable cause. *Id.*, 517. Warrantless search of motor van, with probable cause, upheld; knowledge of entire organization imputed to police officer. 171 C. 119. Cited. *Id.*, 500; *Id.*, 524; 175 C. 614; 176 C. 17; *Id.*, 75; *Id.*, 138; 177 C. 487; 178 C. 207; *Id.*, 427; 179 C. 23; *Id.*, 46; *Id.*, 102; *Id.*, 522. A blood test is a search and seizure but if performed by medical personnel in medical environment according to accepted medical procedures it satisfies the reasonableness requirements. 180 C. 290. Court's construction of Sec. 54-41c(8) in accord with standards for protection of privacy. *Id.*, 345, 351. Seizure of buttoneer kit valid since police had probable cause to believe it constituted "mere evidence". *Id.*, 619. Cited. *Id.*, 660; 181 C. 151; *Id.*, 172. Not a violation of fourth amendment where police enter residence for purpose of conducting search pursuant to valid search warrant and arrest resident under Sec. 54-1f when they have probable cause to believe he has committed a felony. *Id.*, 187. Not applicable to grand jury proceedings. *Id.*, 268. Cited. *Id.*, 299. Warrantless search of automobile discussed. 182 C. 142. Cited. *Id.*, 533; 183 C. 148; *Id.*, 156; *Id.*, 386; *Id.*, 394. Dissenting opinion viewed majority decision to be an unwise expansion of the exclusionary rule; that lack of signature on warrant was a technical defect not affecting substantial rights. 184 C. 95. Cited. *Id.*, 455. Unidentified informant and probable cause discussed. 185 C. 104. Probable cause discussed. *Id.*, 339. Any such "search" in case is lawful as incident to a lawful arrest. 186 C. 45. Facts of case constitute a seizure so as to invoke protection of amendment. *Id.*, 287. Cited. *Id.*, 437; 187 C. 281; *Id.*, 647; 188 C. 161; *Id.*, 325; 189 C. 35. Warrantless search of commercial property damaged by fire discussed. *Id.*, 228. Cited. *Id.*, 429; *Id.*, 461; *Id.*, 611. Warrantless search and seizure at premises destroyed by fire discussed. *Id.*, 752, 755, 758. Tests of exigent circumstances for making warrantless arrests discussed. 190 C. 440. Cited. *Id.*, 594; 191 C. 233; *Id.*, 360; *Id.*, 412. There was error for trial court not to instruct jury concerning defense of reasonable resistance to an unlawful entry. Right to use of reasonable force to resist illegal entry as defense to charge of interference with a police officer versus when defendant charged with different crime discussed.

Id., 433. Cited. Id., 622; Id., 636; 192 C. 48; 193 C. 70; Id., 116; Id., 612; Id., 695; 194 C. 114. Refusal to suppress evidence cited. Id. Cited. Id., 331; Id., 447; Id., 530; Id., 650; Id., 702; 195 C. 232; Id., 303; Id., 444; Id., 505; Id., 668; 196 C. 685; 197 C. 219; Id., 247; Id., 298; Id., 507; Id., 620; Id., 685; 198 C. 209; Id., 255. Illegal search cited. Id., 348. Cited. 199 C. 47; Id., 417; Id., 718; 200 C. 9. Unlawful arrest and search cited. Id. Cited. Id., 82; Id., 151; Id., 412; 201 C. 534; Id., 559. Unconstitutional arrest cited. Id. Fundamental constitutional right and a fair trial cited. Id. Cited. 202 C. 39; Id., 385. Constitutional rights against unreasonable search and seizure cited. Id. Cited. Id., 615; 204 C. 187; Id., 259; Id., 654; 205 C. 201; Id., 298. Illegal arrest cited. Id. Cited. Id., 456; Id., 560; 206 C. 90; Id., 278; 207 C. 152. Illegal searches and seizures cited. Id. Expectation of privacy and warrantless search of basement discussed. Id., 323. "Appropriate inquiry is whether there is a rational basis for the admission of evidence in probation revocation hearings that would be subject to the exclusionary rule in criminal trials." Id., 565. Exclusionary rule cited. Id. Cited. 209 C. 1; Id., 98; Id., 497. Violation of constitutional rights cited. Id. Cited. Id., 596. Expectation of privacy, search and seizure cited. Id. Cited. Id., 692. Constitutional right to privacy cited. Id. Cited. 210 C. 481; 211 C. 258. Federal constitution cited. Id. Cited. Id., 289; 212 C. 195; Id., 223; 213 C. 405; 214 C. 57; Id., 146. Neither under arrest nor seized for constitutional purposes cited. Id. Cited. Id., 692. Unconstitutionally seized cited. Id. "... not constitutionally be seized ..." cited. Id. Inadvertence limitation of plain view doctrine discussed. Id. Unconstitutional search cited. Id., 752. Cited. 215 C. 231; Id., 667; Id., 813. Cited. 216 C. 150, see also 26 CA 423, 27 CA 291, 223 C. 902 and 225 C. 10, reversing judgment of appellate court in *State v. Marsala*, and remanding case to that court with direction to remand case to trial court for new trial. Good faith exception to exclusionary rule cited. Id. Required suppression cited. Id. Costs of exclusionary rule cited. Id. Cited. Id., 172. Challenge to admissibility of evidence cited. Id. Cited. Id., 514. Search and seizure cited. Id. Constitutionally protected interests in human dignity and privacy cited. Id. Sec. 53a-167b not facially unconstitutional under this and fourteenth amendment. 217 C. 73. Reasonable expectation of privacy in contents of duffel bag and cardboard box discussed; warrantless search held invalid; three justices dissented. 218 C. 85. Cited. Id., 483; Id., 486; 219 C. 529; Id., 557; Id., 907; 220 C. 38; Id., 602. Evidence seized in violation of federal constitution cited. Id. Cited. 221 C. 643; Id., 788. Illegal search and seizure cited. 222 C. 254. Federal 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. Cited. Id., 672. Federal exclusionary rule cited. Id. Search and seizure clause of U.S. Constitution cited. Id. Cited. 223 C. 127. Constitutional requirement of probable cause cited. Id. "Totality of circumstances" cited. Id. Cited. Id., 283; Id., 635. Rights under U.S. Constitution cited. Id. Defendant not guaranteed fourth amendment protection when he was exposed to public despite intervening porch since there was no reasonable expectation of privacy; judgment of appellate court in 26 CA 481 reversed. 224 C. 494. Cited. Id., 593. Constitutional rights cited. Id. Cited. Id., 627; 225 C. 55. Unconstitutional seizure cited. Id. Cited. Id., 185. Right to be free from unwarranted intrusions cited. Id. Cited. Id., 609. Emergency exception to warrant requirements of federal constitution cited. Id. Cited. 226 C. 314. Federal constitution protection against illegal searches and seizures cited. Id., 514. Cited. 227 C. 207. Authorized search cited. Id. Cited. Id., 363; Id., 456; Id., 534; 228 C. 62. Seizure and unlawful seizure cited. Id. Cited. Id., 281; Id., 610; 229 C. 10. Search and seizure warrant requirements cited. Id. Cited. Id., 125; Id., 164. Violation of seizure rights cited. Id. Cited. Id., 385. Exclusionary rule cited. Id. Cited. Id., 716; 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 cited. Id. Exigent circumstances cited. Id. Cited. Id., 115; Id., 195. Right of bodily self-determination cited. Id., 944. Detention for investigated purposes cited. 232 C. 455. Cited. Id., 707; 233 C. 44; 234 C. 539; 236 C. 216. Federal constitution permits seizure of non-threatening contraband cited. Id. Cited. 237 C. 81. Challenge to warrantless entry cited. Id. Cited. Id., 390. Illegal seizure cited. Id. Cited. 238 C. 692. Privacy right to telephone calls cited. Id. Illegal search, unreasonable search cited. 239 C. 235. Judgment of appellate court in 235 C. 939 reversed. Id. Cited. 240 C. 210; Id., 317. Right against unlawful search cited. Id. "Probable cause" and "reasonable and articulable suspicion" standards discussed. Id., 365. Unreasonable searches and seizures cited. Id. Cited. Id., 489. Search violates federal rights cited. Id. Trial court improperly granted motion to suppress; judgment of appellate court in 42 CA 537, 542 reversed. 241 C. 650. Cited. Id., 665; 242 C. 432. Probable cause for search warrant found under the independent source doctrine. Suppression of evidence in prior case did not require return of evidence. *Murray v. U.S.*, 487 U.S. 541, discussed. Exclusionary rule discussed. 243 C. 282. Plain view exception discussed; plain view exception not applicable because the police had no lawful basis for being in defendant's bedroom without a warrant. 245 C. 464. Defendant's statements while in custody were not the "product" of allegedly illegal motor vehicle stop for purposes of "fruit of the poisonous tree" analysis. 246 C. 547. Trial court reversed; warrantless search and seizure was conducted incident to an arrest that was lawful, and evidence was incorrectly suppressed. 248 C. 183. Initial lawful entry by a firefighter, who was entitled to seize contraband observed in plain view, eliminates defendant's reasonable expectation of privacy and permits subsequent entry by a police officer to seize such contraband without first obtaining a warrant. 249 C. 431. Review on appeal of reasonableness of search discussed. Consent to search discussed and *Dotson v. Warden* factually distinguished. Probable cause standard of review discussed. Nature of unconstitutional general warrant discussed. *Franks v. Delaware* doctrine re false information in search warrant supporting affidavit discussed. Inventoried searches not to be turned into investigatory search. Independent source doctrine and inevitable seizure doctrine discussed. Plain view doctrine discussed. 251 C. 285. During search of automobile pursuant to a search warrant, note found in ashtray or glove compartment held to be validly seized since there was reasonable likelihood that it contained traces of substances described in warrant. 254 C. 694. Where defendant claimed that certain facts alleged in affidavit used to support search warrant were false, court held that there were other facts in affidavit sufficient to support probable cause to seize evidence from defendant and motion to suppress such evidence was properly denied.

256 C. 854. Fourth amendment not violated in the case of anonymous tip determined by police to reasonably justify a stop of a suspect. 257 C. 610. 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 the search warrant application for defendant's commercial premises contained sufficient other facts to establish probable cause for issuance of the warrant without results of the thermal imaging scan. 259 C. 94. Trial court properly admitted into evidence a knife that police had found in pocket of defendant's coat, which was hanging in his motel room at the time of his arrest. *Id.*, 374. No reasonable expectation of privacy when state obtains prescription records with consent of pharmacist in possession of records but without search warrant or prior consent of defendant. *Id.*, 436. 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. Where anonymous tip was corroborated by two separate observations by the 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. 262 C. 686. Warrantless search of apartment not justified as either first or second tier protective sweep. 268 C. 575. Although person's home is afforded heightened protection under search and seizure provisions, a limited patdown search of occupant after door is opened is permissible if the search is supported by a reasonable and articulable suspicion that occupant is armed and dangerous, and in this case, occupant's behavior including attempt to close door, thrusting of hand in his pocket as well as suspected drug activity provided adequate suspicion that occupant was armed and posed a danger. 271 C. 300. It was reasonable for police to believe that a young child's health and safety was in jeopardy and therefore warrantless entry into apartment was justified by the emergency exception to the warrant requirement, and the brief seizure of defendant thereafter, undertaken in order to maintain the status quo, was justified under *Terry v. Ohio*. 272 C. 106. Warrantless entry into bedroom to apprehend person suspected of committing murder was not in violation of fourth amendment but was justified by exigent circumstances where police had been invited into the apartment, observed suspect in the bedroom and had reason to believe suspect was armed. 277 C. 281. Evidence resulting from defendant's statements to officer who answered drug dealer's cellular telephone were not improperly admitted because defendant made no effort to ascertain identity of the person to whom he spoke and therefore lacked a reasonable expectation of privacy in the statements he made. 278 C. 341. Warrantless patdown search of defendant's person for weapons did not violate fourth amendment right to be free from unconstitutional searches and seizures because, under the totality of the circumstances, there was reasonable and articulable suspicion that defendant was armed and dangerous. *Id.*, 620. Although anonymous tip alone is insufficient to justify an investigatory stop, it may contribute, in combination with other evidence, to a reasonable suspicion for such a stop. Public exposure of an object deprives owner of a reasonable expectation of privacy in the object and, accordingly, police observation of an object that is in plain view does not constitute a search for purposes of fourth amendment. 279 C. 493. Even if municipal police officers committed seizure in violation of fourth amendment, they are entitled to qualified immunity because they reasonably believed that they merely were removing unruly guest at the request of the property owners and tenant. 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. Particularity clause operates to prevent general searches and to assure the individual whose property is searched or seized of the lawful authority of the executing officer, his need to search and the limits of his power to search; warrant was valid despite technical error where "cocaine" and "crack cocaine" were substituted for "marijuana" because the warrant described items to be seized in great detail, officers and defendant were well aware of the items sought, the scope of a search for cocaine is coterminous with that of a search for marijuana, the error in the warrant did not serve to expand the officers' authority, the issuing judge was presented with sufficient evidence to find probable cause for a marijuana warrant, and the warrant can be salvaged under the severance doctrine. 291 C. 720. Defendant had reasonable expectation of privacy in contents of cell phone, including his subscriber number, however search and seizure by New York police on separate drug charges was valid under automobile exception to warrant requirement under New York 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. Police officers had reasonable suspicion sufficient to justify protective search of defendant's vehicle based on evidence that defendant was stopped in a neighborhood known by the officers to have frequent narcotic trafficking, defendant was in possession of three cell phones and more than \$1,300 in cash and defendant was observed closing vehicle's center console as officers approached vehicle. 296 C. 62. Trial court properly denied motion to suppress inculpatory statements and fruits thereof because police officers had reasonable and articulable suspicion that defendant was involved in murder that had occurred in area a few hours earlier and defendant was last person seen with victim, officers did not engage in conduct more intrusive or coercive than necessary to effectuate a legitimate investigatory stop nor did their conduct transform the stop into an arrest, and defendant voluntarily consented to accompany police officers to police station and did not merely submit to lawful authority. *Id.*, 622. When police are familiar with informant and his credibility has been established, and police are able to corroborate several aspects of a tip by personal observation, the fact that the tip did not state 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. Police detective validly searched automobile because traffic stop was not measurably prolonged and driver had consented to search. 298 C. 209. Area between electronic security gate and front door of defendant's house

was constitutionally protected curtilage, and police officer's entry onto curtilage was not justified by emergency situation because a reasonable officer would not have believed that an emergency existed since it was not objectively reasonable for the officer to believe that a sixteen year old was in need of immediate aid, despite the urgent telephone calls by an apparently concerned parent, the presence of a car and couch in the driveway and the lack of an answer at the intercom and front door. 301 C. 810. When proposed zoning inspection search is not part of a periodic or area inspection program, a reasonableness requirement applies and is satisfied when a judicial officer orders a search upon a showing by municipal authorities that probable cause exists to believe that a zoning violation will be discovered upon inspection of the premises. 303 C. 676. Police lawfully entered defendant's hotel room, after defendant jumped from hotel window, without a warrant and seized personal effects, some of which were in the hotel room and others of which were in an area open to the public and viewable from the hotel room window, because defendant abandoned his personal effects and, therefore, relinquished any expectation of privacy and also because police reasonably could have believed an emergency might exist in the hotel room. 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. Special constable appointed pursuant to Sec. 7-92 had power to make arrest. 313 C. 205. Where named informant provided information against his penal interest, indicating his participation in criminal activity on multiple occasions in the recent past and which activity was wholly unrelated to the crime for which he was in custody, judge issuing search warrant reasonably could have credited that information as reliable and therefore supportive of a finding of probable cause. 319 C. 218. Trial court properly denied defendant's motion to suppress evidence of knife used in assault where defendant voluntarily handed knife over to police for safety reasons prior to being allowed into police cruiser for a ride home, and its further retention for evidentiary purposes was reasonable because the police had probable cause to believe that defendant used the knife in the commission of the assault. 320 C. 22. Defendant's right against unreasonable searches and seizures was not violated because property owner and defendant failed to obey the health department's order of inspection and, therefore, the trial court had authority pursuant to Sec. 19a-220 to issue an administrative search warrant to carry out the health department's order. 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.

Cited. 1 CA 315; Id., 384; 2 CA 605; 3 CA 359; 5 CA 441. The party who seeks suppression has the burden of proving that he had a reasonable expectation of privacy in the area searched. Id., 496. Constitutional right to be free from unreasonable seizure cited. Id., 586. Right to be free from unreasonable search and seizure cited. 6 CA 124. Cited. Id., 394. Investigative stop and seizure, and search and seizure cited. 7 CA 46. Cited. Id., 265; Id., 354; Id., 550; Id., 656; Id., 660; 8 CA 13; Id., 63; Id., 125. Particularity clause and reasonable expectation of privacy discussed. Id., 290. Cited. Id., 330; Id., 345. Evidence illegally obtained could be used as evidence of bribery subsequently attempted. 9 CA 15. Cited. Id., 147; judgment reversed, see 206 C. 278. Cited. Id., 548; Id., 667. "Statements overheard without the use of anything but the human ear, by a police officer lawfully stationed in an apartment adjoining that of a defendant can be used as support for an application for a wiretap without violating this amendment." 10 CA 7. Cited. Id., 103. Defective warrant cited. Id. Cited. Id., 217; Id., 395. Constitutional rights cited. Id. "Reasonable suspicion" rather than more exacting "probable cause" standard applies when police momentarily detain individuals for investigative purposes. Id., 532. Search and seizure; fourth amendment right of privacy cited. Id., 561. "Sensible threshold" standard discussed. Id. Cited. 11 CA 11; Id., 473. Right to be free from unreasonable searches and seizures cited. Id. Cited. 12 CA 338; Id., 427; 13 CA 69; Id., 139; Id., 214; Id., 413. Unreasonable warrantless search cited. Id. Cited. 14 CA 134. Unreasonable searches and seizures cited. Id. Cited. Id., 574. Exclusionary rule discussed. Id., 605. Search violated rights cited. 15 CA 161. Cited. Id., 222; Id., 416. Right to be free of unreasonable searches and seizures cited. Id. Denial of motion to suppress cited. Id., 539. Cited. Id., 589; 16 CA 18; Id., 156; Id., 172; Id., 245; Id., 272; 17 CA 108. Exigent circumstances discussed. Id., 142. Unreasonable warrantless searches of private property cited. Id. Cited. Id., 250; Id., 273; Id., 326; Id., 385; Id., 556; Id., 635. Granting of motion to suppress on federal constitutional grounds cited. Id. Federal constitution on seizure cited. Id., 677. Cited. 18 CA 32. Prohibition of unreasonable warrantless searches cited. Id. Cited. Id., 104. Unconstitutional entry cited. Id. Seizure, exclusionary rule, independent source doctrine cited. Id. Suppression of post warrant evidence cited. Id. Cited. Id., 423. Cited. Id., 658; judgment reversed, see 216 C. 185. Cited. Id., 694. Prohibition on unreasonable searches and seizures cited. Id. Cited. 19 CA 265. Constitutional guarantees against unreasonable searches and seizures cited. Id., 296. 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 of appellate court in *State v. Marsala*, and remanding case to that court with direction to remand case to trial court for new trial. Cited. Id., 539; Id., 594; Id., 626; 20 CA 183; Id., 193. Constitutional questions not properly raised at a nonadjudicatory preliminary hearing. Id., 321. Unconstitutionally seized cited. Id. Illegal entry and search cited. Id. Cited. Id., 336; Id., 354; Id., 521; 21 CA 162; Id., 248. Warrantless search cited. Id., 506. Question of seizure discussed. 22 CA 10. Federal constitutional claim cited. Id. Cited. Id., 40; Id., 62; Id., 118; Id., 142; Id., 683; 23 CA 50. No unreasonable search or seizure cited. Id. Cited. Id., 123. Right to search and warrantless arrest cited. Id. Cited. Id., 151; Id., 592. Failure to suppress evidence in violation of federal 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. Illegal search and seizure cited; right not to be arrested without probable cause cited; unconditional plea under Alford doctrine constitutes waiver of right to challenge constitutionality of arrest and subsequent search. Id., 408. Cited. Id., 438; Id., 473; judgment reversed in part, see 221 C. 788; 25 CA 282; Id., 575. For individuals

on home release only his parole officer has the right to search the individual when there is mere suspicion that he may be violating terms of his release. 26 CA 103. Unreasonable search and seizure cited. Id. Defendant's porch where he has exclusive possession is as sacrosanct as his home in consideration of fourth amendment. Id., 481; judgment of appellate court in *State v. Santiago*, reversed, see 224 C. 494. Federal constitution cited. Id., 667. Cited. Id., 805. Seizure and detention in violation of constitutional rights cited. 27 CA 49. Cited. Id., 128; Id., 248; Id., 307; Id., 312; Id., 370. "Exigent circumstances" discussed in connection with warrantless searches and seizures. Id., 403. Cited. Id., 427; Id., 741. Warrantless search per se unreasonable cited. Id. Cited. 28 CA 508; Id., 708. "Probable cause" and existence of, "exigent circumstances" and inevitable discovery exception to exclusion rule discussed. 29 CA 207. Search violative of U.S. 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 cited. Id. Expectation of privacy cited. Id. U.S. Constitution does not require "inadvertence" for plain view seizure. Id., 249. Exclusionary rule does not apply to probation revocation proceedings. Id., 340. Cited. Id., 550; Id., 712; Id., 783; 31 CA 178. Evidence seized in violation of constitutional rights cited. Id. Searches and seizures cited. Id. Cited. Id., 278, 299, 307, 443. Constitute search under U.S. Constitution cited. Id. Cited. Id., 548. Federal constitutional rights cited. Id. Cited. 32 CA 84. Right to be free from unreasonable searches cited. Id. Cited. Id., 267; Id., 402. To be free from unreasonable search and seizure cited. Id. Fundamental constitutional right to liberty cited. Id. Cited. Id., 483; Id., 505. Not seized within meaning of federal constitution cited. Id. Cited. 33 CA 409. Constitutional rights violation cited. Id. Cited. Id., 590. Search and seizure cited. Id. Cited. 34 CA 492. Cited. 35 CA 279; Id., 781. Illegal arrest under federal constitution cited. 36 CA 161. Cited. Id., 401. Illegal arrest and right to fair trial cited; unconstitutional arrest and seizure cited. Id. Cited. Id., 488; 37 CA 40. Motion to suppress evidence cited. Id. Cited. Id., 276; Id., 561; judgment reversed, see 236 C. 216; 38 CA 29; Id., 588; 39 CA 63; Id., 224; Id., 369; Id., 579. Constitutionality of search of defendant's pockets cited. Id. Cited. 40 CA 420; Id., 544; Id., 643. 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 seizure cited; inevitable discovery doctrine cited. Id. Cited. 42 CA 537; judgment reversed, see 241 C. 650. Warrantless and illegal searches, constitutional prohibitions in stop and seizure and "plain feel" doctrine cited. 43 CA 448. Cited. 44 CA 6. Taking of parafin tests cited. Id. Right to be free from unreasonable searches cited. Id. Cited. Id., 223; 45 CA 32. Unconstitutional intrusion on defendant's rights cited. Id. Unlawful seizure cited. Id., 148. Cited. 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. Constitution's protections against unwarranted search and seizure cited. Id. Consent to warrantless search or entry into a house discussed. 49 CA 699. Voluntary consent to warrantless search or entry into a house discussed. Id., 738. 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. Id. 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. In case involving denial of a clinical social worker license to a felon, request for plaintiff to undergo psychological evaluation not an invasion of plaintiff's privacy. 53 CA 855. Jury instruction re reasonable doubt and presumption of innocence did not amount to a constitutional violation. 55 CA 469. Police may detain an individual for investigative purposes if there is a reasonable and articulable suspicion that the individual is engaged in or is about to engage in criminal activity. 56 CA 181. Warrantless search is not unreasonable when a person with authority has freely consented. Reasonable expectation of privacy test discussed. Fourth amendment privacy rights are personal rights that cannot be vicariously asserted. 57 CA 176; test overruled, see 326 C. 330. Trial court properly denied motion to suppress evidence acquired from warrantless arrest on grounds that reasonable police officer would have reasonable belief that if an immediate arrest of defendant were not made, he might escape capture, destroy evidence or harm others or their property. Id., 202. Defendant's constitutional rights not violated when authorities obtained results of defendant's blood alcohol test from out-of-state hospital without search warrant or defendant's consent. Id., 484. 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 had reasonable and articulable suspicion to stop defendant's car. Id., 365. 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. 59 CA 272. Seizure of evidence warranted where tipster provided facts, confirmed by the police and police noted other facts which combined to provide, in the totality of the circumstances, a reasonable and articulable suspicion sufficient to justify the seizure. 60 CA 321. Police officer's subjective belief that evidence seized was within warrant specifications deemed irrelevant as evidence was of probative value and could have been seized under plain view doctrine. Id., 350. Where defendant was hearing impaired and claimed that his confession was an unwarranted seizure, court found that, since defendant was able to hear and respond to police questioning, the confession was not involuntary and defendant's motion to suppress was properly denied. 61 CA 275. "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 satisfied particularity clause. 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. In case involving a warrantless search, defen-

dant's verbal utterances to the officers requesting that they leave his property or he would let his dog loose do not constitute a new distinct crime for which the police may constitutionally arrest defendant. 64 CA 93. Court concluded that the defendant's fenced backyard and driveway of his single family, private home constitute the constitutionally protected curtilage of his house and that the defendant therefore had an expectation of privacy in the fenced area equal to that of the house itself. *Id.* Constitutionality of regulations allowing for inspections of family day care centers upheld because operator's right to pursue chosen employment is subject to state's exercise of police power to protect public health and welfare. 66 CA 410. Evidence not inadmissible under the fruit of a poisonous tree doctrine because the evidence was properly admitted under the inevitable discovery doctrine. 67 CA 436. 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 burglary tools were found on the ground in plain view of police officers who were conducting a proper surveillance of defendant. *Id.*, 634. Defendant's fourth amendment rights not violated by seizure of items in defendant's apartment that were in officers' plain view when they entered the apartment to arrest defendant pursuant to an arrest warrant. 70 CA 160. 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. Defendant's request for a hearing re probable cause was properly denied because he failed to make a substantial preliminary showing that affiants had serious doubt as to the truth of their statements or had obvious reasons to doubt the accuracy of the information they reported. 71 CA 516. 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 consented to police entry because the facts established that defendant allowed the officers into the house without any complaint and was fully cooperative thereafter; defendant's will was not overborne and his consent was a product of his unconstrained choice; the question of whether defendant has given voluntary consent to enter premises is a question of fact for trial court upon consideration of totality of circumstances surrounding the police entry; any evidence obtained as a result of entry into defendant's home was not the fruit of illegal entry and was admitted properly. *Id.*, 545. 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 a search of the premises. *Id.*, 693. Warrantless searches and seizures conducted under exigent circumstances exception to warrant requirement are constitutionally impermissible unless supported by probable cause. 76 CA 48. Trial court improperly denied defendant's motion to suppress evidence obtained through use of search warrant issued without probable cause that defendant had committed crime of threatening and without establishing that firearms to be seized were connected with any criminal activity on date of alleged threatening. *Id.*, 169. Defendant did not have a reasonable expectation of privacy with regard to letter written by defendant while incarcerated; accordingly, removal of the letter from defendant's prison cell following his transfer from New York correctional facility to Connecticut correctional facility and Danbury police officers' subsequent reading of the letter did not violate fourth amendment. 79 CA 572. Where defendant voluntarily consented to warrantless search, defendant's motion to suppress evidence gathered during the search was properly denied. 80 CA 224. 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. Court adopts reasonable suspicion standard for strip searches incident to lawful felony arrest, i.e. officers are permitted to strip search an individual when, subsequent to lawful felony arrest and patdown, they have reasonable suspicion that the individual is carrying a weapon or contraband. 82 CA 111. 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. In case involving attempt to kidnap child and risk of injury to child, court properly admitted seized evidence including defendant's journal, photographs, young boy's underwear and assorted items which were relevant and supported by valid search warrant. *Id.*, 452. Investigatory stop that led to arrest under Sec. 14-227a was based on reasonable and articulable suspicion because defendant was parked illegally on side of road when approached by police. 84 CA 519. Court could not conclude that stop of defendant's vehicle for a seatbelt violation was a pretextual stop in violation of Fourth Amendment and, under the totality of the circumstances, state trooper had probable cause to arrest defendant because the facts and circumstances within trooper's knowledge were sufficient to warrant a person of reasonable caution to believe that a felony had been committed; and since defendant's arrest was lawful, the ensuing warrantless search of defendant's vehicle, where illegal narcotics were found under driver's seat, was lawful as a search incident to lawful arrest. *Id.*, 739. 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 a permissible investigative detention and not an impermissible arrest. 85 CA 329. 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. 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 the 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. Adequate evidence existed for court to find that mother who had routine access to adult son's bedroom to do laundry and cleaning exercised sufficient control over son's unlocked bedroom to consent validly to a search of it by police. 90 CA 548. Consent to search may be found to be voluntary even though defendant was in custody and had not been advised of his right to refuse consent or of his rights pursuant to *Miranda v. Arizona*. 95 CA 332. Trial court properly granted motion to suppress evidence that was fruit of the poisonous tree; police officer who conducted the 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, the 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. *Id.*, 616. Court had ample evidence to conclude that defendant had engaged in a hand-to-hand narcotics transaction with a confidential informant and such evidence justified a stop and search under *Terry*. 98 CA 762. 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. Informant's report of erratic driver exhibited sufficient indicia of reliability to justify a *Terry* stop of the driver for operating a motor vehicle under the influence of intoxicating liquor, even though police officer neither observed the driver nor knew the informant's name. 103 CA 646. When police stop is based on informant's tip, reliability and corroboration are important factors in totality of circumstances analysis, and in this case, although tip came from first time informant, informant was not anonymous, but known to police, and information provided by the informant was corroborated. 107 CA 462. 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. No exigent circumstances exception where police entered residential premises without warrant but defendant was already in custody and did not present a risk of flight or risk to public safety. 109 CA 820; judgment reversed, see 295 C. 785. The exclusionary rule does not apply to revocation of probation hearings, and evidence obtained by defendant's probation officer during the course of a search of defendant's apartment when probation officer was aware of defendant's failed drug test was not obtained due to an unreasonable search. 112 CA 569. Totality of circumstances supported police's investigatory detention of defendant, including observation of defendant in area known for drug activity in car with out-of-state license plates suggesting a rental car, and statements of pedestrian who conversed with defendant related to sale of drugs. 113 CA 823. Warrantless entry of police into common hallway of defendant's apartment building was proper because defendant had neither a subjective expectation of privacy nor one that society would find reasonable. 115 CA 1. 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. 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. Admission of evidence obtained in violation of fourth amendment does not automatically amount to harmful error; initial determination is whether challenged evidence is product of illegal governmental activity; these crimes fall under the new crime exception to the exclusionary rule adopted in 264 C. 778. 124 CA 294. Judge's scrivener's error regarding time on search warrant did not invalidate search or seizure of evidence. *Id.*, 331. Warrantless entry into defendant's home was not justified under emergency doctrine because measured behavior of police belied any claim of emergency or imminent danger and the attendant implication that the police did not have adequate time to contact defendant or seek a warrant. *Id.*, 438. Officer did not unlawfully extend traffic stop since actions during stop were reasonably related to traffic stop. *Id.*, 546. Re search of Internet provider records, although affidavit did not specifically link Internet protocol login address to defendant's street address at time user had incriminating online conversation, magistrate was free to infer a fair probability that Internet provider supplied address of user on particular date and time of incriminating conversation. *Id.*, 584. 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 failed to make "substantial preliminary showing" necessary for a *Franks* hearing. 126 CA 383. Each item of physical evidence that was seized was in plain view of the government officials who entered the residence, and the initial lawful entry of the residence by such officials to address emergency situation eliminated defendant's reasonable expectation of privacy and permitted officials who entered later to do what the initial responding officials could have done, namely, to seize the evidence. 128 CA 213. 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 defendant had an opportunity to present arguments to trial court and challenge the propriety of the state's subpoena prior to disclosure of the medical records and the subpoena was limited and for a specific purpose. *Id.*, 239. Police officer lawfully seized contraband under the plain view doctrine where

he observed a bag in defendant's car with narcotics in it and the underlying facts were sufficient to establish probable cause to associate the bag with criminal activity. *Id.*, 391. Defendant may claim fourth amendment protections inside host's home and has standing to challenge constitutionality of police search. *Id.*, 552. Warrantless entry into bedroom that resulted in defendant's conviction for criminal possession of a firearm was not justified by exigent circumstances when the description of the individual sought by police could have applied to numerous males, there had been no eye-witness identification of the individual sought prior to entering the bedroom and evidence relating to the location of a cell phone failed to provide a reasonable basis for concluding that the individual sought was present in the bedroom at the time of police entry. 132 CA 473; judgment reversed on exigent circumstances grounds, see 314 C. 212. In construing and applying the exemption for disclosures constituting invasions of personal privacy under Sec. 1-210(b)(2), the person's constitutional right to privacy under this amendment has no bearing. 136 CA 496. 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 drug sale in protracted series of drug transactions not so unreasonable as to defeat probable cause on basis of stale facts. 144 CA 308; judgment affirmed, see 319 C. 218. Subpoena issued for certain aspects of defendant's medical records which was limited in scope and issued in response to defendant's witness list was reasonable. 146 CA 114. No reasonable expectation of privacy in juvenile offender fingerprint records released by the FBI, as conferred by Sec. 54-76f. 152 CA 300. 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. Defendant's unqualified consent to search of saliva sample in 1986 permitted DNA testing to be performed on sample in 2009 and the results of the 2009 testing were properly admitted. *Id.*, 691. Warrantless search did not violate defendant's right to privacy because defendant had no reasonable expectation of privacy in property that he owned but rented to a tenant when the only evidence of defendant's personal relationship with the property was that he leased it to the tenant for a monthly rent that was less than his monthly mortgage payment and that defendant periodically received mail at the property. 155 CA 794; judgment affirmed, see 326 C. 330.

A search and seizure which, though warrantless, is consented to is not within the exclusionary rule. But mere acquiescence in and peaceful submission to demands of the searching officers is not to be construed as consent. 22 CS 41. Cited. *Id.*, 323. Where a search warrant is issued and executed, the presumption is that the proper legal procedure was observed, and the burden is on the defendant to overcome that presumption. 23 CS 405. Search and seizure may lawfully be made without a 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. To qualify as a "person aggrieved by an unlawful search and seizure" one must have been the one against whom the search was directed as distinguished from one who claims prejudice only through use of evidence gathered as a consequence of a search or seizure directed at someone else. 25 CS 108. State court must apply federal constitutional standards which guarantee person against search without warrant unless search was incident to a lawful arrest. 26 CS 39. Where original arrest of accused was clearly made on probable cause, later issuance of admittedly defective bench warrant, whereby a more serious charge was substituted, in no way invalidated original arrest. *Id.*, 207. One moving to suppress evidence has the right to complain in a court of law only if such illegal search violates his own constitutional rights. Thus, if an illegally searched truck which produced the evidence was owned by someone else, the defendant cannot complain. *Id.*, 297. Where original arrest on circuit court warrant was constitutional, defendant was properly bound over to superior court and charged with aggravated assault. 27 CS 429. Cited. 28 CS 239. Affidavit supporting warrant on which defendant was arrested was sufficient. No need for affiant officer to vouch for trustworthiness of informants who were victims of auto theft conspiracy. *Id.*, 252. Affidavit and application for search and seizure warrant sufficiently described the defendant although his first and second names were reversed where correct residence, description and birth date were in the affidavits and warrant. *Id.*, 325. Cited. 29 CS 400. Motion to suppress used, when. *Id.*, 426. Cited. 30 CS 94. Warrant, based upon affidavit lacking credibility and reliable references, void. *Id.*, 584. Physical examination of a properly arrested criminal is not an unreasonable search and seizure. 32 CS 306. Substantially similar to Art. I, Sec. 7 of Connecticut Constitution; warrantless searches, particularly incident to arrest, discussed; permissible scope of search; purpose of exclusionary rule. 33 CS 129. Although Connecticut common law generally requires police to announce their authority and purpose before forcing entry, this is not required by the federal Constitution. 34 CS 531. Cited. *Id.*, 666. Exclusionary rule discussed in relation to omission of signatures from copies of warrant and affidavit served on defendant. 35 CS 225. Prior admissions of defendant clear indication blood sample would probably produce evidence highly pertinent to charge of negligent homicide with a motor vehicle; taking of blood not violation of rights under this amendment. *Id.*, 511. Cited. 36 CS 239; 37 CS 515, 755; *Id.*, 901; 38 CS 364; *Id.*, 521; *Id.*, 570; 39 CS 347. Noncompliance with "knock and announce" rule and standing to challenge search discussed. 40 CS 20. Right to privacy arises from penumbras of specific guarantees in the first, third, fourth, fifth and ninth amendments. *Id.*, 127. Constitutional right of privacy cited. *Id.*, 394. Cited. *Id.*, 498; *Id.*, 547; 42 CS 306. Seizure within meaning of federal and state constitutions cited. *Id.* Cited. *Id.*, 562. Right to privacy cited. *Id.* Cited. 43 CS 441.

Where judge had before him no information which permitted him to make an independent judicial determination of the existence of probable cause for issuance of search warrant, issuance was in violation of constitution and evidence seized as a result of its execution is not admissible in defendant's trial. 3 Conn. Cir. Ct. 97, 98. An un-

signed and undated search warrant is fatally defective, invalid and void and confers no authority to act thereunder. Id., 641, 644. Landlord by virtue of ownership of demised premises had standing to raise constitutional issue but housing inspectors entering at invitation of tenant were not trespassers and no search warrant was required as only administrative inspection was involved. 4 Conn. Cir. Ct. 245. Search of automobile before arrest, without warrant but only on suspicion of officers, illegal and contraband seized not admissible in trial on charge of illegal possession of narcotics and drugs. Id., 376. Supporting affidavit sufficient where based on letter from informant followed by police surveillance of conduct of defendants outside the premises and in community in making book. Id., 603. Defendant cannot object to evidence obtained by search and seize warrant of defendant's automobile while it was entrusted to friend using it for illegal policy playing. 5 Conn. Cir. Ct. 1, 7. Cited. Id., 35, 57. Search of the person of one on premises searched under a valid warrant in accord with Sec. 54-33b lawful as not an unreasonable search. Id., 637. Affidavit in support of a search warrant where defendant was charged with pool selling was sufficient when it set forth the underlying circumstances, reasons for reliability of informants, actual betting transactions based on personal observation. Id., 669. A detective, while on defendant's premises, answered the telephone and took some bets over it. To do so was not an unreasonable seizure in violation of defendant's rights under the fourth and fourteenth amendments. 6 Conn. Cir. Ct. 170, 172, 177, 178. Probable cause determination need not be limited to defendant's conduct at the precise moment of arrest but may include surveillance of defendant and his continuing activities to the point of arrest. Arrest fully met the requirements of Sec. 6-49, consequently no warrant was necessary. Id., 228, 232-236.

(Right of search and seizure regulated.)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE [V.]*

*Proposed September 25, 1789. Ratification consummated December 15, 1791. Ratified by this state, April 19, 1939.

Cited. 149 C. 572; 155 C. 318. No federal constitutional impediment to dispensing entirely with grand jury in state prosecution. Id., 367. Cited. 156 C. 600; 169 C. 517, 539; 172 C. 496. Right of defendant to confront witnesses against him is guaranteed by sixth amendment, not fifth amendment, and made obligatory on states by fourteenth amendment. Id., 593. Cited. 192 C. 48. Rights, privileges and immunities secured by the fifth and fourteenth amendments to the U.S. Constitution cited. 193 C. 414. Right to fair trial and due process cited. Id., 632. Statement taken in violation of sixth [sic] amendment inadmissible for impeachment. 195 C. 232. Cited. 197 C. 507. "There exists no constitutional right of access to the statements of a witness for the prosecution ...". 208 C. 365. Failure to produce second statement violation of fifth amendment rights cited. Id. Cited. 209 C. 692. Constitutional right to privacy cited. Id. Cited. 218 C. 531. Constitutional rights of privacy cited. Id. Federal 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. Cited. 225 C. 609; 227 C. 207. Over-broad terms of warrant cited. Id. Cited. 230 C. 183; 238 C. 389. Constitutional right to fair trial cited. Id. Appellate decision reversed; despite defendant's initial invocation of his right to counsel, defendant later initiated the discussion with authorities that led to his confession and thus waived his right to counsel. 245 C. 700. Possibility alleged taking might be temporary because of favorable resolution of administrative appeal does not preclude inverse condemnation action. 247 C. 196. Retrial of defendant for felony murder after he was convicted of robbery did not constitute double jeopardy and the collateral estoppel doctrine does not apply. Id., 662. Although the case against defendant under Sec. 20-427 was initially dismissed based on statute of limitations, the state's successful appeal on the statute of limitations calculation and subsequent trial did not constitute unlawful double jeopardy. 250 C. 1. Where testimony was prejudicial and court instructed jury to disregard it, the burden is on defendant to establish that, in the context of the proceedings as a whole, the stricken testimony was so prejudicial, notwithstanding the court's curative instructions, that jury reasonably cannot be presumed to have disregarded it. 262 C. 825. Trial court properly considered in its valuation the possibility of recovering remediation costs from successor company of the former owner. 272 C. 14. Explanation of booking procedures does not constitute interrogation in violation of defendant's right against self-incrimination as she voluntarily made statements after invoking right to counsel. 281 C. 572. 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. State did not improperly refer to defendant's silence while being interrogated, did not make improper "golden rule" arguments in its rebuttal closing statement and did not act improperly when prosecutor read to jury portions of redacted federal court transcript from proceeding where defendant had been asked to comment on veracity of testimony of certain government witnesses. Id., 748. Where expert nonparty invoked fifth amendment because of pending federal criminal investigation and trial court excluded evidence of treatment in connection with invocation but admitted evidence of bills and plaintiff's testimony regarding treatment, court admission of live testimony

or invocation based on analysis of the nature of the relationship of the witness and the plaintiff, degree of control of party over the nonparty, compatibility of witness and role of the nonparty witness. 287 C. 731. Actions of head of Department of Correction in altering calculations of release date based on judicial interpretation of Sec. 18-98d that credit is applied once to first sentence is no ex post facto law because practice was altered to correct prior misinterpretation of section. Id., 792. 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 same act or transaction and information alleges crimes committed on same date, at same location and with same narcotic. 288 C. 345.

Cited. 8 CA 542; 20 CA 193; 27 CA 128; 33 CA 311; 37 CA 40; 43 CA 606. Procedural and substantive due process claims cited. Id. Cited. 46 CA 118. Trial court did not marshal the evidence so as to unduly prejudice the defendant or deprive him of his right to due process. 49 CA 486. Double jeopardy does not preclude a new prosecution after dismissal based on expiration of statute of limitations and not on the absence of a material element of the crime. Id., 553. 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 appeal process, so claim is waived. 51 CA 117. Defendants who are parties as individuals cannot assert the due process claims of their partnership. Id., 790. Although defendant has a 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., 798. Defendant failed to demonstrate that a constitutional violation clearly existed and clearly deprived him of a fair trial. 52 CA 466. Police request that defendant submit to sobriety test was necessary to a legitimate police procedure and resulting incriminating statements made by defendant were admissible under *Miranda*. Id., 475. Trial court's failure to appoint counsel to oppose competency proceedings was harmless beyond a reasonable doubt; procedural due process re competency hearings cited. 54 CA 361. Defendant could not meet the third condition of the *Golding* test in his objection to the jury charge because it was not reasonably possible that jury was misled. 55 CA 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. Jury instruction re reasonable doubt and presumption of innocence did not amount to a constitutional violation. Id., 469. In context of the entire trial, certain instances of improper questioning by state did not cause substantial prejudice or undermine the fairness of the trial. 72 CA 545. On claim that prosecutor in closing argument improperly stated the law, it was held that jury was presumed to have followed instructions of the court, 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 total effect rather than by individual component parts, certain inapplicable or inaccurate jury instructions were held not to have misled jury. Id. Trial court's failure to give sufficient advice to defendant on the constitutional rights to confront state's witnesses against him and the privilege against self-incrimination invalidated defendant's guilty plea, judgment reversed. 82 CA 93. Where previous multiple count criminal sentence was vacated and all but one count discharged, it was not double jeopardy for the resentencing court to impose sentence equal to the original total effective sentence. 84 CA 326. Where jury convicted defendant of six conspiracies arising out of a single plan, defendant can be punished for only one conspiracy. 87 CA 93. Kidnapping in the first degree statute (Sec. 53a-92(a)) was unconstitutionally vague as applied to facts of defendant's case. 91 CA 47. Trial court did not improperly exclude proffered evidence re defendant's claim of intoxication at time of murder. Id., 169. Defendant's rights under double jeopardy clause of fifth amendment were violated by his conviction of two counts of assault in the second degree (Sec. 53a-60), resulting from conduct against one victim that was nonsexual, continuous, uninterrupted and close in time. 92 CA 586. Defendant's due process rights were not violated when his motions for continuances were denied. 93 CA 76. Condition of petitioner's parole that his release not be "incompatible with the welfare of society" was not unconstitutionally vague. Id., 95. Sec. 53a-223b(a)(1)(2) not unconstitutionally vague because a person of ordinary intelligence would have ample warning that terms "stay away from" and "contacts" prohibit distinct conduct. 97 CA 332.

Cited. 22 CS 323. State's use and possession of premises without payment of rent was not a "taking" in constitutional sense; sovereign immunity to suit therefore applicable. 35 CS 180. Financial disadvantage alone does not prevent a person from making a voluntary decision on whether to testify. 36 CS 210. Cited. 38 CS 331; 39 CS 250. Right to privacy arises from penumbras of specific guarantees in the first, third, fourth, fifth and ninth amendments to the U.S. Constitution. 40 CS 127. Constitutional right of privacy cited. Id., 394. Cited. 42 CS 562. Right to privacy cited. Id.

There is nothing so vague or ambiguous about the language of Secs. 53-295 and 53-298 as to violate the fifth amendment, and no evidence of an invasion of a substantive right as would constitute an overbreadth. 6 Conn. Cir. Ct. 170, 172, 173.

(Criminal prosecutions, trials and punishments. Due process. Taking private property for public use.)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life

or limb;¹ nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law;² nor shall private property be taken for public use, without just compensation.³

¹ Nature and limitations of doctrine as applicable in this state; appeal by state in criminal case valid. 65 C. 271. If crimes are distinct, it does not matter that evidence is much the same. 77 C. 201. Acquittal of charge of receiving stolen goods bars prosecution for their theft; but acquittal by a justice of the peace, whose only power is to bind over, is not a bar. 83 C. 286. No such provision in Connecticut Constitution. 122 C. 538. Where same act contains necessary elements of two or more distinct offenses, difference not being merely one of degree, prosecution for one will not bar prosecution for another, and where one act constitutes several crimes, there may be separate prosecution for each. 147 C. 426. Double jeopardy clause does not apply to state proceedings unless double jeopardy amounts to denial of due process under fourteenth amendment. In federal courts it is double jeopardy for trial court on its own initiative to increase penalty once execution of valid sentence has begun. But not if convicted person initiates proceedings resulting in heavier penalty. 149 C. 692. Due process does not require that a defendant represented by counsel and convicted upon a plea of guilty, as distinguished from a defendant convicted after a trial, be notified of a right to appeal. 168 C. 254. Generally may prosecute and sentence defendant for both conspiracy to commit offense and offense itself; Wharton's rule currently valid only as presumption of legislative intent. 171 C. 105. Judgment of acquittal, however erroneous, bars further prosecution and, hence, appellate review; applies to trials by court as well as by jury. 176 C. 224. Cited. Id., 421. Reaffirms doctrine of dual sovereignty. 178 C. 67. Conviction of both possession of heroin, lesser offense included in crime of transportation of heroin, constituted violation of prohibition against double jeopardy. Id., 422. Where jury returns verdict of guilty but trial court thereafter renders a judgment of acquittal, appeal is permitted and double jeopardy does not attach where a retrial is not required. Id., 450. Double jeopardy prohibition covers not only separate trials but also multiple punishments in a single trial for single offense consisting of varying degrees of possession of heroin. 179 C. 239. Constitutional rights in connection with grand jury proceedings discussed. 181 C. 268. The double jeopardy clause does not prohibit a third trial of a defendant who successfully petitioned for a new trial after his first trial resulted in conviction and whose second trial resulted in a mistrial when jury failed to agree on verdict. 182 C. 124. Double jeopardy discussed; addition of two jurors to panel after panel was sworn but before any testimony was admitted. Id., 382. Cited. Id., 449. Law of double jeopardy bars judicial review of judgment of acquittal. Id., 585; part of ruling in *State v. Jacobowitz*, in which court had ruled that a defendant was entitled on remand to a direction of acquittal with respect to a count improperly added to other charges of which the defendant had had proper notice overruled, see 224 C. 1. Rights against double jeopardy not violated by imposition of consecutive sentences imposed with respect to two separate offenses. 184 C. 369. Aspect of this amendment relating to substantive right to grand jury indictment is not applicable to state prosecutions. Id., 597. Cited. 185 C. 124; Id., 402; Id., 473. Double jeopardy cited. 187 C. 73; Id., 109; Id., 216. Double jeopardy with reference to sequential prosecutions for same offense in federal and state courts discussed. 188 C. 432. Successive prosecutions in federal and state courts discussed. Id., 671. Cited. 189 C. 1; Id., 114. Court lacked jurisdiction to consider appeal which, though in form asserting former jeopardy, in fact raises only the denial of the motion to acquit. Id., 201. Cited. Id., 303. Rejection of defendant's original double jeopardy claim was res judicata to claim raised again where facts and arguments presented differed only slightly from those originally presented. Id., 416. No reasonable interpretation of double jeopardy clause imparts a right not to be subjected more than once to a grand jury inquiry. 191 C. 27. Effect of double jeopardy considerations on appellate review of interlocutory rulings in criminal proceedings discussed. Id., 506. Cited. Id., 604. Double jeopardy discussed where violation of Sec. 53-21 and Sec. 53a-73a(a)(1)(A) both charged. 192 C. 154. Nature of double jeopardy clause's protection discussed. 194 C. 233. With respect to cumulative sentences imposed in a single trial, double jeopardy clause does not prevent either multiple convictions or multiple punishment for multiple offenses. Id., 530. Right against double jeopardy is one of a small class of cases which meets the test of being effectively unreviewable on appeal from final judgment and which, therefore, is subject to interlocutory review; distinction between this class of cases and claim to dismissal of charges on successful completion of diversionary program under Sec. 54-56e discussed. Id., 650. Illegal possession of narcotics and illegal sale of narcotics are different offenses, under double jeopardy analysis. 195 C. 70. Cited. Id., 253. Double jeopardy clause cited. Id. Constitutional right against double jeopardy cited. Id., 303. Cited. Id., 598. Double jeopardy cited. Id. Prohibition against double jeopardy cited. Id., 611. Cited. Id., 651. Double jeopardy cited. Id.; 196 C. 157. Cited. 197 C. 67. Double jeopardy cited. Id.; Id., 87; Id., 436; Id., 485. Cited. Id., 588. Double jeopardy cited. 198 C. 92. Multiple convictions under Sec. 21a-279(a) and double jeopardy clause cited. Id., 111. Double jeopardy provisions cited. Id. Cited. Id., 369. Double jeopardy grounds cited. Id. Cited. 199 C. 207. Right not to be placed twice in jeopardy cited. Id. Cited. 200 C. 453. Double jeopardy cited. Id. Cited. Id., 523. Double jeopardy clause cited. Id. Cited. 201 C. 229. "Double jeopardy" defense cited. Id. Principles of double jeopardy cited. Id., 379. Cited. Id., 675. Double jeopardy cited. Id. Cited. 202 C. 343; Id., 385. Double jeopardy cited. Id. When two or more persons are victims of a single episode there are as many offenses as there are victims. Id., 629. Double jeopardy challenge cited. Id. Cited. 204 C. 156; Id., 330. Double jeopardy cited. Id. Cited. 205 C. 370. In this case dismissal of substitute information "is not the functional equivalent of an acquittal, and the state's appeal is not barred by ... double jeopardy rights". Id., 528. Double jeopardy rights cited. Id. Cited. 206 C. 40. Double jeopardy clause cited. Id. Cited. Id., 657. Double jeopardy rights cited. Id. Cited. 207 C. 152. Double jeopardy cited. Id. Cited. Id., 374. Double jeopardy cited. Id. Cited. Id., 403. Double jeopardy clause cited. Id. Constitutional right not to be tried twice for same offense cited. Id. "It is a violation of the double jeopardy clause of the fifth amendment to impose punishment for both the capital felony and the murders that constitute the lesser included offense." 208 C. 125. Double jeopardy clause cited. Id. Cited. Id., 387. Double jeopardy cited. Id. Cited. Id., 420. Double jeopardy cited. Id.; 209 C. 225; Id., 564. Double jeopardy cited and discussed. 210 C. 110. Double jeopardy cited. Id., 244; Id., 435. Cited. Id., 652. Double jeopardy cited. Id. Cited. 211 C. 18. Double jeopardy rights cited. Id. Cited. Id., 289. Principles of double jeopardy cited. Id. Double jeopardy cited. Id., 352. Constitutional prohibition against double jeopardy cited. Id., 441. Double jeopardy cited. Id., 455; Id., 555; Id., 631; Id., 672. Cited. 212 C. 31. Double jeopardy cited. Id. Prohibition against double jeopardy cited. Id., 223. Double jeopardy principles in same trial in contrast with subsequent prosecution discussed. 213 C.

74. Principles of double jeopardy cited. *Id.* Double jeopardy cited. *Id.*, 289. Cited. *Id.*, 388. Double jeopardy cited. *Id.* Cited. 214 C. 454. Protection against double jeopardy cited. *Id.* Double jeopardy and collateral estoppel discussed. 215 C. 570. Double jeopardy and the double jeopardy clause cited. *Id.* Constitutionally entitled to credits received while serving subsequently vacated sentence. 216 C. 220. Double jeopardy clause cited. *Id.* Constitutional requirements cited. *Id.* Cited. *Id.*, 282. Double jeopardy clause cited. *Id.* Multiple punishments imposed for same offense discussed. *Id.*, 699. Double jeopardy cited. *Id.* Double jeopardy provisions cited. 219 C. 489. Double jeopardy cited. 220 C. 169. Construing the double jeopardy clause in the context of declaration of a mistrial over defendant's objection discussed; "manifest necessity" standard discussed. 221 C. 407. Double jeopardy grounds cited. *Id.* Cited. *Id.*, 430; *Id.*, 447. Prohibitions against double jeopardy cited. *Id.* Double jeopardy discussed. *Id.*, 685. Double jeopardy cited. *Id.* Double jeopardy claim cited. 222 C. 331. Cited. 223 C. 243. Double jeopardy challenge cited. *Id.* Cited. *Id.*, 384. Double jeopardy clause cited. *Id.* Constitutional principle against double jeopardy cited. 224 C. 1. Double jeopardy cited. 225 C. 355; 226 C. 497. Double jeopardy protection cited. *Id.*, 773. Cited. 227 C. 1. Right against double jeopardy cited. *Id.* Prohibition against double jeopardy cited. *Id.*, 32. No double jeopardy claim cited. *Id.*, 301. Cited. *Id.*, 566. Protection against double jeopardy cited. *Id.* Double jeopardy cited. 228 C. 552. Cited. *Id.*, 582. Double jeopardy cited. *Id.* Federal double jeopardy rights cited. *Id.*, 910. Prohibition against double jeopardy cited. 230 C. 43. Double jeopardy cited. *Id.*, 183. Privilege against double jeopardy cited. *Id.* 686. Cited. 231 C. 545. Federal double jeopardy rights cited. *Id.* Interplay of double jeopardy and prosecutorial misconduct discussed. 234 C. 683. Double jeopardy cited. *Id.* Cited. 235 C. 206. Double jeopardy cited. *Id.* Imposition of tax on illicit drugs after plaintiff had been prosecuted for the same underlying misconduct does not violate the double jeopardy clause. *Id.*, 539. Constitutional prohibition against double jeopardy cited. *Id.* Court concluded that "administrative suspension of defendant's operator's license had a legitimate remedial purpose and does not bar her criminal prosecution for allegedly violating Sec. 14-227a(a)". *Id.*, 614. Double jeopardy cited. *Id.* Prohibition against double jeopardy cited. 237 C. 81. Cited. *Id.*, 364. Double jeopardy protections cited. *Id.*, 694. Double jeopardy claim cited. 239 C. 375. Double jeopardy clause violation cited. 240 C. 97. Cited. *Id.*, 317. Double jeopardy cited. *Id.*; *Id.*, 727. Prohibition against double jeopardy cited. 241 C. 1. Double jeopardy cited. *Id.*, 702. Prohibition against double jeopardy cited. 242 C. 296. Cited. *Id.*, 345. Prohibitions against double jeopardy cited. *Id.* Double jeopardy provision cited. *Id.*, 523. Double jeopardy grounds cited. *Id.*, 648. Collateral estoppel is a protection included in the guarantee against double jeopardy. Motive is not an ultimate issue or element of Sec. 53a-111(a)(4), therefore state is not collaterally estopped from admitting evidence of insurance despite earlier acquittal of Sec. 53a-111(a)(3). 243 C. 282. Prohibition against double jeopardy meant defendant could not be convicted for both murder and felony murder as to a particular victim so one conviction ordered vacated. 245 C. 779. Imposition of two death sentences for two convictions was not double jeopardy. 251 C. 285. Defendants' constitutional rights against double jeopardy were violated when trial court rendered judgments of conviction on three separate counts of conspiracy and sentenced defendants separately for each conviction; whether the object of a single agreement is to commit one or many crimes, the single agreement is the prohibited conspiracy which violates a single statute for which only one sentence may be imposed; the one agreement cannot be taken to be several agreements and thus several conspiracies because it envisages the violation of several statutes rather than one. 252 C. 533. 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 re prosecution would constitute double jeopardy. 255 C. 186. Trial court improperly declared a mistrial in the absence of manifest necessity; court had the authority and obligation to ask jury whether a partial verdict had been reached but did not believe it was authorized to accept a partial verdict and never informed jury that it could or should return a partial verdict on a greater offense while continuing to deliberate on a lesser offense or that it could return a partial verdict on a greater offense when deadlocked on a lesser offense and failed to explore all reasonable alternatives to declaring a mistrial; further prosecution of defendant on murder and first and second degree manslaughter would violate double jeopardy provision. 256 C. 262. Where court at first imposed illegal sentence but later, retaining jurisdiction, merged convictions and corrected the sentence accordingly, claim of double jeopardy became moot. *Id.*, 785. Where defendant was party to single agreement to kidnap and murder the victim, separate convictions for conspiracy to kidnap and conspiracy to murder violated prohibition against double jeopardy. *Id.* Reaffirmed previous holding that conviction and sentencing for both murder and felony murder in death of the same victim violate double jeopardy. 258 C. 229. Denial of presentence confinement credit for such time upon conviction after retrial does not implicate protections of double jeopardy clause, where statute provided that defendant not entitled to credit toward his original sentence for such presentence confinement time. *Id.*, 394. Secs. 53-21 and 53a-59(a)(3) do not stand in relationship to each other as greater and lesser included offenses and are not the same offense for double jeopardy purposes. 260 C. 93. Re double jeopardy claim, defendant failed to meet his burden of proving that his conviction of assault under Sec. 53a-59(a) with regard to different injuries arose out of the same act. *Id.* Doctrine of collateral estoppel does not apply when there is a single proceeding where several criminal charges against same defendant are allocated between two triers for concurrent adjudication upon virtually identical evidence, both triers reach decisions in simultaneous deliberations, and those decisions are announced within same proceeding. 266 C. 658. 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. 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 double jeopardy protections 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. Jeopardy did not attach upon trial court's acceptance of the defendant's plea because it was conditioned on presentence investigation report and victim's statement; defendant did not have a reasonable expectation of finality in his plea agreement and case did not involve prosecutorial overreaching. 296 C. 375. Defendant's right against double jeopardy was violated when he was tried for possession of cocaine and possession of opium then retried, under the same statutory provisions, for possession of a "narcotic substance, to wit: cocaine or heroin". Defendant's right against double jeopardy would not be violated if the state elected to

retry defendant for transporting cocaine with intent to sell because there was no reasonable possibility that the jury acquitted defendant of that charge at an earlier retrial. 297 C. 621. Because there were two separate and distinct transactions, defendant could be convicted of attempted robbery in the first degree and robbery in the first degree without offending the prohibition against double jeopardy. 299 C. 640. Conviction of felony murder under Sec. 53a-54c and robbery in first degree under Sec. 53a-134(a)(1) does not constitute double jeopardy. 302 C. 287. Defendant's conviction for intentional manslaughter in the first degree after appeal did not constitute double jeopardy because there was no showing that first jury acquitted defendant on same grounds for same offense at first trial. 314 C. 618. Reviewing court may look to evidence presented at trial in step one of two-part double jeopardy analysis to determine whether offenses arose from different acts or transactions. 328 C. 648.

Since the crimes of harassment and threatening as charged did not arise out of the same act or transaction the double jeopardy bar is not applicable. 1 CA 647. Cited. 5 CA 491. Double jeopardy cited. Id. Double jeopardy rights cited. Id., 586. Double jeopardy principles cited. 6 CA 24. "Putting a defendant to trial on both a greater and lesser included offense does not offend the double jeopardy clause, ..." 7 CA 46. Cited. Id., 445. Double jeopardy cited. Id., 701. Cited. 8 CA 545. Prohibition against double jeopardy cited. Id. Double jeopardy clause cited. 9 CA 169; judgment reversed, see 205 C. 370. Cited. Id., 686. Double jeopardy principles cited. Id. Cited. 10 CA 709. Double jeopardy cited. Id. Cited. 11 CA 80. Double jeopardy cited. Id. Cited. Id., 397. Double jeopardy cited. Id. Cited. Id., 473. Double jeopardy cited. Id. Cited. 12 CA 225. Double jeopardy cited. Id. Cited. Id., 239. Double jeopardy rights cited. Id. Cited. Id., 274. Double jeopardy cited. Id. Cited. Id., 320. Prohibition against double jeopardy cited. Id. Cited. 13 CA 76. Double jeopardy clause cited. Id. Cited. Id., 596. Constitutional privilege against double jeopardy cited. Id. Cited. Id., 667. Double jeopardy claim cited. Id. Cited. 14 CA 10. Prohibition against double jeopardy cited. Id. Cited. Id., 272. Prohibition against double jeopardy cited. Id. Cited. Id., 388. Double jeopardy cited. Id.; 15 CA 222. Cited. Id., 330. Double jeopardy clause cited. Id. Right against double jeopardy cited. Id., 416. Prohibition against double jeopardy cited. 16 CA 148. "... actual evidence" test in successive prosecution cases discussed and adopted. Id., 358. Double jeopardy cited. Id. Cited. 18 CA 297. Double jeopardy cited. Id.; 19 CA 48; Id., 245. Rights against double jeopardy cited. 20 CA 27. Double jeopardy cited. Id., 75. Cited. Id., 193. Double jeopardy cited. Id. Successive prosecutions barred when same evidence used for first prosecution to be used for second prosecution. Id., 495. Double jeopardy grounds cited. Id. Double jeopardy cited. Id., 572; Id., 665. Double jeopardy rights cited. Id., 737. Double jeopardy cited. 21 CA 519. Right not to be tried twice for same offense cited; double jeopardy claim cited. 22 CA 73. Double jeopardy cited. Id., 340; Id., 809; 23 CA 215; Id., 667. Cited and double jeopardy cited. Id., 746; judgment reversed, see 221 C. 595. Double jeopardy clause cited. 24 CA 408. Cited. Id., 493. Double jeopardy cited. Id. Cited. Id., 624. Prohibition against double jeopardy cited. Id. Multiple punishments for same offense and separate acts as distinguished from a continuing course of criminal conduct discussed. 25 CA 243. Prohibitions against double jeopardy cited. Id.; Id., 354. Double jeopardy rights cited. Id., 619. Double jeopardy claim cited. 26 CA 114. Double jeopardy concerns cited. Id., 259. Cited. Id., 395. Double jeopardy cited. Id.; Id., 625; judgment reversed, see 224 C. 656; judgment of acquittal reversed, see 31 CA 452. Cited. 27 CA 73. Double jeopardy cited. Id. Cited. Id., 103. Prohibition against double jeopardy cited. Id. Prohibition against multiple punishments cited. Id. Cited. 28 CA 721. Double jeopardy cited. Id. Cited. 30 CA 190. Double jeopardy clause cited. Id. Right against double jeopardy cited. Id., 416. Cited. Id., 606. Double jeopardy cited. Id. Cited. 31 CA 47. Double jeopardy cited. Id. Right against double jeopardy cited. Id., 120. Double jeopardy grounds cited. 32 CA 38. Cited. Id., 224; Id., 553. Double jeopardy cited. Id.; Id., 811. Cited. 33 CA 143. Double jeopardy cited. Id. Right against double jeopardy cited. Id., 205. Prohibition against double jeopardy cited. Id., 339; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502; Id., 647. Cited. 34 CA 751; judgment reversed, see 233 C. 211. Double jeopardy cited. Id. Cited. 35 CA 431. Double jeopardy provisions cited. Id. Cited. Id., 631. Double jeopardy cited. Id. Double jeopardy claim cited. Id., 839. Double jeopardy claims cited. 36 CA 158. Double jeopardy cited. Id., 506. Prohibitions against double jeopardy cited. 37 CA 40. Cited. Id., 228. Right not to be punished twice for same offense; double jeopardy cited. Id. Double jeopardy protection of federal and state constitutions discussed; double jeopardy prohibitions cited. Id., 276. Prohibitions against double jeopardy cited. Id., 338. Double jeopardy rights cited. Id., 360. Double jeopardy cited. 38 CA 125; Id., 643. Double jeopardy provisions cited. Id., 661. Double jeopardy cited. 39 CA 18; Id., 384. Principles of double jeopardy cited. Id., 455. Prohibition against double jeopardy cited. Id., 742. Double jeopardy cited. 40 CA 387. Prohibition against double jeopardy cited. Id., 601. Double jeopardy right cited. Id., 643. Cited. Id., 805. Double jeopardy cited. Id. Cited. 41 CA 255. Prohibition against double jeopardy cited. Id. Double jeopardy cited. Id., 476. Double jeopardy doctrine cited. Id., 604. Cited. Id., 751. Right not to be twice put in jeopardy cited; double jeopardy rights cited. Id. Right to be free from double jeopardy cited. 42 CA 144. Cited. Id., 264. Double jeopardy prohibition cited; failure of legislature expressly to prohibit multiple punishments cited. Id. Cited. Id., 640. Prohibition against double jeopardy cited. Id. Double jeopardy cited. Id., 687. Prohibition against double jeopardy cited. Id., 790. Cited. 43 CA 142. Prohibition against double jeopardy cited. Id. Cited. Id., 205. Double jeopardy claim cited. Id. Double jeopardy discussed. Id., 801. Prohibition against double jeopardy cited. Id. Cited. 44 CA 6. Guarantee against double jeopardy cited. Id. Double jeopardy cited. Id., 702. Double jeopardy clause cited. Id., 731. Cited. 45 CA 270. Right not to be placed in double jeopardy cited. Id. Cited. Id., 369. Double jeopardy cited. Id. Prohibition against double jeopardy cited. 46 CA 486. Cited. Id., 691. Principles of double jeopardy cited. Id. Prohibition against double jeopardy cited. Id., 734. Prosecution following Department of Public Health sanctions did not constitute double jeopardy. 48 CA 71. 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. 49 CA 409. Administrative suspension of a person's driver's license under driver license compact based on out-of-state conviction does not violate double jeopardy since sanction serves remedial purpose of advancing public safety. 52 CA 326. Sentencing under both risk of injury and promoting prostitution statutes was not a double jeopardy violation under Blockburger test. 53 CA 627. Conviction for both possession and sale of narcotics does not violate prohibition against double jeopardy. Id., 661. 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. Conviction of two offenses, where one is a lesser offense included in the other, held not to constitute double jeopardy. Id., 580. Trial court improperly imposed sentences on counts that were lesser offenses included in greater offenses. 56 CA 181. Trial court's

sentence of two consecutive terms of imprisonment for defendant's conviction of each violation of Sec. 21a-278a(b), possession of a narcotic substance and possession of a controlled substance, did not violate defendant's rights against double jeopardy as legislature did not intend to bar multiple punishments for simultaneous possession of two different kinds of drugs. *Id.*, 845. Application of Sec. 17a-112 that terminated parental rights to an incarcerated father did not result in double punishment in violation of double jeopardy clause because section is primarily remedial in nature. 58 CA 244. Convictions and sentencing for both conspiracy to commit kidnapping in the second degree and conspiracy to commit unlawful restraint in the first degree constitutes multiple punishments for same offense. *Id.*, 567. Carrying pistol or revolver on separate days were distinct offenses for which multiple punishments may be imposed. 59 CA 603. Where defendant was convicted of two offenses, one a lesser included of the other, but sentenced on only one, double jeopardy claim ruled invalid. 60 CA 321. Defendant could not be convicted on one set of facts of both possession of narcotics by a person who is not drug-dependent and simple possession of narcotics and court ordered one sentence vacated. *Id.*, 436. Sec. 21-277(a) is a lesser included offense of Sec. 21a-278(b), and where two convictions arose out of the same act or transaction and were substantially identical, multiple punishments were improper. *Id.*, 534. Double jeopardy analysis discussed. 61 CA 118. Criminal violation of a protective order pursuant to Sec. 53a-110b and harassment in the second degree pursuant to Sec. 53a-183(a)(3) constitute separate offenses for double jeopardy purposes. *Id.* Defendant's due process rights were not denied where court did not inform him of the maximum sentence for each individual charge. *Id.*, 855. Defendant's due process rights not violated by court's failure to hold jury hearing to determine whether enhanced penalty provisions of Sec. 53a-40b should be applied. 62 CA 34. Felony murder conviction based on crime of attempt to commit robbery and felony murder conviction based on crime of burglary for each victim are single crime for double jeopardy purposes. *Id.*, 356. Double jeopardy clause not violated where each statute requires proof of an element to support a conviction that is not found in the other statute. 66 CA 91. Double jeopardy violation exists where defendant convicted of conspiracy to sell narcotics and conspiracy to sell those same narcotics within 1,500 feet of school. *Id.*, 118. 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—and legislature's use of different language indicated its intention to differentiate between the types of harm a person can cause. 67 CA 803. 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, i.e. for robbery of the 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 the 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 was not violated; since robbery is a crime against the person, and there were multiple victims, legislature intended multiple punishments. 74 CA 545. Trial court violated defendant's right against double jeopardy by improperly sentencing him on three counts of conspiracy arising from a single agreement and on both possession of narcotics count and possession of narcotics with intent to sell count; 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. 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. 75 CA 223. There is nothing in language of statutes or in the legislative history indicating that legislature intended that individual could not be convicted of both robbery in the first degree and burglary in the first degree. 78 CA 610. Conviction of possession of narcotics with intent to sell and possession of narcotics violated defendant's right against double jeopardy since defendant could not have committed a violation of Sec. 21a-277(a) without having first committed a violation of Sec. 21a-279(a). *Id.*, 659. Reiterated previous holdings that there is no double jeopardy when each crime requires proof of fact the other does not, but forgery in the second degree under Sec. 53a-139 and fabricating evidence under Sec. 53a-155 not the same offense because of clear indication of legislative intent in language and history of sections. 80 CA 313. Imposition of consecutive sentences on charges of reckless driving under Sec. 14-222 and manslaughter in the second degree under Sec. 53a-56 do not violate prohibition against double jeopardy. *Id.*, 703. Imposition of consecutive sentences on charges of reckless driving under Sec. 14-222 and manslaughter in the second degree with a motor vehicle under Sec. 53a-56b do not violate prohibition against double jeopardy. *Id.* Sentence did not violate double jeopardy clause. 81 CA 248. Sentence for violation of both Secs. 53a-62(a)(2) and 53a-181(a)(3) did not violate double jeopardy clause. *Id.* Since a combination to commit several crimes is 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. Court upheld prior rulings that convictions under both Sec. 29-35(a) and Sec. 53a-217(a)(1) do not constitute double jeopardy. 83 CA 377. Since sexual assault in the second degree is not a lesser included offense within the crime of risk of injury to a child, defendant's claim of double jeopardy failed where defendant had been convicted of both offenses for the same set of acts. 84 CA 245. Appellate court discussed and rejected defendant's four double jeopardy claims stemming from his conviction and sentencing for misconduct with a motor vehicle and engaging an officer in pursuit resulting in death, two charges of disregarding an officer's signal during one continuous pursuit, larceny in the third degree and attempt to commit larceny in the third degree, and duplicitous charges of interfering with an officer. *Id.*, 351. 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. Defendant's conviction of two counts of risk of injury to a child did not violate prohibition against double jeopardy because they arose from two separate incidents. *Id.*, 702. Defendant failed to demonstrate that his two convictions under Sec. 21a-278(b), resulting from two searches on same day, constituted double jeopardy because defendant was found with one stash of cocaine in his pocket and a later search of defendant's home revealed another stash of different purity, reflecting different purposes related to

the cocaine. 93 CA 548. Defendant who made five phone calls to victim was not placed in double jeopardy for multiple convictions of harassment under Sec. 53a-183 because fact that victim listened to the messages consecutively did not transform defendant's separate offenses into one act or one offense. *Id.*, 582. Trial court's four-year sentence imposed on defendant for burglary conviction, which court enhanced by two and one-half years after finding that defendant was a persistent serious felony offender, was not an illegal sentence and did not violate any of defendant's rights, i.e. did not exceed maximum limits authorized by Sec. 53a-40(j), did not violate defendant's double jeopardy rights and was not ambiguous or internally contradictory. 94 CA 356. 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. Defendant's conviction of burglary in the second degree with a firearm reversed where trial court improperly refused to instruct jury on criminal trespass in the second degree as a lesser offense included within crime of burglary in the second degree with a firearm because court improperly concluded that it was possible to commit burglary in the second degree with a firearm without committing criminal trespass in the second degree. *Id.*, 763. Defendant's right against double jeopardy was violated when he was convicted and sentenced for both attempted possession of one kilogram or more of marijuana with intent to sell and possession of four ounces or more of marijuana. But for intervening conduct of police, who intercepted package and removed all but 4.4 ounces of marijuana in sting operation, defendant would have been convicted of one offense. 110 CA 171. Defendant's conviction and sentencing under both Subdivs. (1) and (2) of Sec. 14-227a(a) violated his right not to be placed in double jeopardy. 111 CA 466. Conviction for manslaughter in second degree and manslaughter with a motor vehicle in second degree under Secs. 53a-56(a)(1) and 53a-56b(a) for the death of one person does not constitute double jeopardy. *Id.* 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. 113 CA 541. Defendant was not placed in double jeopardy when state proceeded to try him again on charges for which the jury could not reach a unanimous verdict in the first trial, and the jeopardy pertaining to those charges that attached at the commencement of the first trial was not terminated when the trial court declared a mistrial and therefore continued through the jury's verdict in the second trial. 116 CA 312. Defendant could not prevail on claim that his conviction under both Subdivs. (1) and (2) of Sec. 53-21(a) violated double jeopardy as defendant's actions in luring victim to a secluded area were separate from the commission of the sexual act itself. 118 CA 1. Attempt to commit robbery in first degree in violation of Sec. 53a-49 and conspiracy to commit robbery in first degree in violation of Sec. 53a-48 are separate and distinct offenses for purposes of double jeopardy. *Id.*, 35. Sexual assault in first degree under Sec. 53a-70(a)(2) and risk of injury to a child under Sec. 53-21(a)(2) are not the same offense for double jeopardy purposes. *Id.*, 180. Risk of injury to child under Sec. 53-21(a)(2) and sexual assault in fourth degree under 2003 revision of Sec. 53a-73a(a)(1)(A) are not the same offense for double jeopardy purposes. *Id.*, 589. Conviction for kidnapping pursuant to Sec. 53a-92(a) under both Subdivs. (2)(A) and (2)(B) for the same act constitutes double jeopardy. *Id.*, 831. Conviction for identity theft under Secs. 53a-129b and 53a-129d and illegal use of credit card under Sec. 53a-128d for single course of conduct did not constitute double jeopardy. 119 CA 483. Conviction of both assault of peace officer under Sec. 53a-167c(a)(1) and interfering with officer under Sec. 53a-167a(a) constitutes double jeopardy. *Id.*, 556. 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. Defendant's sentences on four separate conspiracy charges arising from two incidents constituted double jeopardy. 124 CA 9. Under facts presented, conviction of assault of public safety personnel under Sec. 53a-167c(a)(5) and interfering with officer under Sec. 53a-167a does not violate double jeopardy because each crime requires proof of different facts. *Id.*, 294. Conviction and sentence for two conspiracy charges based on single agreement constituted double jeopardy. 125 CA 307. 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. Classification by legislature of infractions as noncriminal acts payable by fine operates as a presumption that infractions do not constitute criminal offenses for purposes of double jeopardy analysis, albeit one that is rebuttable by clear proof to the contrary; protections afforded by double jeopardy clause were not implicated by trial court's erroneous sua sponte dismissal of charge against defendant when trial court plainly did not evaluate the state's evidence and failed to make a determination that the evidence was legally insufficient to sustain a conviction. 134 CA 346. Conviction of conspiracy to possess narcotics under Sec. 21a-279(a) and conspiracy to possess narcotics with intent to sell under Sec. 21a-277(a) constitutes double jeopardy. 137 CA 733. Applying the vacatur approach from *Rutledge v. United States*, 517 U.S. 292, if defendant cannot commit a greater offense without first committing a lesser offense, defendant's conviction on the lesser offense must be vacated in order to comport with the prohibition against double jeopardy. 143 CA 419. Defendant's multiple sentences for 3 separate conspiracies arising out of a single unlawful agreement are unlawful, in violation of prohibition against double jeopardy, 144 CA 731. 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. Cumulative convictions of kidnapping in the second degree under Sec. 53a-94(a) and attempted kidnapping in the second degree violate constitutional prohibition against double jeopardy. 147 CA 598. Conviction of possession of explosive in violation of Secs. 29-343 and 29-348 and manufacturing a bomb in violation of Sec. 53-80a does not constitute double jeopardy. 152 CA 753; judgment reversed on alternate grounds, see 320 C. 589. Convictions of murder under Sec. 53a-54a and felony murder under Sec. 53a-54c for same offense constitutes a double jeopardy violation. 153 CA 691. In a criminal case where the trial court did not give appropriate instructions re deliberation and the jury expressed a factual finding in answer to an interrogatory that relieved defendant of criminal responsibility as well as an inconsistent guilty verdict on one or more of the charges, the appropriate remedy is to vacate the guilty verdicts and order a new trial on the lesser included offenses. 158 CA 315. The Department of Correction's disciplinary action resulting in the sanction of an eighteen month prison sentence is civil in nature and therefore does not constitute a criminal punishment and does not violate the double jeopardy clause's prohibition on imposing multiple punishments for the same offense. 168 CA 19. Defendant's felony offender classifications and resulting enhanced sentences do not violate the double jeopardy clause's prohibition against multiple punishments for the same offense 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. Guarantee against double jeopardy not violated where defendant failed to demonstrate that jury that found defendant not guilty on a certain count in previous trial necessarily rejected evidence admitted in second trial on other counts. 184 CA 419.

Discipline by prison authorities for prison incident where there was no prior judicial proceeding regarding incident not double jeopardy. 22 CS 32. Doctrine of dual sovereignty allows successive federal-state prosecutions for same offense. *Bartkus v. Illinois*, 359 U.S. 121, is still the law, and such successive prosecutions by federal and state governments, for same offense do not constitute double jeopardy. 33 CS 52. Cited. 38 CS 400; Id., 570; 41 CS 356. Prohibition against double jeopardy cited. Id. Double jeopardy cited. Id.; 42 CS 426. Defendant's constitutional guarantee against double jeopardy not violated where selection of a jury panel to hear defendant's case was completed, the jury was assembled and brought before the court, but its members were never sworn into service and, without objection by defendant, the court dismissed the jury without formal issuance of a continuance or order for mistrial due to illness of defense counsel. 46 CS 124. 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 a 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 double jeopardy clause. 47 CS 263.

Where trial court had instructed jury that if they concluded there was such a strong probability of defendant's guilt that a denial or explanation by him was reasonably called for, then they would be entitled to consider his failure to testify, held this charge was in violation of due process and constituted reversible error. 3 Conn. Cir. Ct. 463, 464. The effect of an improper discharge of the jury is to acquit the defendant of the crime as to which the jury might have rendered a verdict if a mistrial had not been declared. To do otherwise, except for compelling reason, would subject the defendant to double jeopardy. Id., 580, 584. In a criminal case the trial court has the authority to discharge a jury, in the exercise of a sound discretion and not arbitrarily, without working an acquittal of the defendant, only where there is urgent necessity or a compelling reason or when failure to do so would defeat the ends of justice. Id. In criminal cases, the failure of the defendant to object to or to protest the court's discharge of the jury is not a waiver of a subsequent plea of double jeopardy. Id. Prior trial and conviction under Sec. 14-219(a)(2) does not bar trial for speed under a second speeding summons in the same hour, same day under Sec. 14-298. Although part of his one trip, accused had stopped and gone on to another town. 4 Conn. Cir. Ct. 102. Compliance with request to perform certain sobriety tests not an intrusion on constitutional rights, since no verbal act on defendant's part was involved. Id., 195. 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. 6 Conn. Cir. Ct. 170, 173, 174, 175.

² Cited. 112 C. 173; 126 C. 73. Penalty of fifty dollars for each rent overcharge under Price Control Act does not violate this clause. 132 C. 64. To hold zoning regulation unconstitutional as violative of due process of law, it must appear provisions are clearly arbitrary and unreasonable, having no substantial relation to public health, safety, morals or general welfare. 149 C. 712. Cited. 150 C. 224. 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. 153 C. 34. Even if accused waives his privilege against self-incrimination by voluntarily testifying, the waiver is limited to the particular proceeding in which he volunteers the testimony. Id. Cited. Id., 151. Review of Connecticut's position on right against self-incrimination up to *Griffin v. California*, 380 U.S. 609. 154 C. 41. Unconstitutional for judge in a criminal case to comment on failure of the defendant to testify. Id. Question raised whether statement, obtained by the police in violation of constitutional rights of person questioned, was admissible against codefendant. Since sufficient evidence was not presented, the issue not decided. Id., 68, 73. Failure of defendant to object to judicial comment on his failure to testify did not bar him from asserting his federal right on appeal. Id. An indictment may be based on hearsay evidence. Id., 219, 272, 279. Failure to observe state procedural requirements is not a bar to an assertion on appeal of rule proscribing commenting on defendant's failure to testify. Id., 407. 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. Testimony of police officers as to conversations of defendant with them while voluntarily visiting at police barracks held admissible. 156 C. 328. Defendant not deprived of rights under this section in proceedings under uniform state narcotic drug act. 157 C. 498. Defendant's statement under questioning by police officers "Don't bother me" was an assertion of constitutional privilege against self-incrimination. 159 C. 608. Words which convey the substance of the notification of constitutional rights required in the "Miranda case", sufficient. 167 C. 309. Amendment not violated when jury learns, in course of relevant testimony, defendant invoked his right to remain silent. Id., 408. Cited. 169 C. 267, 305. Witness' privilege against self-incrimination prevails over defendant's right to compel testimony (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 the defense. 170 C. 206. Cited. Id., 258; Id., 417. Fifth amendment prohibits comments by judge or prosecutor on failure of defendant in criminal case to take the stand and testify in his own behalf but does not forbid jury to draw inference from such failure to testify. 171 C. 12. Cited. Id., 500; 173 C. 317. Impermissible irrebuttable presumption created by commissioner's support scale constituted a deprivation of property without due process. 175 C. 35. Cited. Id., 147; 176 C. 138. Does not preclude individual from speaking voluntarily of incriminating matters. Id., 508. Cited. 177 C. 487. Freedom to contract is right qualified by the legitimate supervision of the legislature. Id., 515. State is precluded from using against accused for substantive or impeachment purposes, the fact that he remained silent following arrest and "Miranda" warning. Such use considered harmless error under facts of case and overwhelming evidence of guilt. Id., 545. Cited. Id., 648; Id., 677. A minor may effectively waive constitutional right without parental advice. 178 C. 116. Cited. Id., 427; 179 C. 46; Id., 328. Privilege against self-incrimination does not forbid drawing of adverse inferences against parties to civil actions who refuse to

testify. 180 C. 49. Prosecution's argument that the jury could draw an unfavorable inference from the absence of a witness at trial did not violate defendant's right to remain silent since such inference could have been rebutted by someone other than the defendant himself. Id., 101. Cited. 181 C. 151; Id., 299; Id., 388. "Custodial interrogation" discussed. 182 C. 142. Cited. Id., 176; Id., 330; Id., 403; Id., 497; Id., 511. Waiver of "Miranda" rights discussed. 183 C. 280. Cited. Id., 444. Before suspect is entitled to "Miranda" warning he must be in custody and be subject to interrogation. Conduct amounting to "interrogation" for "Miranda" purposes discussed. 184 C. 121. Cited. Id., 258; Id., 455; Id., 483; 185 C. 63; Id., 211; 186 C. 337; Id., 437; Id., 654; Id., 696. Due process cited. Id., 725; Id., 773. Cited. 187 C. 6. Due process cited. Id., 53; Id., 73. Fair trial cited. Id., 94. Due process cited. Id., 144. Fair trial cited. Id., 199; Id., 216. 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 remain silent cited. Id., 469. 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. Cited. Id., 504. Right to remain silent cited. Id. Due process cited. Id., 513. Right against self-incrimination cited. Id. Cited. Id., 647. Waiver of privilege against self-incrimination discussed. 188 C. 161. Not applicable to records or even statements of an accused obtained from another person by legal process. Id., 325. Cited. Id., 336. Refusal by defendant to sign a waiver form and to make a written statement did not render inadmissible oral statement voluntarily given. Id., 574. Cited. Id., 681; 189 C. 114; Id., 611; Id., 631. Holding in *Carter v. Kentucky*, 450 U.S. 288, requiring state trial court, upon request, to caution jury that no inference may be drawn from an accused's failure to testify is to be applied retroactively to all convictions not yet final at time that decision was rendered. 190 C. 1. Waiver of "Miranda" rights discussed. Id., 104. "Adversary judicial criminal proceedings" discussed with reference to marking the time when the right to counsel attaches. Id., 219. Cited. Id., 559. Admission of self-incriminatory statements made by defendant to grand jury under erroneous compulsion discussed. Id., 594. Cited. 191 C. 37; Id., 412; Id., 545; Id., 636; Id., 659; 192 C. 98; Id., 138; Id., 576. Fairness and due process discussed. Id., 618. Cited. 193 C. 35. Issue of specificity in regard to bill of particulars discussed. Proof need only show that instrument used was of same generic character and that the nature of the violence and the injury received were the same. Id., 48. Cited. Id., 70. Liberty and property interests cited. Id., 93. Due process cited. Id., 144. Right to "no adverse inference" jury instruction upon request is part of this amendment right against self-incrimination; question of harmless error for failure to instruct discussed. Id., 474. Due process and privilege against self-incrimination cited. Id., 526. "Miranda" rights cited. Id.; 646. Due process cited. Id. Fair trial cited. Id. Cited Id., 695. Fair trial, right to due process cited. Id. Cited. 194 C. 223. Constitutional privilege against self-incrimination cited. Id., 245. "Miranda" rights cited; admission of testimony of defendant's refusal to make written statement after being given "Miranda" warnings discussed. Id., 258. "Miranda" rights cited. Id., 279. Cited. Id., 447; Id., 530; Id., 594; Id., 623. Constitutional right to due process and a fair trial cited. 195 C. 128. Due process cited. Id., 160. "Miranda" warnings cited. Id., 232. Cited. Id., 421. Fair trial and due process cited. Id. Constitutional right to testify on own behalf cited. Id. Right to due process and fair trial cited. Id., 444. Right to fair trial and due process cited. Id., 469. Federal constitution due process clause and right to fair trial cited. Id., 475. Cited. Id., 505. Rights existing under the constitution as defined in "Miranda" cited. Id. Due process cited. Id., 561. Due process cited. Id., 598. Cited. Id., 624. "Miranda" rights, constitutional privilege against self-incrimination cited. Id. Suppression of allegedly incriminatory statements cited. Id. Cited. Id., 682. Rights to due process under federal constitution cited. Id. Due process cited. 196 C. 157. Violation of due process rights cited. Id., 395. Cited. Id., 471. Due process rights cited. Id. Cited. Id., 557. Right to counsel during custodial interrogation under "Miranda" discussed cited. Id. Privilege against compulsory self-incrimination cited. 197 C. 17. "Once a suspect has invoked his rights to counsel all questioning must cease and may not be resumed in the absence of counsel" unless accused initiates discussion and waives right to counsel. Id., 50. "Miranda" rights cited. Id. Fifth amendment right to counsel cited. Id. Criminal defendant waives privilege against self-incrimination and against compulsory submission to psychiatric examination when he places his mental state in issue. Id., 106. Fair trial and due process cited. Id., 115. Cited. Id., 180. "Miranda" warnings cited. Id., 247. Cited. Id., 280. Due process cited. Id. "Miranda" rights cited. Id. Due process and fair trial cited. Id., 298. Right to due process cited. Id., 309. Requirement of a fair trial and due process cited. Id., 326. "Miranda" rights cited; due process cited; privilege against compulsory self-incrimination cited. Id. 337. Right against compulsory self-incrimination cited. Id., 358. "Miranda" rights cited. Id., 396. Cited. Id., 507. Due process and fair trial cited. Id. 574. Cited. Id., 574. Privilege against self-incrimination cited. Id. Cited. Id., 588. Privilege against self-incrimination cited. Id. Cited. Id., 595. Due process cited. Id. Fundamental right and fair trial cited. Id. Fundamental right to liberty cited. Id., 602. Due process rights cited. Id. "Miranda" rights cited. Id., 620. Due process and right to fair trial cited. Id., 629. Fair trial cited. Id., 666. "Miranda" rights cited. Id. Cited. Id., 677. Right not to testify; due process; fair trial cited. Id. Cited. Id., 685. "Miranda" rights cited. Id. Right to fair trial cited. Id. Due process cited. Id. Right to remain silent cited. Id. Right to fair trial and due process cited. 198 C. 1. Fair trial cited. Id., 23. Due process cited. Id., 43; Id., 68. Fundamental constitutional right and fair trial cited. Id., 77. Due process cited. Id. Advised of his constitutional rights cited. Id., 92. "Miranda" rights cited. Id. "Motion to suppress implicating the fifth and sixth amendments not included in the statutory language ..." (of Sec. 54-94a). Fair trial cited. Id., 127. Privilege against self-incrimination cited. Id. Fundamental right and a fair trial cited. Id., 190. Due process cited. Id. Cited. Id., 203. "Miranda" rights cited. Id. Fundamental right and a fair trial cited. Id., 209. Due process cited. Id. Cited. Id., 255. "Miranda" rights cited. Id. Due process cited. Id. Fundamental right implicating the fairness of trial cited. Id. Right to due process cited. Id., 273. Cited. Id., 285. Due process rights cited. Id. Fundamental constitutional right cited. Id. Cited. Id., 328. Fair trial and due process cited. Id. Fundamental constitutional right and a fair trial cited. Id., 397. Due process cited. Id. Cited. Id., 435. Due process clause cited. Id. Fifth amendment privileges cited. Id. Due process right to present effective defense cited. Id., 454. Deprivation of a fundamental constitutional right and fair trial cited. Id., 490. "The claim that inconsistent verdicts must be set aside is not one of constitutional dimension." Id. Cited. Id., 506. Deprivation of fundamental right and a fair trial cited. Id. Right to remain silent cited; "Miranda" cited; due process of law cited; deprivation of fundamental constitutional right cited; pre and post arrest "Miranda" warnings and permitted cross-examination discussed. Id., 517. Cited. Id., 560. Infringement of a fundamental constitutional right cited. Id. Due process cited. Id. Fair trial cited. Id. "Miranda" warnings cited; privilege against self-incrimination cited. Id., 573. Due process cited. Id., 598. Denial of a fundamental constitutional right and a fair trial cited. Id. 644. Due process

cited. Id., 680. Fundamental constitutional right cited; fair trial cited; due process cited. 199 C. 14. “Miranda” rights cited; due process cited. Id., 47. Right to a fair trial cited; right to due process cited. Id., 102. Cited. Id., 110. Invocation of the privilege cited. Id. Cited. Id., 121. Due process cited. Id.; Id., 163. Cited. Id., 207. Right to a fair trial cited. Id. 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. Fundamental right to present a defense cited. Id. Due process cited. Id., 273. 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. Due process cited. Id., 359. Denial of a fundamental constitutional right and a fair trial cited. Id., 389. Cited. Id., 399. Due process cited; denial of a fair trial cited; fair trial guarantee cited. Id. Cited. Id., 417. “Miranda” rights cited; privilege not to incriminate self cited. Id. Cited. Id., 473. Due process cited. Id. Cited. Id., 481. Due process cited. Id. Cited. Id., 537. Due process cited. Id. Cited. Id., 557. Due process rights 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. “Miranda” rights cited; right to silence cited; fifth amendment right to counsel under “Miranda” cited. Id. Right to fair trial cited. 200 C. 9. Cited. Id., 82. “Miranda” rights cited. Id. Cited. Id., 102. Federal due process clauses cited. Id. Cited. Id., 151. Unconstitutional taking without compensation cited. Id. Cited. Id., 224. “Miranda” rights cited. Id. Cited. Id., 268. Right to due process and a fair trial cited. Id. Right to a fundamentally fair trial cited; privilege against self-incrimination cited; constitutional standards of due process and violation due process cited; denial of due process and a fair trial cited; court held specifically that fifth amendment privilege of prospective witness continued until his sentencing for crimes. Id., 310. Cited. Id., 323. Constitutional right to due process cited. Id. Cited. Id., 350. Due process rights cited. Id. Cited. Id., 412. Violation of due process cited. Id. Privilege against self-incrimination cited. Id. Cited. Id., 453. Due process and fundamental fairness cited. Id. Due process cited. Id., 465. Cited. Id. “Miranda” rights cited. Id. Fundamental constitutional right and fair trial cited. Id. Voluntariness of confession cited. Id. Cited. Id., 523. “Miranda” warnings cited. Id. Federal constitutional rights to due process cited. Id., 586. Fundamental constitutional rights cited. Id. Due process cited. Id., 615. Cited. Id., 642. “Miranda” rights cited. Id. Opportunity for fair trial; due process cited. Id. Cited. Id., 721. Deprivation of fundamental constitutional right and a fair trial cited. Id., 743, 755, 756. Right to due process cited. 201 C. 125. Right to a fair trial cited. Id. Right to due process cited. Id., 162. Fair trial and due process of law; invocation of fifth amendment rights; constitutional rights to an adequately instructed jury; rights under “Miranda”; fifth amendment privilege, cited. Id., 174. Deprivation of a fair trial cited. Id., 190. “Miranda” warnings cited. Id., 244; Id., 289. Due process obligation cited. Id., 368. “Miranda” rights; voluntary and intelligent waiver of constitutional rights; right to counsel; due process rights implicating fairness of trial, cited. Id., 395. Due process rights cited. Id., 462. Cited. Id., 517. “Miranda” warnings cited. Id. Right to due process; privilege against self-incrimination; right to present a defense; right to fair trial, cited. Id., 559. Use of preinstruction discussed; due process and fair trial cited. Id., 605. Cited. Id., 659. Constitutions proscribe only compelled self-incrimination; constitutional right to no adverse inference instruction; due process; fundamental constitutional right, cited. Id. Due process cited. 202 C. 1. “Miranda” rights; right against self-incrimination; denial of due process, cited. Id., 39. Constitutional right of defendant to be present at all stages of trial cited. Id., 75. Cited. Id., 128. Due process right to fair trial cited. Id., 316. Due process; rights to adequately instructed jury and fair trial, cited. Id., 349. Due process; privilege against compulsory self-incrimination, cited. Id., 369. Due process cited. Id., 385. Cited. Id., 412. Due process cited. Id. Deprivation of liberty in violation of constitutional rights cited. Id., 429. Cited. Id., 463. Constitutional rights to due process cited. Id. Cited. Id., 509. Constitutional right to a fair trial; constitutional rights; compelled testimony, cited. Id. Unconstitutionally vague; vagueness doctrine and requirements of due process, cited. Id., 629. Constitutional right to due process and to present a defense; invoke privilege against self-incrimination, cited. Id., 676. Rights under “Miranda” cited. 203 C. 97. Rights to due process cited. Id., 159. Cited. Id., 246. Rights to due process of law and constitutional rights, cited. Id. Due process cited. Id., 385. Rights to due process; unconstitutionally vague, cited. Id., 682. Due process violation implicating fairness of trial cited. 204 C. 1. 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. “Miranda” rights cited. Id., 377. Cited. Id., 472. Constitutional right to due process cited. Id., 571. Constitutional right to develop a defense cited. Id., 654. Constitutional rights to due process; rights under “Miranda”, cited. Id., 714. Cited. Id., 769. Rights under “Miranda” cited. Id. Cited. 205 C. 39. “Miranda” rights cited. Id. Deprivation of constitutional due process rights; right to establish a defense, cited. Id., 61. Due process; constitutional duty of disclosure; right to fair trial, cited. Id., 132. “Miranda” rights cited. Id., 201. Cited. Id., 262. Constitutional privilege against self-incrimination; “Miranda” rights, cited. Id. Cited. Id., 298. “Miranda” rights; due process, cited. Id. Fundamental constitutional right to proof of guilt beyond reasonable doubt cited. Id. 352. “... it is abuse of the trial court’s discretion to permit a reopening of the case to supply the missing evidence”; deprivation of fundamental constitutional right to proof of every element of alleged crime beyond reasonable doubt. Id., 370. Constitutional right to proof of guilt beyond a reasonable doubt cited. Id., 386. Cited. Id., 437. “Miranda” warnings; federal constitutional requirements for a fair trial; due process, cited. Id. Unconstitutionally vague or over broad; due process, cited. Id., 456. Fundamental right that state prove guilt beyond a reasonable doubt; constitutional right to a fair trial, cited. Id., 616. Fifth and sixth amendments right to counsel discussed; “Miranda” warnings; right to counsel and to remain silent, cited. Id., 638. Due process right to present a defense; rights to due process and to a fair trial, cited. Id., 723. Cited. 206 C. 40. “Miranda” warnings cited. Id. Waiver of rights guaranteed by “Miranda”; “Miranda” warnings, cited. Id., 157. “Miranda” warnings; denial of due process; constitutional standards of due process, cited. Id., 182. Cited. Id., 203. Rights against self-incrimination cited. Id. Constitutional right against self-incrimination; “Miranda” rights; due process; right to a fair trial, cited. Id., 213. Due process; vagueness and overbreadth, cited. Id., 267. Cited. Id., 278. Violation of *Miranda v. Arizona*, cited. Id. Cited. Id., 300. “Miranda” warnings; privilege against self-incrimination, cited. Id. Rights to due process cited. Id., 512. Constitutional right not to testify cited. Id., 621. Cited. Id., 636. Due process clause cited. Id. Due process rights; “Miranda” rights, cited. Id., 657. Cited. Id., 678. Due process rights cited. Id., 685. Cited. 207 C. 1. “Miranda” rights; due process; privilege against self-incrimination, cited. Id. Right to a fair trial cited. Id., 35. Due process cited. Id., 118; Id., 152. “... clarification of the instructions, when the jury or one of its members manifests confusion about the law, is mandatory.” Id., 191. Deprivation of fair

trial cited. Id. Failure to advise of mandatory minimum sentences does not implicate constitutional rights. Id., 276. Fundamental constitutional right and fair trial; due process; privilege against self-incrimination, cited. Id. Due process cited. Id., 374. Sec. 53-21 is unconstitutionally vague in circumstances of the case. Id., 456. Due process and unconstititional vagueness; void for vagueness doctrine, cited. Id. Due process cited. Id., 565. Cited. Id., 590. Due process cited. Id., 619. Right to a fair trial and denial of the constitutional due process right to a fair trial cited. Id., 646. “Miranda” rights cited. Id., 725. Due process cited. 208 C. 38. Due process; “Miranda” rights, cited. Id., 60. Cited. Id., 146. Due process cited. Id. Due process interests cited. Id., 156. Denial of fair trial; due process, cited. Id., 202. Cited. Id., 329. Right to due process cited. Id., 365. Privilege against self-incrimination cited. Id., 683. Due process cited. 209 C. 34; Id., 143. Fundamental fairness and due process cited. Id., 225. Fundamental right to unanimous jury decision; fundamental due process rights cited. Id., 322. Cited. Id., 352. Due process rights and a fair trial cited. Id., 423. Cited. Id., 497. Violation of constitutional rights cited. Id. Right to fair trial cited. Id., 564. “Miranda” warnings cited. Id., 596. Cited. Id., 622. Deprived of fundamental constitutional right and a fair trial cited. Id. “Miranda” rights cited. Id. Cited. Id., 636. Right not to present evidence; right not to testify cited. Id. Cited. Id., 652. Due process and constitutional vagueness cited. Id. Due process cited. Id., 719. Due process cited; right to present a defense cited; right to a unanimous jury verdict cited. Id., 733. Amount involved essential element of offense cited. Id., 801. Due process rights cited; right to fair trial cited. 210 C. 78. Due process rights cited. Id., 110. “Miranda” warnings cited; 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. Due process right cited; deprivation of fundamental constitutional right cited. Id., 244. Cited. Id., 286. Due process cited. Id.; Id., 304. Due process cited; due process right to trial by impartial jury cited. Id., 315. Due process cited; due process right to notice of charges cited; right to a unanimous verdict and a fair trial cited. Id., 359. “Miranda” rights cited; constitutional right to remain silent cited. Id., 481. “Miranda” rights cited. Id., 619. Cited. Id., 631. Right to remain silent cited; due process right to fair trial cited. Id. Due process cited. Id., 652. Fundamental constitutional right and a fair trial cited. Id., 751. Right against self-incrimination cited; due process right cited. 211 C. 101. Fundamental due process rights cited. Id., 151. Due process rights cited. Id., 258. Right against self-incrimination and due process cited; “Miranda” rights cited. Id., 289. Right to due process cited. Id., 352. Due process and right to fair trial cited. Id., 555; Id., 672. “Miranda” violation cited. 212 C. 223. Due process right to a fair trial; denial of fair trial cited. Id., 325. Failure to disclose exculpatory evidence cited; due process cited; constitutional duty of disclosure cited. Id., 387. Right to due process and a fair trial cited. Id., 593. Cited. Id., 661; 213 C. 97. Right to due process cited. Id.; Id., 243. Cited. Id., 388. Due process clause cited. Id. “Miranda” rights cited; involuntary statements under federal constitution cited; due process right to fair trial cited. Id., 405. The privilege allows defendant not only to refuse to respond “... but also entitles him not to even be called as a witness at his own trial”. Id., 422. Right not to testify at own trial cited. Id. Cited. Id., 500. Privilege against self-incrimination 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. “Miranda” rights cited. 214 C. 57. 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. Due process of law cited. Id., 132. Constitutional rights of due process cited; “Miranda” warnings cited; constitutional privilege against self-incrimination cited. Id., 146. Fundamental right to have guilt established beyond a reasonable doubt cited. Id., 161. Due process cited; constitutional right not to be tried without probable cause being found cited. Id., 476. 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. Consideration of due process cited. Id., 616. Right pertaining to self-incrimination cited. Id., 717. Right to fair trial and due process cited. Id., 752. Ability to present a defense cited. 215 C. 1. Cited; unconstitutionally vague, violating right to due process cited; violation of constitutional rights cited; “Miranda” warnings cited; void for vagueness doctrine, claim of unconstititional vagueness cited; violation of right to remain silent cited; fundamentally unfair and deprivation of due process cited. Id., 173. Due process cited. Id., 257. Due process clause cited. Id., 292. Cited. Id., 653. Privilege against self-incrimination cited. Id. Due process right to a fair trial cited. Id. Seventeen-year-old suspect need not be offered opportunity to contact parent before making valid waiver of “Miranda” rights. Id., 739. “Miranda” rights cited. Id. Fifth amendment right to counsel cited. Id. Rights to due process cited. 216 C. 273. Due process cited; right to be convicted only on proof beyond reasonable doubt cited. Id., 367. Cited. Id., 402; see also 234 C. 301. Constitutional right to due process cited. Id., 492. Right to fair trial; deprivation of due process cited. Id., 585. Cited. Id., 647. Right to due process of law and a fair trial cited. Id. Privilege against self-incrimination cited. 217 C. 24. Taking or property without just compensation cited. Id., 447. Cited. Id., 498. Constitutional rights to due process cited. Id., 648. Rights to fair trial and to present a defense cited. Id. Rights to due process cited. 218 C. 85. Cited. Id., 239. Rights to present a defense and to due process cited. Id. Privilege against self-incrimination cited. Id. “Miranda” warnings cited. Id. Cited. Id., 287. Rights to due process cited. Id. Cited. Id., 349. Privilege against self-incrimination; right to due process cited. Id. “Miranda” violation cited. Id., 403 (see also 219 C. 215 and 231). Cited. Id., 447. Restriction of cross-examination cited. Id. Right to present a defense cited. Id. Due process right to fair trial cited. Id. Unconstititional dilution of burden of proof cited. Id. Right to due process cited. Id., 458. Cited. Id., 486. Privilege against compelled self-incrimination cited. Id. Due process and right to fair trial cited. Id. Cited. Id., 580. Unconstititional vagueness and guarantees of due process cited. Id. Cited. Id., 714. “Miranda” rights cited. Id. Self-incrimination clauses cited. Id. Constitutional privilege against self-incrimination cited; right to due process cited. Id., 766. Federal constitutional right to due process cited. Id., 778. Cited. 219 C. 93. Deprivation of due process rights cited. Id. Fifth amendment right against self-incrimination cited. Id. Rights to due process, “Miranda” rights cited; deprivation and rights to fair trial cited. Id., 160. Due process clauses cited; privileges against self-incrimination cited; “Miranda” warnings cited; right to present a defense cited. Id., 234. Constitutionally vague, deprivation of fair trial, due process right to fair warning cited. Id., 489. Due process requirements, right to fair trial cited. Id., 605. Differences in application between fifth and sixth amendment right to counsel discussed. Id., 743. “Miranda” fifth amendment right to counsel cited. Id. Fundamental constitutional rights, self-incrimination cited. 220 C. 6. Right to fair trial cited. Id., 385. Due process, unconstititional jury selection and discrimination cited; right to fair trial cited. Id., 487. Cited. Id.,

602. Right against self-incrimination cited. Id. Right to due process cited. Id. Rights pursuant to “Miranda” cited. Id. Right to fair trial cited. Id. Use by state of defense witness invocation of privilege against self-incrimination caused jury to draw improper and prejudicial inference. Id., 652. Privilege against self-incrimination cited. Id. Right against self-incrimination cited; right to present a defense and to due process cited. Id., 698. Right to due process and a fair trial cited. Id., 765. Federal due process rights cited. Id., 796. Cited. Id., 924. Due process cited. 221 C. 58. “Miranda” rights cited. Id., 128. Constitutional right to presumption of innocence and right to fair trial cited. Id., 264. Rights to present a defense, to due process and to a fair trial cited; “Miranda” rights cited; federal right against self-incrimination cited. Id., 315. Right against self-incrimination cited. Id., 407. Violation of “Miranda” rights and voluntariness of statements discussed. Id., 430. “Miranda” rights cited; right to remain silent cited. Id. Cited. Id., 447. Due process rights cited; right to present a defense cited. Id. Due process rights cited. Id., 498. Deprivation of fair trial or an impartial jury cited. Id., 518. Cited. Id., 595. Federal constitution does not require defendant be informed at plea canvass that right against self-incrimination also protects him from being compelled to testify at trial. Id., 635. Right against self-incrimination cited. Id. Right to due process cited. Id. Right to present a defense cited. Id., 643. Cited. Id., 713. Denial of fair trial pursuant to the due process guarantees cited. Id. Failure to preserve useful evidence in absence of showing of bad faith on part of police does not constitute denial of due process; judgment of appellate court in 24 CA 473 reversed in part. Id., 788. Denial of due process cited. Id. Cited. 222 C. 1. Rights to due process cited. Id. Right to present a defense cited. Id. Constitutional rights cited. Id. Deprivation of fair trial cited; dilution of obligation to prove guilt beyond reasonable doubt cited. Id., 117. Right to due process cited; fairness of trial cited. Id., 299. Due process rights cited. Id., 331. Due process rights to fair trial cited. Id., 444. Cited. Id., 469. Right to due process cited. Id. Cited. Id., 506. Due process and privilege against self-incrimination cited. Id. Right to fair trial cited. Id. Right to remain silent cited. Id. Denial of due process cited; “Miranda” rights cited. Id., 556. Cited. Id., 591. “Miranda” rights cited. 222 C. 672. Cited. 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. Privilege against self-incrimination cited. Id. Rights to due process cited; violation of fundamental fairness cited. Id., 180. Constitutional right to present a defense cited. Id., 207. Due process rights cited. Id., 243. Deprivation of fair trial cited. Id., 273. “Miranda” warnings cited; due process cited. Id., 299. Due process right to fundamental fairness cited; “Miranda” rights cited; right to fair trial cited. Id., 461. Due process right to fair trial cited. Id., 535. Cited. Id., 636. Violation of constitutional right to remain silent cited. Id. Cited. Id., 674. “Miranda” rights cited. Id. Right to remain silent cited. Id. Improper cross-examination on postarrest silence in violation of due process rights; “Miranda” warnings cited. Id., 703. 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 insofar as it directed acquittal on added count; part of ruling in 182 C. 585 overruled. 224 C. 1. Right to due process cited. Id. Right to due process; rights under “Miranda” cited. Id., 63. Right to present a defense cited. Id., 196. Cited. Id., 445. Due process rights cited. Id. Right against self-incrimination cited. Id. Guarantees to due process cited; right to jury selected from cross section of the community cited. Id., 711. “Miranda” warnings cited; right to due process cited. Id., 730. Void for vagueness cited. Id., 914. Cited. 225 C. 55. Constitutional claim cited; privilege against self-incrimination and “Miranda” rights cited; due process and a fair trial cited. Id. Cited. Id., 185. Right against self-incrimination cited. Id. Due process right to a fair trial cited. Id., 347. Due process cited. Id., 355. Cited. Id., 450. Defendant’s right to testify cited; federal due process cited. Id. Deprivation of a fair trial cited. Id., 519. Due process challenge to constitutionality of Sec. 54-56d cited. Id., 524. Cited. Id., 650. Right to due process and a fair trial cited; doctrine of burden of proof cited. Id. Privilege against self-incrimination cited. Id., 666. Cited. 226 C. 314. Due process guarantee cited. Id. Balance between fifth amendment privilege against self-incrimination and defendant’s right to compel witness’ testimony discussed. Id., 497. Fifth amendment right not to testify cited. Id. Cited. Id., 618. Rights to a fair trial cited; due process cited; right to unanimous verdict cited; standard of proof beyond reasonable doubt cited. Id. Cited. 227 C. 18. Right to due process cited; right to fair trial before impartial jury cited. Id. Guarantees of due process cited. Id., 32. “Miranda” warnings and custodial interrogation cited. Id., 112. “Miranda” violation cited. Id., 124. Due process clauses and due process cited; deprivation of fair trial cited. Id., 301. Cited. Id., 417. Rights to due process and against compelled self-incrimination cited. Id. Deprivation of fair trial cited. Id. “Miranda” warnings cited. Id. Cited. Id., 456. “Miranda” rights and protection against use of involuntary statements cited. Id. Due process cited. Id. Due process and right to establish a defense cited; burden of proof beyond a reasonable doubt cited. Id., 518. Due process cited. Id., 534. Unconstitutionally vague cited; right to due process cited. Id., 566. Due process rights cited. Id., 616. Right to due process and right to be present cited. Id., 677. Right to due process cited; adequately instructed jury cited. Id., 711. Due process rights cited. Id., 751. Cited. Id., 829. Right against self-incrimination cited. Id. Unconstitutionality under federal Constitution cited. Id. Cited. 228 C. 118. Right to due process and burden of proof cited. Id. Cited. Id., 281. “Miranda” rights cited; privilege against compelled self-incrimination cited; right to due process cited. Id. Right to present a defense and due process of law cited. Id., 335. Cited. Id., 412. “Miranda” rights cited; burden of proof on element of intent cited; establish a defense due process of law cited. Id. Right to a speedy appeal cited; right to meaningful appellate review cited. Id., 552. “Miranda” rights cited. Id., 582. Right to have one’s guilt proven beyond a reasonable doubt cited. Id., 619. Constitutional right to establish a defense cited. Id., 756. Due process rights cited. Id., 919. Deprivation of due process cited. 229 C. 178. Cited. Id., 516. Right of defendant not to testify; right against self-incrimination cited. Id. Due process rights cited. Id., 529. Violation of due process right by diluting state’s burden of proof cited. Id., 557. 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., 664. Due process clause cited. Id. Cited. Id., 716. Due process clause cited. Id. Right to due process cited. 230 C. 43. “Miranda” rights cited; unconstitutional vagueness cited; rights of due process cited; admissibility of incriminatory statements cited; instructions to jury depriving defendant of fair trial cited. Id., 183. Rights to due process and a fair trial cited. Id., 351. “Miranda” rights cited. Id., 372. Right against self-incrimination cited; right to be present during trial cited. Id., 385; see also 37 CA 801. Right to due process cited. Id., 400. Cited. Id., 572. “Miranda” warnings cited. Id. Rights to due process cited. Id., 608. Unconstitutionally vague cited. Id., 916. Cited. 231 C. 195. Due process cited; “Miranda” warning cited; right to silence cited. Id. Due process rights cited. Id., 235. Lack of due process cited. Id., 274. Cited. Id., 418. Due process cited. Id. Rights to due process cited; right of defendant to

establish a defense cited; burden of disproving beyond a reasonable doubt cited. *Id.*, 484. Constitutional right to fair trial and due process cited. 232 C. 1. Cited. *Id.*, 431; judgment superseded by en banc reconsideration, see 235 C. 502. Rights to due process cited. *Id.* “Miranda” rights cited. *Id.*, 455. Cited. *Id.*, 691. Right to due process cited; state’s burden of proof cited. *Id.* Right to present a defense and self defense instruction cited. 233 C. 1. “Efficient intervening cause” discussed; right to be present at hearing cited; instruction regarding element of causation cited; “Miranda” rights cited. *Id.*, 106. “Miranda” rights cited. *Id.*, 517. Cited. *Id.*, 813. Due process requirements and fundamental fairness cited; privilege against compulsory self-incrimination cited; prosecutorial misconduct cited. *Id.* Due process rights cited. 234 C. 301. Cited. *Id.*, 324. Due process of law cited. *Id.* Right to due process cited. *Id.*, 381. Interplay of double jeopardy and prosecutorial misconduct discussed; prosecutorial misconduct cited. *Id.*, 683. Cited. *Id.*, 901. Privilege against self-incrimination cited. *Id.* Due process rights cited; deprivation of fair trial cited. 235 C. 45. 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; unconstitutionally vague and due process cited. *Id.*, 426. Cited. *Id.*, 502. Rights to due process cited. *Id.* Cited. *Id.*, 595. Rights to due process cited; constitutional prohibition against mandatory presumptions cited. *Id.* Due process rights cited. *Id.*, 671. Due process and privilege against self-incrimination cited. *Id.*, 679. Right to present an effective defense cited. *Id.*, 711. Cited. *Id.*, 748. Due process and a fair trial cited; “Miranda” warnings cited; prosecutorial misconduct cited. *Id.* Due process cited; due process right to present a defense cited. *Id.*, 802. Due process and deprivation of fair trial cited. 236 C. 31. Cited. *Id.*, 112. Improper invocation of witness’ fifth amendment privilege deemed harmless; judgment of appellate court in 37 CA 456 reversed. *Id.*, 176. Invocation of fifth amendment privilege against self-incrimination cited. *Id.* Right to a fair trial cited. *Id.*, 209. Cited. *Id.*, 266. Rights to fair trial and due process cited; right to present a defense cited; privilege against compulsory self-incrimination cited. *Id.* Due process and right of defendant to establish a defense cited. *Id.*, 342. Cited. *Id.*, 388. “Miranda” warnings, due process cited; right to remain silent cited. *Id.* Due process cited. *Id.*, 602. Due process clauses cited. *Id.*, 701. Right to remain silent cited; privilege against self-incrimination cited. *Id.*, 863. Constitutional right to present a defense cited. 237 C. 58. Right to remain silent cited; right against self-incrimination cited. *Id.*, 378. “Miranda” rights cited; due process cited. *Id.*, 390. Cited. *Id.*, 454. Right not to testify at trial cited; burden of proving every essential element of the crime cited; harmless beyond a reasonable doubt cited; dilution of state’s burden of proof cited. *Id.* Privilege against self-incrimination and due process of law cited. *Id.*, 633. “Miranda” rights cited; privilege against self-incrimination cited; custodial interrogation cited. *Id.*, 694. “Miranda” warnings cited; due process cited. 238 C. 253. Right to present a defense cited. *Id.*, 313. Right to due process cited. 239 C. 56. “Miranda” rights cited. *Id.*, 235. Voluntariness of confession, “Miranda”, cited. *Id.*, 405. 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. Due process cited. 240 C. 119. Due process right to fair trial cited. *Id.*, 210. Due process cited; right to present a defense cited. *Id.*, 395. Constitutional right not to testify cited. *Id.*, 623. Defendant did not invoke his right to counsel by asking whether he still had a right to attorney. *Id.*, 708. Right to counsel and “Miranda” rights cited. *Id.* Right to due process and unconstitutionally vague cited. *Id.*, 766. Cited. 241 C. 322. “Miranda” rights cited; privilege against self-incrimination cited. *Id.* “Miranda” warnings and right to remain silent cited. *Id.*, 702. Prosecutorial misconduct, due process and a fair trial cited. *Id.*, 802. Improper shifting of burden of proof, constitutional rights and deprivation of fair trial cited. 242 C. 93. Right to present a defense cited. *Id.*, 125. Unconstitutionally vague on its face and as applied to conduct; due process requirements cited. *Id.*, 211. Right to due process cited; privilege against self-incrimination cited. *Id.*, 296. Deprivation of due process cited. *Id.*, 318. Cited. *Id.*, 432. Deprivation of due process and rights to a fair trial and to present a defense cited. *Id.*, 445. Protected rights to due process cited. *Id.*, 485. Cited. *Id.*, 505. Privilege against self-incrimination cited. *Id.* Cited. *Id.*, 666. Right to due process and to present a defense cited. *Id.* Deprivation of due process cited. *Id.*, 689. Rights to due process cited. *Id.*, 745. Constitutional requirements for fairness in initial identification procedures cited. *Id.* Prosecutorial comments on defendant’s exercise of right not to testify discussed. 243 C. 324. Comments by state’s attorney during closing argument not encroachment on defendant’s constitutional right to refrain from testifying. 244 C. 547. Improper jury instruction concerning reasonable doubt did not mislead jury and did not violate defendant’s right to due process. 248 C. 132. Re-notification clause in Sec. 31-349(e) does not violate due process clause, because no showing under circumstances of this case that legislature, in establishing second injury fund, entered into a contract with employees, employers and insurers. *Id.*, 457. Limitations provision in Sec. 31-349(b) and re-notification provision in Sec. 31-349(e) do not violate due process clause because premise that second injury fund had a contractual relationship with employees, employers and insurers is unsustainable. *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 defendant to testify. *Id.*, 652. State may use defendant’s grand jury testimony at his criminal trial where defendant advised of his rights immediately prior to testifying before grand jury and defendant knowingly and freely waived constitutional privilege against self-incrimination. 250 C. 188. Inculpatory statements held to be properly admitted where defendant was not in custody at the time of statement and, therefore, Miranda rights had not yet attached and, further, such statements were held to be voluntary given evidentiary support in the record for that conclusion. *Id.*, 385. Appellate Court properly rejected defendant’s claim of prosecutorial misconduct during state’s closing argument and the 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. Trial court’s conclusion that defendant waived his “Miranda” rights was supported by evidence; defendant was advised of his rights eight times throughout the day and stated he understood those rights; defendant refused to talk to police many times indicating awareness of his right to remain silent; defendant’s statements and conduct indicated he understood his rights under Miranda; defendant told police that he previously did not want to talk to them but had changed his mind and now wanted to tell police what had happened in order to get it “off his chest” and gave them a confession; no threats or physical force was used to coerce defendant to make the confession and defendant was seated comfortably throughout confession and was not restrained in any manner. Evidence supported trial court’s conclusion that defendant knowingly, voluntarily and intelligently waived his “Miranda” rights before giving his detailed confession to police. Furthermore, because of the overwhelming evidence of defendant’s guilt independent of

his confession, any constitutional error in the admission of the confession was harmless. 252 C. 274. Prosecutor's comment that defendant may have been motivated to kill the victim to conceal a sexual assault was not improper because evidence adduced at trial was sufficient to permit an inference that the defendant killed the victim to conceal a sexual assault and evidence warranted an inference that defendant compelled the victim to have sexual intercourse with him. Defendant's claim that trial court's instruction that "law is made to protect society and innocent persons and not to protect guilty ones" which undermines the presumption of innocence in violation of his constitutional rights to due process is foreclosed by decision in *State v. Schiappa* in which court rejected an identical argument. Id., 318. Defendants were not entitled to either a new probable cause hearing or a 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 the test for a Brady violation and that such violation tainted subsequent prosecution of the defendants and deprived them of the right to a fair trial. Id., 533. Defendant's due process rights were not violated by photographic identification of defendant by the mother of a victim who came to the 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—the mother of the victim 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. Defendants were not deprived of their right to a fair trial when trial court declined to give the defendants' requested jury instruction regarding the credibility of a witness; trial court correctly instructed jury on the assessment of witness credibility generally; there are two exceptions to the general rule that a defendant is not entitled to an instruction singling out any state's witness and highlighting his or her motive for testifying falsely: The complaining witness exception and the accomplice exception and neither exception was applicable in this case. Id. There is no constitutional right to present subrebuttal evidence. Prosecutor may not express his own opinion as to the credibility of witnesses. Court did not abuse its discretion in requiring defendant to testify prior to his alibi witness. State's cross-examination and closing argument re late disclosure of defendant's alibi did not violate attorney-client privilege or right against self-incrimination. Trial court did not abuse its discretion in denying defendant's motions for severance when court determined that defendant would not suffer undue prejudice from introduction of evidence against other defendant that would not have been admissible solely against first defendant. Id., 714. Reasonable doubt; jury instruction that defines reasonable doubt as a 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. 253 C. 280. 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 the doctrine of transferred intent and holds both a principal and an accomplice liable for the death of an unintended victim; no constitutional error. Id., 354. Only substantial compliance is necessary for a plea of guilty or nolo contendere under Practice Book Sec. 39-20; Appellate Court reversed. Id., 375. Defendant was not deprived of his constitutional rights by state's cross-examination of him or by the reference in its final argument to his claimed inability to speak English where state's attempt to undermine defendant's use of an interpreter was directly related to the issue of the assailant's identity and where the thrust of the final argument was not directed to defendant's use of an interpreter. Id., 543. Refusal of trial court to instruct jury on self-defense with respect to felony murder charge did not deprive defendant of rights to be presumed innocent, present a defense, due process and trial before a properly instructed jury. 254 C. 184. Defendant's right to testify in his own behalf was not violated by prosecutor's comments concerning defendant's presence during the testimony of the other witnesses and his opportunity to tailor his testimony to coincide with that of other witnesses. Id., 290. While state's introduction of evidence of defendant's unwillingness to answer questions after being apprised of Miranda rights was a violation of his rights, it was held that such was not reversible error since other evidence was introduced that established guilt beyond a reasonable doubt. Id., 694. Plaintiffs' due process rights were not violated either by the time frame in which Elections Enforcement Commission adjudicated complaints under Sec. 9-7a(g) or by prehearing publicity. 255 C. 78. Regarding a juvenile's plea agreement, due process requires that trial court advise the juvenile of any possible extension of delinquency commitment beyond the time period stated in the plea agreement. Id., 565. There was no pervasive pattern of prosecutorial misconduct at trial that deprived the pro se defendant of his constitutional right to fair trial; prosecutor's conduct during voir dire was appropriate, prosecutor appropriately questioned evidence presented by means of defendant's trial techniques, prosecutor did not improperly appeal to jurors' emotions by such statements as "People could have died in that house. Those firefighters on their hands and knees could have died in that house ..." because the comments referred to relation of evidence to applicable statutory requirement—that defendant's fire put firefighters in danger of substantial bodily injury, nor improperly commented on defendant's failure to testify. 256 C. 291. Trial court's instruction on attempted first degree sexual assault by fellatio found to be constitutionally infirm since court neither stated nor intimated that penetration is a requirement generally of the crime and thus there was no reason for jury to have known that proof of penetration was necessary to find defendant guilty. Id., 517. Where court failed to instruct jury as to elements of statute which provided for enhancement of sentence, such enhanced sentence was vacated and case remanded for trial on that issue. Id., 785. Where defendant had notice and opportunity to be heard, revocation of probation held not to violate due process. Id. Reiterated previous holdings that claim fails where state closing arguments were not improper, were based on facts in evidence and reasonable inferences could be made. 258 C. 229. Testimony of celebrity witness, later struck from the record when witness became unavailable, not violative of right to trial. Id. Due process rights not violated when court failed to order, sua sponte, a competency examination after observing defendant's behavior at trial. Court's order of a psychiatric examination pursuant to Sec. 17a-566 at sentencing hearing does not necessarily mean court believed that defendant was mentally incompetent. Id., 779. Trial court improperly determined plaintiff could no longer invoke privilege against self-incrimination because of his testimony in a prior proceeding. 259 C. 487. Defendant's claim that trial court improperly instructed jury on self-defense by failing to define term "initial aggressor" did not satisfy third prong of *State v. Golding*—that a constitutional violation existed that clearly deprived defendant of a fair trial; defendant did not sustain his burden of proving that court's failure

to define term could have misled the jury into rejecting his claim of self-defense and court's instruction on the initial aggressor doctrine was legally correct and given in accordance with the relevant statute. 260 C. 610. In future cases where a 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. Trial court's instructions pertaining to Sec. 53a-23 virtually eliminated state's burden of proving that the police officers were acting in the performance of their duties and had the effect of depriving defendant of a defense to the charges against him, in violation of his due process rights. *Id.*, 553. Although state's attorney's comment on defendant's decision not to testify during the trial was improper, its natural and necessary impact upon jury would not likely have been prejudicial and therefore did not violate defendant's fifth amendment rights; comment was directed to trial court and not to jury, made in context of an argument over an objection, defense counsel did not specifically request a specific curative instruction beyond court's general instruction and trial court properly instructed jury that it should not draw any unfavorable inference from defendant's failure to testify. 262 C. 276. Defendant's right to remain silent was scrupulously honored despite police attempts to interrogate him three separate times about the same crime. 265 C. 184. 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 defendant's substantive due process rights. *Id.*, 697. Trial court did not violate defendant's rights against self-incrimination under fifth amendment by ordering him to undergo a polygraph examination; record discloses that defendant waived any such claim by failing to raise such constitutional claim in trial court and by affirmatively acquiescing to trial court's order. 267 C. 576. Defendant was not deprived of fair trial or subject to prosecutorial misconduct by the state by pointing to a few isolated remarks and taking them out of context; state's remarks were supported by the record, were not improper and were a fair summary of defendant's case and his conduct; defendant did not establish that trial as a whole was fundamentally unfair or that the misconduct so infected trial with unfairness as to make the conviction a denial of due process. 268 C. 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 the 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 the strength of the state's case, trial court's curative instructions and defendant's failure to object to the lesser improprieties. *Id.*, 726. 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. *Id.*, 763. Where procedure by which witness identified a defendant was unnecessarily suggestive, court nevertheless upheld the identification as reliable under the totality of the circumstances. 270 C. 458. On a claim of insufficiency of the evidence, court held that jury could reasonably have inferred from the evidence that defendant intended to commit the crime charged and, therefore, that no constitutional violation had occurred. *Id.* Where co-conspirator's participation was not so attenuated or remote that it would have been unjust to hold him responsible, court's jury instruction on conspiratorial liability did not violate due process. *Id.* Improper remarks by prosecutor about facts that were not in evidence during rebuttal phase of his closing argument did not rise to the level of depriving defendant of his federal due process right to a fair trial. Accordingly, Appellate Court improperly reversed defendant's sexual assault and unlawful restraint convictions on the basis of prosecutorial misconduct. *Id.*, 516. Defendant's due process right to fair trial was not violated where state's attorney's improper comments were isolated and sporadic rather than frequent and pervasive, and were made during lengthy trial with many witnesses. *Id.*, 568. Court's general instructions that statements and arguments of counsel are not evidence are sufficient to minimize harm from brief and isolated improper comments; specific curative instructions not necessary. *Id.* 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. 271 C. 218. "Miranda" rights under *Doyle v. Ohio* that prohibited use of post-Miranda silence to impeach a defendant or as evidence of guilt were not violated when evidence that defendant invoked right to remain silent during questioning was offered for the permissible purpose of relaying the sequence of events as they unfolded and that defendant's failure to tell police certain things was admitted as a prior inconsistent statement because statements and non-statements came after defendant waived "Miranda" rights and gave statements to police. 272 C. 432. Defendant's right to fair trial was not violated when juror recognized sister of victim in courtroom because juror notified the court who conferred with both parties and defense counsel declined further action. *Id.* Retrospective application of *Roth v. Weston*, 259 C. 202, which held that person seeking visitation rights pursuant to Sec. 46b-59 must satisfy certain jurisdictional and substantive requirements for statute to be constitutional as applied, does not result, per se, in violation of due process rights. *Id.*, 500. Trial court's determination that preponderance of evidence established that defendant's mental disorder did not substantially affect his capacity to make and act on a rational decision so as to render him incompetent was supported by the evidence and not clearly erroneous, therefore defendant was competent to waive postconviction challenges to his sentence of death and his waiver was knowing, intelligent and voluntary. 273 C. 684. Appellate Court improperly concluded that trial court violated *Doyle v. Ohio* when it allowed state to elicit testimony from two police officers that, although defendant initially agreed to speak with the officers and made an incriminating statement, he thereafter declined to put his statement in writing and invoked his rights to remain silent and to counsel; the state elicited the challenged testimony, which was brief, merely to explain the course of events and to place defendant's incriminating oral statement in its proper context rather than for the impermissible purpose of showing that defendant's invocation of his rights indicated silence in the face of accusation; trial court did not violate *Doyle v. Ohio* when it allowed state to question defendant during cross-examination about his refusal to reduce

to writing his incriminating oral statement to the officers, in which he admitted that a friend had asked him to pick up a package of marijuana, as such inquiry came within the exception to *Doyle* for cross-examination involving inquiry into a defendant's prior inconsistent statement, because defendant testified during direct examination that he told police he thought he was picking up a package of tomatoes and salsa instead of marijuana, it was permissible for state to question veracity of defendant's trial testimony re substance of the oral statement that he voluntarily made to police; and state's brief reference during closing argument to defendant's failure to reduce his incriminating oral statement to writing was not improper under *Doyle* because the reference by assistant state's attorney, when viewed in context, carried no implication that defendant was guilty because he had invoked his fifth amendment rights. 275 C. 514. Although trial court should have admitted into evidence letter written by a codefendant to defendant to impeach codefendant's testimony at the probable cause hearing, court's exclusion of the letter was harmless beyond a reasonable doubt in light of the overwhelming evidence of defendant's guilt. 277 C. 458. 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. *Id.* Defendant could not prevail on claim that he did not voluntarily waive his right against self-incrimination; the record reflects that defendant knowingly waived his Miranda rights on two separate occasions and once orally; defendant's subsequent confession to police was voluntary. Police conduct was neither intimidating nor coercive in any manner. 278 C. 267. Sum of prosecutor's misconduct, including misconduct central to issue of credibility, was not severe enough and was sufficiently cured so that defendant was not deprived due process right to fair trial. *Id.*, 354. Trial court's instructions to jury expressly sanctioning a nonunanimous verdict on conceptually distinct theories of liability violated defendant's constitutional right to unanimous jury verdict. *Id.*, 598. Admission of improper testimony regarding victim's credibility and prosecutorial misconduct in referencing testimony in closing argument did not deprive defendant of fair trial because defendant did not object to misconduct, testimony and misconduct were limited, credibility of victim was not critical to state's case and state's case was strong due to defendant's signed confession. 280 C. 36. Trial court did not abuse its discretion and violate defendant's due process rights when it denied motion to suppress pretrial show-up identifications made by two witnesses where show-up identification procedure was not unnecessarily suggestive because police presence was not overwhelming, spotlight on defendant did not create unnecessarily suggestive atmosphere because it was dark outside, it was not clear that defendant was handcuffed, there was no evidence that police had suggested to witnesses that they had to identify defendant or that he committed the crime, it was important for witnesses to view defendant while their memories were fresh and necessary for police to act quickly because they had reason to fear that an armed robber was on the loose and immediate action was necessary, and even if identification procedure was unnecessarily suggestive, trial court properly determined that identifications were reliable under totality of the circumstances. 282 C. 260. Because meaning of challenged portion of Sec. 9-410(c) is clear from the statute's purpose, practical application and legislative history, the fact that language of the statute may be susceptible to more than one reasonable interpretation does not render it unconstitutionally vague. 284 C. 573. Defendant was not deprived of a fair trial when defendant's counsel clearly and unequivocally agreed to a limiting jury instruction rather than seeking a mistrial after the court allowed the state to introduce hearsay evidence during cross-examination of defendant. 289 C. 535. It is not unconstitutional to require defendant to prove his drug dependency by a preponderance of the evidence under Secs. 21a-269 and 21a-278(b). 290 C. 24; judgment superseded, see *Id.*, 602. Prosecutor's reference to "ingenuity of counsel" in closing argument was improper but since statement was isolated and not directed at a critical issue in the case it did not deprive defendant of his right to a fair trial. *Id.*, 70. Prosecutor's closing remark re motive in murder case, where he acknowledged there was no direct evidence and motive was not central to state's case, was harmless and did not deprive defendant of fair trial. *Id.*, 209. Despite the fact that defendant had no right to counsel for purpose of extradition, defendant was aware of right to counsel for purposes of interview with detectives and validly waived that right. *Id.*, 261. Trial court improperly concluded that town deprived plaintiff of property interest without due process of law by promoting another person despite fact that plaintiff received the higher examination score. *Id.*, 421. There is insufficient factual basis to determine that defendant's presence was constitutionally required at in camera discussions. *Id.*, 468. In indirect civil contempt case, defendant's due process rights were violated when defendant received notice of required court appearance at 5:00 p.m. the day before the date of appearance and was required to prepare a defense while preparing for other matters previously scheduled for that date. 291 C. 489. In case where state showed defendant video recorded evidence of defendant engaged in drug transactions, and state indicated that video recording would be enhanced for trial and would likely be more readily viewable, defendant had no constitutional right to require state to reoffer a plea agreement that defendant rejected after viewing the first recording, and the introduction of the enhanced recording at trial did not constitute new evidence that was previously unknown to defendant because second recording was provided to defendant in a timely manner. *Id.*, 693. Right of defendant to be present has been extended, via the due process clause, beyond origins in confrontation clause to encompass situations where defendant is not actually confronting witnesses but, under circumstances of this case, defendant did not have a fundamental right to be present when testimony was played back to jurors during jury deliberations because such playback did not constitute a critical stage of the trial. 292 C. 226. 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. *Id.*, 417. Trial courts do not have a duty to charge the jury, sua sponte, on defenses, affirmative or nonaffirmative in nature, that are not requested by defendant; trial court did not abuse discretion by precluding defense counsel from asking venirepersons specifically about self-defense and did not commit plain error by failing to give a jailhouse informant credibility instruction; right of defendant to establish defense includes proper jury instructions on the elements of self-defense; defendant's unreserved claim of error concerning jury instruction is reviewable under third prong of *Golding* because defendant, while acquiescing to the charge given at trial, did not actively induce the trial court to act on the challenged portion of the instruction. *Id.*, 656; judgment reversed in part, see 299 C. 447. Re prior misconduct evidence, it is not necessary that court instruct jury that it must find, by preponderance of evidence, that prior misconduct actually occurred at hands of defendant, but instead jury may consider prior misconduct evidence for proper purpose for

which it is admitted if there is evidence from which the jury reasonably could conclude that defendant actually committed the misconduct. 293 C. 303. Plaintiff's limited property interest in contract with state agency is not an entitlement to which due process protections apply. *Id.*, 342. Kidnapping statute, Sec. 53a-94(a), is not unconstitutionally vague as applied to defendant's conduct. 294 C. 753. Prosecutor did not violate defendant's right to remain silent by stating "isn't it interesting that the defendant doesn't want to talk about where he was on the night of the murder nor what he did" because defendant had waived his Miranda rights, and because defendant chose to talk to police, any statements he made properly could be used against him. 295 C. 707. Defendant who committed perjury at trial was not denied right to due process and fair trial and court's rulings re false testimony were not constitutionally excessive. 296 C. 397. Recognition of born alive rule reasonably cannot be characterized as a departure from settled law, let alone a radical and unforeseeable change in the law, and therefore application of rule to defendant's conduct did not violate his right to fair notice under due process clause. *Id.*, 622. In determining if identification procedures violate due process rights, inquiry is made on an ad hoc basis and is two-pronged: first, it must be determined whether the identification procedure was unnecessarily suggestive, and second, if so, it must be determined whether the identification was nevertheless reliable based on examination of the totality of the circumstances; failure of police to use double-blind identification procedure and inconsistency in identification instruction form did not render identification unnecessarily suggestive. 298 C. 34. Due process does not mandate that custodial interrogation, advisement of Miranda rights and any resulting statements of defendant be recorded. *Id.*, 537. Defendant's right to remain silent was not violated when police detective testified that defendant refused to sign Miranda rights card, because defendant spoke with detectives thereafter, that defendant refused to answer questions about a co-participant, because defendant may not remain selectively silent, that defendant refused to give a written statement and thereafter ended the interview, because that was a permissible description of the course of events and investigative efforts of the police, and that defendant's demeanor was arrogant, because that characterization was not a description of the manner in which defendant nonverbally ended the interview or evidenced his intent to invoke his right to remain silent. *Id.* Statement of defendant, who spoke no English, taken and translated into English by police officer was made knowingly, intelligently and voluntarily. 299 C. 39. Miranda rights were not invoked because defendant was repeatedly told he was free to leave interview and a reasonable person in defendant's situation would not have believed he was in custody, his incriminating statement did not make interview custodial, and inquiry into defendant's mental impairments was not relevant to determining reasonable belief. *Id.*, 419. When trial court provides counsel with a copy of the proposed jury instructions, allows a meaningful opportunity for review, solicits comments from counsel regarding changes or modifications and counsel affirmatively accepts the instructions proposed or given, defendant may be deemed to have knowledge of any potential flaws therein and to have waived implicitly the constitutional right to challenge the instructions on direct appeal. *Id.*, 447. Because defense counsel had a meaningful opportunity to review the supplemental instructional language and because jury's specific request was sufficient to focus defense counsel's attention on the elements of forgery, defense counsel's acceptance of trial court's supplemental instruction constituted an implied waiver of defendant's claim of instructional error. *Id.*, 551. Admission of evidence of prior uncharged misconduct by defendant, namely the shooting of another individual with same firearm, did not deprive defendant of fair trial because it was relevant to prove defendant's identity as shooter in this case as well as to corroborate a witness's testimony, and the prejudicial effect of evidence did not outweigh its probative value. *Id.*, 567. Since defense counsel had meaningful and multiple opportunities to review trial court's jury instructions and object to any language therein, and repeatedly indicated his satisfaction with the charge, defendant therefore waived her claim of instructional error and was not deprived of a fair trial. *Id.*, 667. Respondent father's due process rights were not violated in termination of parental rights proceeding where he participated by telephone due to his incarceration and where his request for a trial transcript and a continuance were denied, because respondent did not identify on appeal any evidence or argument that he could have presented if trial court had granted his request for a transcript and a continuance. 300 C. 463. Defendant failed to establish that special condition of probation prohibiting him from possessing "sexually stimulating material deemed inappropriate by a probation officer" provided insufficient general guidance for law enforcement purposes. 301 C. 791. Police officer's statement to defendant that it was defendant's opportunity to tell his side of the story was the functional equivalent of an interrogation because the police should have known the statement was reasonably likely to invite defendant to respond by making possibly incriminating statements. 302 C. 287. When defendant claims on appeal that improper remarks by prosecutor deprived him of fair trial, burden is on defendant to show not only that remarks were improper, but also that, in light of whole trial, improprieties were so egregious as to amount to denial of due process. 303 C. 538. Defendant, who was in the hospital, immobilized for medical treatment and medicated at the time he was questioned by police, was not in custody for purposes of triggering Miranda requirements and his statements to police were voluntary. 304 C. 383. Conviction reversed where trial court failed to submit a material element of the charge to the jury for determination and defendant did not unequivocally waive the instructional error. *Id.*, 426. Sec. 22a-359 not unconstitutionally vague re structure erected by plaintiff without proper approval that was waterward of the high tide line. 305 C. 681. Defendant, who was confined to the couch in her apartment by police who entered apartment wearing tactical vests with firearms drawn, reasonably believed she was in police custody for purposes of Miranda. 311 C. 182. 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. Re prosecutorial impropriety depriving defendant of due process right to a fair trial, language is deemed "ambiguous" when, read in context, it is susceptible to more than one reasonable interpretation; where prosecutor's allegedly improper statements are genuinely ambiguous, the ambiguity will be construed in favor of the state; for purpose of determining whether challenged remark is improper, when selecting among multiple, plausible interpretations of the language, court will assign the remark the less damaging, plausible meaning; impropriety of prosecutor's remarks is a fact centered inquiry, which must be determined on a case-by-case basis. 319 C. 1. Questioning of handcuffed defendant at crime scene without Miranda warnings was not unconstitutionally impermissible under public safety exception because victim told police that defendant had a gun, and such questions related to an objectively reasonable need to assure public

and police safety. 321 C. 278. Trial court's refusal to sever two unrelated criminal cases brought against defendant improperly compromised defendant's right to choose whether to testify on own behalf in one case but remain silent in other case. 322 C. 118. First time in-court identifications implicate due process protections and must be prescreened by the trial court; 200 C. 465 limited to its facts. Id., 410.

Cited. 1 CA 384; 2 CA 204. Due process cited. Id. Unconstitutionally vague cited. Id. Cited. Id. 219. Right to assert privilege against self-incrimination cited. Id. Cited. Id. 363. Due process clause cited. Id. Test for determining inference of testimonial waiver of privilege against self-incrimination discussed. Id., 496. Right to fair trial cited. Id., 617. Cited. 3 CA 137. "Miranda" rights cited. Id. Cited. Id., 148. Due process cited. Id. Fair trial cited. Id. Cited. Id., 166. Fundamental constitutional right and a fair trial cited. Id. Cited. Id., 289. Right to a fair trial cited; due process right to call witness on his own behalf cited. Id., 374. "Miranda" rights cited. Id. 607; Id., 684. Cited. 4 CA 359. "Miranda" rights cited. 4 CA 406. Due process cited. 5 CA 113. "Miranda" rights cited. Id., 157. Denial of due process cited; fair trial cited. Id., 277. Cited. Id., 378. Due process cited; fundamental constitutional right cited. Id. Due process cited. Id., 500; Id., 520; Id., 571; Id., 599. Fair trial cited. Id. Issue of fundamental constitutional significance cited. 6 CA 24. Cited. Id., 124. Right to a fair trial cited. Id. Right to remain silent cited. Id. 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. Deprived of fair trial cited. Id. Unconstitutionally vague or over broad cited. Id., 407. Due process cited. Id., 469. Constitutional rights of due process cited. Id., 546. Cited. Id., 556. Cited. Id., 667. Fundamental constitutional right and a fair trial cited. Id. Due process right for conviction only upon a proof beyond a reasonable doubt cited. Id. Cited. 7 CA 1. Fundamental constitutional right and a fair trial cited. Id. Mandates of "Miranda" cited. Id. Due process cited. Id., 27; Id., 95; Id., 149; Id., 180. Indirect comment on defendant's failure to testify discussed. Id., 292. Privilege against self-incrimination cited. Id. Due process cited. Id., 326. Vagueness challenge cited. Id., 403. Cited. Id., 445. Constitutional right of defendant to testify cited. Id. Cited. Id., 457. Due process right to fair trial cited. Id. "Miranda" cited. Id. Cited. Id., 470. Fundamental right to a fair trial cited. Id. Cited. Id., 477. Fundamental constitutional right to a fair trial cited. Id. Due process rights cited. Id. Cited. Id., 503. Right to due process cited. Id. Cited. Id., 726. Due process rights cited. Id. Cited. 8 CA 35. Right to fair trial cited. Id. Cited. Id., 44. A defendant may reassert right to remain silent and a previous false statement, although uncorrected, may not be used against him. Id., 216. Due process; postarrest silence; right to remain silent; "Miranda" warnings; right to fair trial, cited. Id. Due process cited. Id., 273. Due process right to fair trial cited. Id., 317. "Miranda" rights; federal due process rights, cited. Id., 345. Cited. Id., 361. Due process cited. Id. "Miranda" warning; right to remain silent, cited. Id., 387. Due process cited. Id., 387. Due process rights cited. Id., 399. Cited. Id., 478. Violation of a fundamental constitutional right; right against self-incrimination, cited. Id., 491. Deprivation of a fair trial and due process cited. Id., 566. Cited. Id., 581. Due process right to a fair trial cited. Id. Cited. Id., 607. Protection against self-incrimination cited. Id. Due process rights; fundamental constitutional right, cited. Id., 620. Due process rights cited. Id., 631. Due process cited. Id., 667. Federal due process rights; void for vagueness; right to fair trial, cited. 9 CA 74. Due process cited. Id., 141. Cited. Id., 147; judgment reversed, see 206 C. 278. "Miranda" warnings; due process, cited. Id. Fundamental constitutional right not to testify cited. Id., 169; judgment reversed, see 205 C. 370. Cited. Id., 208. Right to be free from compelled self-incrimination; due process right to fair trial, cited. Id. Denial of due process cited. Id., 228. Constitutional requirement of proof beyond a reasonable doubt; unconstitutional dilution of burden of proof, cited. Id., 275. Denial of due process cited. Id., 313. Due process rights; right to counsel, cited. Id., 340. Due process rights and clause cited. Id., 548. Deprivation of fundamental constitutional right cited. Id., 631; judgment reversed, see 205 C. 352. Cited. Id., 648. "Miranda" rights; privilege against self-incrimination, cited. Id. Constitutional right to fair trial cited. Id., 656. Cited. Id., 667. Privilege against self-incrimination; constitutional right to a fair trial cited. Id. Constitutional prohibition against indirect comment on defendant's failure to testify cited. Id., 686. Cited. 10 CA 90. Due process rights cited. Id., 103. Right to due process cited. Id., 130. Cited. Id., 147. Rights to due process; "Miranda" warnings, cited. Id. Rights to due process cited. Id., 279. Cited. Id., 302. Fundamental constitutional right cited. Id. Due process and fundamental constitutional right cited. Id., 330. Cited. Id., 361. Constitutional due process claims; right to fair trial 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. Cited. Id., 520. Due process cited. Id. Cited. Id., 532. Due process clause cited. Id. Defendant not entitled under due process clause to cross-examine witnesses in a sentencing hearing; due process, cited. Id., 591. Due process cited. Id., 643. Deprivation of fundamental constitutional right and fair trial cited. Id., 659. Cited. Id., 683. "Miranda" rights cited. Id. Clarification of instructions is mandatory when any member of jury manifests confusion about the law. Id., 697. Fundamental constitutional right to due process and a fair trial cited. Id. Constitutional right to fair notice of charges. Id., 709. Constitutional right to an adequately instructed jury and conviction only on proof beyond a reasonable doubt cited. 11 CA 102. Unconstitutionally void for vagueness; due process; burden of proving guilt beyond a reasonable doubt cited. Id., 122. Constitutional right to conviction upon proper evidence cited. Id., 236. Due process; unconstitutionally vague cited. Id., 316. Constitutional burden of proof; due process, cited. Id., 425. Cited. Id., 473. Due process violation implicating fairness of trial cited. Id., 575. Due process cited. Id., 665. Right to due process cited. Id., 673. Due process cited. Id., 699. Deprivation of fundamental constitutional right and a fair trial cited. 12 CA 74. Due process cited. Id., 101. Cited. Id., 163. Deprivation of a fair trial and due process; right to remain silent, cited. Id. Fundamental constitutional right cited. Id., 172. Due process 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., 313. Constitutional right to a fair trial cited. Id., 320. Right to due process cited. Id., 338. Cited. Id., 427. "Miranda" warnings cited. Id. Constitutional right not to testify cited. Id., 481. "Miranda" rights cited. Id., 662. Constitutional right to a fair trial cited. 13 CA 40. Constitutional right to present a defense cited. Id., 139. Constitutional right to a unanimous jury verdict cited. Id., 288. Cited. Id., 368. Right of confrontation cited. Id. Privilege against compulsory self-incrimination cited. Id., 378. Constitutional right to a fair trial cited. Id., 386. Cited. Id., 413. Privilege against self-incrimination, "Miranda" warning, cited. Id. Rights to due process; right to fair trial, cited. Id., 420. Due process purposes; fundamental constitutional right

and fair trial, cited. Id., 438. Due process clause and due process 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; Id., 596. Deprived of property without due process cited. Id., 632. Cited. Id., 687. “Miranda” warnings cited. Id. Denial of fair trial; denial of due process, cited. 14 CA 6. “Miranda” rights; rights to due process, cited. Id., 10. Due process violation; fundamental constitutional right and fair trial, cited. Id., 88. Due process cited. Id., 108. Fundamental constitutional right and fair trial; denial of due process, cited. Id., 146. Right to due process; right against self-incrimination, cited. Id., 159. Right to privilege against self-incrimination; due process, cited. Id., 205. Constitutional rights; “Miranda”, cited. Id., 216. Cited. Id., 272. 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Due process rights cited; “Miranda” rights cited. Id., 342. Right to due process cited. Id., 589. Cited. Id., 704. Right not to be convicted except upon proof beyond reasonable doubt cited; right to fair trial and due process cited. Id. Right to be free of double jeopardy cited; due process cited. Id., 749. Right to remain silent and “Miranda” rights cited. 16 CA 75. Constitutional right to due process cited. Id., 318. 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. Constitutional right to a fair trial cited; right to due process cited. Id., 402. Constitutional right to fair trial cited. Id., 455. Right against self-incrimination, due process cited. Id., 601. Due process cited. 17 CA 4. Constitutional due process safeguards cited. Id., 17. Right not to be convicted except upon proof beyond reasonable doubt cited. Id., 104. Acceptance of admission of a parole violation requires only that court advise defendant of his right to a hearing to contest alleged violation. Id., 226. Constitutional right to proof of guilt beyond a reasonable doubt cited. Id., 243. Rights under “Miranda” cited. Id., 250. Cited. Id., 257. Right to remain silent and rights of due process cited; “Miranda” warnings cited; constitutional right to fair trial cited. Id. Cited. Id., 326. “Miranda” rights cited; right to present a defense cited. Id. Cited. Id., 344; Id., 359. Privilege against self-incrimination cited. Id. Due process cited. Id., 447. Cited. Id., 466. Due process cited; privilege against compulsory self-incrimination cited. Id. Unconstitutionally diluted state’s burden of proof of proof of guilt beyond reasonable doubt cited; constitutional right of defendant not to testify cited; due process rights cited; fundamental rights to a fair trial cited. Id., 490. Cited. Id., 556; Id., 602. Privilege against self-incrimination cited; due process cited; right to fair trial cited. Id. Cited. 18 CA 134. Due process cited. Id., 175. Rights to due process cited. Id., 297. Cited. Id., 406. Due process cited. Id. Cited. Id., 423. Inadequate “Miranda” warnings cited; due process cited. Id. Due process and constitutional right to a fair trial cited. Id., 602. Due process cited. Id., 716; 19 CA 48; Id., 111. Cited. Id., 195. Due process cited. Id.; Id., 445; Id., 495. Unconstitutionally vague cited. Id., 521. Proof of guilt beyond reasonable doubt cited. Id., 594. Right not to testify cited. Id., 618. Due process rights cited. Id., 640. “Miranda” rights cited; denial of fundamental constitutional right or fair trial cited; due process cited. Id., 654. Right to acquittal unless proven guilty of each element beyond a reasonable doubt cited. Id., 695. “Miranda” rights cited; privilege against self-incrimination cited; right to due process cited. 20 CA 27. Constitutional due process right and a fair trial cited; right to unanimous verdict cited. Id., 40. Rights to due process and fair trial cited. Id., 75. Cited. Id., 101. Privilege against self-incrimination cited; due process cited. Id. Right against self-incrimination cited; due process clause cited. Id., 115. “Miranda” warnings cited. Id., 163. “Miranda” rights cited. Id., 183; Id., 213. Constitutional rights to due process cited. Id., 271. Cited. Id., 386. Denial of due process cited; privilege against self-incrimination cited. Id. Cited. Id., 395. Right to due process cited. Id., 410. Due process right to establish a defense cited. Id., 430. Due process rights cited. Id., 572. Unconstitutionally vague cited; due process cited. Id., 599. Due process rights cited. Id., 643. Due process rights cited; vagueness and void for vagueness cited; “statute does not limit the definition of ‘any person’ to adults”. Id., 694. Due process right to fair trial cited. Id., 721. Due process cited; fair trial cited. Id., 737. Cited. 21 CA 40. Due process requirements of notice and opportunity to be heard cited. Id. Constitutional challenges and issues and deprivation of constitutional rights cited. Id. Due process rights cited. Id., 138. Constitutional due process claims cited. Id., 162. Due process cited. Id., 172. Constitutional right to fair trial cited; due process rights cited. Id., 235. 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. Cited; right to due process cited. Id., 359. Privilege against self-incrimination cited. Id., 386, 397. Due process right to present a defense and right to fair trial cited. Id., 403. Rights of due process and ability to prepare a defense cited. Id., 431. Unconstitutionally vague cited. Id., 449. Violation of due process rights cited. Id., 496. No due process violation cited. Id., 557. Rights under “Miranda” cited. Id., 568. Fundamental right to a fair trial cited. Id., 622. Due process rights cited. Id., 654. Right to a fair trial cited; due process cited. Id., 688. Privilege against self-incrimination cited. 22 CA 53. Due process rights cited. Id., 108. Cited; “Miranda” rights cited. Id., 142. Due process rights cited. Id., 303. Cited. Id., 321. Right not to testify cited. Id. Privilege against self-incrimination cited. Id. Due process and a fair trial cited; constitutional duty to disclose exculpatory evidence cited. Id., 329. Due process rights cited. Id., 340. Due process cited; deprivation of fair trial cited. Id., 449. Due process rights cited. Id., 477. Cited. Id., 521. Privilege against self-incrimination cited. Id. Deprivation of due process and a fair trial cited. Id., 567. Due process cited. Id., 601. Unconstitutionally vague and over broad cited; deprivation of due process cited. Id., 683. Due process and 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. Taking without due process of law cited. Id., 115. “Miranda” warnings cited; right to present a defense cited; no enlargement of crime, constitutional infringement cited. Id., 151. Right to present a defense cited; right to fair or impartial jury cited; dilution or shifting of state’s burden of proof cited. Id., 160. Due process guarantees cited. Id., 215. Unconstitutionally vague cited; fundamental due process right to fair warning cited. Id., 272. Right to due process cited. Id., 392. Rights to due process cited. Id., 431. Violation of constitutional rights by relieving state of burden of proof cited;

deprivation of right of due process cited. *Id.*, 479. Deprivation of constitutional right and fair trial; defendant convicted of offense of which he was never given notice has been deprived of fundamental constitutional right. *Id.*, 502. Right to fair trial cited; 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 present a defense cited. *Id.*, 642; judgment reversed, see 219 C. 629. Privilege not to incriminate self cited; “Miranda” warnings cited. *Id.*, 705. Due process cited. *Id.*, 746; judgment reversed, see 221 C. 595. Cited. 24 CA 27; judgment reversed, see 220 C. 652. Privilege against self-incrimination cited. *Id.* Due process and deprivation of fair trial cited. *Id.* Due process rights cited. *Id.*, 57. Cited. *Id.*, 115. Due process cited. *Id.* Violation of due process cited. *Id.*, 146. Fifth amendment privilege cited. *Id.*, 169. 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Right to due process cited. *Id.* Right to fair trial and to prepare a defense cited. *Id.*, 456. Cited. *Id.*, 468. Due process cited. *Id.* Rights to due process and establishment of guilt beyond reasonable doubt cited. *Id.*, 472. Right to due process cited; “Miranda” rights 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 trial and adequate notice of charges cited. *Id.*, 619. Due process rights cited. *Id.*, 646. 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. *Id.*, 725. Due process cited. *Id.*, 734. Cited. 26 CA 10. Rights to due process cited. *Id.* Due process, right to remain silent, “Miranda” warnings, right to fair trial cited. *Id.*, 86. Cited. *Id.*, 151. 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Right to trial by jury cited. *Id.* Right not to be convicted except upon proof beyond reasonable doubt of each element cited. *Id.*, 161. Dilution of state’s burden of proof cited. *Id.*, 231. Due process clauses cited. *Id.*, 283. Cited. *Id.*, 290. Constitutional rights to a fair trial cited. *Id.* Absolute right not to testify cited. *Id.*, 369. Constitutional right to a fair trial cited. *Id.*, 402. Constitutional violation existing and deprivation of a fair trial cited. *Id.*, 444. Deprivation of fair trial cited; guarantees of due process cited; vagueness of statute cited. *Id.*, 548. Dilution or shifting of state’s burden of proof cited; issue of reasonable doubt cited; deprivation of fundamental 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. “Miranda” rights cited. *Id.*, 708. “Miranda” rights, privilege against self-incrimination cited; due process cited. *Id.*, 721. Due process right to a fair trial cited; fundamental 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. Unreliable evidence and violation of fundamental fairness and guarantee of due process cited. *Id.*, 162; judgment reversed, see 229 C. 397. Violation of fundamental right, right to a fair trial, right to present a defense and due process cited. *Id.*, 262. Unconstitutionally vague cited. *Id.*, 283; judgment reversed, see 228 C. 795. Violation of due process cited; privilege against self-incrimination cited. *Id.*, 359. Due process rights cited. *Id.*, 409. 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cited. *Id.*, 416. Due process rights cited; right to present a defense cited. *Id.*, 470. Right to cross examination cited; denial of confrontation right cited. *Id.* Right to present a defense; right to a fair trial cited. *Id.*, 527. Right to due process cited. *Id.*, 654. Right to due process and to present a defense cited. 31 CA 20. Right to due process and a fair trial cited. *Id.*, 140; *Id.*, 178. Right to remain silent cited; unconstitutionally over broad jury instructions cited; coerced confessions cited; due process safeguards cited. *Id.*, 278. Right to due process cited. *Id.*, 312. Fundamental right to present a defense cited. *Id.* 385. Denial of rights to due process cited; unconstitutionally vague cited; privilege against self-incrimination cited. *Id.*, 443. Unconstitutionally vague cited; prosecutorial misconduct cited. *Id.*, 497. Due process rights cited. *Id.*, 621. Due process right to fair trial cited. *Id.*, 771. Due process rights cited. 32 CA 84. Due process right to present a defense cited. *Id.*, 178. Due process clauses cited. *Id.*, 217; judgment reversed, see 229 C. 580. Cited. *Id.*, 224. Violation of due process cited. *Id.* Cited. *Id.*, 431. “Miranda” warnings cited. *Id.* Right to present a defense cited; fundamental right to a fair trial cited. *Id.*, 448. Cited. *Id.*, 483. Due process rights cited; right to a fair trial cited; “Miranda” rights cited; invocation of constitutional rights cited. *Id.* Prosecutorial misconduct and deprivation of fair trial cited. *Id.*, 505. “Miranda” warnings cited; due process concerns cited. *Id.*, 553. Cited. *Id.*, 656. Due process considerations cited; overbreadth or vagueness cited. *Id.* Due process and fundamental right to present a defense cited. *Id.*, 687. Due process rights cited. *Id.*, 759. Cited. *Id.*, 811. Privilege against self-incrimination cited; due process rights to fair trial and to establish a defense cited. *Id.* Cited. *Id.*, 842. Privilege against self-incrimination cited. *Id.* Unconstitutionally vague cited; fundamental constitutional right and fair trial cited. *Id.*, 854. Cited. 33 CA 60. Rights to due process and against self-incrimination cited; right to remain silent and “Miranda” rights cited. *Id.* Due process 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.* Due process clauses cited. *Id.*, 162. Due process rights cited. *Id.*, 171. Rights to due process cited. *Id.*, 205. Due process clauses cited; constitutionally flawed cited. *Id.*, 232. Right against self-incrimination cited. *Id.*, 288. Rights to due process 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. 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Fundamental element of due process and right to establish a defense of self-defense cited; privilege against self-incrimination cited; right not to testify cited; rights to be present and participate in his trial cited. *Id.* Improper instruction of jury cited. *Id.*, 90. Cited. *Id.*, 103. Constitutional due process claims alleging prosecutorial misconduct cited; right to adequately instructed jury cited; right to fair trial cited. *Id.* Cited. *Id.*, 153. Right to remain silent and right not to testify cited; “Miranda” warnings cited; due process rights cited. *Id.* Rights to due process cited. *Id.*, 191. 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 cited; “Miranda” warnings cited. *Id.* Constitutional right to present a defense cited. *Id.*, 276. Fundamental element of due process, right to establish a defense cited. *Id.*, 317. Cited. *Id.*, 368, see also 233 C. 517. “Miranda” rights cited. *Id.* Cited. *Id.*, 411. Right to due process and a fair trial cited. *Id.* Right to present a defense cited. *Id.*, 473. Violation of due process cited; privilege against self-incrimination 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; judgment reversed in part, see 235 C. 426. Cited. *Id.*, 751; judgment reversed, see 233 C. 211. “Miranda” rights cited. *Id.* Right to remain silent cited. *Id.* Cited. *Id.*, 772; *Id.*, 807. “Miranda” rights cited. *Id.* Due process right to present a defense cited. 35 CA 51. Constitutional right to prepare a defense and due process cited. *Id.*, 173. Due process right cited. *Id.*, 201. Cited. *Id.*, 360. Privilege against self-incrimination cited. *Id.* Cited. *Id.*, 438. Right to due process cited; right to fair trial 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. Plea not knowingly and voluntarily made; violation of due process and right to fair trial cited; privilege against self-incrimination cited. *Id.*, 714. Deprivation of fair trial from instruction diluting state’s burden of proof cited; denial of due process of law cited. *Id.*, 728. Cited. *Id.*, 740. Right to counsel cited. *Id.* Cited. *Id.*, 781. Due process rights cited. *Id.* Cited. 36 CA 41. Privilege against self-incrimination and fundamental right of defendant not to testify in his criminal trial cited. *Id.* Cited. *Id.*, 59. Due process rights cited. *Id.* Cited. *Id.*, 171. Burden of proof constitutional in nature cited. *Id.*, 177. Cited. *Id.*, 190. Fair trial and due process cited. *Id.* Dilution of state’s burden of proof beyond a reasonable doubt cited; doubt and right to present witness cited. *Id.*, 250. Due process rights cited. *Id.*, 440. “Miranda” warnings cited; federal constitution cited. *Id.*, 463. Cited. *Id.*, 516. Due process cited. *Id.* Right to fair trial cited. *Id.*, 525. “Miranda” warnings cited. *Id.*, 576. Right to due process cited. *Id.*, 631. Due process cited. *Id.*, 641. Rights to present a defense, to a fair trial and due process cited. *Id.*, 680. Due process right to fair trial and constitutional right to be found guilty only on finding of proof beyond a reasonable doubt cited. *Id.*, 718. Due process rights and a fair trial cited; right to an adequately instructed jury cited. *Id.*, 805. Unconstitutionally diluted state’s burden of proof cited. 37 CA 21. “Miranda” rights cited., *Id.*, 72. Deprivation of fair trial by trial court’s marshaling of the evidence. *Id.*, 180. Due process rights cited. *Id.*, 213. Due process cited; right to be informed of nature and cause of criminal charge cited. *Id.*, 228. Cited. *Id.*, 252; judgment reversed, see 236 C. 388. “Miranda” rights cited; self-incrimination cited. *Id.* Due process violation cited; failure to instruct on essential element cited. *Id.*, 338. Due process and suppression by prosecution of evidence favorable to accused cited; right to fair trial cited. *Id.*, 355. Rights to due process of law and a fair trial cited. *Id.*, 360. Unconstitutionally vague and void for vagueness cited. *Id.*, 388. Cited. *Id.*, 437. Right against self-incrimination cited; “Miranda” warnings cited. *Id.* Cited. *Id.*, 456; judgment reversed, see 236 C. 176. Due process rights and a fair trial cited; claim of privilege against self-incrimination cited. *Id.* Impermissively suggestive identification procedure of an inanimate object court declines to elevate to one of constitutional magnitude; due process rights cited. *Id.*, 464. Dilution of state’s burden of proof and deprivation of fair trial cited. *Id.*, 509. Cited. *Id.*, 589. Fair trial and due process cited; dilution of state’s burden of proof cited. *Id.* Rights to a fair trial or due process cited. *Id.*, 635. Denial

of due process cited; “Miranda” warnings cited. *Id.*, 672. Cited. *Id.*, 722. Unconstitutionally vague cited. *Id.* Post “Miranda” silence and “Miranda” warnings cited. *Id.*, 749. Waiver of privilege against self-incrimination; “Miranda” rights cited. *Id.*, 801; judgment reversed, see 236 C. 561. Cited. *Id.*, 856. Right to due process cited. *Id.* Due process and jury instruction cited. 38 CA 29. Due process and failure to preserve potentially exculpatory evidence cited; “Miranda” warnings 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, 93, 95. “Miranda” rights cited. *Id.*, 100. Cited. *Id.*, 125. Due process cited. *Id.* Right to due process cited. *Id.*, 247. Dilution of state’s burden of proof cited. *Id.*, 282. Rights to due process cited; reduction of state’s burden of proof cited. *Id.*, 434. “Miranda” rights cited. *Id.*, 481. Cited. *Id.*, 581. Due process cited. *Id.*; *Id.*, 643. Cited. *Id.*, 661. Right to trial by jury cited. *Id.* Due process clauses cited; right to fair trial cited; “Miranda” rights cited; proof of guilt beyond a reasonable doubt cited. *Id.*, 661. Due process rights cited. *Id.*, 731. Due process cited. *Id.*, 762. Due process and duty to disclose exculpatory evidence cited. *Id.*, 777. Due process rights cited. *Id.*, 801; *Id.*, 815; *Id.*, 868. Cited. 39 CA 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. *Id.* Cited. *Id.*, 96. Rights against self-incrimination and to due process cited; comments on defendant’s failure to testify cited. *Id.* Right to due process cited. *Id.*, 175. Cited. *Id.*, 224. “Miranda” rights cited; right to remain silent cited. *Id.* Right not to testify cited. *Id.*, 242. Prosecutorial misconduct, due process and a fair trial cited. *Id.*, 333. Cited. *Id.*, 369. 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Denial of due process cited; prosecutorial misconduct cited; diminished state’s burden of proof cited. *Id.*, 624. Due process rights cited. *Id.*, 643. Right to due process cited; right to present a defense and to a fair trial cited. *Id.*, 805. Sec. 14-227a(f) not unconstitutionally vague; unconstitutionally vague cited; “Miranda” warnings and right to remain silent cited. 41 CA 7. Right not to incriminate himself; right to due process cited. *Id.*, 47. Due process violation cited. *Id.*, 139. 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. Privilege against self-incrimination and “Miranda” warnings cited; due process cited. *Id.*, 391. Cited. *Id.*, 476. Due process cited. *Id.* “Miranda” rights cited; due process of law cited. *Id.*, 530. Right against self-incrimination and to remain silent cited. *Id.*, 695. “Miranda” warnings and due process cited; right to adequately instructed jury cited. *Id.*, 701. Right to due process and a fair trial cited. *Id.*, 809. Cited. *Id.*, 831. “Miranda” warnings cited; right against self-incrimination cited; right to present a defense, due process and a fair trial cited; improper instruction on reasonableness of degree of force used in self-defense cited. *Id.* Use of rebuttable presumption did not deprive defendant of due process. *Id.*, 874. Due process 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. Denial of fair trial and due process cited. *Id.* “Miranda” warnings cited; exercise of right to remain silent and due process cited. *Id.*, 41. 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Right to fair trial cited. 46 CA 131. “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. Due process rights to a fair trial cited. *Id.*, 285. Due process cited; unconstitutionally vague cited; exculpatory evidence cited. *Id.*, 486.

Cited. Id., 545. Right to remain silent and “Miranda” rights cited. Id. Due process, a fair trial and prosecutorial misconduct cited. Id., 578. Constitutional right to due process and to present a defense and a fair trial cited. Id., 640. Rights to due process cited. Id., 684. Due process right to proof of an element cited. Id., 691. Right to due process and a fair trial cited. Id., 810. Denial of due process cited; right to fair trial cited. 47 CA 1. Sec. 53a-71(a)(1) re statutory rape is not unconstitutionally vague as applied to defendant in this case. Id., 68. “Miranda” rights cited. Id., 523. Prosecutor’s rebuttal closing argument did not violate defendant’s right to testify on his own behalf. Id., 632. Pretrial identification procedure did not violate due process rights. Id. Claim re improper jury instruction on an element of an offense is of constitutional dimension and reviewable. 48 CA 677. Defendant failed to establish a constitutional violation from jury instruction under Sec. 53a-3(11) re intent in a murder prosecution. Id. Jury instruction that specifically mentions defendant’s interest falls within claimed deprivation of a constitutional right, but defendant’s assertion not supported when continual emphasis that jury was to evaluate defendant’s testimony in same fashion as other witnesses. Id., 690. Prohibition on prosecutorial comments re accused’s silence or instructions by court that such silence is evidence of guilt does not prohibit state from calling jury’s attention to any portion of evidence that stands uncontradicted or from commenting on overall quality of defendant’s evidence. Id., 717. Claims that trial court improperly applies standard to evaluate extreme emotional disturbance defense and admitted evidence of defendant’s post-arrest silence and request for an attorney are reviewable even though defendant failed to preserve said claims at trial. Id., 784. Factors for determining whether prosecutorial misconduct amounts to a denial of due process. Id., 812. Defendant’s right to fair trial not prejudiced by trial court permitting state to cross-examine defendant’s mother and by state’s closing argument. 49 CA 13. Only minimal procedural protections are necessary to satisfy the notice of requirement of due process because earning statutory good time is not a constitutionally protected liberty interest. 50 CA 421. When suppression by prosecution of evidence favorable to accused violates due process. 51 CA 328. Defendant was not deprived of constitutional right to testify or to fair trial when he made a tactical decision not to testify and to keep evidence of prior misconduct from the jury and could not complain on appeal that his trial tactic failed. 52 CA 825. 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. Person arrested for operating a motor vehicle while under the influence of intoxicating liquor did not have fifth amendment right to consult with counsel before deciding whether to take breath test. Id., 391. Inculpatory statements by defendant held admissible where defendant was fully apprised of Miranda rights, was not coerced or under undue influence and, through his actions and words, waived his right to remain silent. Id., 507. Jury instructions regarding presumption of innocence and state’s burden of proof, taken as a whole, eliminated any reasonable likelihood of juror misunderstanding as to the state’s burden despite defendant’s claim that a portion of such instructions undermined the presumption. Id., 606. If statutory requirements for long-arm jurisdiction are met, court is obligated to decide whether exercise of jurisdiction over defendant would violate constitutional principles of due process. Also, where facts necessary to determine jurisdiction are disputed, due process requires that a trial-like hearing be held, but parties may agree to limit its scope. 54 CA 506. In determining whether prosecutor’s conduct was so egregious as to deny defendant a fair trial, some leeway must be afforded in final argument. Defendant may prevail on claim of instructional error only if it is reasonably possible that jury was misled. Id., 543. On claim of ineffective assistance of counsel after entry of guilty plea, held not to be reversible error for trial court to disallow new counsel since defendant could not establish factual basis for ineffectiveness of prior counsel. 55 CA 95. Where court charged jury as to presumption of innocence and stated that it may be overcome only after the state proves defendant’s guilt beyond a reasonable doubt, no constitutional violation found notwithstanding alleged error in one part of instruction. Id., 170. No Brady violation where defendant failed to show that allegedly exculpatory evidence was, in fact, suppressed. Id., 196. Change from live testimony to videotape testimony of child re her sexual assault did not deprive defendant of presumption of innocence. Id., 717. Defendant’s due process rights were not violated by additional condition of probation subsequently imposed by trial court; here defendant bargained for a sentence that included a term of probation—if defendant accepts an offer of probation, he must accept all of the conditions and in accepting probation, defendant accepted at the time of sentencing the possibility that the terms of probation could be modified or enlarged in the future in accordance with statutes on probation, therefore, under these circumstances, the modified conditions did not go beyond the terms of the plea bargain agreed to by defendant. 57 CA 112. Due process claim not properly preserved; defendant’s failure to file proper pretrial motions constituted a waiver of his claim that the charge was too vague as to when the 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 the failure to deliver notice re probation pursuant to Secs. 53a-30 and 54-108. Id., 153. Due process was 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 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. 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 right to due process. 59 CA 112. Defendant not deprived of right to due process when court refused to instruct jury that state was not prosecuting one of three cases that the 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 the state proved the requisite intent beyond a reasonable doubt. Id., 207. Although the right to adequate notice of the charges in a juvenile delinquency hearing is among the essentials of due process, an amendment may be made to a petition of delinquency where the additional charge arises out of the same act and encompasses the same set of facts as the original charge. 60 CA 736. 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 its discretion and did not deprive defendant of his constitutional rights. 61 CA 275. Where sequestration order had been issued, testimony of nonsequestered witness found not tainted from exposure to prior testimony and held not prejudicial to defendant. *Id.*, 291. Due process not violated where jury was not required to find that defendant possessed the relevant mental states simultaneously. *Id.*, 713. Defendant's due process rights were not denied where court did not inform him of the maximum sentence for each individual charge. *Id.*, 855. Photographic array of persons wearing clothing that so closely matches the description of the clothing of an accused shooter held not impermissibly suggestive. 62 CA 148. Petitioner failed to establish that he was harmed in any way by trial court's failure to put him to plea on the substituted charge of conspiracy to commit murder despite the lack of a formal arraignment on the substitute information in violation of Practice Book provisions and petitioner had timely and adequate notice of the substituted charge by his presence during six stages of the trial and therefore failed to show prejudice such as to have deprived him of his constitutional right to a fair trial. 63 CA 504. Statements made by assistant state's attorney conduct, in the context of the entire trial, amounted to a pattern of misconduct so pervasive and egregious that it denied him a fair trial. *Id.*, 583. Defendant's claims concerning court's instruction on reasonable doubt raised by the "ingenuity of counsel" are not constitutional in nature and therefore not subject to review under *State v. Golding* or plain error review. *Id.* Actual notice to defendant by state building inspector that his roof repair required permit constituted fair warning and defeated defendant's claim that Sec. 29-263 is unconstitutionally vague. 64 CA 480. It was not error for court to refuse to define terms in jury instructions where legal definition was not so different from dictionary definition as to confuse or mislead the jury. *Id.* Defendant's due process right was not deprived where state presented sufficient evidence to prove beyond a reasonable doubt that he exercised constructive possession over drugs and he had the intent to sell such drugs. 67 CA 249. Preliminary instructions on concept of presumption of innocence did not deny defendant of his due process rights where such instructions were accurate and where jury was fully and correctly instructed prior to deliberating. *Id.*, 284. Court, in complying with the mandates of Practice Book Sec. 39-19, properly determined that defendant's plea of guilty was made voluntarily, knowingly and intelligently. *Id.*, 351. Voluntariness of a confession is determined on basis of the totality of the circumstances and an individual's minority is only one factor in the totality of circumstances. 68 CA 97. Comments of prosecutor during closing argument did not rise to the level of prosecutorial misconduct and did not violate defendant's due process rights. *Id.*, 388. 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. Defendant's due process right to a fair trial was denied during closing arguments when the prosecutor failed to confine himself to evidence in record and improperly appealed to the emotions, passions and prejudices of jurors. 69 CA 29. Defendant's assertion that jurors may have been biased by seeing him in shackles, where such assertion was based only on the statement of court clerk, did not constitute evidence that jurors actually saw him in shackles and defendant cannot fault the court for failing to question jurors when defendant had the opportunity to do so. *Id.*, 57. Court's jury instruction that was conclusory as to an element of the offense but was qualified with statement that it was the jury's decision to make did not deprive defendant of his right to a fair trial. *Id.* Prosecutor's improper remarks were not so prejudicial in the context of the entire trial as to deny defendant due process and a fair trial. *Id.*, 117. 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 was coherent and lucid despite being medicated. *Id.* Defendant's objections to jury instructions regarding essential elements of conspiracy discussed and determined not to have violated defendant's federal constitutional due process rights. 70 CA 393. Principles for determining whether forcible medication to restore or attain competency to stand trial would deprive a defendant of constitutional right to due process guaranteed by the fourteenth amendment discussed. *Id.*, 488. Standard for determining whether forcible medication to restore or attain competency to stand trial would deprive defendant of his sixth amendment right to a fair trial discussed. *Id.* 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. Prosecutor did not impinge on defendant's right against self-incrimination; prosecutor's remarks during closing argument were merely an attack on defendant's theory of defense and were not such that the jury could naturally and necessarily have taken them as comments on defendant's failure to testify and court specifically instructed the jury not to draw any negative inference from defendant's failure to testify and further that defendant did not have the burden to produce any evidence or prove his innocence. *Id.*, 707. Defendant's claim that trial court improperly instructed jury on the essential element of intent by reading the entire statutory definition in Sec. 53a-3(11) which confused and misled the jury was unavailing; court repeatedly instructed jury on the necessity of finding intent to cause victim's death, an extraneous reference to intent to engage in conduct did not establish a constitutional violation so as to clearly deprive defendant of a fair trial. *Id.* 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. 71 CA 537. Defendant's due process rights were not violated by extraneous jury instructions where such instructions had no probable effect on the jury. *Id.*, 656. Defendant's due process rights were neither violated where testimony was concerned with defendant's pre-Miranda silence nor where defendant's post-Miranda silence was not the focus of either the prosecutor's cross-examination of defendant or his closing argument. *Id.*, 703. Jury's verdict was not legally inconsistent and therefore defendant's due process rights were not violated because jury was not required to find that defendant possessed two different mental states simultaneously with respect to his acts against the victim. *Id.* Where an initial statement to police is inadmissible because defendant was not given Miranda warnings, the standard for admitting a post-Miranda statement depends upon whether the initial statement was given voluntarily; if the initial statement was voluntary, admission of the second statement does not violate the fifth amendment if it was given voluntarily and the Miranda waiver was effective. 72 CA 282. Where defendant was given several Miranda warnings, was literate, had no

mental disease, came voluntarily to the police and confessed before he was in custody and was otherwise under no duress, it was held that the confession was properly introduced. *Id.*, 545. 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 facts and argument that defendant used a revolver to shoot victim was not so blatantly egregious that it infringed on defendant's right to a fair trial. 74 CA 511. Defendant's subjective belief, rather than police officer's promise, that defendant would get into a drug treatment program instead of jail was the motivating factor for defendant's cooperation in giving a confession and such subjective belief does not make his confession involuntary; defendant's confession was freely and voluntarily given; defendant was advised of his constitutional rights twice before making his written statement, appeared to have understood his rights, had a high school education, spoke and wrote English, was not physically impaired due to alcohol or drugs and gave a signed and sworn statement properly initialed during a detention of no more than one and one-half hours. *Id.*, 545. Trial court's determination that defendant waived his Miranda rights voluntarily, knowingly and intelligently was supported by substantial evidence; 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. Cumulative effect of improperly admitted constancy of the evidence testimony did not violate defendant's right to fair trial. 75 CA 201. 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 a guilty verdict without the impermissible questions or comments on defendant's silence and request for counsel and therefore cannot conclude that the state met its burden of proving guilt. *Id.* With regard to potential plea agreement, defendant cannot make an intelligent and knowing decision with regard to a probation sentence without any knowledge of special conditions attached thereto. *Id.*, 615. Constitutional immunity from self-incrimination does not justify or excuse obligation of an insured to cooperate in prompt investigation of the event on which a claim of insurable loss is based. 77 CA 139. Although the recorded out-of-court statement of defendant was not the equivalent of in-court testimony where defendant puts his credibility in issue, prosecutor's admonition to jury to consider defendant's interest in the outcome of the case when evaluating defendant's statement was not a forbidden indirect comment on defendant's decision not to testify. 78 CA 535. Defendant's right to remain silent was scrupulously honored even though police reinterrogated him after he had earlier invoked right to remain silent. *Id.*, 610. Although trial court's failure to instruct jury that to find defendant guilty of risk of injury to a child under Sec. 53-21(2), it had to find that defendant had contact with the intimate parts of victim in a sexual and indecent manner was a clear constitutional violation, the error was harmless beyond a reasonable doubt because the issue of whether defendant, who was also convicted of sexual assault in the second degree for engaging in sexual intercourse with the thirteen-year-old victim, had contact with her intimate parts was uncontested and the verdict was supported by overwhelming evidence, therefore, defendant was not deprived of a fair trial. 79 CA 126. Defendant was not denied fair trial despite prosecutor's improperly compelling defendant to comment on another witness' veracity, expressing his personal opinion of the evidence during closing argument and characterizing defendant as a "liar" several times during his summation, and although prosecutor's misconduct was related to the critical issue of credibility of witnesses' identification of defendant, defendant could not show that prosecutor's improper remarks caused him substantial prejudice so as to warrant a new trial because the misconduct was not so egregious and did not infect the trial with unfairness so as to deny defendant his constitutional right to a fair trial; such misconduct was not severe and was limited to two brief statements during closing and rebuttal argument, did not form a pattern of serious misconduct and was to some extent invited by improper comments of defense counsel. *Id.*, 155. Defendant was not denied right to a fair trial or due process of law despite demonstration by defendant that prosecutor made improper remarks during cross-examination and in closing argument—during cross examination, prosecutor improperly invited defendant to characterize other witnesses' testimony and in closing argument, prosecutor improperly vouched for the credibility of several state's witnesses, including the police officers—because the improper remarks were relatively isolated and brief, the court's instructions to jury were strong, reminding jurors that credibility determinations were jury's exclusive province and that remarks by counsel were not to be considered evidence, and the remarks did not cause substantial prejudice. *Id.*, 219. Defendant's claim that trial court excluded evidence of prior sexual assaults committed on the victims by another person thereby preventing defendant from presenting a defense was unavailing. *Id.*, 263. Defendant was deprived of due process and of his right to a fair trial due to prosecutorial misconduct—in closing argument, prosecutor improperly expressed his opinions about defendant's conduct and whether he was guilty, improperly commented on a defense witness' credibility by suggesting that witness might be charged with perjury, improperly appealed to jury's emotions by stating that justice would have been served if defendant died in the collision and improperly vouched for the credibility of two state's witnesses; the challenged statements were severe and pervasive in nature, central to the critical issue in the case (identity of the driver) and not invited by defense counsel and the cumulative effect of those improper remarks by prosecutor throughout the entire closing argument so infected the proceedings as to deprive defendant of his right to a fair trial. *Id.*, 275. Where defendant received adequate notice of grounds on which he ultimately was found to have violated his probation, it was held that defendant's due process rights were not violated. 80 CA 220. Photographic array presented to one of the victims did not constitute an impermissibly suggestive pretrial identification procedure—victim named all four shooters prior to compilation of the array and picked all four suspects from thirty-two photographs and testified that although he was familiar with other faces included in the array and saw five people involved in the shooting, he picked out only the four people whose faces he clearly saw. 82 CA 777. Prosecutor's isolated statement to jury characterizing automatic weapon as an "essential machine gun" did not mislead jury or deprive defendant of fair trial. *Id.* There was substantial evidence in the record to indicate that defendant gave a knowing and intelligent waiver of his Miranda rights and was not coerced into signing a statement—defendant initially had invoked his right to counsel and declined to speak with police officer without an attorney present, but later twice initiated a

conversation with the officer, signed waiver of rights form and gave statement. Defendant signed each page of statement, had several prior arrests and was familiar with the criminal justice system, did not appear to be under the influence of alcohol or drugs and did not, at any time during the interview, indicate a desire to stop or end the interview, there was no evidence that officer made any threatening statements to defendant or that statement was not the product of a free and unconstrained choice. *Id.*, 802. Jury instructions that “the state, as well, does not want the conviction of an innocent person” and that state “is as much concerned in having an innocent person acquitted as in having a guilty person convicted” and that reasonable doubt “is a doubt that is honestly entertained and is reasonable in light of the evidence after a fair comparison and careful examination of the entire evidence” did not dilute state’s burden of proof; jury charge read in its entirety presented case to the jury in a manner such that no injustice would result and therefore did not deprive defendant of his right to a fair trial. *Id.*, 823. Prosecutor violated defendant’s due process rights to fair trial with respect to his conviction of sexual assault but not his conviction for kidnapping because various statements made by prosecutor improperly bolstered victim’s credibility—during prosecutor’s questioning of police officer, he asked the officer to comment on the credibility and veracity of victim’s and defendant’s testimony and the prosecutor vouched for victim’s credibility by assuring jury that she was there “to tell the truth” and made other assertions in the same vein; misconduct was egregious and trial court’s general instructions were insufficient to remove the deleterious effect of the misconduct; since prosecutor produced only equivocal evidence to corroborate victim’s testimony that she had been sexually assaulted, defendant’s conviction of sexual assault could not stand. *Id.*, 856. Based on totality of the circumstances, defendant both understood his Miranda rights against self-incrimination and subsequently made a knowing and intelligent waiver of those rights. 83 CA 418. Defendant’s right to fair trial was not violated where trial court properly followed appellate court’s remand order. *Id.*, 439. Defendant’s right not to testify was violated by court’s postcharge, supplemental instruction that materially and substantially misstated the nature of defendant’s privilege not to testify. *Id.*, 811. Where defendant claimed improper jury instruction as to an essential element of risk of injury to a child, the court, viewing the charge in its entirety, held that it did not lessen state’s burden of proof or direct a verdict against defendant. 84 CA 245. Where defendant had claimed that a consequence of jury instruction was that it may have invited negative comment to jurors, it was held that, because the instruction indicated that such comment would be improper and was to be reported to the court, the instruction was not improper. *Id.* Where prosecutor had made two improper comments in closing argument, court held that, since the comments were not severe or frequent and that state’s case was overwhelmingly strong, prosecutor’s misconduct, in terms of the trial as a whole, did not deprive defendant of fair trial. *Id.* Where defendant claimed that jury instruction failed to inform jury that defendant’s behavior had to be willful and deliberate, court held that statute under which the case was prosecuted only required a general intent to perform the act that resulted in the injury and, therefore, the instruction was proper. *Id.*, 263. Where defendant claimed jury instruction improperly defined term “firearm” but presented no factual or legal argument as to how the jury could have been misled, court held the instruction was sufficient and that no reasonable juror would have been misled. *Id.* Where there was evidence from which jury could reasonably find that defendant was an accessory to the crime, it was not misleading to instruct jury on the theory of accessory liability on a charge of conspiracy. *Id.*, 283. Where defendant claimed that jury instruction had expanded the conspiracy charge and reduced state’s burden of proof, it was held that the charge of conspiracy is for one agreement, which may be carried out in multiple ways, and the instruction had been correct and that it was not reasonably possible that jury could have been misled. *Id.* On defendant’s claim that court improperly instructed jury on the elements of conspiracy, it was held that court’s instruction on that charge as a whole was sufficient to guide jury in its determination of whether the state had proven each element necessary for conviction and was not improper. *Id.* In a child custody and visitation proceeding, it was not a violation of plaintiff’s due process rights for court to refuse to grant motion for continuance in order to secure substitute counsel since before permitting counsel to withdraw, court held an earlier hearing and then gave ample time for plaintiff to secure such counsel. *Id.*, 311. 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 the court that defendant was incompetent to enter a plea established 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. Prosecutor’s improper remarks, when judged in the context of entire trial including judge’s strong curative instructions, did not deprive defendant of his right to fair trial. *Id.*, 542. Defendant was deprived of fair trial due to prosecutorial misconduct—prosecutor engaged in misconduct central to the critical issue in the case, severe in nature and pervasive throughout the trial by expressing his personal opinion regarding defendant’s credibility, and credibility of defendant’s key witness and of the child victim by stating his personal opinion as to defendant’s guilt, by appealing to jury’s emotions, by injecting extraneous matters into the trial, by inviting jurors to identify with child victim, by asking defendant to comment on victim’s veracity and by improperly attacking defendant’s character during cross examination; court’s instructions were insufficient to cure the harm caused by prosecutor’s repeated misconduct. *Id.*, 767. Prosecutorial misconduct did not deprive defendant of right to fair trial because improper statements were limited to closing argument, not severe, not objected to by defendant, not central to critical issues and the court adequately instructed the jury. 85 CA 365. Prosecutor’s misconduct in sexual assault case of asking counselor, as a person who has done hundreds of counseling sessions, to comment on credibility of victim’s statements during counseling, did not violate due process due to court’s curative jury instruction. *Id.*, 575. Court’s instruction under Sec. 53-21(a)(2) that “likely” had same meaning as “possible”, while improper, did not deprive defendant of due process since court also gave proper interpretation of “probable” or “in all probability” and evidence supported the verdict. *Id.* Prosecutor’s misconduct of asking questions re credibility and motive of other witnesses did not deprive defendant of due process; pretrial identification did not violate defendant’s rights because there is no constitutional mandate that gives defendant the right to a photographic array of look-alikes. *Id.*, 637. 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. 86 CA 641. Defendant not afforded actual, fair and sufficient notice of conditions of probation where there is no written

condition that reasonably could be interpreted to include blanket prohibition on defendant's going to former girlfriend's residence. 87 CA 9. It was reasonably possible that jury was misled and its verdict may not have been the same due to trial court's failure; defendant's challenge to trial court's jury instructions as to state's burden of proof and the concept of reasonable doubt was unavailing; all of the phrases from court's instructions challenged by defendant have been upheld consistently by Connecticut courts (e.g. reasonable doubt is "a real doubt, an honest doubt ...") and such challenged instructions, when reviewed as a whole and not in artificial isolation from the overall charge, did not deprive defendant of his constitutional right to a fair trial. 89 CA 307. Although initial notice of probation violations did not provide specific dates and did not refer to defendant's failure to take his medications or his attempts to contact victim, the arrest warrant included all alleged probation violations and defendant was given opportunity to challenge all alleged violations at the hearing; since defendant received adequate notice regarding all grounds on which he ultimately was found to have violated his probation, a constitutional violation does not clearly exist and defendant was not deprived of a fair trial. *Id.*, 353. Defendant's claim that jury instructions on accessory and principal liability were improper and led to jury confusion was unavailing; court's instructions, considered as a whole, were sufficient to guide jury to a clear understanding of the offense charged and made clear to jurors that they could convict defendant of assault charge either as a principal or as an accessory, included all essential elements of accessory and principal liability, was fully accurate and legally correct and it was not inherently misleading for court to instruct jury on alternate theories of liability under facts of this case where defendant and another person allegedly fired gunshots at victim and it was unclear which person fired the bullet that injured victim. *Id.*, 440. Prosecutor's improper statements did not deprive defendant of fair trial. 91 CA 333. Defendant's claim that he was deprived of a fair trial as a result of prosecutorial misconduct was unavailing and prosecutor did not improperly express her opinion regarding a witness's credibility and defendant's guilt by merely commenting on the evidence and asking jury to draw reasonable inferences from facts in evidence when she stated that "nine on a scale of one to ten is pretty darned sure", that she could demonstrate that defendant had forged a signature, that jurors themselves could compare the signatures in evidence and that defendant had not presented a plausible defense. Prosecutor's comment that she believed she had proven the state's case merely concluded her summary of the evidence relating to the elements of the crime. *Id.*, 509. Defendant's motion to dismiss granted upon facts which showed unexplained five-year delay in execution of arrest warrant for violation of probation. 92 CA 849. Jamaican defendant's claims that language, intellect and hearing impairments prevented him from executing a knowing and intelligent waiver of his Miranda rights were properly rejected upon finding by court that forty-one-year-old defendant lived in United States for more than twenty years, expressed no difficulty in understanding or speaking English, was not under the influence of alcohol or narcotics at time of his waiver and was not suffering from a hearing defect that could have affected his ability to understand his rights. 93 CA 51. Defendant could not establish a Brady violation because he did not show that state failed to disclose exculpatory evidence. *Id.*, 408. Defendant did not demonstrate due process violation regarding jury instruction on nonexclusive possession of premises where narcotics were found pursuant to charge under Sec. 21a-278(b). *Id.*, 548. Probationer's due process right to proper notice not violated by court's use of statutory definition to interpret condition of probation. *Id.*, 569. Prosecutorial misconduct during closing argument, including statements regarding defendant's civil action based on action of arresting officers, taken as a whole did not violate defendant's due process right to fair trial. *Id.*, 592. Defendant could not prevail on claim that court improperly denied his motion to suppress statement he made while detained in backseat of police cruiser when, without having been read his Miranda rights, he was subjected to a show-up identification; the act of bringing victim close to cruiser's window to identify defendant did not constitute custodial interrogation in violation of Miranda rights. 94 CA 297. Defendant not deprived of right to fair trial as result of trial court's instruction to jury on Pinkerton liability whereby state may hold a conspirator vicariously liable for criminal offenses of his coconspirator that are reasonably foreseeable as a natural consequence of conspiracy; the challenged instruction conformed to the information, properly instructed jury as to element of intent and was properly given. *Id.*, 392. Defendant could not prevail on claim that he was deprived of a fair trial as result of prosecutorial misconduct—although prosecutor improperly referred to facts that were not in evidence, that misconduct did not deprive defendant of fair trial. *Id.*, 510. Although some questions and remarks made by prosecutor were improper, defendant was not deprived of right to a fair trial as a result of such misconduct. 95 CA 492. Although prosecutor's reference to defendant as "110 pound junkie" during rebuttal closing argument was improper and constituted misconduct because "junkie" is pejorative and Supreme Court has discouraged using personal and degrading epithets to describe defendants, prosecutor's isolated but improper use of such pejorative did not deprive defendant of a fair trial. *Id.*, 539. Defendant could not prevail on claim that he was denied due process of law as a result of prosecutorial misconduct where prosecutor did not improperly attempt to arouse emotions of jurors and invoke sympathy and pity for victim, a 15-year-old mentally challenged girl, by his remarks that victim was vulnerable or by referring to mental disabilities of victim and her brother, which were proper comments on evidence presented and reasonable inferences from testimony adduced at trial, prosecutor's use of sarcasm to describe defendant as a "loving, thoughtful son" was limited and did not constitute misconduct because it was based on reasonable inferences drawn from defendant's mother's testimony, prosecutor's statement in closing argument questioning ability of victim and her younger siblings to frame defendant through a conspiracy of lies was not misconduct because state relied on evidence in record re their mental limitations and appealed to jury's common sense, and defendant's claim that prosecutor engaged in misconduct by misrepresenting physical evidence was without merit. 97 CA 719. Defendant could not prevail on claims that (1) prosecutorial misconduct deprived him of a fair trial where prosecutor's statement that defendant's conduct in leaving scene of fatal shooting was inconsistent with that of a person who had not committed a crime did not improperly refer to facts not in evidence or invite jury to draw unreasonable inferences from evidence but instead suggested inferences that could be drawn from defendant's actions following the shooting that were adverse to those suggested by defendant's attorney, and prosecutor did not improperly appeal to jury to infer guilt from defendant's consulting attorney before he reported the shooting to police but instead attempted to clarify sequence of events described by defendant's attorney, and (2) trial court's self-defense instruction was improper and deprived him of his rights to present a defense and to a fair trial because although court referred to deceased as "the victim" in such instruction, defendant induced the alleged error by requesting self-defense instruction that used the term "victim" several times to refer to deceased and, having done so, defendant cannot now be heard to challenge fact that court instructed jury

in a manner consistent with his request. 100 CA 236. Defendant could not prevail on claim that he was denied a fair trial due to prosecutorial impropriety that occurred during examination of witnesses and closing argument. 102 CA 425. Defendant could not prevail on claim that he was deprived of his due process right to a fair trial due to prosecutorial impropriety that occurred during closing argument. Id., 453. Defendant could not prevail on claim of instructional impropriety because it was not reasonably possible that jury was misled by court's careful instructions re charge of robbery in the first degree and charges of threatening in the second degree. Id., 532. Defendant could not prevail on claims that court's failure to instruct jury properly 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, charge re reasonable doubt fairly presented the case to jury and instruction to jury re self-defense was clear and comprehensive. Id., 556. Defendant's claim that he was deprived of a fair trial because court's instructions to jury were misleading and ambiguous fails because court explained elements of the charged offense and it was not reasonably possible that jury was misled. Id., 584. When defendant's true identity is related directly to the crime, "Miranda" warnings must be provided prior to asking defendant's name as a booking question. 103 CA 544. Trial court properly denied defendant's motion to suppress statements he made to police officers before the officers read him his "Miranda" rights because defendant was not in police custody when he spoke to officers, the officers did not restrain his freedom of movement and defendant voluntarily answered the officers' questions. Id., 808. Police ruse of referencing false DNA evidence when questioning defendant did not create custodial situation requiring "Miranda" warnings because defendant drove to police station, had prior experience with law enforcement, was told several times during one-hour interview that he was not under arrest and could leave when he wanted to, door was unlocked and defendant was never physically restrained; confession was not involuntary under circumstances. 104 CA 4. Sec. 53a-181(a)(3) not unconstitutionally vague or overbroad. Id., 46. Because defendant accepted sentence that included probation, modification of terms of probation was not constitutional violation as long as modified conditions reasonably related to rehabilitation and public safety. 105 CA 693. Based on record and facts presented at trial, intervenor was not deprived of due process rights in child neglect proceeding. Id., 713. Prosecutor's statements in first person and personal observations, some of which constituted misconduct, did not deprive defendant of right to fair trial. Id., 813. Defendant was not in police custody, and therefore no "Miranda" warning was necessary, since defendant allowed police to enter his motel room, there was no threat or display of force by police, defendant freely answered questions, neither expressed a desire to stop talking nor asked police to leave, and he was neither handcuffed nor restrained until he admitted to a violation of a restraining order. 106 CA 199. Requirement that interpreter provide accurate translation implicates defendant's due process right to fair trial as guaranteed by fifth amendment. 107 CA 241. Identification procedure similar to that in *State v. St. John* where spotlight was shown on defendant when it was dark outside was not unnecessarily suggestive. 108 CA 388. Admission of defendant's statement made without "Miranda" warning was not harmless error given the court's charge to the jury. Id. Trial court properly determined defendant validly waived his "Miranda" rights. 110 CA 743. Trial court properly determined that the state had not exercised a peremptory challenge in a racially discriminatory manner because potential juror's negative encounters with police and knowledge of some attorneys and police officers in case constituted a neutral ground for peremptory challenge. Id. Prisoner's liberty interests and right to due process were not implicated in his classification in a security risk group and transfer to a more secure correctional institution. 111 CA 138. The chronology of defendant's proceedings under which he alleges he was prevented from testifying and presenting defense on drug dependency, and instead had to invoke his fifth amendment right to remain silent in order to not incriminate himself in his other pending matters, did not violate due process. Id., 538. The sixth amendment right to present a defense is not at odds with the fifth amendment right against self-incrimination. Id. Definition of "value" in Sec. 53a-121 is not unconstitutionally vague as applied to facts of case. Id., 543. Evidence was sufficient to convict defendant of forgery and larceny where defendant deposited third-party out-of-state check via teller machine at bank during business hours and immediately withdrew funds from account upon availability, and check was subsequently found to be fraudulent and defendant did not respond to inquiries from bank. Id., 575. Jury instruction re reasonable doubt that included statement on absolute certainty was not improper within scope of entire instruction. Id., 614. In civil contempt proceeding, defendant was denied due process when she was denied a hearing and precluded from presenting evidence re her inability to comply with court's order. Id., 760. Decision of trial court denying defendant's motion to withdraw guilty pleas upheld because defendant did not object to the characterization of the plea agreement and trial court substantially complied with Practice Book provision on ensuring voluntariness of a guilty plea and literal compliance would not have made any difference in the court's determination that the pleas were voluntary. 112 CA 33. Trial court's use of the term "victim" to describe police officers during its charge may deprive defendant of due process right to a fair trial, except that in a case where trial court's use of the term "victim" was not the subject of an objection, but nevertheless the court delivered a curative instruction, there was no violation of defendant's due process right to a fair trial. Id., 411. Zoning commission's consideration of memorandum after close of public hearing did not violate due process because it was sent from one commission member to another concerning commission's deliberations and contained a summary of the member's opinion. Id., 484. Defendant's right to cross-examine a witness against him was not violated when the court failed to inquire into the possibility that a witness may have engaged in posttestimonial misconduct when no evidence has been offered and possibility is based solely on speculation. Id., 592. Defendant was not deprived of due process when trial court granted state's motion for joinder because the matters were not so complex as to confuse a jury. Id., 711. Defendant established valid Brady claim with respect to note excluded from evidence that tended to prove his temporal inability to have committed the crime. 113 CA 378. Sec. 14-149(a), when applied to prohibit knowingly possessing a vehicle with one or more altered vehicle identification numbers, is not unconstitutionally vague. Id., 541. During closing argument, prosecutor's repeated statements of personal opinion concerning the sole contested issue in the case, combined with lack of evidence presented by the state, constituted impropriety so serious that defendant was deprived of the right to a fair trial. 114 CA 295; judgment reversed, see 302 C. 653. 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. 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. Id., 521. Risk of injury to a child statute, Sec. 53-21(a)(1), not void for vagueness as applied to defendant's conduct because reasonable person would recognize that allowing two-year-old child to play unsupervised in home with unlocked door near busy street presents a foreseeable risk of injury to that child. 116 CA 1. Narcotics possession conviction reversed because court failed to instruct jury on nonexclusive possession after jury explicitly requested instruction, and evidence was insufficient to prove element of control necessary for conviction. Id., 710. Admission of arrest and alcohol test report form on which defendant, after receiving "Miranda" warnings, had refused to answer certain questions, constituted due process violation, but violation was harmless beyond a reasonable doubt in light of entire record. 117 CA 360. Due process does not require that defendant be notified of exact statutory penalties, but rather have an understanding of actual sentencing possibilities. Id., 436. Defendant actively induced court to give jury instruction, thereby waiving right to challenge instruction on appeal. Id., 845. Although under *Ebron* a defendant's passive acquiescence to a challenged jury charge does not constitute waiver, under certain circumstances, it can be inferred from absence of objection that defendant waived his right to require state to prove a particular element of crime. 118 CA 763; *Ebron* reversed in part, see 299 C. 447. Where trial court failed to obtain from defendant a voluntary waiver of the three constitutional rights discussed in *Boykin v. Alabama*, 395 U.S. 283, guilty plea could not stand. 119 CA 143. Sec. 53a-167c(a)(1), re assault of peace officer, is not unconstitutionally void for vagueness re defendant's conduct because section provides fair warning that a specific intent to injure officer is not an element of the offense. Id., 556. Defendant's exclusion from in-chambers hearing concerning juror impartiality did not deprive defendant of the right to presumption of innocence. Id., 660. Sec. 53a-123(a)(5) not unconstitutionally vague as applied since it provides adequate notice that embezzlement from an estate is prohibited even if it occurs after a conservator of the estate is appointed. 121 CA 190. Court did not impermissibly augment defendant's sentence on basis of failure to testify at probation revocation hearing. Id., 335. Telephone hearing and use of hearsay evidence was not a violation of due process in context of administrative hearing re unemployment compensation benefits; and plaintiff did not suffer material prejudice as a result. Id., 355. Court's order requiring defendant to file pro se motion to withdraw his guilty plea after his initial counsel's appearance was withdrawn but prior to the appointment of substitute counsel is not structural error and not an error that fundamentally infected the entire trial process. Id., 767. One-on-one identification was not unduly suggestive due to exigencies, including victim's description of knife-wielding assailant and police encounter with defendant less than one minute after departing victim's residence while still in possession of knife. 122 CA 258. In the absence of a showing that the record could not be adequately reconstructed, defendant failed to demonstrate that he was deprived of a fair trial as a result of trial court's failure to ensure that a record was created of what transpired when the jury visited the scene of the crime. Id., 608. Where defendant is charged with violating Sec. 54-252 by failing to register as a sexual offender, involuntary administration of medication to render defendant competent to stand trial is justified because protecting public by identifying sexual offenders, known to have high recidivism rates, is an important state interest. Id., 664. Defendant who told police he didn't want to discuss the case but then stated he had multiple alibi witnesses did not invoke his right to remain silent. 123 CA 355. There was insufficient evidence to support conviction for possession of narcotics with intent to sell under Sec. 21a-277(a). Id., 690. In larceny prosecution, in view of specific intent instructions, trial court's mistake in referring back to definition of general intent was not reversible error. 124 CA 261. Defendant not entitled to Miranda warning since facts did not support reasonable belief that he was in police custody, including fact that he was told he was not under arrest and that he could leave at any time, was not restrained, and was transported in an unmarked vehicle. 125 CA 72. Trial court's denial of defendant's motion to suppress statements made to a police officer did not violate his right against self-incrimination as there is nothing in the record to suggest the officer had reason to believe his question to defendant would evoke an incriminating response, the question itself was innocuous, brief and neutral despite the officer's knowledge of defendant's criminal history, and defendant volunteered his statements with no further inquiry from the officer. 126 CA 522. Because a license to practice law is a vested property interest and disciplinary proceedings are adversary proceedings of a quasi-criminal nature, an attorney subject to discipline is entitled to due process of law. Id., 692. Prosecutor's cross-examination in violation of motion in limine and reference to facts not in evidence, as well as other improprieties, deprived defendant of right to fair trial. 127 CA 70. Petitioner's writ of habeas corpus was improperly denied when witness falsely testified on cross-examination that he had not been offered, nor did he expect, consideration in exchange for his testimony and the state failed to contradict the false testimony, therefore petitioner was deprived of fair trial because there was a reasonable likelihood that the misleading testimony could have affected the judgment of the jury. 128 CA 389. Inmate failed to show a liberty interest re disciplinary hearing, thus he was not entitled to due process at disciplinary hearing and his inability to offer video evidence at hearing is of no constitutional significance. 129 CA 37. In civil contempt proceeding, due process requires the opportunity for defendant to have a hearing to present her own evidence and cross-examine witnesses re the extent of plaintiffs' attorney's fees and costs. 130 CA 835. Sec. 53a-94a is not void for vagueness and provides notice that even brief restraint of victim could constitute crime of kidnapping. 133 CA 514. Where defendant asserted self-defense re charge of interfering with an officer and assault of a peace officer, his due process rights were violated when court failed to instruct jury to consider the reasonableness of the force used by the officers. Id., 614. State had no duty to disclose information that it no longer had where defendant delayed making request for tape that had been erased and reused. 134 CA 175. Placement of teacher's name on child abuse and neglect registry for abuse, based on definition of "abused" in Sec. 46b-120, was unconstitutional because definition was unconstitutionally vague as to teacher's conduct and failed to give notice that cheek-pinching and name-calling toward student constituted proscribed abuse. Id., 288. Dismissal of habeas petition without an evidentiary hearing does not violate petitioner's due process rights if the procedures used did not involve unreasonable risk of erroneous deprivation of liberty, and if there is little value in the imposition of additional procedural safeguards. Id., 405. Court order modifying plaintiff's child support obligation violated his due process rights because he had not been served with the motion to modify and therefore did not have a meaningful opportunity to be heard. 136 CA 238. Prosecutor's comments and use of PowerPoint

presentation to summarize testimony in arson case did not deprive defendant of his due process right to a fair trial. *Id.*, 302. Sec. 53a-94(a) provisions re kidnapping in second degree not unconstitutionally vague as applied to defendant whose actions over a 2-hour period included using stun gun and restraints against victim and confining victim in defendant's car and home. 137 CA 29. Sec. 53-21(a)(2) not void for vagueness as applied to defendant who made deliberate contact with victim's intimate parts. *Id.*, 152. A police inquiry of whether the suspect will take a blood-alcohol test is not an interrogation within the meaning of *Miranda*, and a refusal to take such test, after a police officer has lawfully requested it, is not an act coerced by the officer, and thus is not protected by the privilege against self-incrimination. 140 CA 347. Defendant's Garvin agreement did not violate his due process rights as there is no basis in law for his claim that the court must explain, when defendant enters into such an agreement, all of the findings the court would later need to make and all of the procedures it would later need to follow if defendant were alleged to have violated such agreement, and defendant's preparation of a statement in advance of his sentencing proceeding demonstrated his anticipation he would be given the opportunity to contest the claim that he had breached such agreement. 143 CA 771. Joinder of criminal cases was improper due to length of trial, complexity of issues and distinct facts related to each crime. 147 CA 53. Public safety exception to *Miranda* applies where, in the wake of a violent assault, there was a need for information related to the location of weapons and the whereabouts of potentially armed coassailants. 149 CA 149. DNA samples taken by buccal swab are not a form of communication, but rather, a form of physical evidence that is not testimonial in nature and procurement therefore is not governed by fifth amendment. 152 CA 300. Defendant's receiving and understanding *Miranda* warning and choosing to volunteer to police his unsolicited exculpatory statement that he was not at scene of the crime and did not know anything about murders was a waiver of his right to remain silent and police were not required to stop their interview at that point; police were not prohibited from approaching defendant again 13 days later because he did not invoke his right to remain silent during the 13-day period between the interviews and, prior to making the statement, he signed a valid waiver. *Id.*, 318. Prosecutor's comments made during rebuttal argument re defendant's failure to testify constituted prosecutorial misconduct and denied him a fair trial. 156 CA 138. Violation of procedural due process when attorney was not given adequate notice of and time to prepare for disciplinary hearing in which the court found him in wilful violation of its orders and ordered attorney suspended from the practice of law for twenty days. 166 CA 557. Due process rights violated when court issued new postjudgment financial orders without first holding an evidentiary hearing. 167 CA 641. *Miranda* warning was not required because a reasonable person in defendant's position would not have believed he was in police custody of the degree associated with a formal arrest considering his exchange with the officers was short in duration, the officers wore plain clothes, defendant agreed to be interviewed in a private location, defendant was never handcuffed or physically restrained, the officers never drew their weapons and defendant agreed to allow the officers to put his backpack in their cruiser for safety reasons. 173 CA 227. In cases in which there has been no pretrial identification of a defendant, the state must first request permission from the trial court to present a first time in-court identification; the court may grant permission only if it determines that there is no factual dispute as to the identity of the perpetrator or the ability of the witness to identify the defendant is not at issue; rule applies prospectively and to all cases pending on review. 175 CA 138. An inmate has no fundamental right in the opportunity to earn risk reduction credit because such credit is a creature of statute and not constitutionally required; the exclusion of indigent individuals held in presentence confinement from the earned risk reduction credit scheme does not violate equal protection if there is a rational basis for such treatment. *Id.*, 460. Introduction of defendant's post-*Miranda* silence as evidence was harmless as the state never referenced the challenged evidence in closing argument nor did it otherwise use the evidence in such a way as to suggest defendant's guilt. 180 CA 181. Defendant's right against self-incrimination under fifth amendment was not violated by the court's failure to canvass him as to whether his decision to testify was intelligent and voluntary since the court had no such obligation because defendant was represented by counsel throughout the trial. 182 CA 135. 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. 26 CS 38. 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. State statute creating presumption of guilt where defendant had burglar tools in his possession at night unconstitutional as defendant must take stand to rebut presumption. 28 CS 28. Motion to suppress confessions. 29 CS 426. Narcotic substance in Secs. 19-480 and 19-481 not void for vagueness. 30 CS 267. Federal rule re privilege against self-incrimination applies to Connecticut one man grand jury. When claim of privilege may be rejected. 31 CS 53. Privilege against compulsory self-incrimination may be asserted in the taking of a deposition. *Id.*, 266. Sec. 12-565 is unconstitutional as a violation of a witness' right against self-incrimination since it fails to prohibit the use against the immunized witness of evidence derived from his compelled testimony. 35 CS 105. Cited. 36 CS 71; *Id.*, 578; 37 CS 506; *Id.*, 767. Due process cited. 38 CS 24. Cited. *Id.*, 301. Due process cited. *Id.*, 301; *Id.*, 331. Cited. *Id.*, 377; *Id.*, 472; *Id.*, 581; *Id.*, 689; 39 CS 273. Due process cited. *Id.*, Cited. 40 CS 38. "Miranda" right cited. *Id.* Taking of property without due process of law cited. *Id.* Cited. *Id.*, 394. Due process rights cited. *Id.*, 498. Due process clause cited. *Id.*, 512, 519. Due process cited. 41 CS 229. Procedural due process; due process problems and due process requirements cited. *Id.*, 320. Rights to due process cited. 42 CS 1. Due process cited. *Id.*, 10. Right of due process cited. *Id.*, 291. Cited. *Id.*, 445. Privilege against self-incrimination cited. *Id.* Deprivation of property without due process of law cited; modern notions of due process cited. *Id.*, 534. "Miranda" warnings cited. *Id.*, 602. Due process guarantees cited; whether unconstitutionally over broad cited; right to travel, a due process right cited. 43 CS 46. Cited. 44 CS 235. Privilege against self-incrimination cited. *Id.* Plaintiff's counsel's statements made in closing argument which resembled the "Golden Rule" argument were not prejudicial and did not influence jury to bring in an award of noneconomic damages deemed excessive and did not deprive defendants of a fair trial. 46 CS 285. Failure to grant defendant's motion for change of venue did not violate his right to a fair trial. 48 CS 82. Individual's motion to modify visitation rights was stayed by trial court after she invoked her fifth amendment privilege and refused to provide information regarding the motion. *Id.*, 492. Exercise of personal jurisdiction under Sec. 52-59b(a)(2) over non-resident defendant who posted video on Internet that threatened physical harm to state resident did not violate due process clause. 51 CS 212. State failed to establish factors under 539 U.S. 166 to override criminal defendant's liberty interest in avoiding unwanted administration of antipsychotic drugs to restore defendant to competency to stand trial. 53 CS 290.

In absence of coercion, general on-the-scene questioning by police before defendant taken into custody not a violation of constitutional rights. 4 Conn. Cir. Ct. 501, 509, 510. In absence of statutory mandate court's refusal to charge jury that no inference of guilt could be drawn from failure of defendant to testify was proper. Id., 520. Under Connecticut statute (Sec. 54-84) court may not comment on failure of accused to testify nor can it be required to comment in manner which would favor defendant. Id. State may, under its police power, regulate liquor industry which could be dangerous to health, safety and morals of community. Sec. 30-100 is reasonable regulation and constitutional. Id., 565.

³ Quere whether state can condemn for United States. 75 C. 319. Word "taken" in this context means exclusion of owner from his private use and possession and actual assumption of exclusive possession for public purposes by condemnor. 148 C. 47. Act found to serve public purpose is not rendered unconstitutional by fact that it might incidentally benefit particular industries or lending institutions. 150 C. 333. Cited. 151 C. 304. Where change in zoning from industrial to residential was reasonable under circumstances, it did not constitute taking of property without just compensation although plaintiff was disadvantaged economically. 155 C. 310. 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 taking without just compensation as it could still be used as residential property 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 of amount awarded by state. Id., 416. Just compensation is the value of the property taken considered with reference to the uses for which it is then adopted. 159 C. 407. Definition of "taken". 169 C. 195. Even absent an actual, physical appropriation, property is taken in the 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. Merely because the total value of the property has decreased does not justify a conclusion that there has been an unconstitutional taking. 180 C. 692. Cited. 185 C. 145; 188 C. 336. Ascertainment of just compensation is a judicial question. The amount of interest to be paid as an additional component is also a matter of judicial determination. 192 C. 377. Cited. Id., 460; 206 C. 636. Taking clause cited. Id.; 208 C. 267. Cited. Id., 620. Taking clause cited. Id. Cited. Id., 656; Id., 480; 209 C. 544. Constitutionally protected property rights cited; taking for public purpose without just compensation cited. Id. Cited. Id., 724. Unconstitutional taking cited. Id. Taking of property for public use without just compensation cited. 210 C. 349. Constitutional right to just compensation cited. 215 C. 437. Taking of property without compensation cited. Id., 616. Unconstitutional and confiscatory cited. 216 C. 320. "Taking" cited. Id. Application of constitutional claims in summary process cases discussed. 217 C. 313. Unconstitutional taking cited. Id. Cited. Id., 588. Unconstitutional, illegal "taking" cited. Id. Deprivation of rights under federal constitution cited. Id. Just compensation clause cited. Id. Taking of property without just compensation cited. 218 C. 737. Unconstitutional taking without just compensation cited; confiscate cited. 219 C. 51. Burden of demonstrating finality not met. Id., 404. Unconstitutional taking of property without just compensation cited; "taking"; "confiscation" cited. Id. Cited. 220 C. 362. Unconstitutional taking of property without just compensation cited; "taking issue" cited; taking without due process cited. Id. Unconstitutional deprivation of any reasonable use of land was confiscatory cited. Id., 584. Taking of property without just compensation cited. Id., 914. Cited. 222 C. 280. Taking of property without just compensation cited. 227 C. 71. Cited. Id., 495. Taking claim cited. Id. Unconstitutional taking of property without compensation cited. 228 C. 187. Cited. 229 C. 247. Constitutional "taking" cited. 230 C. 140. Taking of vested property right without just compensation cited. 232 C. 419. Cited. 234 C. 221. Takings clause 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. 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 costs is relevant to valuation of real property taken by eminent domain and admissible in a condemnation proceeding. 256 C. 813. 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 the public use clause, if the facts and circumstances of 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. 268 C. 1. Trial court properly considered availability of state economic development grant funds in calculating fair market value of property. 272 C. 14. 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. In a valuation appeal pursuant to Sec. 8-132, the owners could not have raised their claim that the town acted in bad faith and therefore violated the public use requirement of the takings clause; an unrecorded, unexercised option to purchase property is not an interest that is compensable under the federal takings clause because such interest is not a property interest under state law; damages recovered in an action under 42 USC 1983 are not part of just compensation; a government actor's bad faith exercise of eminent domain powers is a violation of the takings clause, regardless of whether taken for use that is public. 294 C. 817. 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.

Deprivation of property without just compensation. 3 CA 531. Confiscation of private property without compensation in violation of federal constitution cited. 4 CA 209. Unconstitutional taking of property without just compensation cited.

18 CA 69. Cited. 21 CA 40. Taking without just compensation cited. Id. Constitutional challenges and issues and deprivation of constitutional rights cited. Id. Taking without just compensation cited. 23 CA 115. Unlawful taking, practical confiscating; 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. Private property taken for public use without just compensation cited. Id., 468. Unconstitutional taking of property without just compensation cited. 27 CA 297. Unconstitutional taking of property cited. 28 CA 262. Cited. 30 CA 765. Takings clause cited. Id. Cited. 32 CA 224. Right not to be compelled to testify against self cited. Id. Unconstitutional taking cited. 36 CA 98. Cited. 37 C. 856. Takings clause cited. Id. Cited. 46 CA 514. Takings clauses cited. Id. Takings clause of federal constitution cited. Id., 721. Inverse condemnation is not precluded where property has not been stripped of all physical use for a purpose permitted by zoning. 51 CA 262. Any improper argument by prosecutor during her closing argument was isolated and ambiguous and, viewed in context of the entire trial, did not deprive defendant of a fair trial. 67 CA 474. In an action for condemnation by defendant, where plaintiffs had a right to be compensated for damage to their property caused by defendant's contamination of their groundwater, it was proper for trial court to not award damages for the pretaking contamination as it had been litigated and decided against plaintiffs in another action. 84 CA 329. Although plaintiffs' residential use of property was affected by sewage backups, the interference with that use was not so substantial as to rise to the level of an inverse condemnation. 121 CA 420. Zoning board's denial of variance application for house larger than permitted by regulations did not constitute a confiscation because applicant could still build a house, albeit smaller, and property retained productive use. 138 CA 481.

Constitutionality of chapter 913 discussed. 24 CS 328. Cited. 31 CS 216. Property rights of private owners are subordinate to free speech and petition rights under Connecticut Constitution. 37 CS 90. Just compensation cited. 38 CS 24. Provisions requiring just compensation cited. 41 CS 196. Unconstitutional taking of property cited. Id., 256. Taking of property without compensation cited. 43 CS 386. Evidence of environmental contamination should be excluded in eminent domain valuation proceeding. 46 CS 355. Due process requires value and liability to be determined separately to avoid inadvertent double liability. Id. 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.

ARTICLE [VI.]*

*Proposed September 25, 1789. Ratification consummated December 15, 1791. Ratified by this state, April 19, 1939.

Does not require that one arrested for crime shall be promptly taken before a committing magistrate. 136 C. 113. Evidence of other criminal acts by defendants charged with attempted murder subsequent to the charged attempt admissible in discretion of trial judge. 159 C. 169. Cited. 167 C. 379. Jury, hearing other relevant evidence, learned defendant invoked his right to remain silent. Held not a violation of this amendment. Id., 408. Fair trial cited. 187 C. 94; Id., 199; Id., 216. Cited. 188 C. 385; 192 C. 48. Fairness and due process discussed. Id., 618. Cited. 193 C. 35; Id., 474. Fair trial right contained in this amendment and applied by the states by the fourteenth amendment cited. Id. Statement taken in violation of sixth [sic] amendment inadmissible for impeachment. 195 C. 232. Cited. 198 C. 92; Id., 255. Fair trial 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". 199 C. 255. State and federal constitutional right to testify cited. Id. Fundamental right to present a defense cited. Id. Cited. Id., 399; 203 C. 445; 204 C. 769; 205 C. 456; 206 C. 678; 207 C. 1. "There exists no constitutional right of access to the statements of a witness for the prosecution ...". 208 C. 365. Failure to produce second statement violation of sixth amendment rights cited. Id. Right to establish a defense cited. 209 C. 622. Cited. 213 C. 97. Right to due process cited. Id. Appellate review under *State v. Evans*, 165 C. 61, discussed; guidelines furnished. Id., 233. Deprivation of fundamental constitutional right and a fair trial cited. Id. Cited. Id., 422; 214 C. 77; Id., 146. Cited; right to notice of charges cited; right to present a defense and to a fair trial cited. Id., 493. Cited. 216 C. 647. Right to unanimous verdict cited. Id. Right to trial by jury and a fair trial cited. Id. Cited. 224 C. 445; 225 C. 55. Constitutional claim cited. Id. Cited. Id., 609; Id., 650. Right to fair trial and due process cited. Id. Cited. 229 C. 125. Right to counsel, right of confrontation, right to compulsory process, right to exculpatory evidence cited. Id., 397. Cited. 230 C. 698; 235 C. 748; 237 C. 454; 238 C. 389. Constitutional right to fair trial cited. Id. Cited. 241 C. 322; 242 C. 125. Right to present a defense does not mean that defendant does not have to comply with evidentiary limitations on the admissibility of evidence presented in such defense. 245 C. 779. Admission of witnesses' testimony concerning victim's statements did not violate confrontation clause of sixth amendment as applied to states through the fourteenth amendment because testimony fell under state-of-mind exception to hearsay rule. 275 C. 205. Defendant's removal from courtroom did not violate his right of confrontation under sixth and fourteenth amendments, which he knowingly and voluntarily waived. 281 C. 613. Finding by trial court pursuant to Sec. 53a-54, rather than jury, that imposing extended incarceration would best serve the public interest clearly violated defendant's constitutional rights. 283 C. 748. The lack of cross-examination results from a strategic election by defendant; that the victim could have been cross-examined was sufficient to render her available for confrontation purposes. 307 C. 504. Defendant's inability to provide a location for witness with any reasonable degree of certainty is fatal to his claim that his right to present a defense was violated by the court's failure to issue a certificate

to summon witness from out of state. 324 C. 744. The trial court's denial of a continuance for defendant to review the state's disclosure to enable defendant's midtrial election of self-representation was not an abuse of discretion where the trial court considered the status of the case and made reasonable efforts to accommodate the needs of defendant, such as providing standby counsel. 325 C. 272.

Cited. 9 CA 208. Right to testify in own behalf cited. Id. Cited. 10 CA 330; 11 CA 473; 12 CA 268; Id., 427; 14 CA 205. Right to cross-examine cited. Id. Cited. 17 CA 490. Due process rights cited. Id. Fundamental rights to fair trial cited. Id. Cited. Id., 556; 18 CA 134; Id., 423; 20 CA 40; Id., 193, 199; 24 CA 624. Fair trial cited. Id. Cited. 25 CA 171. Right to unanimous verdict and fair trial cited. Id. Fair and unbiased jury cited. Id. Cited. 30 CA 68. Right to due process cited. Id. Deprivation of fair trial cited. Id. Cited. Id., 406; judgment reversed, see 228 C. 335 et seq. Right to present a defense cited. Id. Cited. 33 CA 311; Id., 610; Id., 772; 36 CA 190. Fair trial and due process cited. Id. Cited. Id., 753; 37 CA 491. Fundamental fairness cited. Id. Cited. 38 CA 801; 39 CA 63; 40 CA 762. Right to have jury selected from a fair cross section of the community cited. Id. Cited. 46 CA 118. Fairness of trial and not culpability of prosecutor is the standard for analyzing defendant's claim of prosecutorial misconduct. 49 CA 56. 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. 50 CA 51. Confrontation clause does not suspend the rules of evidence to allow defendant unrestricted cross-examination, and because there was no offer of proof by the defendant in this case, trial court did not err by refusing to allow defendant to elicit certain evidence from the witness. 51 CA 753. Petitioner failed to sustain his burden of proving ineffective assistance of counsel. Id., 818. 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., 408. Defendant's claim that he was denied speedy trial cannot succeed when delay resulted first from defendant's own failure to appear at trial, and second from necessary competency proceedings and related treatment. 54 CA 361. 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. State's failure to tell defendant that a witness was paid for his testimony did not therefore deprive defendant of his constitutional right to confront the paid witness. 55 CA 426. 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 reasonable probability that the outcome of his trial would have otherwise been different. Id. Purpose of marshalling evidence by trial court is to provide a fair summary of the evidence. 56 CA 154. Where defendant sought to question prosecuting attorney court found no compelling need for his testimony as the issue sought to be explored was established by other testimony and therefore denial of defendant's request did not constitute abuse of court's discretion. 61 CA 291. Reaffirmed previous holdings that right to confrontation is opportunity for cross-examination not opportunity for efficient cross-examination. Id., 417. 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. Trial court did not improperly allow police detective who had interviewed victim while investigating alleged crimes to testify as an expert witness about his experiences with victims of domestic abuse when that witness had not been listed as an expert witness on state's witness list and defendant was not prejudiced by court's denial of his request for a continuance. 74 CA 663. Court's improper denial of defendant's request to make an offer of proof was harmless beyond a reasonable doubt. 75 CA 1. Failure of court to give any instruction to jury as to the proper use of uncharged misconduct evidence, in combination with a jury instruction that was nonspecific as to time of crime, could have no other consequence than to mislead jury and violated defendant's sixth amendment right to be informed of nature and cause of the accusation against him. Id., 103. 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 defendant drafted and submitted his own request for a jury instruction on self-defense, it was held that he was not entitled to a different instruction and defendant could not complain that he has been deprived of his right to a fair trial on that basis. Id., 500. Because the record does not disclose waiver of three core constitutional rights guaranteed by federal constitution, defendants' guilty pleas to charge of breach of peace must be vacated. 78 CA 14. Defendant was not deprived of right to confront witness in sexual assault case through evidence of prior sexual conduct of victim because court properly excluded evidence as not credible pursuant to Sec. 54-86f. 85 CA 575. To safeguard habeas petitioner's right to effective assistance of habeas counsel, a habeas court, like a criminal trial court, has affirmative obligation to explore possibility that habeas counsel has a conflict of interest when that possibility is brought to court's attention in a timely manner. When petitioner alleges that habeas court's failure to inquire re possible conflict of interest led to deprivation of statutory right to effective assistance of habeas counsel during habeas proceeding, the claim is proper for direct appeal. 87 CA 126. Petitioner's attorney did not provide ineffective assistance of counsel by failing to make recommendation on whether to accept a plea agreement and did not fail to conduct adequate pretrial investigation. Id., 517. Defendant could not prevail on his three claims that sixth amendment rights were violated: (1) by allowing a witness to invoke fifth amendment right not to testify through the representation of counsel without requiring witness to take the stand and personally invoke his privilege against self-incrimination at a hearing; (2) by enhancing his sentence pursuant to Sec. 53-202k without proper

notice and without sending the issue to jury, and (3) by not notifying him of all charges against him because the state did not allege a violation of said statute in the long form informations. Court held (1) it was unnecessary for the witness to take the stand given that witness was raising a defense of diminished capacity to criminal charges against him and defendant failed to show that trial court's decision not to hold a hearing implicated his right to present a defense or clearly deprived him of a fair trial, (2) that jury, in finding defendant guilty of first degree robbery, necessarily found that defendant or his accomplice used or threatened the use of a firearm and rejected defendant's argument that he was deprived of right to have jury make the factual finding that the predicate use of a purported firearm, necessary for sentence enhancement, had occurred in commission of the robberies, and (3) although state did not append alleged violation of said statute in the long form informations, it filed notice of intent to seek sentence enhancement with court prior to start of jury selection on April 28, 2003, with an attestation that a copy was delivered to defense counsel on same day, thus defendant was aware of the charges and was able to prepare for trial on essential elements of the charges and sentence enhancement, and accordingly, defendant was not clearly deprived of fair trial. 89 CA 410. Defendant could not prevail on claim that trial court violated his constitutional right to present a defense and to notice of 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 defense began its case. *Id.*, 440. 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. Trial court did not improperly exclude proffered evidence re defendant's claim of intoxication at time of murder. 91 CA 169. Habeas court properly found petitioner was not denied effective assistance of counsel. 92 CA 534. 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 court properly concluded that trial counsel did not render ineffective assistance of counsel to petitioner where petitioner presented no credible evidence to prevail on such claim. 103 CA 641. 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. *Id.*, 662. Defendant was not unduly restricted from examining plaintiff regarding her bias, prejudice, motive and interest in testifying. 105 CA 486. Defendant was deprived of fair trial when prosecutor improperly asked jury to infer guilt from evidence that defendant had obtained lawyer and had refused to be interviewed by police prior to his arrest. *Id.*, 568. Trial court properly allowed defendant's statements as to his alcohol consumption and the results of field sobriety tests. Police officer did not lack a reasonable, articulable suspicion to continue his investigation. 110 CA 41. Instruction to jury that it could consider defendant's interest in outcome of the case when it assessed his credibility did not violate defendant's federal constitutional rights to the presumption of innocence, to a fair trial or to testify in his defense. 119 CA 626. A sentencing court is not required to use the talismanic words "aggregate package approach" or specific words to that effect to apply the aggregate sentencing theory during resentencing, if required. 172 CA 526.

Cited. 34 CS 657; 40 CS 38.

In civil cases it is not necessary that defendant be advised of his constitutional rights. 3 Conn. Cir. Ct. 553, 556. 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 court's business or unduly delay the trial. 6 Conn. Cir. Ct. 218, 221.

(Further provisions respecting criminal prosecutions.)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial,¹ by an impartial jury^{1a} of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation;^{1b} to be confronted with the witnesses against him;² to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.³

¹ Cited. 113 C. 381. Where defendant did not at any time raise question of speedy trial or, before trial date, claim trial, and did not aim to be prejudiced by delay, his claim, on appeal, that he was denied right to speedy trial is without merit. 155 C. 367. Exclusion of spectators from court room during testimony of complainant in rape case, leaving members of press and parents of defendant and plaintiff as sole spectators, not a denial of public trial. 157 C. 198. Delay between issuance of arrest warrant and arrest did not violate defendant's rights to due process and speedy trial. 164 C. 295. Communications between a judge and a jury, especially after the jury has begun deliberations, should be made only in open court in the presence of the parties and in a criminal trial this rule takes on constitutional dimensions since the accused has a right to be present at every stage of the trial and to have the assistance of counsel for his defense. 168 C. 541. Standards for determination of constitutional right to speedy trial. 172 C. 531. Whether right to speedy trial was denied must

be determined by application of balancing test. 174 C. 89. Cited. 179 C. 1. 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. 180 C. 589. State, over defendant's objection, seeking to have a trial closed must demonstrate compelling need in order to deny his right to public trial. 182 C. 412. Right to speedy trial discussed. 185 C. 199. Cited. Id., 211. Impartial jury cited. 187 C. 73. Right to speedy and public trial cited. Id., 469. Right to trial by jury cited. Id. Cited. 188 C. 681; 190 C. 541; 192 C. 321. Right to speedy trial factors discussed. Id., 739. Cited. 194 C. 97. Right to a speedy trial cited. Id. Claims of appellate delay arise under constitutional guarantees of due process and equal protection rather than under speedy trial guarantee of this amendment and its state constitutional analogues. Id., 510. Cited. Id., 650. Speedy trial rights cited. 195 C. 461, 463. Cited. 197 C. 507. Speedy trial cited. Id. Right to a public trial cited. Id., 698. Cited. 198 C. 435. Right to a speedy trial cited. Id., 542. Cited. Id., 573. Right to a speedy trial cited. Id. Cited 200 C. 453. No constitutional speedy trial issue cited. Id. Right to speedy trial cited. 201 C. 559. Cited. 202 C. 429. Right to speedy and public trial; deprivation of federal constitutional rights, cited. Id. Cited. Id., 443. Speedy trial guarantee cited. Id. Right to a public trial cited. 208 C. 365. Constitutional right to a speedy trial cited. 209 C. 52. Federal constitutional right to a public trial cited; right to a speedy trial cited; right to fair public trial cited. 210 C. 78. Right to speedy trial cited. 212 C. 441. Cited. 218 C. 85. Right to speedy trial cited. Id.; 221 C. 635. Constitutional right to a speedy trial cited. 224 C. 163. Cited. 227 C. 829. Right to a speedy trial cited. Id. Unconstitutionality under federal Constitution cited. Id. Right to a speedy trial cited. Id. Right to public trial cited. 240 C. 317. Right to a speedy trial cited. Id., 590. Speedy trial principles cited. 242 C. 389. Cited. 243 C. 115. Constitutional speedy trial rights cited. Id. In the absence of any reasonable possibility of juror confusion over the challenged instruction to jury, which is identical in all material respects to the challenged instructional language in *State v. Schiappa*, 248 C. 132, and *State v. Delvalle*, 250 C. 471, court rejected defendant's constitutional claims and concluded that trial court's charge, when viewed in its entirety, adequately apprised the jury that defendant was entitled to a presumption of innocence unless and until state proved defendant guilty beyond a reasonable doubt. 251 C. 220. Defendant's claim that trial court's instruction that "law is made to protect society and innocent persons and not to protect guilty ones" which undermines the presumption of innocence in violation of his constitutional rights to due process and his right to a jury trial was foreclosed by decision in *State v. Schiappa* in which court rejected an identical argument. 252 C. 318. Defendant was not denied constitutional right to a speedy trial as result of trial court consolidating his case with that of the other defendant; trial court properly determined that good cause existed for one-month delay in starting trial—the unavailability of one of the public defenders—and defendant did not identify any substantial prejudice suffered as the result of such delay; defendant admitted that he had been in jail for an extra month and the trial had not begun and could not point to any witnesses lost or other factors. Id., 533. Fifteen-month delay due to state's legitimate interest in joining trials did not violate defendant's right to speedy trial. Id., 714.

Right to speedy and public trial cited. 2 CA 219. Cited. 3 CA 349. Right to speedy trial cited. Id. Right to trial cited. 6 CA 680. Right to a public trial cited. 8 CA 273. Right to a speedy trial cited. 9 CA 74. Cited. 12 CA 1. Constitutional right to a speedy trial cited. Id. Cited. Id., 364. Constitutional right to a speedy trial cited. Id. Cited. 13 CA 687. Denial of public trial cited. Id. Cited. 17 CA 502; judgment reversed, see 213 C. 579. Cited. 18 CA 273. Right to a public trial cited. Id. Cited. 19 CA 195. Denial of right to speedy trial cited. Id., 495. Right to speedy trial cited. 24 CA 408. Constitutional speedy trial cited. 26 CA 698. Cited. Id., 758. Right to a public trial cited. Id. Cited. 30 CA 359. Right to a speedy trial cited. Id. Cited. 32 CA 38. Right to speedy trial cited. Id.; 33 CA 49. Speedy trial rights cited. Id., 184. Right to speedy and public trial cited. 36 CA 631. Right to speedy trial cited. 37 CA 574. Cited. 38 CA 868. Right to speedy trial cited. Id. Cited. 40 CA 483. Right to speedy trial cited. Id. Cited. Id., 643. Denial of motion to dismiss on speedy trial and due process grounds is not final for the purposes of appeal. 42 CA 144. Right to speedy trial cited. Id. Cited. 43 CA 488. Right to a speedy trial cited. Id. Right to confrontation cited. 44 CA 457. 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. Trial court's inclusion of "ingenuity of counsel" language in its instruction to jury on reasonable doubt, viewed in context of the entire instruction, did not clearly deprive defendant of a fair trial. 56 CA 831. Delay of sixteen months prior to commencement of trial did not deny defendant's right to a speedy trial. 71 CA 585. Defendant not deprived of right to speedy trial when trial delay was occasioned by continuances requested by defendant's counsel, rather than by defendant, and defendant did not object. 78 CA 659. Defendant's right to speedy trial not denied by delay between issuance of arrest warrant and actual arrest since right does not attach until a defendant is formally charged. 83 CA 789. 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.

Provision guaranteeing accused a speedy trial held inapplicable to delay in commencement of prosecution. 24 CS 308. When 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 is not denial of right to speedy trial. 27 CS 209. Cited. 37 CS 90. "Post indictment" delay must be measured under principles of speedy trial rather than statute of limitations. Four part balancing test for speedy trial discussed. 38 CS 377. Cited. Id., 521; 40 CS 38. Right to fair trial cited. Id. Cited. Id., 38.

Provisions guaranteeing speedy trial do not apply to commencing of prosecution. 2 Conn. Cir. Ct. 618. Publication in a national magazine of an article based on defendant's case, written by trial judge and published during pendency of defendant's appeal, did not prejudice his case so his right to a speedy and public trial was not violated. Judges of appellate courts consider and decide cases on basis of facts and law uninfluenced by extraneous matters. 3 Conn. Cir. Ct. 538, 546.

^{1a} Constitutional right to impartial jury cited. 193 C. 695. Cited. 194 C. 233. Prohibition against jury discussing case prior to formal submission of case to it discussed. Id., 416. Cited. Id., 530; 195 C. 421. Impartial jury cited. Id. Constitutional right to impartial jury cited. 196 C. 667. Right to trial by jury cited. 197 C. 17. Cited. Id., 60; Id., 247. Constitutional right to an impartial jury cited. Id., 314. Trial by impartial jury cited. Id., 629. Right to trial by impartial jury cited. 198 C. 1. Impartial jury cited. 199 C. 14. Cited. Id., 481. Right to impartial jury cited. 201 C. 125. Cited. Id., 489.

Ineffective jury trial waiver; entitled to trial by jury, cited. *Id.* Fair trial before impartial jury cited. *Id.*, 605. Cited. 202 C. 429. Right to impartial jury; deprivation of federal constitutional rights, cited. *Id.* Cited. *Id.*, 463. Right to impartial jury cited. *Id.* Cited. 203 C. 81. Fair and impartial jury cited. *Id.* Constitutional right to an impartial jury cited. *Id.*, 506; 204 C. 156. Right to an impartial jury and fair trial cited. *Id.*, 523. Right to trial by jury cited. 205 C. 456. Cited. 206 C. 391; 208 C. 52. Right to fair trial and fair and impartial jury cited. *Id.* Right to speedy trial and impartial jury cited. 209 C. 564. Right to a fair and impartial jury cited. 210 C. 78. Cited. *Id.*, 315. Right to impartial jury cited. *Id.* Cited. 212 C. 351. Constitutional right to fair trial by impartial jury cited. *Id.* Right to fair trial and impartial jury cited. *Id.*, 593. Right to fair trial by impartial jury cited. *Id.*, 612. Right to impartial jury cited. 214 C. 752. Right to trial before impartial jury cited. 215 C. 231. Cited. 216 C. 367. Right to impartial jury cited. *Id.* Cited. 218 C. 309. Right to jury truly representative of community cited. *Id.* Guarantees to impartial jury cited. *Id.* Fair cross section requirement cited. *Id.* Cited. *Id.*, 403 (see also 219 C. 215 and 231). Right to jury composed of fair cross section of community cited. *Id.* Cited. *Id.*, 429. Right to impartial jury cited. *Id.* Fair cross section claim cited. *Id.* Right to an impartial jury cited. *Id.*, 486. Unconstitutional jury composition cited. 219 C. 215; *Id.*, 231. Right to fair trial by fair and impartial jury cited. 220 C. 112. Cited. *Id.*, 487. Fair cross section requirement cited. *Id.* Unconstitutional jury selection and discrimination cited. *Id.* Right to fair trial before impartial jury cited. 221 C. 264. Deprivation of fair trial or an impartial jury cited. *Id.*, 518. Cited. 222 C. 1; 223 C. 299; 224 C. 168. Right to impartial jury cited. *Id.* Guarantees to an impartial jury cited; right to jury selected from a fair cross section of the community cited. *Id.*, 711. Cited. 226 C. 618. Fair trial and impartial jury cited. *Id.* Right to unanimous verdict cited. *Id.* Right to impartial jury cited. 227 C. 677. Cited. *Id.*, 711. Challenge to composition of jury cited. *Id.* Cited. 230 C. 385, 391, see also 37 CA 801. Right to impartial jury with adequate voir dire cited. *Id.* Cited. 232 C. 431; judgment superseded by en banc reconsideration, see 235 C. 502. Rights to an impartial jury cited. *Id.* Cited. *Id.*, 691. Right to a jury selected from fair cross section of community cited. *Id.* Cited. 237 C. 454. Fair trial by impartial jury cited. *Id.* 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 reconsideration. *Id.*, 502. Right to fair and impartial jury trial cited. *Id.* Right to impartial jury cited. 238 C. 389. Right to jury panels drawn from a fair cross section of community and fair trial cited. *Id.* Cited. 241 C. 439. Right to jury determination of an essential element cited; failure to instruct jury on essential element cited. *Id.* Cited. *Id.*, 502. Fair cross section requirement cited. *Id.* Cited. 242 C. 125. Right to trial by jury cited; deprived of fair and impartial jury cited. *Id.* Cited. *Id.*, 143. Due process right to a fair and impartial jury under sixth amendment cited. *Id.* Right to trial by impartial jury discussed; scope of inquiry that a trial court should undertake when presented with allegations of jury misconduct in the form of ethnic or racial bias set forth. 245 C. 301. Improper jury instruction concerning reasonable doubt did not mislead jury and did not violate defendant's right to a jury trial. 248 C. 132. Jury was not coerced where judge did not permit it to cease deliberation and be sent home for the day. 250 C. 385. Despite possible inaccuracy of one part of a charge to jury in a criminal trial, the charge, taken as a whole, adequately apprised jury of the presumption of innocence and state's burden of proof and there was no reasonable likelihood of juror confusion. *Id.*, 466. Waiver of jury trial and election of three-judge panel in capital felony case discussed. There is no constitutional right to jury trial in sentencing phase of a capital felony case. 251 C. 285. It is well settled that federal constitution permits the identification and excusal for cause, prior to the guilt phase of a bifurcated capital felony trial, of venire persons whose beliefs would preclude them from serving as jurors either during the guilt phase or sentencing phase of the trial. *Id.*, 671. Right to fair trial; trial court did not abuse its discretion in considering potential juror bias. 253 C. 280. Refusal of trial court to instruct jury on self-defense with respect to felony murder charge did not deprive defendant of right to trial before properly instructed jury. 254 C. 184. Review of claims that trial court lengthened defendant's sentence as punishment for exercising his or her constitutional right to a jury trial should be based on the totality of the circumstances with burden of proof on the defendant. 256 C. 23. 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. Trial court did not violate defendant's right to an impartial jury when it excused for cause venire persons whose views would prevent or substantially impair performance of their duties as jurors in accordance with their instructions and oath. 272 C. 106. Question of whether defendant was on release at the time of the offense for which he was convicted and therefore subject to enhanced penalty under Sec. 53a-40b was not reasonably in dispute, was conceded as fact by defendant, and did not require a jury determination. 280 C. 69. 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 absence of a written waiver, the trial court must canvass defendant to ensure that any waiver is knowing, intelligent and voluntary. 288 C. 770. Defendant was not deprived of impartial jury when juror was dismissed due to his actions toward marshal and responses to trial court's questions. 291 C. 769. New trial required because jury may have been misled by instruction that parental justification defense under Sec. 53a-18(1) did not apply to charge of risk of injury to a child under Sec. 53-21(a)(1). 294 C. 243. Trial court violated defendant's due process right to fair trial by failing to explicitly instruct jury that state bore the burden of disproving defendant's defense of premises theory under Sec. 53a-20. *Id.*, 399. 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. Trial court's instructions did not diminish the jury's sense of sole responsibility for the imposition of the death penalty or effectively direct a verdict on the sole claimed aggravating factor. 305 C. 101; death penalty unconstitutional on other grounds, 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 uncontroverted 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. Trial court did not violate defendant's right to trial by an impartial jury when it excused juror on the ground she injected extraneous information into deliberations. 315 C. 564. 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 to impartial jury cited. 2 CA 219. Right to jury trial and right to unanimous verdict cited. 3 CA 650. Cited. 4 CA 154. Right to jury trial cited. Id. Cited. 5 CA 347. Right to speedy trial cited. Id. Sixth amendment "guarantees a defendant in a criminal case the right to a unanimous verdict if his jury consists of six members". 6 CA 667. Fundamental right and a fair trial cited. Id. Cited. 8 CA 35. Right to impartial jury cited. Id. Cited. Id., 119. Fundamental constitutional right to notice of nature of charges cited. Id., 153. Right to impartial jury cited. Id., 273. Cited. Id., 478. Constitutional right to notice cited. Id. Cited. Id., 528. Fundamental constitutional right and denial of fair trial cited. Id. Cited. Id., 542. Constitutional right to fair notice cited. Id., 545. Right to be tried before impartial jury; constitutional right to fair trial, cited. 9 CA 656. Right to an impartial jury cited. 10 CA 361. Cited. Id., 503. Constitutional right and fair trial cited. Id. Constitutional right to an impartial jury cited. Id., 624. Cited. Id., 683. Right to an 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. Cited. 11 CA 24. Fundamental right to a fair trial cited. Id. Constitutional right to unanimous jury verdict cited. Id., 80. Constitutional right to unanimous verdict cited. Id., 102. Constitutional right to conviction by impartial jury cited. Id., 236. Cited. 12 CA 74. Right to unanimous jury verdict cited. Id. "... total failure ... to instruction on the essential elements of the crime charged is analogous to a directed verdict". Id., 408. Guarantees right to unanimous verdict if jury consists of only six members. 13 CA 420. Denial of right to unanimous verdict cited. Id. Right to impartial jury cited. Id., 687. Requires that verdicts of six-member juries be unanimous. 14 CA 10. Right to unanimous verdict cited. Id. Right to impartial jury cited. 15 CA 342. Cited. 16 CA 54. Right to impartial jury cited. Id. Cited. 18 CA 694. Right to an impartial jury cited. 20 CA 40. Cited. Id., 241. Right to trial by fair and impartial jury cited. 21 CA 467. Right to impartial jury cited. Id., 688. Right to trial by jury cited. 22 CA 440. Right to fair trial before impartial jury cited. 23 CA 63; judgment reversed, see 220 C. 112. Cited. 25 CA 433. Right to fair trial and impartial jury cited. Id. Cited. 27 CA 643. Deprivation of fair trial by an impartial jury cited. Id. Cited. 28 CA 126. Right to trial by jury cited. Id. Right to impartial jury cited. Id., 388. Right to jury trial by panel of impartial jurors cited. 31 CA 178. Cited. Id., 278. Right to public trial by impartial jury cited. Id. Voir dire in obtaining fair and impartial jury cited. Id. Cited. Id., 771. Right to impartial jury cited. Id. Right to impartial jury trial cited. 32 CA 831. Fair and impartial jury trial cited. 33 CA 205. Cited. Id., 339; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502. Right to impartial jury cited. Id. Rights to impartial jury cited. 34 CA 58; judgment reversed, see 232 C. 537. Cited. Id., 103. Right to jury trial cited. Id. Cited. Id., 411. Right to fair trial by uncoerced jury cited. Id. Cited. 35 CA 438. Trial by jury cited. Id. Right to be tried by (an impartial) jury cited. Id., 541. Right to trial by jury cited. Id., 714. Right to fair trial by impartial jury cited. 36 CA 177. Right to impartial jury and fair trial cited. Id., 516. Right to fair and impartial jury cited. Id., 631; 37 CA 213. Cited. 38 CA 661. Right to trial by jury cited. Id. Cited. 39 CA 789. Deprivation of fair trial and impartial jury cited. Id. Right to uncoerced jury cited. Id., 810. Cited. 40 CA 189. Right to impartial jury and fair trial cited. Id.; Id., 624. Cited. 41 CA 454. Right to jury trial cited. Id. Right to speedy trial cited. Id., 476. Right to impartial jury and fair trial cited. 46 CA 600; Id., 741. Court disagreed with defendant's claim that state allowed to ask improper questions on voir dire. 49 CA 41. Where jury was fully and correctly instructed as to the principles of defendant's presumption of innocence and state's burden of proof at final instructions, defendant was not deprived of right to a fair trial notwithstanding questionable preliminary instruction as to presumption of innocence. Id., 606. Jury instructions regarding presumption of innocence and state's burden of proof, taken as a whole, eliminated any reasonable likelihood of juror misunderstanding as to the state's burden despite defendant's claim that a portion of such instructions undermined the presumption. 53 CA 606. 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 right to a fair trial. 59 CA 112. Defendant not deprived of right to fair trial 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. Trial court's removal of alternate juror who made unsupported allegations of racial bias against a juror deemed neither an abuse of discretion nor a chilling effect on racial bias reports by jurors. 62 CA 148. On claim that jury instruction improperly emphasized jury's duty to convict, it was held that it was not reasonably possible that jurors were misled as to their duty. 64 CA 384. Court's failure to submit issue of the applicability of a sentence enhancement provision, Sec. 53-202k, was harmless error and therefore did not violate defendant's right to a jury trial. 67 CA 194. Prosecutor's comments did not deprive defendant of fair trial. Id., 249. Preliminary instructions on concept of the presumption of innocence did not deny defendant of a fair trial where such instructions were accurate and where jury was fully and correctly instructed prior to deliberating. Id., 284. Court did not coerce jury to reach a verdict and defendant's right to a fair trial was not violated when court directed jury that "you need to reach a verdict on the offense charged." 68 CA 97. Defendant's due process right to a fair trial was denied during closing arguments when prosecutor failed to confine himself to evidence in record and improperly appealed to the emotions, passions and prejudices of jurors. 69 CA 29. Court's instructions on reasonable doubt, i.e. "not a surmise or a guess or a mere conjecture", "not a doubt suggested by counsel", "a doubt as in the serious affairs that concern you, you would heed", "a real doubt, a honest doubt", etc. were proper; such language has been consistently upheld by courts and did not impermissibly dilute state's burden of proof, therefore, defendant was not deprived of constitutional right to a fair trial. 74 CA 430. Court did not have a responsibility, *sua sponte*, to investigate further whether remaining jurors were aware of excused juror's prior knowledge of the witness. 77 CA 405. Defendant's right to jury trial was not violated when court did not explain to jury that its findings could result in a sentence enhancement since defendant does not have a right to have jury informed of the consequences of its finding; and right to jury trial was not violated when sentence enhancement under Sec. 53-202k is not treated as an essential element of the statute. 81 CA 824. Defendant was not prejudiced by juror misconduct that allegedly occurred when one juror conversed with a third party during a break from deliberations because juror told the person that he could not speak to her and other jurors did not overhear their conversation, and defendant failed to

demonstrate that inquiry conducted by trial court was inadequate to safeguard his right to trial before an impartial jury. 82 CA 777. Defendant's waiver of right to jury trial was invalid and new trial was ordered where defendant was arraigned, entered plea and was sentenced on the same day, was not represented by counsel and waiver did not specify the term "jury" re trial. 83 CA 411. Court's charge, when viewed in its entirety, did not deprive defendant of right to trial by impartial jury because the court adequately explained that defendant was entitled to a presumption of innocence and fairly presented the case so that no injustice would result. *Id.*, 418. 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, the jury instruction did not prejudice the defense. 84 CA 263. Defendant's right to a fair trial was not violated by court denying his request for special jury instruction re testimony of jailhouse informant because applying factors set forth in *State v. Patterson*, which created rule concerning informants, failure to instruct jury was harmless. 98 CA 288. Defendant was not denied right to a fair and impartial jury by declining to question a juror in response to defendant's wholly unsubstantiated claim that he "might know" the juror. 99 CA 183. Defendant knowingly, voluntarily and intelligently waived right to 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. Court's failure to charge jury on probable cause and doctrine of intervening cause did not deprive defendant of a fair trial because victim's attempt to disarm defendant was a normal and foreseeable response to the dangerous situation created by defendant and did not relieve defendant of criminal responsibility for the results of his reckless conduct, the doctrine of intervening cause was not implicated and it was not reasonably possible that jury was misled by court's failure to charge on proximate cause where defendant did not dispute that a bullet fired from his gun had caused the victim's injury. *Id.*, 833. Regarding defendant's "Batson" claim, state's explanation for peremptory challenge was race neutral, therefore burden of persuasion rested on defense to demonstrate that state purposefully discriminated against potential juror. 105 CA 862. 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. 113 CA 541. There is no affirmative indication from defendant on the record that he waived his right to a jury trial, and therefore he is entitled to a new trial. *Id.*, 682. Trial court violated defendant's right to a fair trial before an impartial jury when it failed to conduct a meaningful, on the record, preliminary inquiry as required by *State v. Brown*, 235 C. 502, after court learned jurors were exposed to potentially prejudicial evidence that had not been admitted as evidence. 115 CA 338. Juror misconduct hearing that resulted in dismissal of two jurors for premature deliberation was sufficient remedy and mistrial was not required. 116 CA 646. No constitutional violation depriving defendant of the right to a fair trial existed when trial court used the words "only...as a guide" to refer to a written copy of the jury instructions that the court presented to the jury because the court was contrasting the instructions with the evidence before the jury. 118 CA 456. Defendant's rights were not violated by phone calls made to jurors' homes by third party who asserted defendant's innocence because of court's inquiry and because contact was not initiated by jurors, was quite brief and seemed to favor defendant. 119 CA 483. Court did not invade fact-finding province of the jury and direct the jury to find defendant guilty by instructing the jury that "if there is no reasonable doubt, then the accused must be found guilty" and, where the state had called twenty-five witnesses when the statute only required the testimony of two witnesses, that "you may well find that the burden has been met"; court did not deprive defendant of an informed and impartial jury when it informed the jury that the death penalty was not an issue in the case. 121 CA 699. Defendant was not deprived of right to jury trial because defense counsel's stipulations to certain facts at trial did not remove from the jury its constitutional function to apply the law to the facts found. 125 CA 189. Trial court's reasonable doubt jury instruction did not violate defendant's right to a fair trial because the instruction, when viewed in the context of the entire charge, did not dilute defendant's presumption of innocence or reduce the state's burden of proof. *Id.* Defendant's written waiver and numerous oral statements during extensive canvass by two different judges clearly demonstrated waiver of right to jury trial was done knowingly, intelligently and voluntarily. 126 CA 383. Charge did not mislead jury because once defendant introduced evidence of his intoxication to show his lack of requisite mental capacity re sexual assault charges, the state was entitled to request a jury charge on the relationship between intoxication and general intent. *Id.*, 512. When there is no doubt that a homicide has occurred and that defendant was the person who caused it to occur, and the only question for the jury is whether the homicide was justified, prosecutor's repeated reference to the "victim", the "murder" and the "murder weapon" amounts to an opinion on the ultimate issue of the case; arguments to the jury that it must find that all of the witnesses other than defendant were wrong in order to conclude that defendant is not guilty are improper; prosecutor improperly attempted to bolster the credibility of several witnesses; prosecutorial improprieties did not deprive defendant of a fair trial. 130 CA 745; judgment affirmed, see 312 C. 763. Defendant charged with an infraction has no constitutional right to a jury trial because such right applies only to criminal prosecutions, and an infraction is not a crime pursuant to Sec. 53a-24. 134 CA 175. Trial court did not violate defendant's right to an impartial jury when, in response to defendant's motion for a speedy trial, the court sua sponte severed the charges against defendant and ordered separate trials, which severance was approved by defendant's counsel but objected to by defendant himself. 135 CA 720. When defendant knowingly, voluntarily and intelligently waives right to a jury trial and is subsequently charged with additional crimes, if defendant again elects to waive right to a jury trial, defendant cannot complain on appeal that election for a court trial to the additional charges was compromised. 145 CA 767. Any alleged improper marshaling of evidence during the jury charge occurred during the instructions on the lesser included offenses and, therefore, did not cause defendant harm with regard to the murder charge on which he was found guilty and thereby deprive him of right to a fair trial. 149 CA 405. The inherent risks associated with improper joinder of the three cases were present because the allegations of abuse involving one of the children were far more egregious and substantially different than the allegations involving the other two children, the evidence of defendant's behavior toward that one particular child was far more prejudicial than probative and not cross-admissible in the other two cases, and the court's instructions to the jury did not cure that prejudice. 150 CA 514. No violation of right

to fair trial when denied continuance and challenge for cause to venireperson who was police officer who had connection with law enforcement agency that had investigated defendant. 158 CA 599. In reviewing a Batson claim asserted by a party objecting to a peremptory strike, the trial court's first determination of whether the opposing party's proffered explanation for the strike is facially race neutral presents a question of law over which an appellate court exercises plenary review, and the trial court's second determination of whether the opposing party's proffered race neutral explanation is pretextual presents a question of fact and the trial court's finding thereon shall not be disturbed by an appellate court unless such finding is clearly erroneous. 176 CA 156.

Cited. 41 CS 48. Right to trial by impartial jury cited. Id. Cited. 42 CS 534. Representative cross section of community cited. Id.

^{1b} Right to notice cited. 187 C. 216. Right to trial by jury cited. Id., 264. Right to be informed of the nature and cause of the action cited. Id. Right to be informed of nature of charge cited. 199 C. 481. Cited. 202 C. 18; Id., 615. Constitutional right to be informed of nature of charge cited. Id. Cited. Id., 629. Constitutionally entitled to be informed of nature and cause of accusation cited. Id. Cited. 205 C. 386. Constitutional right to proper notice cited. Id. Cited. Id., 515; Id., 528. Right to present a defense cited. 208 C. 365. Cited. 210 C. 359. Right to be informed of the charges cited. Id. Cited. 211 C. 455. Right to notice of charges cited. Id. Cited. 212 C. 223. Right to be informed of nature of charges cited. Id. Cited. 214 C. 657; 217 C. 243. Right to be informed of nature and cause of accusation cited. Id. Cited. 221 C. 643. Right to notice of charges against him cited. Id. Cited. 222 C. 506. Right to be informed of charges cited. Id. Right to notice of crimes cited. 224 C. 397. Right to be tried in jurisdiction in which offenses allegedly occurred cited. 225 C. 355. Concluded trial court's instruction to jury was improper but harmless; 28 CA 360 and 229 C. 616 reversed in en banc reconsideration. 229 C. 529. Right to be informed of the nature and cause of the charges cited. Id. Cited. 237 C. 454. Right to a jury selected from fair cross section of the community cited. Id. Cited. 241 C. 502. Right to be informed of nature and cause of the charges cited. Id. Nature of charges against defendant cited. 242 C. 409. Manslaughter with firearm under Sec. 53a-55a lesser included offense of murder under Sec. 53a-54a and failure of state to show each method by which manslaughter by firearm could be completed was harmless error. 266 C. 608. Defendant's witness list may be ordered sealed where the effect of disclosing the witness list on defendant's sixth amendment rights and the public's interest in knowing the identity of possible witnesses is extremely limited and adequately protected by access to voir dire proceedings and the trial. 302 C. 162. 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.

Cited. 11 CA 80. Right to fair notice of charges cited. Id. Cited. Id., 473; 12 CA 163; Id., 306; Id., 320; 13 CA 76. Deprivation of fundamental constitutional right and a fair trial cited. Id. Constitutional right to fair notice. 14 CA 205. Cited. Id., 688. Right to notice of charges cited. Id. "This court will not impose a degree of certitude as to date, time and place that will render prosecutions 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. 15 CA 222. Cited. Id., 251. Right to present defense cited. Id. Cited. Id., 289; Id., 641; 16 CA 184. Right to be informed of nature of charge cited. 19 CA 111. Cited. Id., 179. Nature of charges against cited. Id. Cited. Id., 554. Inform of nature and cause of accusation cited. Id. Right to be apprised of charges cited. 20 CA 495. Cited. 21 CA 299; 22 CA 567. Right to be informed of charges cited. Id. Right to be informed of nature and cause of accusation against him cited. 24 CA 316. Cited. 26 CA 259. Right to fair notice of crimes charged cited. Id. Information on nature and cause of accusation cited. Id. Cited. Id., 625; judgment reversed, see 224 C. 656; judgment of acquittal reversed, see 31 CA 452. Right to notice cited. Id. Cited. 27 CA 103. Right to reasonable notice of the charges cited. Id. Cited. Id., 654. Right to notice cited. Id. Cited 28 CA 34; Id., 91. Right to be informed of the nature and cause of accusations cited. Id. Cited. Id., 360; judgment reversed, see 229 C. 529. Right to be informed of nature of charge cited. Id. Cited. Id., 581; judgment reversed, see 226 C. 601. Right to fair notice cited. Id. Constitutional right to fair notice cited. 31 CA 548. Right to be informed of nature of charge cited. 32 CA 217; judgment reversed, see 229 C. 580. Cited. Id., 773. Right to notice of charges cited. Id. Cited. 34 CA 223; 35 CA 839. Proper notice of charges cited. Id. To be informed adequately of the nature of the charges cited. 37 CA 500. Cited. Id., 619. Right to be informed of nature and cause of accusation cited. Id. Cited. 38 CA 777. Right to notice of charges cited. Id. Cited. 39 CA 63. Right to be informed of nature of charge cited. Id. Cited. Id., 224. Nature of accusations against defendant cited. Id. Cited. Id., 657. Constitutional enlargement cited; right to be informed of nature of charges cited. Id. Cited. 41 CA 255, 270. Right to fair notice of charges cited. Id. Cited. Id., 817. Right not to have uncharged offense presented to jury cited. Id. Right to be informed of charges against him cited. 43 CA 785. Unconstitutional enlargement of crime charged; right to be informed of charges cited. 46 CA 24. Cited. Id., 414. Right to be informed of nature and cause of the accusations and to a fair trial cited. Id. Where jury was fully and correctly instructed as to the principles of defendant's presumption of innocence and state's burden of proof at final instructions, defendant was not deprived of right to a fair trial notwithstanding questionable preliminary instruction as to presumption of innocence. 49 CA 606. Defendant could not prevail on his unpreserved challenge to trial court's jury instruction regarding state's burden of proof beyond a reasonable doubt, he having failed to demonstrate that the charge unconstitutionally diluted the state's burden of proof. 62 CA 217. State did not breach duty to specify specific time of alleged events because it did not have such information. 68 CA 313. State's filing of substitute information alleging burglary in the second degree did not violate defendant's sixth amendment rights under U.S. Constitution and Art. I, Sec. 8 of state constitution to adequate notice of charges against him because the 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. 76 CA 779. Sixth amendment 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. Defendant's right to be informed of nature and cause of accusations against him not violated although state did not inform him until first day of jury selection that it would seek sentence enhancement under Sec. 53-202k since defendant

was aware of the robbery charge and the state was required to prove only the same essential facts to secure a sentence enhancement as it was required to prove to secure a conviction of the robbery charge. 81 CA 824. Where defendant claimed that the charging information was defective, court held that, since the information clearly apprised defendant of the specific statute he had violated and of the nature of the violation, the information was sufficient to put defendant on notice of the charge against him. 84 CA 263. Substitute information that did not specify names of alleged victims was not unconstitutionally duplicitous because defendant was aware of the charges and the state's theory of prosecution. 97 CA 837. Although defendant has the right to be informed of the nature and cause of the charges against him, with respect to counts of criminal possession of a firearm and stealing a firearm, the state was not required to provide defendant with specific notice of the firearm at issue or prove that the firearm at issue was a shotgun. 99 CA 183. For defendant's waiver of his fundamental right to a jury trial to be knowing, voluntary and intelligent, it must be made personally by defendant, whether in writing or orally, and because the record does not show that defendant made such an affirmation, the purported waiver of his right to a jury trial was invalid and he is entitled to a new trial. 111 CA 368. 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. *Id.*, 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. Where best information available to state is imprecise, neither this amendment nor Connecticut Constitution requires state to choose particular moment as time of offense charged. 118 CA 589. 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. State's decision to charge defendant with sexual assault both in the first and second degree did not prevent him from presenting a defense. 180 CA 799.

² Statute penalizing the keeping of a house "reputed" to be a house of ill-fame does not violate this provision. 82 C. 112; 83 C. 56; *Id.*, 551. Refusal of court to allow defendant to cross-examine probation officer who prepared presentence investigation report held not to violate constitutional rights. 147 C. 125. Codefendant is entitled to severance of trial when one defendant has made a confession implicating him. 392 U.S. 304, reversing 154 C. 517; same case 157 C. 590. Question was raised whether statement, obtained by police in violation of constitutional rights of person questioned, was admissible against codefendant. Since insufficient evidence presented to court, issue was not decided. 154 C. 68, 73. Rule established by *Miranda v. Arizona*, 384 U.S. 436, is not retroactive. Totality of circumstances of pretrial confrontation of defendant by witness did not make identification a violation of due process. 158 C. 264. Objection to evidence as hearsay cannot be raised for the first time on appeal. 167 C. 309. Pretrial photographic identification at police station without suspect's counsel present, not violation of his rights hereunder, following the ruling of *U.S. v. Ash*, 413 U.S. 300. 167 C. 601. Cited. 171 C. 395. Confrontation clause made obligatory on states by fourteenth amendment; testimony of state's chief toxicologist, based partly on test by chemist under his supervision, did not violate this provision. 172 C. 593. Cited. 173 C. 317; 175 C. 512; 177 C. 370. It is only where there is shown to exist a trial atmosphere utterly corrupted by press coverage that unfairness of unconstitutional magnitude will be presumed. *Id.*, 677. Cited. 178 C. 163; *Id.*, 427; 179 C. 46. Sec. 51-217 implements right to trial by jury and does not unconstitutionally encroach upon judicial powers. 180 C. 382. Right to impeach the credibility of the state's sole eyewitness to the crime implicates defendant's constitutional right to confront the witnesses 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.* Where statements by informant were not introduced at trial, absence of informant as witness did not violate defendant's right to confront witnesses against them. 181 C. 254. Cited. *Id.*, 389. Discussion of admission of laboratory report or similar record in face of a sixth amendment objection. *Id.*, 562. Cited. 182 C. 176. 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. Limitation of cross examination as a denial of right to confrontation discussed. *Id.*, 501. Cited. *Id.*, 511; *Id.*, 585; part of ruling in *State v. Jacobowitz*, in which court had ruled that a defendant was entitled on remand to a direction of acquittal with respect to a count improperly added to other charges of which the defendant had had proper notice overruled, see 224 C. 1. Cited. 183 C. 299; *Id.*, 386. Where alleged juror misconduct claimed as prejudicial is known by the party or his counsel prior to rendition of a verdict and matter is not brought to court's attention, party cannot later assert the misconduct as grounds for a new trial. 184 C. 121. Cited. 185 C. 63; *Id.*, 211; *Id.*, 372. Discussion of hearsay rules and the confrontation clause. 186 C. 521. Impartial jury cited. 187 C. 73. Right of cross-examination cited. *Id.*, 264. Right of confrontation cited. *Id.*; *Id.*, 281. Defendant was not denied her constitutional right of confrontation by the state's failure to call as a witness the state chemist who has actually performed the toxicological tests on the narcotics found in her possession. *Id.*, 292. Right of confrontation cited. *Id.*, 469. Confrontation clause does not give defendants a license to avail themselves of the benefits of tampering with the integrity of the judicial process; right of confrontation discussed. 188 C. 161. Cited. *Id.*, 432; *Id.*, 515; *Id.*, 542. Right to jury trial discussed. *Id.*, 697. Cited. *Id.*, 715; 189 C. 114; *Id.*, 416; *Id.*, 631. Improper limitation of cross-examination discussed. 190 C. 84. Cited. *Id.*, 219; *Id.*, 496; *Id.*, 541; *Id.*, 576; *Id.*, 639. Scope of cross-examination discussed. 191 C. 146. Cited. *Id.*, 233. Right of access to psychiatric and social agency records of victim discussed. *Id.*, 453. Denial of defendant's motion for inspection of certain psychiatric records discussed. 192 C. 166. Cited. *Id.*, 576; 193 C. 350. Right to confrontation cited. *Id.* Cited. *Id.*, 695. Right of confrontation and cross-examination cited. *Id.* For evidence of witness' psychiatric condition to be admissible for impeachment purposes there must be showing that the condition substantially affected the witness' ability to observe, recall or narrate events at issue. 194 C. 114. Cited. *Id.*, 223. Right to confront one's accusers cited. *Id.* Cited. *Id.*, 361; *Id.*, 483; 195 C. 128. Confrontation clause of federal constitution cited. *Id.*, 421. Right to confrontation cited. *Id.*, 475. Cited. 196 C. 421. Right to confront one's accusers cited. 197 C. 17. Constitutional right to cross-examine witnesses cited. *Id.*, 280. Cited. *Id.*, 326. Constitutional right to confront witnesses against him cited. *Id.* Right to confront accusers cited. *Id.*, 337. Cited. *Id.*, 358. Confrontation rights cited. *Id.* Right of confrontation cited. *Id.*, 396. Cited. *Id.*, 602. Right to confrontation cited. *Id.* Cited. *Id.*, 644. Confrontation clause cited. *Id.* Cited. 198 C. 111. Right to confront witnesses cited. *Id.* Right to confrontation cited. *Id.*, 190. Cited. *Id.*, 220. Confrontation clause cited. *Id.* Cited. *Id.*, 314. Right to confrontation cited. *Id.*

“... admission of statements made by a conspirator in furtherance of the conspiracy is deemed not to violate the confrontation clause ...”. Id., 506. Cited. Id., 644; 199 C. 110; Id., 155. Confrontation clause cited. Id. Cited. Id., 207. Constitutional right to confrontation cited. Id., 281. Cited. Id., 481. Right to confront and cross-examine witnesses cited. Id. Cited. Id., 693. Right to confront and cross-examine one’s accusers cited. Id. Cited. 200 C. 82; Id., 113. Right to confrontation cited. Id. Right to be present at all stages cited. Id. Cited. Id., 323. Right to confront and cross-examine cited. Id. Cited. Id., 412. Right to confront one’s accusers cited. Id. Confrontation clause cited. Id., 743. Right to confrontation cited. 201 C. 125. Cited. Id., 211. Right to confront accusers; constitutional right to effective cross-examination for bias, cited. Id. “... hearsay claims do not automatically invoke constitutional rights to confrontation”. Id., 368. Confrontation clauses cited. Id. Cited. Id., 462. Right of confrontation cited. Id. Cited. Id., 517. Rights of confrontation cited. Id. Right to confrontation cited. Id., 559. Right of confrontation; right effectively to cross-examine, cited. 202 C. 259. Confrontation clause cited. Id., 316. Right to confront one’s accusers cited. Id., 369. Cited. Id., 629. Confrontation clause and right to cross-examine cited. Id. Cited. Id., 676. Right to confront and cross-examine witnesses cited. Id. Rights of confrontation cited. 203 C. 159. Cited. Id., 212. Right to remain silent; “Miranda” rights, cited. Id. 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. 204 C. 683. Federal and state confrontation clauses; right of confrontation, cited. Id. Constitutional confrontation rights cited. 205 C. 61. Ineffective assistance of counsel cited. Id., 132. Cited. Id., 262. Constitutional right to confrontation cited. Id. Constitutional rights to confrontation and cross-examination cited. Id., 386. Cited. Id., 507. Constitutional right to cross-examination cited. Id. Cited. Id., 542. Right of cross-examination cited. Id. Cited. Id., 638. Right of confrontation cited. Id. Cited. 206 C. 512. Right of confrontation cited. Id. Right to confront one’s accusers cited. 207 C. 276. Federal constitutional right to confront one’s accusers cited. Id., 590. Cited. 208 C. 125. Federal confrontation clause cited. Id. Cited. Id., 202. Right to confront accusers cited. Id., 365. Cited. Id., 455. Right of confrontation cited. Id. Cited. Id., 683. Right to confrontation cited. Id. Cited. 209 C. 143. Right to confrontation cited. Id. Constitutional rights of confrontation cited. Id., 290. Cited. Id., 564. Right to confrontation cited. Id. Cited. Id., 596, 602. Right to confrontation cited. Id., Cited. Id., 636. Right to confront witnesses cited. Court’s decision in *State v. Jarzbek*, 204 C. 683, analyzed in light of subsequent U.S. Supreme Court decision in *Coy v. Iowa*, 487 U.S., 108 S. Ct. 2798. 210 C. 51. Right to confront witnesses cited. Id. Right of confrontation cited. Id. Rights to confrontation and cross-examination cited. Id. 78. Right of confrontation cited. Id., 244. Cited. Id., 359. Right to confrontation cited. Id. Cited. Id., 396. Right to confront and cross-examine witnesses cited. Id., 631. Cited. Id., 652. Constitutional rights of confrontation cited. Id. Cited. 211 C. 101. Confrontation clause cited. Id. Cited. Id., 185. Right of confrontation cited. Id. Rights of confrontation and cross-examination cited. Id., 289. Right of confrontation cited. Id., 555. Cited. 212 C. 6. Constitutional right of confrontation cited. Id. Cited. Id., 50. Right to confrontation cited. Id. Right to impeach witnesses cited. Id. Confrontation rights cited. Id., 223. Cited. Id., 325. Right of confrontation cited. Id. Cited. Id., 351. Right to confrontation cited. Id. Cited. Id., 612. Right to effective cross-examination cited. Id. Rights to confront cited. Id. Fair opportunity to defend cited. Id. Cited. 213 C. 388. Confrontation clause of federal constitution cited. Id. Cited. 214 C. 89. Confrontation clause cited. Id. Cited. Id., 132; Id., 146. Constitutional rights of confrontation cited. Id. Cited. Id., 161. Right of confrontation cited. Id. Right to confrontation cited. Id., 717. Constitutional right of confrontation cited. 215 C. 257. Opportunity to cross-examine effectively; constitutional right to confrontation cited. Id., 716. Right to confrontation cited. 216 C. 273. Cited. Id., 301. Confrontation clause and right to cross-examine cited. Id. Cited. Id., 492. Right to confrontation cited. Id. Right to confront witnesses in criminal proceeding cited. Id., 563. Cited. Id., 678. Confrontation clause cited. Id. Right to be present cited. Id. Cited. 217 C. 243. Right to confrontation cited. Id. Right to confront witnesses against him cited. 218 C. 85. Cited. Id., 309. Right to confront and cross-examine cited. Id. Cited. Id., 447. Right to confrontation, restriction of cross-examination cited. Id. Cited. Id., 486. Right to confrontation cited. Id. Cited. 219 C. 93. Right to confrontation cited. Id.; Id., 160. Right to confront witnesses cited. Id., 489. Fundamental right of confrontation cited. 220 C. 6. Cited. Id., 345. Right to present defense and confront witnesses cited. Id. Cited. Id., 602. Federal right to confront his accusers cited; cross-examination cited. Id. Right of confrontation cited. Id., 643. Cited. Id., 765. Constitutional right to confrontation cited. Id. Right to due process and a fair trial cited. Id. Rights to present a defense, confront and cross-examine witnesses cited. 221 C. 58. Cited. Id., 128. Constitutional standard of cross-examination cited. Id. Right to confront witnesses cited. Id., 315. Cited. Id., 447. Right to confront witnesses cited. Id.; Id., 635; 222 C. 299. Confrontation rights cited. Id., 312. Right to confrontation cited. Id., 556. Cited. 223 C. 52. Right to confrontation and cross-examination cited. Id. Cited. Id., 299. Right of confrontation cited. Id. Cited. Id., 461. Confrontation clause of federal constitution cited. Id. Cited. Id., 535. Constitutional right to present a defense cited. Id. Right to cross-examine cited; judgment of appellate court in 24 CA 662 reversed. Id., 618. Right to confrontation cited. Id., 635. Right of confrontation cited; right to fair trial cited; rights under due process cited. Id., 731. Cross-examination and impeachment of witnesses cited. 224 C. 63. Confrontation clause cited. Id., 196. Cited. Id., 325. Constitutional right to confrontation, confrontation clause cited. Id. Right to cross-examination cited. Id. Cited. Id., 397. Right to conduct adequate cross-examination cited. Id. Cited. Id., 445. Confrontation clause and right to be present cited. Id. Sec. 53a-13(a) does not violate state due process rights. 225 C. 450. Right of cross-examination cited. Id. Cited. 227 C. 1. Right to confrontation, cross-examination cited. Id. Cited. Id., 231. Right to confront witnesses cited. Id. Cited. Id., 389. Right to confront witnesses cited. Id. Cited. Id., 456; Id., 611. Confrontation clause cited. Id. Right to cross-examination cited. Id., 677. Cited. Id., 711. Right to confront witnesses cited. Id. Cited. Id.; Id., 751. Confrontation rights cited. Id. Denial of fair trial cited. Id. Cited. 228 C. 118. Right to confront witnesses, confrontation clause cited. Id. Right of cross-examination cited. Id. Cited. Id., 412. Right to present a defense cited. Id. Right to compulsory process cited. Id. Right to cross-examine and confrontation clause cited. Id. Cited. Id., 456. Right to confrontation cited. Id. Right to confrontation and a fair trial cited. Id., 552. Cited. 229 C. 60. Confrontation clause cited. Id. Cited. Id., 557; 230 C. 43. Right to confrontation cited. Id. Cited. Id., 183. Restricted opportunity to cross examine cited. Id. Right to confrontation cited. Id., 385, see also 37 CA 801. Right of confrontation cited. Id., 698. Cited. 231 C. 235. Right of confrontation, cross-examination cited. 232 C. 431; judgment superseded by en banc reconsideration, see 235 C. 502. Cited. Id., 740. Rights to confrontation cited; right of cross-examination cited. Id. Right to confrontation cited. Id., 910. Rights of confrontation cited. Id., 915. Cited. 233 C. 106. Right to confrontation cited. Id. Right to confront accusers cited. Id.,

813. Right to confrontation cited. 234 C. 683. Rights of confrontation cited. 235 C. 473. Cited. Id., 595. Right to confrontation cited. Id. Right to confront one's accusers cited. Id., 679. Right to confront witnesses against cited. Id., 746. Cited. 236 C. 112. Defendant's right to be present throughout trial cited; right of confrontation cited. Id. Cited. Id., 176. Right to confrontation and cross-examination cited. Id. Cited. Id., 514. Rights of confrontation cited; right to impeach and discredit witnesses cited; right of cross-examination cited. Id. Constancy of accusation doctrine modified for prospective application. 237 C. 284. Right to confrontation cited; constancy of accusation doctrine cited; fair trial rights in sexual assault cases cited. Id. Cited. Id., 321. Right to confrontation cited; constancy of accusation cited. Id. Right to confrontation cited. Id., 378. Cited. Id., 576. Right to confrontation and to cross-examine witnesses cited. Id. Right to confront accusers cited. Id., 633. Cited. 238 C. 313. Right to confrontation and restricted examination of witnesses cited. Id. Cited. 240 C. 210. Right to confrontation cited; right to present a defense cited; right of cross-examination cited. Id. Cited. Id., 395. Confrontation clause cited. Id. Cited. 241 C. 1. Confrontation clause and right to cross-examination cited. Id. Cited. Id., 823. Confrontation requirements cited. Id. Right to cross-examination cited. 242 C. 125. Right to confront accusers cited. Id., 296. Right to confront witnesses cited. Id., 318. Cited. Id., 666. Right to confrontation cited; right of cross-examination and a fair trial cited. Id. Trial court properly limited defense counsel's cross examination of witnesses in order to show the ineffectiveness of the state's investigation and to show third-party culpability where the former issue was redundant and in the latter the evidence lacked direct connection to the crime. 243 C. 282. Dual inculpatory statement admissible under statement against penal interest exception to the hearsay rule had "particularized guarantees of trustworthiness" and thereby satisfied requirements of confrontation clause. 248 C. 132. Out of court statement admitted at trial was circumstantial evidence of conspiracy, was not hearsay and did not violate defendant's right to confront witnesses against him. 253 C. 354. Defendant was not deprived of his constitutional rights by state's cross-examination of him or by reference in its final argument to his claimed inability to speak English where state's attempt to undermine defendant's use of an interpreter was directly related to issue of the assailant's identity and where the thrust of final argument was not directed to defendant's use of an interpreter. Id., 543. Defendant's right to be present at trial and confront the witnesses against him was not violated by prosecutor's comments concerning defendant's presence during testimony of the other witnesses and his opportunity to tailor his testimony to coincide with that of other witnesses. 254 C. 290. Trial court's quashing of defendant's subpoena of files held by victim's estate held not violative of defendant's rights since the subpoena did not specify the evidence sought and defendant declined to narrow its scope to more particularly describe such evidence. Id., 694. 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. On various claims of prejudice in joint trial, confrontation rights discussed and held that defendant's rights not violated where alleged prejudicial evidence would have been admissible in separate trial anyway, would have been an exception to rule against hearsay or did not involve substantial injustice. Id. 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. 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 court 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. 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. 256 C. 23. Exclusion of evidence related to hair and fingerprints recovered from the crime scene, which forensic tests determined did not originate from defendant, violated defendant's right to present a defense and because the excluded evidence might have created a reasonable doubt that defendant was the perpetrator of the crimes, the constitutional violation was not harmless beyond a reasonable doubt and defendant was entitled to a new trial. 260 C. 251. 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 also properly introduced at trial from different sources. 261 C. 336. Defendant not deprived of his right of cross-examination when trial court denied access to confidential records of victim's counseling sessions since those records did not contain information having any bearing on victim's credibility. Id., 708. 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. 267 C. 710. Computer enhanced photographs of bite marks on victim were properly admitted as evidence; court applied standard for admitting computer-generated evidence in *American Oil Co. v. Valenti* and was guided by Rule 901 (b)(9) of Federal Rules of Evidence for authentication or identification of a process or system and determined state laid an adequate foundation for the Lucis enhancements of the bite mark photograph—state presented testimony that established reliability of the evidence and the processes that produced it, produced evidence that computer equipment used is accepted as standard equipment in the field, established that qualified computer operator produced the enhancement, presented evidence that proper procedures were followed in connection with the input and output of information and demonstrated that Lucis is a reliable software program. 268 C. 781. Trial court improperly denied defendant access to mental health records that bore on witness' ability to understand, recall and relate circumstances of the murders, but failure to do so was harmless and defendant's right to confront witnesses against him was not violated. 271 C. 338. Exclusion of defendant and his counsel from trial court's ex parte proceedings was harmless error. Id. Admission of out-of-court statement for nonhearsay purposes did not violate defendant's right to confront the witnesses against him. 272 C. 106. Trial court order compelling defense counsel to turn over certain documents did not unduly interfere with counsel's representation of defendant and thus did not violate defendant's right to present a defense. Id. Trial court did not abuse its discretion in granting state's motion to quash defendant's subpoena for privileged materials and in failing to conduct an in camera inspection of such materials because defendant failed to satisfy burden of showing that his right to confrontation would be curtailed without access to such materials. Id. Defendant does not possess federal constitutional right of allocution in capital sentencing hearing. Id. Confrontation clause does not suspend the rules of evidence to give defendant right to engage in unrestricted cross-examination. Id. No confrontation issue was present in case where prior testimonial statement made to police was admitted at trial because

the person who made the statement was available to testify and be cross-examined regardless of his inability to remember the statement. 277 C. 42. Defendant's right to confront witness not violated by introduction of hearsay statement that met the exception for statements against penal interest because it met the *Ohio v. Roberts* (448 U.S. 66) test that nontestimonial hearsay statements may be admitted against an accused if declarant is unavailable to testify and the statement bears adequate indicia of reliability. *Id.* Applying rule set forth in *Crawford v. Washington*, that testimonial hearsay statements of witness are admissible against accused in a criminal trial if the witness is unavailable at time of trial and defendant had a prior opportunity to cross-examine witness regarding details of his testimony, and in this case codefendant was unavailable due to his invoking fifth amendment right to silence and defendant had more than adequate and full opportunity to cross-examine codefendant both generally and specifically to address whether codefendant was giving truthful testimony, trial court properly admitted into evidence at trial a codefendant's transcribed testimony from a probable cause hearing. *Id.*, 458. Although trial court should have admitted into evidence letter written by a codefendant to defendant to impeach codefendant's testimony at probable cause hearing, court's exclusion of the letter was harmless beyond a reasonable doubt in light of overwhelming evidence of defendant's guilt. *Id.* Trial court's decision to quash subpoena served on defendant's former supervisor seeking documents relevant to the case did not deprive defendant of sixth amendment right to confront witnesses and to compulsory process because defendant was unable to identify any harm that resulted from the action. 280 C. 456. Defendant's right to confront witness not violated where trial court admitted hearsay statements made by unavailable coconspirator to a third party because statements made in furtherance of ongoing criminal conspiracy constitute an exception to the hearsay rule and the admission of such statements did not violate confrontation clause. 282 C. 328. Trial court properly admitted statements made by unavailable coconspirator to a third party under the dual inculpatory statement exception to the hearsay rule, and properly determined that statements were trustworthy and that admission of the statements did not violate confrontation clause. *Id.* Since the primary purpose of the interviews with the child victim conducted by a forensic examiner was not to build a case against the defendant but to provide the victim with assistance in the form of medical and mental health treatment, the statements were nontestimonial and the admission of those videotaped statements did not violate the defendant's right to confrontation. 284 C. 597. Trial court did not err in admitting into evidence portions of videotaped interview of victim in case where defendant had ample opportunity to cross-examine victim effectively during course of the trial. 286 C. 634. Defense counsel had ample opportunity to cross-examine witness and witness answered all questions posed regarding questioning by police, and witness' disavowal of his prior written statement to police does not create a constitutional claim. 289 C. 535. An informant's statements in a recording of his conversation with another party constituted testimonial evidence and were admitted in violation of the confrontation clause but constituted harmless error. *Id.*, 598. Defendant's involuntary absence for playback of trial testimony during jury deliberations did not violate his confrontation rights because, under the circumstances, playback did not constitute a critical stage of the trial at which defendant had a fundamental right to be present. 292 C. 226. Deceased victim's statement did not constitute hearsay because it was not admitted for purpose of proving truth of matter asserted, but to establish, inter alia, motive and state of mind, and admission of such testimonial nonhearsay evidence did not violate right of confrontation under *Crawford v. Washington*. 293 C. 327. Witness' assertion of fifth amendment privilege did not prevent defense from inquiring into issues raised on redirect examination because the same issues had been raised on direct and cross-examination, therefore defendant's right of confrontation was not violated. *Id.*, 781. In sexual assault case, exclusion of evidence concerning victim's prior sexual activity with a person other than defendant did not deprive defendant of right to confrontation where defense counsel's ability to impeach or discredit victim was not otherwise restricted. 303 C. 589. Trial court's refusal to charge the jury on the issue of third party culpability did not violate defendant's right to raise a defense where trial court did not abuse its discretion in determining that the evidence did not establish a direct connection between the third party and the victim's murder. 304 C. 383. Although a clear and unequivocal request to represent oneself pro se is required, there is no standard form it must take; defendant clearly, unequivocally and repeatedly asserted his right to self-representation, thereby triggering a duty for the trial court to inquire further and conduct a canvass; after court denies a clear request for self-representation, defendant's failure to renew the request is not evidence of equivocation, rather, the denial likely convinced defendant that the self-representation option was simply unavailable, and that making the request again would be futile. 305 C. 1. Defendant forfeited his right of confrontation when he intentionally procured the absence of the witness by causing the witness's death. *Id.*, 412. An attorney's ethical violation, without more, is insufficient to establish a deprivation of effective assistance of counsel. 308 C. 456. Petitioner had a right to effective assistance of counsel at arraignment in which proceedings pertaining to the setting of bond and credit for presentence confinement occurred. *Id.*, 463. Trial court's rulings excluding testimony of defendant's girlfriend regarding her relationship with murder victim and of a friend of defendant's girlfriend regarding this relationship and the girlfriend's purported financial incentive to murder the victim, which was relevant to establish the girlfriend's motive for participating with defendant in the alleged crimes and her bias, interest and motive for testifying at trial, precluded defendant from offering a constitutionally sufficient minimum of evidence to impeach his girlfriend's testimony. 311 C. 786. In certain exceptional circumstances, the interests of an accused must prevail over a homicide victim's psychiatrist-patient privilege, such as, when the accused's right to present a claim of self-defense is materially impeded by the deceased victim's psychiatrist-patient privilege. 326 C. 742.

Cited. 1 CA 384. Accused's right to compel testimony must give way to witness' privilege against self-incrimination. 2 CA 496. Counsel prohibition against cross-examination on one's religious beliefs is not absolute. 3 CA 80. Constitutional right of confrontation cited. *Id.* Cited. *Id.*, 137; *Id.*, 148. Right to trial before impartial jury cited. *Id.* Cited. *Id.*, 353. Right of confrontation cited. *Id.* Cited. *Id.*, 374. Right of confrontation cited. *Id.* Cited. 5 CA 599. Right of confrontation cited. *Id.* Constitutional right of confrontation cited. 6 CA 164. Cited. *Id.*, 334; 7 CA 27. Right to jury trial cited. *Id.* Cited. *Id.*, 223; *Id.*, 377; *Id.*, 532. Right to be present at trial guaranteed by confrontation clause cited. *Id.* Constitutional right of confrontation cited. 8 CA 44. Right to confront his opponent cited. *Id.*, 96. Cited. *Id.*, 190. Right to confront accuser cited. *Id.* Cited. *Id.*, 216. Right of confrontation; right to fair trial, cited. *Id.* Cited. *Id.*, 273. Right of confrontation cited. *Id.* Cited. *Id.*, 317. Federal right to confront witnesses cited. *Id.* Right of confrontation cited. *Id.*, 491. Constitutional right of cross-examination cited. *Id.*, 673. Constitutional rights to confront and cross-examine witnesses cited. 9 CA 631; judgment reversed, see 205 C. 352. Cited. 10 CA 103. Right of confrontation; constitutional right of

cross-examination, cited. Id. Cited. Id., 361; Id., 520. Effective assistance of counsel cited. Id. Constitutional right to confrontation cited. 11 CA 236. Constitutional right to confront adverse witnesses cited. Id., 238. Right of confrontation cited. Id., 673. Constitutional right to fair trial in cross-examination cited. Id., 684. Cited. 12 CA 74. Constitutional right of confrontation cited. Id., 196. Cited. Id., 417. Right to call and cross-examine cited. Id., 435. Opportunity to cross-examine cited. Id., 481. "... denial of cross-examination subject to harmless error analyses". 13 CA 60. Constitutional right of confrontation cited. Id., 139. Cited. Id., 175. Right to confront accusers cited. Id., 378. Right of confrontation cited. 14 CA 159. Right to confrontation cited. Id., 309. Right to confrontation is the right to cross-examine but is not right to all-inclusive cross-examination. Id., 322. Right to confrontation cited. Id. Confrontation clause cited. Id., 333. Cited. Id., 451. Right to confrontation cited. Id. Cited. Id., 548. Right to confront witnesses against one cited. Id., 586. Cited. Id., 688. Right to confront and cross-examine witnesses cited. Id. Cited. 15 CA 122. Right to confront witnesses against him cited. Id. Recognition of right to confront witnesses applied retroactively to mental health professionals familiar with mental health history in question. Id., 222. Right to confront and cross-examine witnesses cited. Id., 342. Cited. Id., 416. Right to be confronted with witnesses against him cited. Id. Cited. Id., 539. Restriction of cross-examination cited. Id. Cited. Id., 641. Right to cross-examine cited. Id. Cited. 16 CA 18; Id., 38. Rights of confrontation cited. Id. Rights to cross-examination cited. Id. Cited. Id., 89. Confrontation clause cited. Id. Right of confrontation cited. Id. Cited. Id., 318. Rights of confrontation cited. Id. Right of confrontation cited. Id., 601. Cited. 17 CA 174. Right to confrontation cited. Id. Right to confront one's accusers cited. Id., 466. Cited. Id., 587. Constitutional right to confrontation cited. Id. Right to confrontation cited. Id., 648. Cited. 18 CA 273. Rights to confrontation; right to effective cross-examination cited. Id. Cited. Id., 459. Right of confrontation cited. Id. Cited. 19 CA 174; Id., 445. Right to confront accusers cited. Id. Cited. Id., 695. Right to be present cited. Id. Cited. 20 CA 75; Id., 101. Right to confrontation cited. Id. Right to confrontation cited. Id., 115. Cited. Id., 263. Right to confrontation cited. Id. Cited. Id., 288. Right of confrontation cited. Id., 737. Cited. 21 CA 138. Cited; right to confrontation cited. Id., 162. Cited; right to confrontation and confrontation clause cited; opportunity to cross-examine adverse witnesses cited; restrictions on cross-examination cited. Id., 291. Cited; right to confront witnesses cited. Id., 411. 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. Cited; right to confront the witnesses against him cited. Id., 645. Cited; right to confront adverse witnesses through cross-examination cited. 22 CA 207. Right to confrontation cited. Id., 665. Right to confront accusers cited. 23 CA 1. Right to confront witnesses against him cited. Id., 83. Cited. Id., 221. Confrontation clause cited. Id. Cited. Id., 358. Right to confrontation cited. Id.; Id., 392. Respondent's rights to confrontation and cross-examination here are statutory, not constitutional. Id., 410. Constitutional rights to confrontation and to cross-examination cited. Id. Right to be present cited. Id., 642; judgment reversed, see 219 C. 629. Right of confrontation cited. Id., 667. Cited. 24 CA 57. Right of confrontation cited. Id. Cited. Id., 518; Id., 729. Confrontation rights cited. 25 CA 21. Right to confront and cross-examine witnesses cited. Id., 255. Right to confront, confrontation clause cited. Id., 354. Right to cross-examine cited. Id., 421; judgment reversed, see 222 C. 299. Right to confrontation cited. Id., 503. Cited. Id., 653; judgment reversed, see 223 C. 52. Right to confrontation cited. Id. Right to impeach witnesses cited. Id. Rights of confrontation and cross-examination cited. Id., 725. Cited. 26 CA 81. Right of confrontation and cross-examination cited. Id. Cited. Id., 305. Right to cross-examine witnesses cited. Id. Cited. Id., 439; Id., 674. Right of confrontation cited. Id. Confrontation clause cited. Id. Right to cross-examine cited; right to fair trial cited. 27 CA 30. Cited. Id., 279. Refusal to allow cross-examination cited. Id. Right to confrontation cited. Id. Right of cross-examination cited. Id., 370. Cited. Id., 601. Right of cross-examination cited. Id. Right to confrontation cited. Id. Cited. 28 CA 126. Right to confront witnesses cited. Id. Confrontation rights cited. Id. Cited. Id., 231. Constitutional standard for confrontation cited. Id. Right to confront witnesses cited. Id. Cited. Id., 721. Effective cross-examination cited. Id. Right to present defense and fair trial cited. Id. Right to confront accusers cited. 29 CA 359. Right to confrontation cited. Id., 394. Right to confront witnesses against cited; violation of constitutional rights cited. Id., 642. Right to confront and cross-examine witnesses cited. 30 CA 164, 178; judgment reversed, see 229 C. 10. Right to cross-examine witnesses cited. Id., 346. Confrontational rights cited. Id., 381. Right to compulsory process cited. Id., 654. Right to confrontation cited; right to cross-examination cited. 31 CA 20. Right to confront witnesses cited; precluded from cross-examining witnesses cited. Id., 178. Right to confrontation cited; right to cross-examination cited. Id., 278. Cited. Id., 443. Confrontation clause cited. Id. Right to confrontation cited. 32 CA 178. Cited. Id., 417. Right to confrontation cited. Id. Right to confront witnesses against him cited. Id., 448. Right to confrontation cited. Id., 687. Right of confrontation cited. Id., 811. Right to confrontation cited. 33 CA 90. Confrontation rights cited. Id., 103. Cited. Id., 253. Confrontation clause cited. Id. Right to cross-examination cited. Id. Right to cross-examination cited. Id., 311. Cited. Id., 521. Right to cross-examination and to confrontation cited. Id. Right to compulsory process and a fair trial cited. Id. Cited. Id., 603. Right to confrontation cited. Id. Right to confront accusers cited; right to cross-examine cited. Id., 647. Cited. 34 CA 58; judgment reversed, see 232 C. 537. Right of confrontation or cross-examination cited. Id. Rights to cross-examination, confrontation and a fair trial cited. Id., 96. Right of confrontation cited. Id., 261. Cited. Id., 428. Confrontation clause cited. Id. Guarantee of right of cross-examination cited. Id. Rights to confrontation cited. Id., 473. Right to confront accusers cited. Id., 595. Cited. 35 CA 51. Rights to confront and cross-examine witnesses cited; right to fair trial cited. Id. Cited. Id., 360. Right to confrontation cited. Id. Right to confront accusers. Id., 714. Cited. 36 CA 228. Right to confrontation and a fair trial cited. Id. Limitation of cross-examination cited; rights to confrontation cited. Id., 250. Cited. Id., 345. Confrontation rights cited. Id. Cited. Id., 383. Right to confront witnesses cited. Id. Cited. Id., 473. Confrontation rights cited; right of cross-examination cited. Id. Cited. Id., 695. Right to confrontation cited. Id., 774; Id., 805. Cited. Id., 831. Confrontation right to cross-examine cited. Id. Cited. 37 CA 21. Right to confrontation and cross-examination cited. Id. Cited. Id., 40. Restricted cross-examination. Cited. Id. Right to confrontation cited. Id., 360. Right of confrontation cited. Id., 456; judgment reversed, see 236 C. 176. Cited. Id., 589. Right to confrontation cited. Id. Cited. 38 CA 100. Right of confrontation cited. Id. Cited. Id., 125. Rights to confrontation cited. Id. Right to confront adverse witness cited. Id., 371. Confrontation clause cited. 39 CA 242. Right of confrontation cited. Id., 702; Id., 742. Constitutional right to compel appearance of witnesses for defense cited. 40 CA 1. Right of compulsory process cited. Id., 47. Right to cross-examine cited; right to confront accusers cited. Id. Deprivation of right to confront the witness and a fair trial cited. Id., 132. Cited. Id., 151. Confrontation clause cited. Id. Cited. Id., 233. Right to confrontation cited. Id.

Cited. Id., 470. Right to confrontation cited. Id. Right of confrontation and cross-examination cited. 41 CA 139. Right to confrontation cited. Id., 204. Right to confront witnesses cited. Id., 695. Cited. Id., 817. Constitutional right to compulsory process and to present a defense cited. Id. Right to confrontation and restriction of cross-examination cited. 42 CA 41. Right of confrontation cited. Id., 186; judgment reversed, see 241 C. 823. Cited. Id., 790. Right of confrontation and restriction of cross-examination cited. Id. Waiver of right to confrontation cited. 43 CA 142. Cited. Id., 252. Confrontation rights cited; right of cross-examination cited. Id. Right to confront witnesses cited; right to cross-examine cited. Id., 549. Right to confront accusers cited; core constitutional rights cited. Id., 555. Right to cross-examination cited. Id., 659. Cited. Id., 667. Right to confrontation cited; fair trial cited. Id. Cited. Id., 680. Right of confrontation and cross-examination cited. Id. Cited. Id., 704. Right to confrontation and cross-examination cited; compulsory process cited. Id. Cited. Id., 715. Violation of constitutional rights during cross-examination cited; right to confrontation cited; right to present witnesses to establish a defense cited. Id. Cited. 44 CA 187. Fundamental right to jury trial cited. Id. Right of confrontation cited. Id., 198. Rights to confrontation cited. Id., 731; 45 CA 66. Cited. Id., 116. Right to confrontation cited. Id. Cited. Id., 390. Right of confrontation cited; cross-examination cited. Id. Right to confront and cross-examine witnesses cited. Id., 584. Federal and state rights of confrontation cited. Id., 756. Right of confrontation cited. 46 CA 118. Cited. Id., 285. Right to confrontation cited. Id.; Id., 545. Cited. Id., 810. Rights to confrontation cited. Id. Prosecutor's rebuttal closing argument did not violate defendant's right to testify on his own behalf. 47 CA 632. 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. Claim that trial court violated defendant's right of confrontation by unduly restricting his right to engage in cross-examination denied. 48 CA 755. Amendment gives defendant right to cross-examination of relevant evidence only. 49 CA 56. Where jury was fully and correctly instructed as to the principles of defendant's presumption of innocence and state's burden of proof at final instructions, defendant was not deprived of right to a fair trial notwithstanding questionable preliminary instruction as to presumption of innocence. Id., 606. Effective cross-examination does not include eliciting or presenting evidence that is immaterial or irrelevant. 50 CA 1. Defendant's challenge to trial court's rulings limiting defendant's cross-examination of three prosecution witnesses as to bias and motivation for testifying and assertion that such rulings violated his right to confrontation are without merit and court's restriction of the cross-examination of such witnesses on grounds of relevance was proper. 56 CA 856. Defendant's right to confrontation and to present a defense were impermissibly impaired when trial court excluded evidence of victim's consensual sexual relations with the lead detective investigating her claim of sexual assault; such evidence was relevant to the substantive issue of consent raised by defendant and was offered for sole purpose of determining victim's credibility and the inconsistency of her behavior following an alleged traumatic sexual assault. 57 CA 32. Right of confrontation not violated by substantive use of a prior statement if declarant is unavailable and statement bears adequate indicia of reliability. Id., 248. Scope of right of cross-examination discussed. Id., 337. Defendant's constitutional right was not abridged where court did not permit him to elicit testimony from victim concerning names she used as aliases, the illegal purposes for which the aliases were used and her use of false identification to obtain an illegal job. 58 CA 349. Court rulings and questioning of witness by the court did not restrict defendant's ability to confront witness regarding her activity as a police informant. Id., 467. Defendant was not denied right to confrontation where child witness was allowed to hold a stuffed animal while testifying. Id., 501. Defendant's right to confrontation and to meaningfully cross-examine witness was not denied when court admitted into evidence as a prior inconsistent statement written statement by a witness that the witness, at trial, could not recall making. 59 CA 252. Defendant's right to confront his 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 concerning right to cross-examine witnesses. Id., 507. Defendant could not prevail on his unpreserved claim that trial court improperly instructed jury to disregard testimony of an eyewitness that he had smoked five marijuana cigarettes before witnessing the shooting; there was no claim that defendant was restricted in his cross-examination of that witness, and his failure to make full use of that opportunity did not involve denial of a constitutional right and justified court's instruction to jury not to speculate on the effect of marijuana on the witness's perceptions. 62 CA 217. Confrontation clause does not give defendant the right to engage in unrestricted cross-examination. 68 CA 97. Court did not improperly exclude evidence of semen from third party on victim's clothing. Id., 470. Limits placed on defendant's cross-examination of witness did not unconstitutionally inhibit defendant from challenging the witness's credibility. Id., 815. Trial court violated defendant's right to confront and cross-examine the state's principal witness when court withheld the witness's psychiatric records despite a full waiver of confidentiality. 69 CA 630. Defendant could not prevail on claim that court deprived him of his sixth amendment 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. 70 CA 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 the grounds that such prior convictions and acts of misconduct were "much too remote in time" to be relevant. Id. Judgment reversed; trial court's failure to disclose the confidential hospital treatment record re alcohol abuse of one of victim's sons to the defendant after its in camera review violated defendant's right to present a defense as such record contained information about the son's state of mind that was favorable and material to the defense and defendant's right to confrontation because such record contained information re the son's alcohol consumption during relevant periods that was probative of his ability to observe, recollect and narrate the events about which he testified at trial, limited defendant's right to impeach the son's testimony and to attack his credibility and was harmful to the defendant. Id., 571. 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. 71 CA 190. Court's refusal to admit evidence of police officer's statement made after arrest in order to prove bias did not violate defendant's right to confront witnesses because statement was made after the arrest, not before, and was therefore irrelevant and because defendant had ample opportunity to cross-examine the officer. 75 CA 223. Where court conducted extensive review of victim's confidential records and had opportunity to observe victim's demeanor and ability to testify as well as to hear the substance of the victim's testimony, it was held that court did not abuse its discretion in denying

defendant's requested order for a psychological examination of victim as an aid to defendant's cross-examination. *Id.*, 447. Defendant not deprived of right to cross-examine victim adequately when trial court denied defendant's request for access to certain portions of victim's confidential records, finding that the records did not contain information relevant to victim's testimonial capacity. 78 CA 527. Court's rulings precluding defendant from questioning victim and another witness regarding whether they had showered together the day after defendant allegedly assaulted the victim violated defendant's rights to confrontation and to present a defense regardless of whether such evidence constituted "evidence of sexual conduct" within the meaning of Sec. 54-86f. 79 CA 572. Confrontation clause guarantees only an opportunity for effective cross-examination, not cross-examination that is effective in whatever way, and to whatever extent, the defense might wish. 83 CA 28. Admission of one-sentence answer by reluctant witness in prior testimony does not deprive defendant of right to cross examination of witness. 84 CA 786. Evidence of drug possession, without any evidence of use, may not be introduced in support of claim that 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. 89 CA 635. Unavailability of unpreserved evidence did not preclude defendant from a meaningful cross-examination of witnesses. 93 CA 408. Trial court's order precluding defense counsel from cross-examining a police witness as to his knowledge of an internal affairs complaint that defendant had filed against the arresting officers' claim, in which defendant claimed arresting officers had used excessive force, did not comport with requirements of sixth amendment, but defendant failed to meet burden of showing that improper preclusion of the questioning affected trial result. *Id.*, 693. Court did not improperly limit cross examination of prosecution witness in violation of defendant's right to confrontation since defendant had acquiesced in court's ruling on state's motion in limine to limit such cross-examination. 95 CA 248. Statement made to friend in unofficial setting constituted nontestimonial hearsay and its admission did not violate defendant's right to confrontation because declarant had died and was unavailable to testify and the statement bore adequate indicia of reliability since it was made to a close friend, in confidence and before the crime. *Id.*, 362. Trial court did not deny defendant his constitutional rights to confront witnesses and to present a defense by precluding introduction of evidence of prior sexual conduct by victim, which consisted of notation in a medical report by emergency room physician that victim admitted to "being with" another boy, where defendant failed to establish a basis for inference that victim actually had engaged in sexual intercourse on a prior occasion by failing to question victim or hospital physicians as to whether victim's injuries could have been caused at a prior time, and did not abuse its discretion in precluding proffered evidence because admission of statement would have injected speculation and conjecture into jury's deliberations. 97 CA 719. Defendant's sixth amendment right of confrontation not violated as victim's hearsay statements were properly admitted under the spontaneous utterance and medical treatment exceptions to the hearsay rule. 98 CA 288. Exclusion of evidence of sexual misconduct between victim and his siblings did not violate defendant's right to confront witnesses and to present a defense because such evidence was properly excluded as irrelevant. 99 CA 274. Trial court did not violate defendant's constitutional right to confrontation when it refused to hold an evidentiary hearing pursuant to Sec. 54-86f(4) because none of the testimony adduced at trial indicated that victim was confused when she identified defendant as her abuser, and evidence re prior sexual abuse of victim by her biological father was properly determined by trial court to be irrelevant. 103 CA 784. Trial court violated defendant's sixth amendment right to confrontation when it precluded him from cross-examining victim's mother concerning two matters relating to bias and interest, the mother's testimony having been particularly important to the state's case and not merely cumulative, and the state's case having depended heavily on the mother's credibility, the trial court's improper preclusion of cross-examination as to those matters was not harmless beyond a reasonable doubt. *Id.*, 808. Defendant who agreed to limit scope of cross-examination of state's witness waived his confrontation clause right. 110 CA 245. Defendant's cross-examination of third party re third party's drug use was not unduly restricted. *Id.*, 708. The constitutional right to confrontation does not extend to a parent in a neglect hearing, but parent has a statutory right to confrontation in Sec. 46b-135(b). 111 CA 28. Preclusion of sufficient inquiry into a particular matter tending to show motive, bias and interest may result in violation of defendant's right to confront witnesses. *Id.*, 700. Trial court improperly permitted use of victim's hearsay statement that identified defendant after victim refused to testify, which prevented defendant from having an opportunity for cross-examination. 112 CA 131. Defendant's right to cross-examine a witness against him was not violated when the court failed to inquire into the possibility that a witness may have engaged in posttestimonial misconduct when no evidence has been offered and possibility is based solely on speculation. *Id.*, 592. The court's preclusion of irrelevant evidence did not infringe on defendant's right to present a defense or right to confrontation. 114 CA 346. Refusal to grant defendant access to victim's juvenile court file did not violate his right to confrontation because file did not contain evidence probative of victim's testimonial capacity or relevant to her impeachment. *Id.*, 448. Trial court erred in excluding defendant from an in-chambers hearing concerning possible juror partiality thereby depriving the 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. 119 CA 660. No infringement of defendant's right to confrontation where the state could not provide an audio recording of a 9-1-1 telephone call because there never was a recording and defendant failed to demonstrate that the prosecution had possession of material information favorable to defendant. 121 CA 335. Violation of defendant's right to confront witnesses is subject to harmless error analysis and admission of testimonial hearsay was harmless beyond a reasonable doubt since nearly every detail to which witness testified was corroborated by defendant himself and defendant's testimony alone was sufficient to find him guilty beyond a reasonable doubt. *Id.*, 672. Defendant deprived of his right to confrontation when court denied defendant opportunity to cross-examine complainant about a letter she purportedly wrote in which she admitted her allegations of sexual abuse against defendant were fabricated, instead relying solely on the state's representations concerning authorship of the letter. 122 CA 216. Because hearsay statements were nontestimonial in nature, the confrontation clause was not implicated. 123 CA 530. In permitting a witness to testify through the use of video tape, defendant's right to confrontation is not violated when state makes a showing that the witness' testimony would be less reliable or accurate if offered in presence of defendant. 124 CA 118. Court did not abuse its discretion in refusing to disclose privileged records of witness to defendant for cross-examination purposes because records were either not relevant to witness' capacity to observe, recollect or narrate the events surrounding the shooting or were cumulative of the record that court did disclose to defendant. 126 CA 239. Right of confrontation not violated by admitting evidence re

results of laboratory testing of rape kit because evidence established only that sexual intercourse occurred, not that force was used, and claimed error was harmless beyond a reasonable doubt. *Id.*, 472. Defendant waived claim that his constitutional right of confrontation was violated by admission of police video recording that included hearsay statement because defense counsel consented to admission of the recording and used the recording during trial in a manner that indicated she was following a sound or prudent trial strategy when she consented to its admission. 129 CA 619. Trial court did not abuse its discretion when it precluded defense counsel from cross-examining the victim about whether she had lied to the police and altered evidence re an unrelated incident since trial court reasonably could have concluded that the evidence would have injected collateral issues into the trial, therefore defendant's rights to confrontation and to present a defense were not violated. 130 CA 571; judgment affirmed, see 309 C. 482. Court's denial of defendant's motions to find child with pervasive developmental disorder incompetent to testify in sexual assault case did not violate defendant's right to present a defense. 133 CA 332. Defendant's constitutional rights were not violated when court advised him that he had the "right to question any witnesses" instead of the right to confront and cross-examine witnesses because "to question" sufficiently conveys the meaning of "confront". 134 CA 595. Court violated defendant's right to confront a crucial witness against him when it prevented defense counsel from questioning the complainant regarding the conditions of her pretrial diversionary program on a pending criminal charge, which constitutes reversible error. 136 CA 36; judgment reversed, see 313 C. 494. Defendant understood proceedings would continue in his absence, and waived his right to confrontation and to be present during trial when he left. 138 CA 124. Admission of tape and transcript of 911 call did not violate defendant's rights under confrontation clause because the primary purpose of the call was to enable dispatcher to obtain information necessary to meet an ongoing emergency and the statements made were not testimonial hearsay. 139 CA 189. Medical records for treatment are non-testimonial and not subject to defendant's constitutional right to confront witnesses. 140 CA 455. Trial court's limitations of the scope of defendant's cross-examination into proper police investigation procedures generally followed in similar cases deprived defendant of a fair trial. 152 CA 260; judgment reversed, see 322 C. 270. Right to confront adverse witness not violated by allowing 911 recordings of two separate calls made by murder victim to be played in presence of the jury. *Id.*, 318. Judge's decision to limit cross examination of witness with regard to his participation in witness protection program did not violate confrontation clause because jury could evaluate the credibility of the witness based on questions permitted by the judge. 154 CA 281. Under *Coy v. Iowa*, 487 U.S. 1012, examination of harmlessness cannot include consideration of whether witness' testimony would have been unchanged or unaltered if confrontation had been permitted. 156 CA 321. Defendant's decision to absent himself from court proceedings after notice that proceedings would continue in his absence constitutes a waiver of right to be present at trial; valid waiver of right to be present at trial does not require that defendant be brought personally before the court, advised of right to be present and then permitted to make intelligent and competent waiver in light of that advisement. 158 CA 119.

Statements within business records, admissibility. 31 CS 510. Cited. 36 CS 578. Construed to exempt trial of petty offenses from jury requirements. 37 CS 693. Waiver of right to trial by jury under chapter 960a considered voluntary where issue not raised in trial court. *Id.*, 755. Failure to produce evidence on issue of market value defeated claim of defendant that she was denied right of confrontation where price tags already admitted. *Id.*, 796. Cited. 38 CS 407; 39 CS 347; *Id.*, 430; 42 CS 10. Right of confrontation cited. *Id.* Ineffective assistance of counsel cited. 43 CS 13. Right to confrontation cited; right to cross-examination cited. *Id.*, 574. Denial of right of confrontation cited. 45 CS 1.

Under-representation of a racial group on jury not violative of constitutional requirements. Constitution only requires a fair jury selected without regard to race. 2 Conn. Cir. Ct. 202.

³ Constitutional right of accused in 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 two public defenders concerned in case, and on public defenders in general, were without merit, and appointment of special public defender would not be justified. 149 C. 655. Plaintiff's constitutional right violated by failure of court or review division to inform him of his right to have counsel appointed for him for a hearing before sentence review division. 153 C. 673. There is no denial of due process of law when a person arrested under illegal warrant pleads to information and submits to jurisdiction of court. Where no timely objection was made at time of trial, habeas corpus for unlawful imprisonment is denied. 155 C. 627. Testimony of police officers of statements made to them by defendant who was not under custody admissible although he had not been told he had right to counsel. 156 C. 328. Defendant not deprived of rights under this section in proceedings for violation of uniform state narcotic drug act. 157 C. 498. Defendant had constitutional right to have his counsel present when police officer asked him if he knew coconspirators; admission of his denial was reversible error. 159 C. 608. Cited. 162 C. 316. Right to counsel attaches only at or after the time that adversary judicial proceedings have been initiated. A bench warrant may be issued without the presence of the accused or his counsel. 167 C. 539. Defendant's rights to counsel under Sec. 53a-32 is one of constitutional dimension. *Id.*, 639. Communications between a judge and a jury, especially after the jury has begun deliberations, should be made only in open court in the presence of the parties and in a criminal trial this rule takes on constitutional dimensions since the accused has a right to be present at every stage of the trial and to have the assistance of counsel for his defense. 168 C. 541. Cited. 169 C. 692. Defendant's right to compel testimony must give way to witness' privilege against self-incrimination (in case where no timely exception was taken); there is no basis for granting immunity from prosecution to witness for defense. 170 C. 206. Standard for determining whether defendant has received constitutionally adequate assistance of counsel: "Defense counsel's performance must be reasonably competent or within the range of competence displayed by lawyers with ordinary training and skill in the criminal law." *Id.*, 273. An on the scene, one to one confrontation before commencement of criminal prosecution does not deny defendant's right to counsel. *Id.*, 601. Cited. 171 C. 269; 172 C. 542. In a criminal trial the rule that no person may be present with or speak to jurors when they are assembled for deliberation takes on constitutional dimensions since accused has right to be present at every stage of trial and to have assistance of counsel. 173 C. 334. Right to the effective assistance of counsel in criminal prosecutions does not grant the unconditional right to representation in a state court by a particular out-of-state attorney. 174 C. 287. Representation by one counsel of all three

defendants was violation of constitutional right to effective counsel where under facts a conflict of interest existed between the codefendants. 175 C. 211. Improper out-of-court identification of accused even if violation of right to counsel did not taint in-court identification based on observation at time of offense. 177 C. 335. Cited. Id., 487. Failure of defense counsel to file an appearance with trial court did not render ineffective the representation received. Id., 538. Even if out-of-court identification violated constitutional right to presence of counsel, it did not affect in-court identification based on observations at time of offense. Id., 637. Cited. Id., 677. A minor may effectively waive a constitutional right without parental advice. 178 C. 116. Cited. Id., 287. Where psychologist appointed to assist in defense, his testimony as a state's witness is inadmissible as violative of attorney-client privilege and thus the right to assistance of counsel. Id., 626. Cited. 179 C. 155; 181 C. 151. Constitutional rights in connection with grand jury proceedings discussed. Id., 268. Claim of ineffective assistance of counsel based on asserted illegality of arrest and failure of counsel to move to suppress tainted fruits thereof, held to be groundless. 182 C. 176. Cited. Id., 220; Id., 497; Id., 511; 184 C. 121; Id., 258. Inadequate pretrial investigation is sufficient to constitute a denial of the right to effective assistance of counsel. Id., 547. Cited. 185 C. 63; Id., 339. Right to counsel in adversary judicial criminal proceeding, accusatory or investigatory stage discussed. Id., 607. Cited. 186 C. 574; 187 C. 6. Right to counsel cited. Id., 281. Right to counsel in connection with the showing of photographs to witnesses discussed. Id., 348. Right to counsel cited. Id., 504; Id., 513. Equivocal request for counsel discussed. Id., 647. Claim of ineffective assistance of counsel is more properly pursued on a petition for new trial or for a writ of habeas corpus. 189 C. 61. Cited. Id., 114; Id., 416. Assistance of counsel cited. 190 C. 20. Cited. Id., 191; Id., 219. One charged with an offense is not immunized from accountability for statements subsequently made tending to prove another offense. Id., 594. Once access to an attorney provided, privacy must be ensured. 191 C. 37. Cited. Id., 142; Id., 622; Id., 636. Disqualification of defendant's attorney discussed. 192 C. 228. Cited. Id., 383; 193 C. 70. Effective assistance of counsel and inadequacy of counsel; constitutional claims; assistance of counsel required by federal constitution; right to counsel cited. Id., 333. Right to compel testimony of witnesses on defendant's behalf; right to present own defense cited. Id., 350. Cited. Id., 370. Denial of effective assistance of counsel cited. Id., 439. Guarantee of assistance of counsel implied a correlative right to dispense with a lawyer's help, both rights discussed. Id., 526. Right to effective assistance of counsel cited. Id. Cited. Id., 695. Right to counsel cited. Id. Cited. 194 C. 89; Id., 223. Right to counsel cited. Id. Cited. Id., 279; Id., 408. Ineffective assistance of counsel cited. Id. Cited. Id., 483; Id., 510. Effective assistance of counsel cited. Id. Cited. 195 C. 475. Ineffective assistance of counsel cited. Id. Federal constitution compulsory process clause cited. Id. Right to effective assistance of counsel cited. Id., 496. Ineffective assistance of counsel cited. Id., 561. Cited. Id., 624. Right to counsel cited. Id. Cited. Id., 636. Ineffective assistance of counsel cited. Id. Right to counsel under this amendment "arises only at or after the initiation of adversary judicial criminal proceedings whether by way of formal charge, preliminary hearing, indictment, information or arraignment;" distinguished from fifth amendment right to counsel during custodial interrogation under "Miranda" decision. 196 C. 557. Court announced that "habeas corpus is the preferred route for review of convictions challenged solely on the ground of inadequate assistance of counsel". Id., 567. Right to effective assistance of counsel cited. Id. Inadequate assistance of counsel cited. Id. Effective assistance of counsel cited. 197 C. 115. Right to effective counsel cited. Id., 166. Cited. Id., 180. Effective assistance of counsel cited. Id., 201. Cited. Id., 280. Compulsory process and effective assistance of counsel cited. Id. Cited. Id., 298. Ineffective assistance of counsel cited. Id. Effective assistance of counsel cited. Id., 309; Id., 337. Cited. Id., 358. Assistance of counsel cited. Id. Does not guarantee a criminal defendant the right to hybrid representation; there is no federal constitutional right to hybrid representation. Id., 369. Right to assistance of counsel cited. Id. Cited. Id., 396. Right to counsel cited. Id. Effective assistance of counsel cited. Id. Cited. Id., 413. Right to counsel cited. Id.; Id., 507. Cited. Id., 666. Effective assistance of counsel cited. Id. Cited. 198 C. 43. Effective assistance of counsel cited. Id. Cited. Id., 77. Effective assistance of counsel cited. Id. Cited. Id., 124. Assistance of counsel cited. Id. Effective assistance of counsel cited. Id., 147. Cited. Id., 203; Id., 328. Declined review of ineffective counsel claims even if supported by record so that all related claims could be considered at once either on petition for new trial or for writ of habeas corpus. Id., 517. Effective assistance of counsel cited. Id. Cited. Id. 598. Effective assistance of counsel cited. Id. Denial of effective assistance of counsel cited; compulsory process cited. 199 C. 14. Right to counsel during trial and/or sentencing procedure and waiver of same discussed. Id., 30. Right to effective assistance of counsel cited. Id., 88; Id., 102. Cited. Id., 110. Denial of effective assistance of counsel cited. Id. Cited. Id., 143. Ineffective assistance of counsel cited. Id. Cited. Id., 207. Effective assistance of counsel cited. Id. Denial of effective assistance of counsel cited. Id., 354. 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. Constitutional right to call witnesses on their own behalf cited. Id. Cited. Id., 693. Right to compulsory process cited. Id. Right to compel attendance cited. Id. Cited. 200 C. 113. Right to effective assistance of counsel cited. Id. Cited. Id., 310. Right to compulsory process cited. Id. Cited. Id., 412; Id., 453; Id., 465. Right to counsel and deprivation of fundamental constitutional right and a fair trial cited. Id. Cited. Id., 607. Right to self representation cited. Id. Cited. Id., 685; Id., 721. Right to present a defense cited. Id. Cited. 201 C. 74. Claim of ineffective assistance of counsel cited. Id. Ineffective assistance of counsel cited. Id., 103. Right to effective assistance of counsel; right to compulsory process, cited. Id., 125. Effective assistance of counsel cited. Id., 174. Cited. Id., 289. Ineffective assistance of counsel cited. Id., 368. Denial of effective assistance of counsel cited. Id., 489. Cited. Id., 517. Denial of effective assistance of counsel cited. Id., 534. Cited. Id., 559. Right of compulsory process; effective assistance of counsel, cited. Id. Constitutional rights to compulsory process cited. Id., 659. Denial of effective assistance of counsel cited. Id., 675. Effective assistance of counsel; federal constitution; rights to compulsory process, cited. 202 C. 259. Right to assistance of counsel cited. Id., 369. Federal constitutional rights to compulsory process cited. Id., 385. Cited. Id., 443. Right to counsel cited. Id. Cited. Id., 676. Constitutional right to call witnesses cited. Id. Right to counsel does not extend to an accused's decision whether to consent to a chemical alcohol test prior to formal initiation of a criminal prosecution. 203 C. 97. Right to counsel cited. Id. Cited. Id., 159. Conflict-free representation; right to assistance of counsel, cited. Id. Cited. Id., 212. Right to assistance of counsel cited. Id. "... per se rule of automatic reversal more properly vindicates denial of the defendant's fundamental constitutional right to assistance of counsel ..." at trial, (reversed appellate court decision in 8 CA 63). 204 C. 585. Right to effective assistance of counsel cited. Id. Cited. Id., 714. Right to present witnesses cited. Fifth and sixth

amendments right to counsel discussed. 205 C. 638. Cited. *Id.*, 673. Ineffective assistance of counsel cited. *Id.* Prearrest, prearrest conversations in connection with voice identification do not implicate the defendant's right to counsel. 206 C. 40. Cited. *Id.*, 157. Right to counsel cited. *Id.* Cited. *Id.*, 421; *Id.*, 512. Right to effective assistance of counsel cited. *Id.* Ineffective assistance of counsel cited. *Id.*, 685. Cited. 207 C. 109. Effective assistance of counsel cited. *Id.*, 118. Right to assistance of counsel cited. *Id.*, 276. Right to compulsory process cited. 208 C. 365. Denial of effective assistance of counsel cited. 209 C. 75. Cited. 210 C. 304. Ineffective assistance of counsel cited. *Id.* Cited. *Id.*, 435. Notice of charges; right to counsel; right to confrontation and cross-examination cited. *Id.* Constitutional right to counsel cited; right to counsel cited. *Id.*, 481. Cited. 211 C. 215. Constitutional right to counsel cited. *Id.* Constitutional right to present witnesses cited. *Id.*, 258. Cited. *Id.*, 352. Ineffective assistance of counsel cited. *Id.* Cited. *Id.*, 398. Ineffective assistance of counsel cited. *Id.* Cited. 212 C. 6. Compulsory process issues cited. *Id.* Cited. 213 C. 161. Right to compulsory process and fair trial cited. *Id.* Right to assistance of counsel cited. *Id.* Constitutional rights of compulsory process cited. 214 C. 146. Cited. *Id.*, 540. Ineffective assistance of counsel cited. *Id.*, 717. Ineffective assistance of counsel cited. 215 C. 1. Cited. 216 C. 172; *Id.*, 647. Right to effective assistance of counsel cited. *Id.* Cited. *Id.*, 678. Right to counsel and the effective assistance of counsel cited. *Id.* Constitutional right to undivided loyalty of counsel cited. *Id.*, 822. Cited. 217 C. 419. Right to effective assistance of counsel cited. *Id.* Cited. 218 C. 239. Right to assistance of counsel cited. *Id.* No right to presence of counsel at psychiatric examination itself. *Id.*, 349. Right to counsel cited. *Id.* Cited. *Id.*, 403 (see also 219 C. 215 and 231). Ineffective assistance of counsel cited. *Id.* Cited. *Id.*, 429. Ineffective assistance of counsel cited. *Id.* Federal constitutional right to assistance of counsel cited. *Id.*, 778. Right to compulsory process cited. 219 C. 160. Rights to counsel cited. *Id.*, 234. Differences in application between fifth and sixth amendment right to counsel discussed. *Id.*, 743. 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.* Actual conflict of interest affected counsel's performance. *Id.*, 112. Right to effective assistance of counsel cited. *Id.* Duty of loyalty to client cited. *Id.* Cited. *Id.*, 602. Right to counsel cited. *Id.* Cited. *Id.*, 796. Right to present a defense and to compulsory process cited. *Id.* Cited. *Id.*, 924. Denial of effective legal representation cited. *Id.*, 927. Ineffective assistance of counsel cited. 221 C. 84. Right to counsel cited. *Id.*, 128. Cited. *Id.*, 447. Right to compulsory process cited. *Id.* Deprivation of effective assistance of counsel cited. 222 C. 87. 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.* Denial of effective assistance of counsel cited. *Id.*, 254. Deprivation of effective assistance of counsel cited. *Id.*, 312. Petitioner must show he is burdened by an unreliable conviction. *Id.*, 444. Deprivation of effective assistance of appellate counsel cited. *Id.* Counsel's deficient performance cited. *Id.* To prevail on claim, criminal defendant must establish deficient performance and actual prejudice. *Id.*, 469. Denial of effective assistance of counsel cited. *Id.* Effective assistance of counsel cited. *Id.*, 556. Limitation of defense counsel's final argument was improper; judgment of appellate court in 25 CA 653 reversed. 223 C. 52. Right to effective assistance of counsel cited. *Id.* Cited. *Id.*, 180. Ineffective counsel cited. *Id.* Ineffective assistance of appellate counsel cited. *Id.*, 411. Statutory right to effective assistance of habeas counsel and effective assistance of trial counsel discussed. *Id.*, 834. Ineffective assistance of trial counsel cited. *Id.* Ineffective assistance of counsel cited. 224 C. 63. Right to assistance of counsel cited. *Id.*, 253. Constitutional right to counsel of choice, 226 C. 166. 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.* Ineffective assistance of counsel cited. 227 C. 124. Right to effective assistance of counsel cited. *Id.*, 147. Assistance of counsel cited. *Id.*, 677. Right to effective assistance of counsel cited. *Id.*, 711. Proper standard for appellate review of denial of motion for continuance to retain private counsel discussed. 228 C. 234. Ineffective assistance of counsel cited. *Id.* Rights to due process cited. *Id.* Right to counsel of choice cited. *Id.* Cited. *Id.*, 281. Right to effective assistance of counsel cited. *Id.*, 919. Cited. 229 C. 125. Provision of counsel cited. *Id.* Ineffective assistance of trial and appellate counsel cited. *Id.*, 178. Cited. *Id.*, 193. Right to effective assistance of trial counsel cited. *Id.* Cited. *Id.*, 397. Ineffective assistance of counsel cited. *Id.* Deprivation of effective assistance of trial and appellate counsel cited; constitutional rights to fair trial cited; judgment of appellate court in 31 CA 771 reversed. 230 C. 88. Cited. *Id.*, 183. Right to counsel cited. *Id.* Right to effective assistance of counsel cited. *Id.*, 351. Right to counsel cited. *Id.*, 385, see also 37 CA 801. Ineffective assistance of trial and appellate counsel cited. *Id.*, 608. Rights of compulsory process cited. *Id.*, 698. Ineffective assistance of counsel cited. 231 C. 274. Cited. *Id.*, 514. Denial of effective assistance of counsel cited. *Id.* Claim of ineffective assistance of counsel cited. *Id.*, 936. Right of counsel cited. 232 C. 431; judgment superseded by en banc reconsideration, see 235 C. 502. Cited. 233 C. 106. Right to consult with counsel cited; effective assistance of counsel cited. *Id.* Cited. *Id.*, 215. Effective assistance of counsel cited. *Id.* Cited. *Id.*, 813. Right of self-representation cited; right to effective counsel cited. *Id.* Cited. 234 C. 139. Effective assistance of counsel cited. *Id.* Right to effective assistance of counsel cited. *Id.*, 324. Ineffective assistance of counsel and compulsory process cited. *Id.*, 683. Cited. 236 C. 266. Rights to fair trial and counsel cited. *Id.* Cited. *Id.*, 388. Right to counsel claim cited. *Id.* Cited. *Id.*, 514. Rights of compulsory process cited. *Id.* Right to counsel cited. *Id.*, 561; 237 C. 332; *Id.*, 378. Cited. *Id.*, 454. Right to counsel cited. *Id.* Waiver of right to counsel cited; right to self representation cited. *Id.*, 633. Right to counsel or waiver thereof cited. *Id.*, 694. Cited. 238 C. 389. Right to counsel and to waive right to counsel cited; right to effective assistance of counsel cited. *Id.* Right to counsel cited. *Id.*, 692. Cited. 240 C. 210. Due process right to fair trial cited; right to present a defense cited. *Id.* Ineffective assistance of counsel cited. *Id.*, 547. Exclusion of favorable polygraph examination does not violate right to present a defense; long established rule of polygraph inadmissibility reaffirmed and discussed; defendant not entitled to evidentiary hearing re reliability of polygraph examination. 241 C. 57. Right to compulsory process and to present a defense cited. *Id.* Right to compulsory process cited. 242 C. 318. Ineffective assistance of counsel and a fair trial cited. *Id.*, 389. Ineffective assistance of counsel cited. *Id.*, 445. Cited. *Id.*, 666. Compulsory process cited. *Id.* Cited. *Id.*, 689. Ineffective assistance of counsel cited. *Id.*; *Id.*, 723. Cited. 243 C. 205. Right to counsel under federal constitution cited. *Id.* Trial court did not abuse its discretion by circumscribing defense counsel's emphasis on third party who may have committed the crime. *Id.*, 282. Right to effective assistance of counsel with respect to access to sentence review discussed. 245 C. 132. On a claim of ineffective assistance of counsel, admission of a stipulation in lieu of defendant's attorney's testimony as to certain readily ascertainable facts held not to be a conflict of interest. 246 C. 665.

Miranda warning cited. 251 C. 285. Defendant's right to self-representation was not violated by trial court's refusal to allow defendant to make privileged telephone calls to his investigator or to potential witnesses, and defendant's rights to self-representation and 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. Defendant was not deprived of his constitutional rights by state's cross-examination of him or by reference in its final argument to his claimed inability to speak English where state's attempt to undermine defendant's use of an interpreter was directly related to issue of assailant's identity and where thrust of the final argument was not directed to defendant's use of an interpreter. 253 C. 543. Trial court's quashing of defendant's subpoena of files held by victim's estate held not violative of defendant's rights since subpoena did not specify the evidence sought and defendant declined to narrow its scope to more particularly describe such evidence. 254 C. 694. Counsel is obligated to inform criminal defendant of the right to appeal from a guilty plea only when either defendant specifically asks about appellate rights or when circumstances show that defendant would have benefited from such advice. 255 C. 1. Right to assistance of counsel violation requires actual conflict of interest adversely affecting lawyer's performance; conflict existed where attorney stole defendant's money and forced defendant to retain him; conflict adversely affected performance by resulting in attorney's denying defendant counsel of choice, failing to spend money for adequate investigation and allowing defendant to appear before jury in prison clothing rather than in store-bought clothes. *Id.*, 477. Because the state made no claim that defendant should have retreated, omission of a jury instruction on the duty to retreat did not deny defendant his right to present a defense. 256 C. 193. In the absence of any indication that defendant was actually harmed by joint representation by counsel of defendant and a co-defendant, claim of ineffective assistance of counsel failed. *Id.*, 785. No per se violation of right to effective assistance of counsel when trial court refused to remove counsel after defendant filed grievance against his attorney and the attorney moved to withdraw as defense counsel. 259 C. 374. In case where defendant pled not guilty by reason of mental defect based, in part, on his attorney's recommendation, his right to counsel was not violated because his attorney provided him with all the information available to the attorney at the time. 261 C. 309. Exclusion of a videotape of defendant's sessions under hypnosis did not violate defendant's right to compulsory process because the video duplicated evidence already in evidence, defendant had the opportunity to introduce evidence re the contents of the videos and such evidence would allow defendant to testify via videotape without affording the state the opportunity to cross-examine. *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. *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 the court that he "absolutely" could represent his client adequately and that on the first day of trial, counsel reported to the 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. State failed to meet its burden of demonstrating a compelling need for testimony of defendant's attorney and therefore trial court improperly disqualified defendant's attorney in violation of defendant's right to secure counsel of his choice. 265 C. 460. 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; the 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 a government informant merely listens and reports. 268 C. 781. Defendant may introduce only relevant evidence, and, if the proffered evidence is not relevant, its exclusion is proper and defendant's right to present defense is not violated. 272 C. 106. Right to counsel did not attach upon signing of the information charging defendant, but when the information was acted upon by state and filed at defendant's arraignment. 277 C. 42. State's failure to preserve defendant's cellmate as an available witness did not violate defendant's right to compulsory process; defendant was afforded meaningful opportunity to present a complete defense as required by sixth amendment. *Id.*, 458. Deprivation of counsel at probable cause hearing constitutes procedural error for which harmless error review is proper. 279 C. 493. Claim of ineffective assistance of counsel will succeed only if both performance prong and prejudice prongs are satisfied, i.e. that claimant demonstrates that counsel made errors so serious that counsel was not functioning as guaranteed by sixth amendment and that there is reasonable probability that, but for counsel's unprofessional errors, proceeding result would have been different. *Id.* 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 reasonable probability that, but for appellate counsel's failure to raise issue on appeal, petitioner would have prevailed on his direct appeal. 286 C. 707. Habeas petitioner whose murder conviction was subsequently reduced to manslaughter was not denied effective counsel because counsel obtained partial victory in reducing conviction to lesser included offense. 290 C. 107. 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. *Id.*, 502. Re probation violation hearing, record did not indicate whether defendant who waived right to counsel knew he faced possible prison term if found to have violated probation, therefore defendant was entitled to new probation violation hearing. 292 C. 483. Right of defendant to establish defense includes proper jury instructions on the elements of self-defense. *Id.*, 656. When defendant clearly and unequivocally invokes the right to self-representation after trial has begun, the court must consider defendant's reasons for the request, the quality of defendant's counsel and defendant's prior proclivity to substitute counsel, and if the court determines that the balance weighs in favor of defendant's interest in self-representation, the court must canvass defendant in accordance with Practice Book Sec. 44-3 to ensure that defendant's choice has been made in a knowing and intelligent fashion. 293 C. 406. Prosecutor's release of witness did not constitute a compulsory process violation because there was no evidence of bad faith, testimony was not critically important to defendant's case, and defendant was not diligent in securing witness' live testimony at trial. 296 C. 476. Court's exclusion of third party culpability evidence that the vehicle

defendant was driving and in which drugs were found had been driven by a convicted drug offender within twenty-four hours of defendant's arrest and that the offender, on previous occasions, had left drugs and money in the vehicle, violated defendant's right to present a defense; defendant has right to present evidence that directly connects a third party to the crime. 297 C. 621. Due process does not mandate that custodial interrogation, advisement of Miranda rights and any resulting statements of defendant be recorded. 298 C. 537. Defendant's right to present defense does not compel admission of any and all evidence offered, and exclusion of evidence re self-defense claim that victim had been convicted of violating protective order was harmless because ample evidence was admitted re victim's violent nature. 299 C. 1. Trial court's extensive canvass of defendant prior to his election to proceed pro se was a model canvass that adequately conveyed the gravity of the significant sentencing exposure that he faced and afforded him the constitutional protection to which he was entitled; jury instruction that "ultimate issue before you is not the thoroughness of the investigation or the competence of the police" did not mislead jury or violate defendant's right to present a defense because it did not direct the jury not to consider the adequacy of the investigation as it related to the strength of the state's case, or not to consider specific aspects of defendant's theory of the case. *Id.*, 567. Scope of cross-examination afforded defendant adequate opportunity to put before jury his theory that alleged sexual abuse victim fabricated the allegations, and additional cross-examination sought by defendant was too remotely related to victim's credibility to be required by sixth amendment. 300 C. 590. Prejudice may be presumed when the prosecutor has invaded the attorney-client privilege by reading privileged materials containing trial strategy, regardless of whether the invasion was intentional; the state may rebut presumption of prejudice by clear and convincing evidence, and if the state fails to rebut that presumption, the court, sua sponte, must immediately provide appropriate relief to prevent prejudice to defendant. 301 C. 417. Ineffective assistance of counsel claim failed under *Strickland v. Washington*, 466 U.S. 668, standard because counsel's mistaken advice concerning parole eligibility during plea negotiations was based on a reasonable misinterpretation that Sec. 1 of P.A. 95-255, governing the portion of a sentence violent offenders must serve, applied retroactively. *Id.*, 697. Failure of counsel to advise client adequately about plea offer can provide basis for ineffective assistance of counsel claim, and petitioner need only establish that it is reasonably probable that, if not for counsel's deficient performance, petitioner would have accepted plea offer and trial judge would have conditionally accepted the plea agreement; remedy is to place petitioner, as nearly as possible, in position he would have been in if there had been no ineffective assistance of counsel. 307 C. 342. An attorney's ethical violation, without more, is insufficient to establish a deprivation of effective assistance of counsel. 308 C. 456. Petitioner had a right to effective assistance of counsel at arraignment in which proceedings pertaining to the setting of bond and credit for presentence confinement occurred. *Id.*, 463. Regardless of whether petitioner's successful claim of ineffective assistance of counsel during plea negotiations arises by way of a subsequent plea agreement or conviction after trial, the proper remedy is to remand the case to the trial court, which is vested with the discretion to place the habeas petitioner in the position he or she would have been in if there had been no violation of his or her right to counsel. 310 C. 606. Defendant's right to counsel was violated when defense counsel took position that defendant would be self-represented if he testified, the trial court effectively conveyed to defendant that he had only two choices, testify and self-represent, or relinquish the right to testify and maintain the assistance of counsel, and defendant chose to represent himself for purposes of his testimony only; trial court never explained that, despite counsel's position, the court could appoint substitute counsel or compel counsel to remain in absence of showing of good cause, and defendant never made a clear, unequivocal statement that he wanted to waive the right to counsel. 317 C. 450. Right to represent oneself protects interest other than ensuring defendant receives a fair trial; nature of right is not one susceptible to harmless error analysis; to determine that denial of right to self-representation was tolerable because it did not influence outcome of trial or a particular part of proceedings would be to disregard the right completely and the interests it protects; improper denial of request to self-representation is structural error. 318 C. 815. Prejudice presumed due to complete breakdown in adversarial process, and valid claim of ineffective assistance of counsel asserted, where defense counsel agreed with prosecutor's recommendation that trial court should impose maximum sentence allowed under plea agreement even though agreement contained provision entitling defense counsel to advocate for a lesser sentence. 319 C. 548. Trial counsel's failure to call an expert to testify re suggestibility of young children and reliability of a child's recollection was objectively reasonable because there was a strategic justification for not presenting such testimony and, therefore, habeas petitioner failed to prove ineffective assistance claim. *Id.*, 623. Defendant is not guaranteed representation by a particular attorney at a new trial ordered to remedy an earlier counsel of choice violation; on remand, trial court is required to consider whether it is feasible to allow defendant the attorney of his choice at the new trial, but if the attorney is unwilling or unable to represent defendant at the new trial at a mutually agreeable fee, defendant's sole relief lies in the new trial itself and the hiring or appointment of new counsel. 320 C. 567. Defendant failed to establish that the trial court's impropriety in having him shackled during his trial violated his right to a fair trial when there was no evidence to suggest the jury saw or otherwise knew of his shackles. 321 C. 583. In case where conviction is based on circumstantial evidence, all but one potential alibi witness is a close relative of defendant and defense counsel knows that the state would likely argue that those related witnesses would lie to protect defendant, for defense counsel to fail to attempt to contact and call to testify the single independent alibi witness and to ignore the potential impact of such witness's testimony constitutes deficient counsel warranting a new trial when there is reasonable probability of a different outcome if such independent witness had been called to testify. 329 C. 1. Defendant's decision to offer narrative testimony without direct examination of counsel did not deprive him of constitutional right to assistance of counsel because his counsel assisted him by responding to objections from prosecutor and objecting to portions of prosecutor's cross-examination. *Id.*, 465. Counsel's duty to convey to a defendant all formal offers from the prosecutor to resolve a case through a plea agreement also includes a duty to promptly convey an offer to the defendant. *Id.*, 726.

Cited. 1 CA 384. 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. Cited. 3 CA 148. Effective assistance of counsel cited. *Id.* Cited *Id.*, 289; *Id.*, 374. Right to present witnesses in his own behalf cited. *Id.* Cited. 4 CA 406. Ineffective assistance of counsel cited. *Id.* Effective assistance of counsel cited. 5 CA 79. Cited. *Id.*, 556. Right to compulsory process cited. *Id.* Effective assistance of counsel cited. *Id.*, 612. Effective assistance of trial counsel cited. 6 CA 24. Right to effective assistance of counsel is not guaranteed to defendant in a civil proceeding. *Id.*, 83. Right to effective

assistance of counsel cited. Id. Cited. Id., 476. Denial of effective assistance of counsel cited. Id. Cited. Id., 518. Ineffective assistance of counsel cited. Id.; Id., 546. Cited. Id., 680. Denial of effective assistance of counsel cited. Id. Cited. 7 CA 149. Compulsory process and effective assistance of counsel cited. Id. Cited. Id., 445. Denial of effective assistance of counsel cited. Id. Cited. Id., 457. Right to effective assistance of counsel cited. Id. Cited. Id., 701. Ineffective assistance of counsel cited. Id. Cited. 8 CA 63. Right to effective assistance of counsel cited. Id. Cited. Id., 111. Effective assistance of counsel cited. Id. Ineffective assistance of counsel cited. Id., 148. Cited. Id., 216. Right to counsel cited. Id. Cited. Id., 273. Right to have counsel present at important proceedings cited. Id. Ineffective assistance of counsel cited. Id., 342; Id., 478. Cited. Id., 491. Right to counsel cited. Id. Denial of effective assistance of counsel cited. Id., 566. Deprivation of effective assistance of counsel cited. 9 CA 79. Ineffective assistance of counsel cited. Id., 133. Right to assistance of counsel cited. Id., 208. Denial of effective assistance of counsel; right to counsel, cited. Id., 340. Right to counsel cited. Id., 587. Constitutional right of compulsory production of witnesses. 10 CA 103. Cited. Id., 147. Right to effective assistance of counsel cited. Id. Right to assistance of counsel under federal constitution cited. Id., 265. Ineffective assistance of counsel cited. Id., 546. Constitutional right to testify and present a defense cited. 11 CA 102. Right of compulsory process cited. Id., 673. Ineffective assistance of counsel cited. 12 CA 385. Cited. Id., 685. Constitutional right to effective assistance of counsel cited. Id. Ineffective assistance of counsel; constitutional right to counsel, cited. 13 CA 413. Ineffective assistance of counsel cited. Id., 708. Effective assistance of counsel cited. 14 CA 140. Cited. Id., 212. Right to consult an attorney. Cited. Id.; Id., 586. Right to counsel cited. Id. Ineffective assistance of counsel cited. 15 CA 197. Cited. 16 CA 54. Effective assistance of counsel cited. Id. Ineffective assistance of counsel cited. Id., 518; 17 CA 447. Cited. Id., 602. Right to assistance of counsel cited. Id. Right to effective assistance of counsel cited; right to compulsory process cited. 18 CA 297. Cited. Id., 368. Right to assistance of counsel cited. Id. Ineffective assistance of counsel cited. Id., 716. Rights to counsel cited. 19 CA 22. Right to present defense and compulsory process cited. Id., 111. Denial of effective assistance of counsel cited. Id., 646. Cited. Id., 674. Ineffective assistance of counsel cited. Id. Cited. Id., 686; 20 CA 101. Cited; ineffective assistance of counsel cited. 21 CA 260. Cited; right to assistance of counsel held to include right to present closing arguments cited. 22 CA 207. Right to effective assistance of counsel cited. Id., 303. Cited. Id., 521; Id., 669. Ineffective assistance of counsel cited. Id. Cited. 23 CA 63; judgment reversed, see 220 C. 112. Denial of effective assistance of counsel cited. Id. Right to assistance of counsel cited. Id., 151. Ineffective assistance of counsel cited. Id., 692; 24 CA 152. Pertains to trial counsel, not habeas counsel; effective assistance of counsel cited. Id., 723. Cited. Id., 729. Effective assistance of counsel cited. Id. Cited. 25 CA 3. Right to counsel cited. Id. Cited. Id., 318. Right to counsel cited. Id. Right to an attorney cited. Id., 503. Cited. Id., 653; judgment of appellate court in *State v. Arline*, reversed, see 223 C. 52. Right to effective assistance of counsel cited. Id., 734; Id., 741. Denial of effective assistance of counsel cited. 26 CA 52. Cited. Id., 125. Ineffective assistance of counsel cited. Id. Right to counsel cited. Id., 472. Ineffective assistance of counsel cited. Id., 758. Cited. 27 CA 171. Right to effective assistance of counsel cited. Id. Right to counsel cited. Id., 654. Cited. Id., 675. Ineffective assistance of counsel cited. Id.; Id., 794. Cited. 28 CA 64. Ineffective assistance of counsel cited. Id. Cited. Id., 195. Denial of effective assistance of counsel cited. Id. Cited. Id., 425. Right to effective assistance of counsel cited. Id. Cited. Id., 794. Right to counsel in criminal cases cited. Id. Ineffective assistance of counsel cited. 29 CA 162; judgment reversed, see 229 C. 397. Necessity for expert witness in habeas proceedings involving ineffective assistance of counsel claims discussed. Id., 274. Deprivation of effective assistance of counsel cited. Id. Right to present witnesses in own behalf cited. Id., 642. Cited. Id., 744. Right to present a defense embodied in right to compulsory process cited. Id. Ineffective assistance of counsel cited. Id., 773; Id., 817. Cited. 30 CA 68. Right to effective assistance of counsel cited. Id. 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. Sixth amendment counsel clause cited; denial of assistance of counsel cited. Id., 278. Cited. Id., 443. Compulsory process cited. Id. Ineffective assistance of counsel cited. Id., 497. Cited. Id., 771. Right to effective assistance of counsel cited. Id. Cited. 32 CA 38. Ineffective assistance of counsel cited. Id. Cited. Id., 170. Effective assistance of counsel cited. Id. Cited. Id., 296. Ineffective assistance of counsel cited. Id. Cited. Id., 438. Ineffective assistance of counsel cited. Id. Fundamental fairness of proceeding cited. Id. Ineffective assistance of counsel cited; not reasonably competent cited. Id., 773. Cited. 33 CA 171. Right to effective assistance of counsel and a fair trial cited. Id. Cited. Id., 449. Ineffective assistance of counsel cited. Id. Effective assistance of counsel cited. Id., 632. Ineffective assistance of trial and appellate counsel cited; right to fair trial cited. Id.; 34 CA 153. Cited. Id., 236. Effective assistance of counsel cited. Cited. Id., 823. Right to assistance of counsel held to include right to present closing arguments and to a fair trial cited. Id. Cited. 35 CA 527. Ineffective assistance of counsel cited. Id. Cited. Id., 740. Right to counsel cited. Id. Cited. Id., 754. Ineffective assistance of counsel cited. Id.; Id., 762. Cited. 36 CA 216. Ineffective assistance of counsel cited; fair trial cited. Id. Right to assistance of counsel cited. Id., 417. Denial of effective assistance of counsel cited. Id., 641. Right to counsel cited; inadequate counsel cited. Id., 680. Ineffective assistance of counsel cited. Id., 695. Cited. 37 CA 252; judgment reversed, see 236 C. 388. Right to counsel cited. Id. Cited. Id., 500. Right to counsel cited. Id. Cited. Id., 672. Right to effective assistance of counsel cited. Id. Ineffective assistance of counsel cited. Id., 733. Right of confrontation cited. 38 CA 731. Right to counsel of his choice cited. 39 CA 82. Right to obtain counsel cited. Id., 224. Ineffective assistance of counsel cited. Id., 384. Right to assistance of counsel cited. Id., 813; Id., 832. Cited. 40 CA 250. Ineffective assistance of counsel cited. Id. Cited. Id., 374. Right to counsel of choice cited. Id. Right to fair trial and effective assistance cited. Id., 483. Effective assistance of counsel cited. Id., 533. Right to effective assistance of counsel cited. Id., 757. Right to assistance of counsel cited. 41 CA 47. Cited. Id., 454. Right to counsel cited. Id. Cited. Id., 515. Ineffective assistance of counsel cited. Id. Cited. Id., 809. Right to conflict-free representation cited. Id. Cited. 42 CA 17. Right to effective assistance of counsel cited; right to conflict-free representation cited. Id. Ineffective assistance of trial and appellate counsels cited. Id., 304. Constitutional right to counsel cited; waived counsel and right of self-representation cited. Id., 371. Ineffective assistance of appellate counsel cited. Id., 445. Ineffective assistance of counsel cited. Id. 507. Claim of ineffective assistance of counsel cited. Id., 640. Right to counsel cited. Id., 768. Waiver of right to counsel cited. 43 CA 142. Cited. Id., 209. Right to counsel cited. Id. Ineffective assistance of counsel cited. Id., 374. Denial of effective assistance of counsel cited. Id., 549. Effective assistance of counsel cited. Id., 555. Denial of effective assistance of counsel cited. Id., 552. Right to effective assistance of counsel cited. Id., 704. Cited. 44 CA 6. Rights to counsel cited.

Id. Right to counsel cited. Id., 162. Ineffective assistance of counsel cited. Id., 387. Deprivation of effective assistance of counsel cited. Id., 746. Cited. 45 CA 207. Right to counsel cited. Id. Claim of ineffective assistance of counsel cited. Id., 242. Right to counsel cited. Id., 261. Ineffective assistance of counsel cited. Id., 362. Right to be represented by counsel cited. Id., 390. Ineffective assistance of counsel cited. Id., 809. Self-representation cited. 46 CA 486. Ineffective assistance of counsel cited. Id. Right to compulsory process and effective assistance of counsel cited. Id., 545. Cited. Id., 640. Right to compulsory process cited; right to assistance of counsel cited. Id. Standard for determining claim of ineffective assistance of counsel discussed. 47 CA 499. That trial counsel failed to object on proper grounds to the admission of prison disciplinary reports does not constitute a failure to adequately represent client. Id., 539. Conflict of interest claim discussed. Id., 568. Burden of showing prejudice from ineffective assistance of counsel tested. 49 CA 819. Exclusion of an expert witness's testimony held not violative of defendant's compulsory process clause rights where defendant was permitted to present three other expert witnesses. 50 CA 159. Defendant's disagreement with counsel re jury trial not conflict of interest. Id., 521. Inculpatory statements by defendant held admissible where defendant was fully apprised of Miranda rights, was not coerced or under undue influence and, through his actions and words, waived right to remain silent. 53 CA 507. On claim of ineffective assistance of counsel after entry of guilty plea, held not to be reversible error for trial court to disallow new counsel since defendant could not establish factual basis for ineffectiveness of prior counsel. 55 CA 95. Trial court's canvass of defendant found to be insufficient to satisfy requirement for knowing and intelligent waiver of right to counsel. Id., 185. Proper forum in which to address claims of ineffective assistance of counsel is in habeas corpus proceeding or in petition for a new trial, rather than on direct appeal. 57 CA 91. Standard for determining claim of ineffective assistance of counsel discussed. Id., 248. Court's grant of motion to quash defendant's subpoena of certain business records did not violate sixth amendment rights. 58 CA 203. Defendant's rights were not violated when witness invoked fifth amendment right against self incrimination because defendant was not prevented from presenting evidence supporting his claims. Id. Defendant not deprived of right to effective assistance of counsel when court refused to allow defense counsel to make any reference in final argument to a third case that state chose not to prosecute. 59 CA 112. Defendant's right to compulsory process not violated when trial court excluded on the basis of hearsay admission into evidence of a store receipt that was offered to bolster credibility of a witness. Id., 406. Assistance of counsel found not to be ineffective where (1) petitioner claimed after trial that counsel failed to assert mental health defense since at trial petitioner pleaded not guilty and (2) petitioner claimed codefendants' changed stories could have exonerated her and counsel failed to interview them since they were represented by other counsel who refused to allow codefendants to be re-questioned. 60 CA 313. Defendant has no right to present evidence that is not admissible according to rules of evidence and it is trial court's function to make evidentiary determinations. Id., 398. 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. Petitioner could not prevail on his claim that counsel was ineffective because she allegedly failed to investigate three witnesses to the murder concerning alleged inconsistencies in their statements and the possible bias of state's key witness because, despite minor discrepancies between the statements of the three witnesses, those of two of the witnesses corroborated that of state's key witness, and petitioner presented no evidence to show that counsel would have changed her plea recommendation had she investigated the accuracy of the key witness' statement. 62 CA 68. Petitioner could not prevail on his claim of ineffective counsel because, despite counsel's failure to file a motion to suppress his confession to the police, petitioner failed to show prejudice because he failed to present evidence that the confession would have been suppressed or that the outcome would have been different in light of the fact that one witness had named him as the perpetrator and two others had placed him at the scene of the murder. Id. Trial counsel's failure to investigate whether the nature of the substance seized from the petitioner was cocaine and to advise petitioner not to sign a stipulation admitting that the seized substances were, in fact, cocaine did not amount to ineffective assistance of counsel where trial court explained the consequences of the stipulation to the petitioner and then questioned petitioner about whether he understood the consequences. Id., 170. Appellate court rejected petitioner's argument that trial counsel rendered ineffective assistance by offering evidence of petitioner's 1985 conviction for possession of marijuana, a prior narcotics investigation and petitioner's ownership of a Porsche where trial counsel preemptively offered the evidence as a way of thwarting any such attempt by the prosecution. Id. Multiple claims of ineffective counsel dismissed. Id., 429. In order to establish a 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 an ineffective assistance of counsel claim, petitioner must show that counsel's performance was deficient and that the deficient performance prejudiced the defense. 63 CA 297. Being shackled did not interfere with defendant's right to self-representation since defendant had not shown that the 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 declined to hold that standby counsel was required to perform legal research for him. Id. Because trial court properly satisfied its affirmative obligation to explore 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. Failure of defense counsel to investigate defenses of intoxication, self defense, extreme emotional disturbance and third party culpability not violative of right to effective legal counsel. 65 CA 234. Although defense counsel acted illegally in unrelated matters, court did not view such conduct as impairing his ability to represent the petitioner effectively. 66 CA 179. In habeas corpus appeal, petitioner can not prevail on claim that failure of petitioner's appellate counsel to file petition for certification constitutes ineffective assistance of counsel because petitioner did not offer any evidence that case presented issues worthy of certification. Id., 598. Court's omission of the word "cocaine" from jury instructions did not deprive defendant of his right to present a defense where testimony concerning defendant's cocaine use bore no relevance to his capacity to form the specific intent necessary to commit the crimes. 67 CA 194. Petitioner was not deprived of effective assistance of appellate counsel when his attorney failed to file a petition for certification with Connecticut Supreme Court. Id., 428. Trial court abused its discretion in denying

defendant's motion to vacate and to withdraw his guilty plea; defendant was denied due process of law by ineffective assistance of counsel because his trial attorney did not inform him of his statutory right to enter a plea of nolo contendere in order to preserve his right to appeal and because his guilty plea was involuntarily and unknowingly entered. *Id.*, 708. Neither attorney's performance violated petitioner's constitutional right to effective assistance of counsel; trial counsel did not conduct an inadequate investigation of the case. *Id.*, 716. Constitution does not require that defendant be permitted to present every piece of evidence he wishes, and thus defendant's right to present a defense was not violated by exclusion of legally irrelevant evidence. 68 CA 19. Trial court has a duty to inquire with respect to a conflict of interest when there has been a timely objection at trial or when it knows or reasonably should know that a particular conflict exists. *Id.*, 31. Defendant in probation revocation hearing must take affirmative action to invoke his right to testify on his own behalf. Right to assistance of counsel was not violated when court failed to canvass parties about whether they wanted to make closing arguments. *Id.*, 40. 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. Admission of testimony on collateral matters did not violate defendant's right to counsel. *Id.*, 405. Despite trial court's refusal to allow a certain witness to testify because a sequestration order was violated, defendant's right to present his own witnesses was not deprived because similar testimony could be gained from other sources. *Id.*, 815. Defendant's right to present a defense was denied where, in a case of self-defense, eyewitness testimony of prior violent acts perpetrated on defendant by the victim were excluded where such evidence may have shown defendant's state of mind at the time of the killing. *Id.*, 828. Defendant's ineffective assistance of counsel claim rejected upon finding that deficiencies in petitioner's representation did not contribute so significantly to petitioner's conviction as to have deprived him of a fair trial. 70 CA 452. Defendant's claim that trial court improperly denied his handwritten request to dismiss his attorney denied on the grounds that defendant failed to provide legitimate or specific reasons to grant his motion; general comments regarding his view of the representation held insufficient. *Id.*, 515. Decision of petitioner's attorney concerning an extreme emotional disturbance defense was not deficient and fell within the realm of a reasonably competent criminal defense attorney's trial strategy; thus, petitioner failed to establish the claim of ineffective assistance of counsel. 72 CA 1. 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. 74 CA 489. Trial court did not abuse its discretion when it found defendant was not deprived of effective assistance of counsel in deciding to plead guilty; during plea hearing, defendant testified that his attorney did not threaten or intimidate him into pleading guilty and his attorney's actions did not fall below an objective standard of reasonableness. *Id.*, 527. Defendant who was denied access to department's investigation file concerning a juvenile, after court completed an in camera inspection, was not improperly denied access to evidence because such juvenile records enjoy a qualified privilege from disclosure and defendant did not lay a proper foundation to indicate that he was precluded from calling department's worker as a witness. 75 CA 201. Defendant who was denied access to department's records concerning a juvenile was not improperly denied access to evidence because defendant failed to make requisite showing of entitlement to records and had ample opportunity to cross-examine witnesses. *Id.*, 364. 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. 78 CA 610. An arrest, whether or not accompanied by warrant, does not mark the start of adversarial judicial proceedings and therefore defendant's right to counsel did not attach at the time of his arrest by warrant. 83 CA 28. Defendant could not prevail on claim that trial court denied him his sixth amendment right to effective assistance of counsel by failing to undertake an adequate inquiry into his complaints regarding his counsel's representation of him; the nature and timing of defendant's complaints did not require a sua sponte inquiry by court into the effectiveness of his counsel, court already had reviewed defendant's previous complaints against counsel and had refused to dismiss his counsel prior to trial, an outburst during jury deliberation as to trial strategy and defendant's post-trial filing of grievance against his counsel prior to sentencing does not trigger need for court to inquire into the quality of defense counsel's representation when defendant was given a chance to formally object at sentencing but chose to remain silent, and defendant failed to show actual conflict of interest that adversely affected his counsel's performance and denied him fair trial. *Id.*, 90. Trial court's concern for the public perception of attorney's conduct was justified and supported attorney's disqualification under sixth amendment. *Id.*, 615. Court's decision to exclude testimony material to the misidentification defense asserted by defendant transgressed defendant's right to present a defense. 84 CA 610. Failure of counsel to request 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. 85 CA 544. Defendant's claim he was denied effective assistance of counsel in violation of sixth amendment rights, based on alleged conflict of interest of his counsel, was properly rejected by trial court where defendant's claim of conflict of interest raised a mere theoretical division of loyalties that was insufficient to impugn his criminal conviction. 87 CA 568. 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. 88 CA 599. Because trial court's sanction of precluding defendant from presenting testimony from an alibi witness for defendant's failure to comply with an applicable rule of practice governing notice of alibi defenses, where defendant did not disclose the alibi defense until four days prior to presentation of evidence at trial and almost six years after state had filed its demand for notice of alibi defense, was appropriate, imposition of sanction did not violate defendant's right to present a defense and defendant failed to demonstrate that court's decision to preclude the proffered alibi evidence was an abuse of discretion. 89 CA 221. 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 juror 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. *Id.*, 371. Habeas court's determination that petitioner could

not meet the prejudice prong enunciated in *Strickland v. Washington* on his claim of ineffective assistance of counsel during pleading phase of his criminal trial is not debatable among jurists of reason, that another court could not have resolved the issues in a different manner and it was uncontroverted that, if petitioner had gone to trial, he would have been exposed to a sentence of twelve years, four more than he received after entering guilty plea. Id., 387. Defendant could not prevail on claim he received ineffective assistance of counsel because his counsel was obligated to inform him of the certainty of deportation and not merely the possibility of deportation; effective assistance of counsel may be rendered without advising client whether deportation will result from a guilty plea; while sixth amendment assures accused of effective assistance of counsel in criminal prosecutions, this assurance does not extend to collateral aspects of prosecution, federal courts have consistently held that deportation is a collateral consequence and in Connecticut, immigration consequences are collateral consequences of guilty plea, therefore failure to advise client as to that collateral consequence does not constitute deficient assistance of counsel. Id., 395. Defendant could not prevail on claim that because his plea of guilty in this case resulted in commencement of deportation proceedings against him, which in turn resulted in a period of incarceration, he had at the time he entered such plea, a right to counsel; trial court properly determined that defendant did not have constitutional right to counsel where court imposed a one-hundred-dollar fine with no sentence of imprisonment, it was irrelevant that court could have sentenced him to a term of imprisonment, and defendant's claim that he had a right to counsel because his guilty plea resulted in commencement of deportation proceedings against him and incarceration, was unavailing in light of facts that trial court did not sentence defendant to a term of imprisonment, that there was no direct nexus between defendant's guilty plea and conviction and subsequent deportation proceedings that were instituted two years later, and that deportation proceedings concerned all four of defendant's convictions for being in possession of a controlled substance. Id., 427. Ineffective assistance of counsel claim rejected despite petitioner's one nonfrivolous ground for appeal due to lack of evidence in the record that petitioner was prejudiced by counsel's failure to advise him of the right to appeal or to file appeal on petitioner's behalf, and absence of rational basis on which counsel would have known that petitioner wanted to appeal from a judgment of acquittal. 90 CA 493. Habeas court properly determined that petitioner failed to prove he had received deficient representation during the underlying criminal proceedings; because there was nothing in the record, either from testimony of a state's witness at criminal trial or from another witness' testimony at habeas trial that suggested the testimonial capacity of such state's witness was impaired by a condition that was revealed in her medical records, and because the facts that such witness was uneducated and illiterate, did not speak English and was emotionally unstable at times were not sufficient to provide basis for in camera inspection of her psychiatric records, such court properly determined that petitioner's counsel was not deficient in failing to offer testimony of the other witness. 91 CA 484. Defendant not unconstitutionally deprived right to defend self pro se where motion was made after state rested its case and court found insufficient exceptional circumstances to grant motion. 93 CA 458; judgment reversed, see 293 C. 406. Trial court properly determined that habeas petitioner could not prevail on claim of ineffective assistance of counsel at his sentencing and before sentence review board, where petitioner's claim was that because he filed a writ of habeas corpus alleging ineffective assistance of counsel at trial, his counsel had a conflict of interest that prevented him from adequately representing petitioner at sentencing and before sentence review board. In a case of claimed conflict of interest, in order to establish violation of sixth amendment, petitioner must establish that counsel actively represented conflicting interests and that an actual conflict of interest adversely affected his lawyer's performance. Id., 755. Petitioner could not prevail on claim that his counsel provided ineffective assistance by continuing to represent him despite conflict of interest resulting from counsel's representation of both petitioner and another individual who was arrested in an unrelated matter and was a potential witness in petitioner's case; there was no actual conflict of interest in counsel's representation of both parties given that both individuals were not acquainted with each other, were not codefendants and there was no connection between the two incidents that led to charges against each individual. 94 CA 288. Trial court did not deprive defendant of right to present a defense when it refused to allow him to present testimony and prior sworn statement of victim's mother where defendant's objective was to get the statement before the jury with intent that it be used substantively to impeach victim's credibility. 95 CA 332; judgment affirmed, see 294 C. 753. Trial court did not violate defendant's right to present a defense when it excluded evidence regarding victim's alleged drug activity as irrelevant to issue before the jury. Id., 362. Defendant's right to counsel free from conflict of interest was violated when court held in camera inquiry re potential conflict without defendant present because such inquiry constituted a critical stage of the prosecution at which defendant had right to be present, and court's later in-court statement re inquiry which did not discuss contents of the inquiry did not correct the error. 98 CA 13. 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. Id., 389. Defendant's right to effective assistance of counsel was not violated when counsel did not independently interview witnesses or hire investigator to conduct factual investigation, research potential suppression issues and move to suppress petitioner's statements and evidence seized from search of home. Id., 497. Defendant's right to effective assistance of counsel was not violated when court failed to inquire adequately into claimed conflict of interest because no timely conflict objection was made and the circumstances before the court did not amount to evidence of a specific conflict sufficient to alert a reasonable trial judge that defendant's right to effective assistance of counsel was in jeopardy. 99 CA 203. Petitioner cannot prevail on claim of ineffective assistance of counsel where he failed to offer any credible testimony at habeas hearing that, at the time of the crimes and as a result of mental disease or defect, he was unable to appreciate wrongfulness of his acts or control his conduct within requirements of the law, and habeas court properly concluded that it was not reasonably probable that an insanity defense would have resulted in a different outcome at trial. 100 CA 283. Petitioner's counsel's performance was not deficient or ineffective for having advised petitioner, at various times during representation, that her deportation was a probability and not an absolute certainty as a result of her guilty plea. 101 CA 1. Right to make a closing argument is violated not only when defendant is completely denied an opportunity to argue before the court or jury after all evidence has been admitted, but also when defendant is deprived of the opportunity to raise a significant issue that is reasonably inferable from the facts in evidence. 104 CA 668. In denying defendant permission to make missing witness argument, court did not violate defendant's right to make a closing

argument since defendant failed to make any showing that state's decision not to call a person as a witness exposed a weakness in its case. *Id.* 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 proffer testimony where testimony concerned tendencies of third party to commit certain crimes because there was no proffered evidence of a connection between third party and actual crime committed against victim. 105 CA 743. In reviewing claims of ineffective assistance of appellate counsel, the proper focus in assessing the prejudice prong is the result of the trial, not the appeal. 107 CA 473. Habeas petitioner did not sustain burden of establishing that because of failure of his appellate counsel to raise sufficiency of evidence claim there is reasonable probability that he remains burdened by unreliable determination of his guilt. *Id.*, 539. Although trial court improperly excluded relevant evidence re third party's alleged motive to attack defendant, exclusion did not foreclose an entire defense theory and did not rise to the level of a constitutional violation. 110 CA 708. The sixth amendment right to present a defense is not at odds with the fifth amendment right against self-incrimination. 111 CA 538. In appeal from dismissal of second habeas petition alleging ineffective assistance of habeas counsel, defendant failed to prove that both trial and habeas counsel made errors so serious that counsel was not functioning as guaranteed under constitution and petitioner was so prejudiced by errors that, but for the errors, the result of the proceedings would have been different. *Id.*, 776. Defendant demonstrated he was prejudiced by first habeas counsel's failure to present an arson expert. 113 CA 378. Petitioner's claims that defense counsel was not sufficiently versed in details of charges, that petitioner was suffering from methadone withdrawal and his guilty pleas were not knowing, voluntary and intelligent, and that defense counsel provided ineffective assistance of counsel by allowing him to make such guilty pleas were not supported by evidence in the record. 115 CA 99. Ineffective assistance of counsel claim failed under the second prong of *Strickland v. Washington* because petitioner did not provide any indication that his attorney's allegedly deficient performance altered the outcome of his criminal trial or his direct appeal. 117 CA 737. Trial court's error of allowing state to make missing witness argument did not deprive defendant of fair trial. 118 CA 628. Defendant was not denied right to represent himself because he did not clearly and unequivocally request self-representation but instead requested removal of counsel to either allow defendant to proceed pro se or allow appointment of special public defender. *Id.* Defendant had no constitutional right to counsel when asked to submit to a breath test, and evidence of defendant's refusal to submit to test was properly admitted despite defendant's request to speak to counsel at time of proposed breath test. *Id.*, 654. Trial court applied proper factors in denying defendant's request to represent herself after commencement of trial. 119 CA 483. Defendant not deprived of right to counsel where his counsel but not defendant participated in an in-chambers hearing concerning possible juror partiality. *Id.*, 660. Petitioner was deprived effective assistance of counsel when counsel failed to advise petitioner to accept plea offer and petitioner was prejudiced by such failure, and proper remedy was to allow petitioner the opportunity to accept initial plea offer. 120 CA 560. Counsel properly handled alternate offers by state by discussing with his client the consequences of each offer while leaving the ultimate choice to client. 121 CA 85. Court's order requiring defendant to file pro se motion to withdraw his guilty plea after his initial counsel's appearance was withdrawn but prior to the appointment of substitute counsel is not structural error and not an error that fundamentally infected the entire trial process. *Id.*, 767. Defendant had right to be represented by counsel at arraignment, and counsel's performance was deficient for failure to ask court to grant defendant presentence confinement credit. 122 CA 705; judgment affirmed, see 308 C. 463. Defendant's motions to dismiss counsel did not amount to a clear and unequivocal request for self-representation. *Id.*, 729. 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. Habeas court reasonably found that representation of petitioner was ineffective because attorney failed to investigate lead adequately. 125 CA 97; judgment affirmed, see 306 C. 664. Court not required to review or order state's attorney to inform department records subpoenaed by defendant because defendant did not make a preliminary showing that they contained exculpatory information; defendant was properly prohibited from questioning victims about their sexual histories. 126 CA 437. Petitioner suffered prejudice as a result of his counsel's deficient performance because, but for counsel's deficient performance, petitioner would have accepted a plea offer and by rejecting that offer, petitioner ultimately received a greater term of incarceration. 127 CA 480; judgment reversed, see 310 C. 606. U.S. Court of Appeals has recognized two "per se" denials of right to effective counsel: The attorney was not duly licensed to practice law because of a failure to ever meet substantive requirements to practice law, or the attorney was implicated in defendant's crimes; in this case, there was no evidence that counsel's diagnosis and treatment for brain tumor at time of jury selection required a mandatory inference that counsel was unable to discharge his duties. 128 CA 425. There is a strong presumption that the trial strategy employed by a criminal defendant's counsel is reasonable and is a result of the exercise of professional judgment. 130 CA 291. Court's order that defendant turn over defense counsels' edited, typed trial notes pertaining to testimony given on specified date in order to reconstruct missing trial transcript did not deprive defendant of right to effective assistance of counsel. 131 CA 733. 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. 132 CA 414. Defendant's claim that counsel should be replaced on basis of an abstract, unsubstantiated assertion that counsel could not be trusted was insufficient to warrant a finding of exceptional circumstances requiring a change in counsel. 133 CA 812. Defendant was deprived of effective assistance of counsel pertaining to Brady material violation because of the failure of counsel to pursue exculpatory evidence, which evidence could reasonably put the whole case in such a different light as to undermine confidence in the verdict. 138 CA 454; judgment affirmed, see 316 C. 225. Defendant was deprived of right to conflict-free representation because of meeting that defendant's counsel organized and attended with co-defendant in which co-defendant, with defendant present, said defendant was not involved in the underlying crime, thus resulting in a conflict between defense counsel's continuing to represent defendant and needing to testify. 143 CA 216. Trial counsel's failure to present expert testimony relating to a child victim's credibility in a criminal prosecution for sexual assault and risk of injury to a child constituted deficient representation. 144 CA 45; judgment reversed, see 319 C. 623. 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. When defendant clearly and unequivocally requested to “go pro-se”, the court was required to canvass him to determine whether he was knowingly and intelligently waiving his right to counsel; failure to canvass and denial of request is not harmless error and requires reversal of conviction. *Id.*, 617. Rule in *Padilla v. Kentucky* that counsel must inform client whether plea carries risk of deportation does not apply retroactively to conviction entered prior to 2010. 146 CA 370. Refusal of the trial court to authorize a subpoena of witness and the court’s refusal to permit defendant to explain his relationship with that person deprived defendant of his right to compulsory process and to present a meaningful defense. 155 CA 758. Trial court’s denial of continuance after it granted defendant’s request to represent himself rendered the latter meaningless by forcing defendant to proceed with assigned counsel, violating defendant’s right to self-representation. 156 CA 289. 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. Waiver of right to counsel was valid, despite improper canvass, which was harmless error. 164 CA 832; judgment affirmed, see 328 C. 558. Habeas court erred in denying the 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. Defense counsel’s decision to delay informing defendant of plea offer until after defendant testified prevented defendant from properly exercising constitutional right to plead guilty and was ineffective assistance of counsel and not reasonable trial strategy. 168 CA 439; judgment affirmed, see 329 C. 726. Trial court has no duty to canvass a defendant concerning his waiver of the right to counsel and his invocation of the right to self-representation until he clearly and unequivocally invokes his right to self-representation, nor is the trial court’s duty to canvass triggered whenever a defendant appears, at a critical stage of the proceeding unrepresented by counsel. 176 CA 202. The sixth amendment simply does not provide an inexorable right to representation by a criminal defendant’s preferred lawyer. There is no constitutional right to representation by a particular attorney. 182 CA 135.

Before enactment of Secs. 54-1b, 54-1c and 54-43, court did not have duty to advise defendant accused of misdemeanor of his right to obtain counsel defendant does not have constitutional right to compel state to engage counsel of his own choice; absent a showing of incompetency, bias or any other quality which would deny defendant effective assistance of counsel, there is no basis for replacing experienced counsel merely because defendant so requests. 26 CS 93. Absence of counsel at a bench warrant proceeding is not a denial of right to counsel. 28 CS 320. Cited. 36 CS 578. Right to assistance of counsel held not to include employment of persons as counsel lacking in training and qualifications established for practice of law. 37 CS 693. Cited. 38 CS 301; *Id.*, 581; 39 CS 347. Right to effective assistance of counsel cited. *Id.*, 273. Right to court appointed counsel where indigent defendant faces civil contempt proceedings to enforce child support orders applied in instant case. 40 CS 111. Right to counsel cited. *Id.* Gross misadvice by counsel cited. *Id.*, 238. Right to adequate and effective counsel cited. *Id.* Cited. *Id.*, 512. Right to counsel cited. *Id.* Constitutional right to counsel cited. 42 CS 371. Right to counsel cited. *Id.*, 574. 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.

Constitutional right to counsel has not been limited to a single attorney. 3 Conn. Cir. Ct. 104, 105. Where defendant was allowed to telephone his lawyer upon completion of routine investigatory police procedures, his constitutional right to counsel was satisfied. *Id.*, 473–475. When crime concerned is a misdemeanor and case is such that defendant must prove 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 court fails to appoint counsel. *Id.*, 624, 636.

ARTICLE [VII.]*

*Proposed September 25, 1789. Ratification consummated December 15, 1791. Ratified by this state, April 19, 1939.

Applies only to United States courts. 12 C. 243; 91 C. 442. Cited. 170 C. 367. Sec. 51-217 implements right to trial by jury and does not unconstitutionally encroach upon judicial power. 180 C. 382. Cited. 181 C. 225. Right to jury trial discussed. 191 C. 201. Cited. *Id.*, 276; 192 C. 48; 205 C. 178; 211 C. 370. Right to trial by jury cited. 217 C. 1. Cited. *Id.*, 532. Right to trial by jury cited. *Id.* Cited. 221 C. 346; 227 C. 175; 230 C. 148. Prelitigation contractual waiver of right to jury trial recognized. 246 C. 1.

Guaranty of right to jury trial in civil cases applies only in federal courts. 4 CA 592. Cited. 8 CA 642; 22 CA 131. Jury instruction re reasonable doubt and presumption of innocence did not amount to a constitutional violation. 55 CA 469.

Cited. 37 CS 693.

(Right of trial by jury.)

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved,¹ and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

¹Right to trial by jury—federal, cited. 46 CA 432. Right to jury trial under this amendment applies only to actions in federal court and does not apply to state court proceedings. 76 CA 24. Prosecutor’s premature offer of support for his objection did not prejudice defendant. 78 CA 64.

ARTICLE [VIII.]*

*Proposed September 25, 1789. Ratification consummated December 15, 1791. Ratified by this state, April 19, 1939.

Not restrictive of commitment under state statute for failure to testify. 110 C. 500. Penalty of fifty dollars for each overcharge under Price Control Act is not an excessive fine. 131 C. 132; 132 C. 64. Where defendants claim imposition of consecutive life sentences constitutes cruel and unusual punishment, held since such sentences were imposed in conformance with statute, and constitutionality of statute was not challenged, punishment cannot be held to be cruel and unusual as a matter of law. 152 C. 603. Sentence which is within statutory limits is not, as a matter of law, cruel and unusual punishment. 157 C. 114. Death penalty does not constitute cruel and unusual punishment. 158 C. 341. Sec. 19-480a on its face does not violate the prohibition against cruel and unusual punishment. 167 C. 328. Cited. 178 C. 145. Cruel and unusual punishment cited. 187 C. 324. Cited. 188 C. 671; 192 C. 48; 196 C. 655. Cruel and unusual punishment cited. Id. Cited. 197 C. 67. Cruel and unusual punishment cited. Id. Cited. Id., 337. Cruel and unusual punishment cited. Id. Cited. 198 C. 92; 199 C. 163. Invalidation of previous death penalty statute as violative of federal constitution; *Furman v. Georgia*, 408 U.S. 238, cited. Id. Cited. 200 C. 268. Violative of rights against cruel and unusual punishment cited. Id. Cited. Id., 453. When two or more persons are victims of a single episode there are as many offenses as there are victims. 202 C. 629. Double jeopardy clause cited. Id. Cited. 204 C. 377; 207 C. 374; 212 C. 258; Id., 415; 213 C. 548; 214 C. 378; 223 C. 786; 224 C. 168; 226 C. 314; 229 C. 397; 230 C. 183. Cruel and unusual punishment cited. Id. Cited. 234 C. 735; 235 C. 206. Challenge to capital sentencing scheme under federal constitution cited. Id. Cited. 235 C. 614; 238 C. 389. Constitutional requirements for a moral and individualized decision cited. Id. Unitary sentencing under Sec. 53a-46 is not void for vagueness. 251 C. 285. Lethal injection does not offend the cruel and unusual punishment prohibition. 252 C. 128. Eighth amendment does not preclude using accessorial liability to prove an aggravating factor in penalty phase of a capital trial when defendant was a major participant in the crime and evidenced reckless disregard for human life. 271 C. 338. Procedures utilized by trial court in accepting jury's corrected verdict satisfied eighth amendment's requirement of heightened reliability in capital cases. 272 C. 106. Inasmuch as a capital felony defendant may offer any mitigating evidence during the capital sentencing hearing, it is not violation of eighth amendment to deny defendant opportunity to make an allocution to his capital sentencing jury. Id. When sovereign immunity is claimed as defense under Civil Rights Act of 1871, 42 USC 1983, where plaintiff is seeking damages against a defendant acting in official state capacity, federal sovereign immunity jurisdiction preempts state sovereign immunity. 281 C. 128. Failure to order examination of back of incarcerated petitioner by neurologist or neurosurgeon not a violation since evidence suggests that examination might be useful or beneficial which is a matter of medical judgment. 288 C. 326. Sentence of life imprisonment where offender was under eighteen at the time the offense was committed does not constitute cruel and unusual punishment. 289 C. 550. Trial court properly determined that imposition of a mandatory minimum sentence of not less than twenty-five years imprisonment, as prescribed in Sec. 53a-35a(2), was not cruel and unusual punishment for a fifteen-year-old convicted of murder. 290 C. 209. 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. 303 C. 71. Defendant's claim that his death sentence was imposed arbitrarily and capriciously because there are no uniform standards guiding prosecutors' decisions to seek the death penalty is contradicted by overwhelming authority and is rejected. Id. In camera review is sufficient to protect capital felony defendant's right to use statutorily privileged records to establish his case in mitigation; Sec. 53a-46a(d) constitutionally may require that defendant prove, by a preponderance of the evidence, that the mitigating evidence is mitigating in light of the facts and circumstances of the case. 305 C. 101; death penalty unconstitutional on other grounds, see 318 C. 1. *Miller v. Alabama*, 132 S. Ct. 2455, indicates that a lesser sentence than life without parole must be available for a juvenile offender, and, if a sentencing scheme permits the imposition of the equivalent of a life sentence without parole as punishment for a juvenile offender, the trial court must consider the offender's chronological age and its hallmark features as mitigating against such a sentence. 315 C. 637. 10 and 5 year mandatory minimum sentences for a 14 year old offender did not violate the principle of proportionality in *Miller* because the mandatory minimum requirements, while limiting the court's discretion to some degree, still left the court with broad discretion to fashion an appropriate sentence that accounted for defendant's youth and immaturity when he committed the crimes. Id., 734. Holding in *Miller v. Alabama*, 132 S. Ct. 2455, applies retroactively to cases on collateral review; life sentence for a juvenile includes a sentence of 50 years or more. 317 C. 52.

Cited. 34 CA 557. Unusual punishment cited. Id. Cited. 39 CA 674. Cruel and unusual punishment cited. Id; 40 CA 643. Cited. 41 CA 255. Protection against cruel and unusual punishment cited. Id. Cited. Id., 779. Forfeiture of vehicle constituting excessive fine violating amendment cited. Id. Conditions of petitioner's confinement, including failure to have a housing classification system that separated violent and nonviolent prisoners, as well as confining two inmates in a single cell (double celling), did not constitute cruel and unusual punishment. 75 CA 133. *Miller v. Alabama*, 132 S. Ct. 2455, does not provide that life without parole sentences are constitutionally impermissible for juvenile homicide offenders, but does require sentencer to follow a certain process, considering an offender's youth and attendant characteristics, before imposing such sentence, and juvenile defendant in present case was properly subject to an individualized sentencing process that considered many of the factors discussed in *Miller*, unlike the statutory mandatory minimum sentence at issue in *Miller*. 140 CA 1; judgment reversed, see 315 C. 637. 31 year sentence for offenses committed at age of 17 did not constitute cruel and unusual punishment because defendant would be released before age of 50 and sentence was not the functional equivalent of life imprisonment without the possibility of parole, therefore the sentencing court did not have to apply factors under *Miller v. Alabama*, 132 S. Ct. 2455. 160 CA 282. Defendant's rights not violated because he will be entitled to a parole hearing that provides juvenile offenders facing life without parole or its functional equivalent with a constitutionally adequate, pragmatic, and fair opportunity to gain consideration of the mitigating factors of their

youth. 167 CA 744. The habeas court would now be obligated to deny relief pursuant to *Logan*, 160 CA 282, regardless of whether petitioner had met his burden of going forward with the presentation of evidence because his thirty-year sentence as a juvenile is not functionally equivalent to a life sentence. 168 CA 130. An offender who has reached the age of 18 is not considered a juvenile for sentencing procedures and constitutional protection articulated in *Miller*. 173 CA 559.

Fact that crime of drug addiction is constitutionally proscribed by decision in *Robinson v. California*, 370 U.S. 660, does not prevent states from enacting other penal statutes to control drugs. 28 CS 153.

(Excessive bail, fine or punishments.)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE [IX.]*

*Proposed September 25, 1789. Ratification consummated December 15, 1791. Ratified by this state, April 19, 1939.

Cited. 189 C. 276; 192 C. 48. Not violated by termination of emergency housing program; constitutional right to family unity cited; violation of constitutional rights cited. 214 C. 256. Federal 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. Cited. 233 C. 557.

Cited. 5 CA 649; 18 CA. 316.

Cited. 37 CS 515. Right to privacy arises from penumbras of specific guarantees in the first, third, fourth, fifth and ninth amendments. 40 CS 127. Constitutional right of privacy cited. *Id.*, 394. Cited. *Id.*, 420; 42 CS 562. Right to privacy cited. *Id.*

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 violate the defendant's right of privacy. (The right of privacy found by the Supreme Court in *Griswold v. Connecticut*, 381 U.S. 479, to run concurrently with the 1st, 3rd, 4th, 5th and 9th amendments.) 3 Conn. Cir. Ct. 538, 545, 546.

(Rights retained by the people.)

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE [X.]*

*Proposed September 25, 1789. Ratification consummated December 15, 1791. Ratified by this state, April 19, 1939.

Cited. 192 C. 48.

(Powers not delegated to the United States.)

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE [XI.]*

*Proposed March 4, 1794. Ratification consummated January 8, 1798. Ratified by this state, May 15, 1794.

Cited. 116 C. 123; 189 C. 29; 192 C. 539; 204 C. 38; 211 C. 464; 212 C. 415. Railroad Revitalization and Regulatory Reform Act of 1976 permits only prospective relief, and because the act constitutes congressional interference with state tax authority in derogation of the doctrine of sovereign immunity and requires a narrow reading, federal and state courts are prohibited from expanding reach of act beyond that clearly provided for by Congress. 301 C. 268.

Failure by correctional officers to return inmate to prior status following negative drug testing results did not fit within narrow exceptions to sovereign immunity prohibition against due process claims for monetary damages against state defendants acting in their official capacities. 181 CA 637.

Cited. 43 CS 91.

(Suits against a State by an individual.)

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

ARTICLE [XII.]*

*Proposed December 12, 1803. Ratification consummated September 25, 1804. Never ratified by this state.

(Manner of choosing President and Vice President.)

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.— The person having the greatest number of votes as Vice-President shall be Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.*

*Proposed February 1, 1865. Ratification consummated December 18, 1865. Ratified by this state, May 5, 1865.

A city ordinance requiring every physician to report infectious diseases under his care, and providing a penalty, does not violate amendment. 56 C. 225. Cited. 188 C. 385; 233 C. 557.

(Slavery abolished.)

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

(Enforcement of article XIII., by Congress.)

Section 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.*

*Proposed June 16, 1866. Ratification consummated July 28, 1868. Ratified by this state, June 30, 1866.

Scope of amendment. 73 C. 269; does not affect power of state court over jury trials. 91 C. 442. Covers substantially same ground as Secs. 1 to 11 of Art. I of the Connecticut Constitution. 104 C. 195. Revocation of license to practice medicine without notice held not unconstitutional. 103 C. 65; 108 C. 78. Cited. 157 C. 179. Provisions of the zoning ordinance of Stamford provide for ample public hearings and afford constitutional protections. 159 C. 1. Defendant's incriminating statement made voluntarily as conversation, when he knew his rights to counsel, etc., was admissible evidence. Id., 31. Due process does not require a hearing necessity and legality of taking of plaintiff's property by Stamford Redevelopment Agency. Id., 116. Trial judge may admit evidence of subsequent criminal attacks by the defendants on the victims of the assault with which they have been charged as admission by conduct. Id., 169. Since the authorization in the warrant to seize "paraphernalia" made the warrant, to that extent, a general warrant, it was illegal and did not meet the constitutional requirement that a search warrant particularly describe the things to be seized. 160 C. 28. Cited. 165 C. 190. That jury learned incidentally in hearing relevant evidence that defendant invoked his constitutional right to remain silent, is not a violation of this amendment. 167 C. 408. Defendant has the initial burden of proving that photographic identification of defendant violated his rights under due process clause of fourteenth amendment to the United States Constitution. 168 C. 230. In-court identification of a defendant is inadmissible under a theory of due process of law only if "tainted" by an unlawful pretrial identification. Id. Due process does not require that a defendant represented by counsel and convicted upon a plea of guilty as distinguished from a defendant convicted after a trial, be notified of a right to appeal. Id., 254. Cited. 169 C. 517; Id., 692; 170 C. 155; Id., 367; 171 C. 12. Double jeopardy clause generally does not bar prosecution and sentencing of defendant for both conspiracy to commit offense and offense itself; Wharton's rule currently valid only as presumption of legislative intent. Id., 105. Cited. Id., 586, 592. On-street identification of defendant did not give rise to due process violation since confrontation was spontaneous. Id., 644. Confrontation clause of sixth amendment made obligatory on states by fourteenth amendment. 172 C. 593. Cited. 173 C. 506. Amendment does not automatically interdict all restrictions on ability to become candidate. 175 C. 586. Cited. Id., 614; 193 C. 414. Rights, privileges and immunities secured by fifth and fourteenth amendments cited. Id. Cited. 203 C. 14; 209 C. 219; 233 C. 557. Right to travel cited. Id. Appellate decision reversed; despite defendant's initial invocation of his right to counsel, defendant later initiated the discussion with authorities that led to his confession and thus waived his right to counsel. 245 C. 700. Possibility alleged taking might be temporary because of favorable resolution of administrative appeal does not preclude inverse condemnation action. 247 C. 196. Right to have and raise children cited re employee's protected speech re employee's speech criticizing employer's family leave policy. 249 C. 766. Parent whose parental rights were terminated cannot use habeas corpus to collaterally attack judgment since it would interfere with the state's vital interest in expediting termination proceedings. 255 C. 208. Reiterated previous holding that prosecutorial misconduct bars retrial when not designed to provoke defendant into moving for mistrial and not intended to harass or prejudice defendant. 262 C. 167. 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. 271 C. 740. Public defender's office not entitled to evidentiary hearing at which it may attempt to establish incompetence of defendant to waive further legal challenges to a sentence of death and its standing to appear as defendant's next friend, where public defender's office has not presented any meaningful evidence that defendant is incompetent. 272 C. 577. Admission of witnesses' testimony concerning victim's statements did not violate confrontation clause of sixth amendment as applied to states through fourteenth amendment because the testimony fell under state-of-mind exception to hearsay rule. 275 C. 205. 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 or rotting food or garbage. 279 C. 678. 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. Due process not violated where same judge conducted probable cause hearing and issued arrest and search warrants because no actual bias shown. Id., 572. Offense of carrying a dangerous weapon under Secs. 53-206 and 53a-3 is not constitutionally overbroad. 287 C. 237. Failure to hold evidentiary hearing prior to

imposition of sexual offender registration under Sec. 54-254(a) not violative of amendment where parties in disagreement about relevant facts and defendant did not assert a violation of the statute or challenge finding that the felony had been committed for a sexual purpose. 288 C. 582.

Defendants who are parties as individuals cannot assert the due process claims of their partnership. 51 CA 790. 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.*, 798. Defendant failed to demonstrate that a constitutional violation clearly existed and clearly deprived him of a fair trial. 52 CA 466. Police request that defendant submit to a sobriety test was necessary to a legitimate police procedure and resulting incriminating statements made by defendant were admissible under *Miranda*. *Id.*, 475. Trial court's failure to appoint counsel to oppose competency proceedings was harmless beyond a reasonable doubt; procedural due process re competency hearings cited. 54 CA 361. Defendant could not meet third condition of the *Golding* test in his objection to jury charge because it was not reasonably possible that the jury was misled. 55 CA 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. Jury instruction re reasonable doubt and presumption of innocence did not amount to a constitutional violation. *Id.*, 469. 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. 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. Statements made by prosecutor in closing argument violated fourteenth amendment. 69 CA 299. Sentencing scheme for sexual assault in first degree, Sec. 53a-70(a)(2), where victim is younger than ten years of age, does not violate fourteenth amendment because mandatory minimum sentence of ten years is five years more than mandatory minimum sentence for aggravated sexual assault in violation of Sec. 53a-70a(b), where victim is also under ten years of age. 75 CA 103. Where medical hearing panel in hearing re revocation of physician's license did not include a physician, due process rights not violated. 85 CA 854. Habeas court did not abuse its discretion in denying petitioner's application for certification to appeal. There were no grounds for dual motivation challenge or reason for court to perform such an analysis. 87 CA 490. Kidnapping in the first degree statute (Sec. 53a-92(a)) was unconstitutionally vague as applied to facts of defendant's case. 91 CA 47. Trial court did not improperly exclude proffered evidence re defendant's claim of intoxication at time of murder. *Id.*, 169. Habeas court properly found petitioner was not denied effective assistance of counsel. 92 CA 534. Condition of petitioner's parole that his release not be "incompatible with the welfare of society" was not unconstitutionally vague. 93 CA 95. Sec. 53a-223b(a)(1)(2) not unconstitutionally vague because a person of ordinary intelligence would have ample warning that terms "stay away from" and "contacts" prohibit distinct conduct. 97 CA 332. 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. Defendant's right to due process was not violated because his revocation of probation hearing and arrest warrant application provided sufficient notice of the specific incidents of the alleged violations of probation for failure to report. 108 CA 250. Defendant's right to due process was not violated because there was not an unreasonable pre-accusation delay in charging him with a violation of probation for failing to report as directed several years earlier. *Id.*

That part of Sec. 6-70 attempting to empower coroner with unlimited access to home of private citizen to secure evidence held violative of this amendment. 25 CS 153. Indigent convicted criminal has constitutional right to counsel in pursuing appeal to supreme court of errors. *Id.*, 207. Arrest for minor traffic violation did not justify search of car without warrant. If stolen goods were in plain sight, search might have been justified. *Id.*, 229. Cited. *Id.*, 465. Plaintiff in habeas corpus proceeding was, when sentenced on a narcotics charge, indigent and unaware of appeal procedure and its attendant time limitations. Failure to inform indigent defendant on conviction of his right to appeal, without expense to himself, was a violation of defendant's constitutional rights under the equal protection clause of the fourteenth amendment. 28 CS 464. Absence of counsel at a bench warrant proceeding is not a denial of due process. *Id.*, 319. Where affidavits and warrants correctly set forth defendant's middle and last name, date of birth, physical description and address, the arrest was valid. *Id.*, 325. Appointment by the judges of the superior court of the state's attorneys does not deny defendants of right to have their cause determined in an accusatorial proceeding. *Id.*, 366. The equal protection clause is not applicable to the election of an administrative body. Connecticut's minority representation statute Sec. 9-167a is not unconstitutional. *Id.*, 403. Provisions of New Haven's charter that police commissioners have a nonreviewable discretion in making appointments of supernumerary policemen not violation of due process. 31 CS 362. Cited. 34 CS 657. Exclusion of aliens from grand jury service under Sec. 54-45 does not violate defendant's rights since citizenship requirement bears rational relation to demands of jury service. 35 CS 98, 100. Sec. 12-565 is unconstitutional as a violation of a witness' right against self-incrimination since it fails to prohibit the use against the immunized witness of evidence derived from his compelled testimony. *Id.*, 105. Cited. *Id.*, 555. Municipal ordinance requiring residency of municipal employees does not violate amendment. 36 CS 18, 26. Defendant's pleas of *nolo contendere* not voluntarily or intelligently made since record did not show he understood the nature of the charges against him and that he was waiving certain constitutional rights. *Id.*, 168. Cited. *Id.*, 305; *Id.*, 352; 38 CS 331. Re a state tax on trust income, the domicile

of the testator trust settlor, the jurisdiction of the probate courts and the trust entity theory are sufficient connections to withstand a due process challenge. 45 CS 368.

Search of persons pursuant to Sec. 54-33b held reasonable. Only unreasonable searches are prohibited by fourth amendment. 5 Conn. Cir. Ct. 637. Nothing so vague or ambiguous about the language of Secs. 53-295 and 53-298 as to violate the fourteenth amendment and no evidence of an invasion of a substantive right as would constitute an overbreadth. 6 Conn. Cir. Ct. 170, 172, 173. 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. *Id.*, 73, 77. A detective, while on defendant's premises, answered the telephone and took some bets over it. To do so was not an unreasonable seizure in violation of defendant's rights under the fourth and fourteenth amendments. *Id.*, 170, 172, 177, 178.

(Citizenship defined. Privileges of citizens and persons.)

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.¹ No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;² nor shall any State deprive any person of life, liberty or property, without due process of law;³ nor deny to any person within its jurisdiction the equal protection of the laws.⁴

¹ A person born in the United States, whose father is an alien residing there, is a citizen of the United States and of the state where he is born. 54 C. 39, 45. Definition of "resident" in Sec. 12-505 is not void for vagueness under due process clause. 170 C. 567. Procedural due process challenge to validity of Sec. 51-84 cannot proceed in the abstract as due process is inherently fact-bound, flexible and calls for protections as the situation demands. 256 C. 628. In the absence of a showing that confidential file contained material evidence, defendant not entitled to in camera inspection of such file. *Id.*, 742. Where court's denial of continuance after conviction was not arbitrary and was based on sound decision to prevent retrial of issues underlying guilt, court did not abuse its discretion and defendant's right to due process was not violated. *Id.* Defendant's right of allocution not violated where court allowed defendant to speak after initially imposing sentence, then considered defendant's comments and demonstrated reasons for not altering the originally imposed sentence. *Id.*

Constitutionally guaranteed right to understand consequences of plea cited. 29 CA 773. Cited. 33 CA 242; 34 CA 395. Where defendant's request for jury instruction was an inaccurate statement of the applicable law and because the jury instructions, taken as a whole were correct in the law, it was held that the court properly refused to give the excluded portion of the defendant's requested charge. 75 CA 578.

² These differ from those of citizens of a state. And the latter are therefore, not protected against legislation by their own state, abridging their privileges. 38 C. 233. A statute authorizing the exclusion of unvaccinated children from school is valid. 65 C. 183. Right of a state to exact larger tax from nonresident stockholder of corporation than for a resident one. 70 C. 599; 73 C. 255. Provision does not apply to aliens. *Id.*, 600. Provision explained. 65 C. 489; 73 C. 273; 77 C. 422. Cited. 120 C. 574. State's right to appeal in criminal case is not unconstitutional. 122 C. 538. Bail for parolee awaiting parole revocation hearing is not a fundamental right since bail is not mandated by federal or state constitution, by statute or by common law. 170 C. 116. Cited. 175 C. 211; 186 C. 696. Although court may deny leniency to an accused who, like the defendant, elects to exercise a statutory or constitutional right, court may not penalize an accused for exercising such a right by increasing his or her sentence solely because of that election. 256 C. 494. When sovereign immunity is claimed as defense under Civil Rights Act of 1871, 42 USC 1983, where plaintiff is seeking damages against a defendant acting in official state capacity, federal sovereign immunity jurisdiction preempts state sovereign immunity. 281 C. 128. Commissioner of Correction's action to seek injunction to force-feed an inmate on a hunger strike, when medically necessary to avert permanent damage or death, did not violate inmate's constitutional right to privacy in being free from unwanted medical treatment because action was rationally related to legitimate penological interests. 303 C. 800.

Deprivation of privileges and immunities cited. 14 CA 487. Right to the integrity of the family is among the most fundamental rights guaranteed by fourteenth amendment. 56 CA 167.

³ The following laws held not to violate this provision; one constituting liquors a nuisance if intended to be sold illegally and providing that no action should be maintained for their possession; 49 C. 163; requiring physicians to report infectious diseases; 56 C. 225; apportioning the expense of abolishing grade crossings and limiting town's share to one-fourth; 58 C. 539; 151 U.S. 556; giving county commissioners discretion as to issuing liquor license to druggists; 61 C. 45; 159 U.S. 74; authorizing the exclusion from school of children not vaccinated; 65 C. 183; laws regulating or prohibiting the sale of liquor; 73 C. 232; 81 C. 534; licensing the collection of garbage, though part of it is of no value; 68 C. 112; regulating sale of milk; 91 C. 68; providing for the destruction of trees infected with peach yellows; 69 C. 124; compelling abutting landowner to build sidewalk; 83 C. 204; or keep it clear of snow; 76 C. 98; street railway to pave part of street; 203 U.S. 379; restricting right to practice law. 79 C. 55. Right to license ordinary business callings; milk dealers; 67 C. 550; in order to protect public health; 91 C. 70; to add new requirements applicable to license already issued; 159 U.S. 74; to regulate sale of merchandise to prevent fraud; 76 C. 521; 211 U.S. 489; to regulate the ownership and use of property generally; 79 C. 444; places of public accommodation; barbershop; *Id.*, 542; requiring theater owner to keep city firemen on guard; 87 C. 412; regulating the keeping of dogs; 79 C. 433; 105 C. 90; prohibiting amusements near fairgrounds; 77 C. 131; penalizing the keeping of a place of resort open on Sunday; 68 C. 379; prohibiting gambling or

transmitting money therefor; 70 C. 489; licensing itinerant vendors; 65 C. 484; 77 C. 326; but license law may be invalid by reason of conditions imposed. 211 U.S. 489. Police power defined; 65 C. 40; 81 C. 534; nature and scope in general; 73 C. 18; 75 C. 343; *Id.*, 451; 76 C. 102; 77 C. 134; *Id.*, 326; 78 C. 266; 79 C. 439; as related to interstate commerce; 70 C. 489; 82 C. 352; legislature may regulate any business harmful to the public or liable to create a nuisance; 65 C. 484; 68 C. 113; function of courts; 73 C. 18; 79 C. 447; 86 C. 141; all property is held subject to police power; 83 C. 204; 86 C. 561; 95 C. 328, 366; 101 C. 156; 104 C. 199; widespread fear of disease as basis for restriction; 69 C. 124; business dangerous to public morals may properly be restricted by large license fee; 81 C. 538; protection of health proper end; laws to be liberally construed; 86 C. 677; damage caused in exercise of police power not recoverable. 86 C. 561. Power of state over grade crossings. 58 C. 539; 65 C. 430; 68 C. 158; 69 C. 253; 70 C. 316; 72 C. 284; *Id.*, 488; 77 C. 494; 80 C. 54; 86 C. 561; 151 U.S. 556; over railroads in general; 151 U.S. 571; over establishment and use of highways. 65 C. 432; 75 C. 451. Compelling bureaus conducted by employers to give information as to employees to open records to commissioner of labor. 86 C. 141. Power of legislature to declare a nuisance and provide for summary abatement; 69 C. 124; to require notice of sale of retail business; 79 C. 434; 211 U.S. 489; to provide for seizure of fishing implements illegally used. 90 C. 584. A final judgment of a court is property. 83 C. 353. Due process of law explained; 65 C. 37; 70 C. 253; 72 C. 527; 77 C. 422; 79 C. 47; 81 C. 537; 107 C. 457; requires notice and hearings; 67 C. 103; 84 C. 650; 103 C. 65; 108 C. 78; but does not include right of appeal; 76 C. 540; and want of notice may be waived by appearance. 86 C. 673. Membership in legislature as notice to town of law affecting it. 170 U.S. 311. Summary process for abatement of nuisance may constitute due process. 69 C. 138. One who has been heard by duly constituted court has had due process of law. 49 C. 166; 178 U.S. 321. Statute declaring that conviction of liquor dealer for crime forfeits bond does not deprive him of rights; 55 C. 30; nor does one permitting grand jurors to commit witnesses refusing to testify. 65 C. 17. Legislature may create highway district of several towns. 170 U.S. 309. Statute providing pension for civil war veterans held invalid. 85 C. 349. Limits of right of personal liberty; temporary restraint of insane person pending commitment proceedings. 70 C. 253. This amendment permits impeachment of foreign judgment for want of notice, even against the record. 72 C. 528. There is no vested right in a forfeiture recoverable in a *qui tam* action. 78 C. 423. Law penalizing the keeping of a house "reputed" to be one of ill-fame upheld. 82 C. 112; 83 C. 56; *Id.*, 551. Law creating town plan commission upheld. 95 C. 362 ff. But board must have some guide for its rulings. *Id.*, 328. When contracts fixing rates between municipality and public utility company can be modified under police power. 101 C. 156, 159; 106 C. 571. Creation of separate taxing district within city upheld. 104 C. 200. State of decedent's domicile may not tax tangible personal property located in another state. 105 C. 205. Law permitting state to appeal in a criminal case. 106 C. 115. Law authorizing tax collectors to depute an officer to serve a tax warrant. *Id.*, 230. Does not prevent double taxation of intangible property. *Id.*, 534. Litigant must be given opportunity to present all relevant and competent evidence within issues of pleadings. 107 C. 457. Refusal to try issues of fact raised in plea to jurisdiction after demurrer thereto sustained held not a denial of due process. *Id.*, 560. Prohibits validation of void assessment; limitations on power of validation stated. *Id.*, 705.

Does not prevent state from regulating and restricting use of property without making compensation to owner if done under a proper exercise of the police power; what is a proper exercise of police power; town plan commission act held valid. 95 C. 362, 366, 369; *Id.*, 328. But regulatory board must have some standards prescribed for it. *Id.*, 328. Under police power rates fixed by contract between public service company and its customers may be modified. 101 C. 156; 106 C. 571. Limitations on right to modify rates made by contract between public service corporation and municipal corporation stated. 101 C. 159; 106 C. 571. Legislature has power to make part of a city a separate taxing district even though some of land in such district receives no direct benefit; meaning of due process. 104 C. 199, 200. This amendment covers same ground as Secs. 1 to 11 of Art. I of the Connecticut Constitution. *Id.*, 195. So-called "guest statute" held constitutional as valid exercise of police power. 108 C. 376. Legislature may establish arbitrary standard of conduct for operation of motor vehicle under police power. *Id.*, 211. Statute making person renting automobile liable for acts of operator to whom car is rented held a valid exercise of police power. *Id.*, 337. Driving recklessly, so as to endanger the property or person of another, and under the influence of liquor, are distinct offenses; no merger; test of merger given. *Id.*, 214. Building restriction covenant is an easement; cannot be taken under eminent domain without compensation. *Id.*, 367.

Zoning legislation is legitimate exercise of police power when it has rational relation to health, safety, welfare and prosperity of community. 110 C. 92; *Id.*, 130. Rezoning affecting a single property denied. 123 C. 275. Statute authorizing summary commitment by justice for refusal to testify in investigation is valid. 110 C. 490–500. Cited. 111 C. 74; *Id.*, 646. Succession tax on exercise by resident decedent of power of appointment under will of nonresident held to tax property beyond the state's jurisdiction. 111 C. 594; but see 315 U.S. 657. Right to have workmen's compensation determined by act in effect at time of injury is vested right. 112 C. 130, 142. Constitutionality of action in rem for forfeiture of property used in violation of law. *Id.*, 180; *Id.*, 621. Motor vehicle junk yard is subject to police power; but provisions of act relating to certificate of approval and determination of violation exceed constitutional limitations. 116 C. 458. Succession tax on inter vivos transfers reserving life estate in settlors sustained. 114 C. 220. Is validly applicable to inter vivos trust made before tax statute was adopted, if rights of remainderman did not vest. 118 C. 233–243. Subjecting parcels of mortgaged property to strict foreclosure in inverse order of their conveyance until their value satisfies the debt does not impair mortgagee's rights. 121 C. 219. Tenement house act does not involve distinctions transgressing this amendment. *Id.*, 460. Statute permitting public utilities commission to decide question of financial responsibility of individual motor carrier upheld. 122 C. 296–298. State's right to appeal criminal case is not unconstitutional. *Id.*, 538–541. Statute forbidding bathing in tributary to reservoir held not beyond police power. 123 C. 492. Statute restricting solicitation of funds for religious causes held invalid. 310 U.S. 296, reversing 126 C. 1. Statute limiting signs advertising price of gasoline held invalid. 126 C. 373. Statute forbidding drugs, articles or instruments to prevent conception held not an unconstitutional deprivation of rights and liberties. *Id.*, 412; 147 C. 48; *Id.*, 633; 151 C. 544, but held unconstitutional as violation of marital privacy. 85 S. Ct. 1678. Whether statute delegating to milk administrator power to set minimum prices violates this amendment, *quaere*. 126 C. 623, 633. Injunctive relief to party aggrieved by competitor's sale of merchandise below cost held constitutional. 127 C. 126. Filing of original information without preliminary hearing is not inhibited by fourteenth amendment. *Id.*, 581. Appeal constitutes due process where statutory requirements of notice on

admission of will are complied with, though person aggrieved has no actual notice. 129 C. 315. State has power to grant divorces without any notice to defendant. 133 C. 456. Just compensation for land taken includes interest on the amount of damages from the date the taking is complete. 134 C. 226.

Due process clause does not make requirement of bill of rights of indictment for infamous crimes binding upon states. 135 C. 262. Facts held not such as have led U.S. Supreme Court to hold in certain cases that convictions of accused persons upon basis of forced confessions they had made were in violation of due process. 136 C. 113. Retroactive statute impairing vested rights held unconstitutional as violation of due process. *Id.*, 127. Zoning ordinance requiring as a condition precedent to granting of a liquor permit the prescribed consent of the property owners is unconstitutional. *Id.*, 286. Zoning ordinance prohibiting sale or display of new or used cars in any open lot in any zone is an unwarranted interference with constitutional right to carry on a lawful business. 137 C. 701. Not violated by issuance of injunction to restrain picketing for an unlawful purpose. 139 C. 95. Provision in will that widow should receive stipulated amount either by order for widow's allowance or by way of bequest, constitutional. *Id.*, 652. Cited. 143 C. 9, 502, 698. If police legislation has a legitimate purpose which is pursued in a fair and reasonable way, it satisfied constitutional requirements of due process and equal protection. 144 C. 241, 249. Unconstitutional to require persons engaged primarily in advertising to obtain real estate brokers' and salesmen's licenses. *Id.*, 647. Injured defendant required to attend court on stretcher and under some medication, not denied due process. 145 C. 11. Jury recommendation for life imprisonment under Sec. 53-10 not violation of due process. *Id.*, 60. Terms of 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. Grand jury in which seven out of eighteen 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 request and was not tendered counsel on his presentation in police court. *Id.*, 227. Zoning regulations forbidding the operation of trailer parks in residential zones held constitutional. *Id.*, 311. Ordinance imposing time limitations on the occupancy of land by trailers and mobile homes held constitutional. *Id.*, 697. Ordinance licensing and regulating trailer and mobile home parks held constitutional except for two provisions. *Id.*, 720. Refusal of court to allow defendant to cross-examine probation officer who prepared a presentence investigation report held not to violate constitutional rights. 147 C. 125. When refusal to engage counsel for pretrial proceedings violates due process. *Id.*, 194. Voluntariness of confession of accused under detention. *Id.* Does not guarantee any particular form of procedure at a public hearing but circumstances govern each case. *Id.*, 321. Providing of school transportation to non-profit private schools by towns under Sec. 10-281 held constitutional. *Id.*, 374. First amendment of U.S. Constitution applicable to states under fourteenth amendment. *Id.* Where one act constitutes several crimes there may be a separate prosecution for each. *Id.*, 426. 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 the police power by the city. *Id.*, 546. 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. Cited. *Id.*, 572, 652, 658. The double jeopardy clause of the fifth amendment does not apply to state proceedings unless the double jeopardy amounts to a denial of due process under the fourteenth amendment. Where sentenced person initiates proceedings resulting in increased sentence, no double jeopardy. *Id.*, 692. In order to hold a zoning regulation 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. The validity of the part of Sec. 19-246 which makes addiction to narcotics a crime in and of itself is open to question under *Robinson v. California*, 370 U.S. 660, which holds that a state law which makes narcotics addiction a crime is unconstitutional under the fourteenth amendment to the federal constitution. 150 C. 1. A personal judgment rendered by a court of a state in which an absent defendant was domiciled at the time of service is valid as to him if service was made in accordance with the manner prescribed by the applicable statutes, provided they prescribe a method of service reasonably calculated to give actual notice and opportunity to defend. *Id.*, 15. Since antiobscenity statute (Sec. 53-243) has been construed as including a scienter requirement by implication, its constitutionality 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 prurient interest. The question of suppressibility under constitutional standards is one of law. *Id.*, 92. A confession is inadmissible under the fourteenth amendment unless the state proves that, under all the circumstances, the confession was voluntary. This is true without regard to the probable truth of the confession, for the fourteenth amendment is concerned, not with probable truth, but with the individual rights of the accused. *Id.*, 169. The fourteenth amendment in its guarantee of due process probably prohibits a state court from so ruling on a claim of privilege from self-incrimination as to violate the fundamental concepts of justice and a fair trial. *Id.*, 220. 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. *Id.*, 333. If one consents to a search of his person, possessions or living quarters, he waives his constitutional protection. *Id.*, 457. Cited. *Id.*, 488. Where change of zone deprived plaintiffs of any worthwhile rights or benefits in their land, defendants' action in changing zone was unreasonable and confiscatory and, therefore, in violation of this amendment. 151 C. 314. Where objection was made to statute empowering welfare commissioner to determine relative's liability for support payments, held that statutes setting forth fair hearing procedure satisfy requirements of due process. 152 C. 56, 57. Objection based on unconstitutional delegation of legislative power overcome. *Id.*, 57, 59. Whether search is reasonable and evidence seized therefore admissible is a question for the court in light of the circumstances of the case and constitutional guarantees. *Id.*, 93. Due process requirements not violated because plaintiff did not receive actual notice of zoning ordinance since adoption of ordinance affected every property owner in town and such a rule would nullify provision in Sec. 8-3 for notice by publication. *Id.*, 325. Search by police officer not made as incident to lawful arrest, if otherwise reasonable, could be justified under this section, the fourth

amendment and Art. I, Sec. 8 of Connecticut Constitution only on proof that protection afforded by these provisions had been waived. 153 C. 70, 71. 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. Through this amendment, fundamental constitutional safeguards as to the issuance of warrants embodied in the fourth amendment, as interpreted and applied in decisions of the U.S. Supreme Court, are made obligatory upon the states. Id., 132. Cited. Id., 151. Fact that court-appointed appraisers in foreclosure action not required to hold hearings and take evidence not violative of due process. Id., 293. There is no federal constitutional impediment to dispensing entirely with the grand jury in state prosecutions. Id., 451, 457. 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. Id., 465, 475. Claim that act authorizing insurance rate regulatory procedures constituted an illegal delegation of legislative power to insurance commissioner and private insurance companies held invalid. Id., 465, 478. Cited. Id., 574. Plaintiff's constitutional right was violated by failure of the court or review division to inform him of his right to have counsel appointed to him for hearing before the sentence review division. Id., 673, 677, 678. Unconstitutional for judge in criminal case to comment on failure of the defendant to testify. 154 C. 41, 44. Review of Connecticut's position on right against self-incrimination up to *Griffin v. California*, 380 U.S. 609. Id. Question was raised whether statement, obtained by police in violation of constitutional rights of person questioned, was admissible against codefendant. Since there was not sufficient evidence presented to court, issue was not decided. Id., 68, 73. No declaratory judgment will be rendered until all persons directly concerned in the event have been actually or constructively notified. To do otherwise would violate their constitutional right of due process. Id., 74, 77. Twenty months after defendant was found guilty he filed motion to vacate and erase judgment because warrant for his arrest was issued without supporting oath or affirmation. Not unconstitutional for court to refuse the motion since defendant had had ample time in which to plead to the jurisdiction before trial was begun. Id., 90, 92. No one will be heard to question the constitutionality of a statute unless he is adversely affected by it. Id., 129, 147. Failure of defendant to object to judicial comment on his failure to testify did not bar him from asserting this as a federal right on appeal. Id., 255. Appellant should be permitted to introduce additional evidence on appeal from amendment of zoning regulations which he claims is unconstitutional confiscation of his property. 155 C. 267. Where defendant failed to object at trial to introduction of evidence, which he claimed had been procured through illegal search and seizure, he is barred from making objection for first time on appeal. Id., 297. Admissibility in evidence of statements made during an illegal detention depends on whether confession was voluntary and whether it was brought about by, or the fruit of, the illegal detention. Id., 316. Petitioner, in habeas corpus proceeding, cannot contest jurisdiction of trial court or validity of arrest warrant when he pleaded to information against him without maintaining such allegations. Id., 591. No denial of due process of law when person arrested under illegal warrant pleads to information, with no timely objection, and petition for habeas corpus was denied. Id., 627, 701, 703. Cited. 156 C. 600. Commission's refusal to change zoning classification not denial of due process even though property's value would be enhanced if zone change from residence to business purpose was granted. Id., 99. Supreme Court of Connecticut refused to decide whether Sec. 9-167a is constitutional as applied to elections in New Haven ordered by federal courts. Id., 253. No infringement of constitutional rights of defendant in arson case who, during investigation, volunteered to come and talk about fires in his neighborhood with state police and did so, making statements that led to his arrest. Id., 328. State must pay just compensation for private property taken for public use and interest from date of taking to date of payment of award is proper element of damages for taking. Id., 416. Due process clause does not guarantee any particular form of state procedure and provisions of Secs. 8-127 and 8-137 provide adequate hearings and due process. Id., 521. Habeas corpus proceeding seeking release from Meriden School for Boys on basis of retrospective application of federal rule requiring due process of law in juvenile court proceedings enunciated in *In re Gault*, 387 U.S. 1, held moot where juvenile was in custody of superior court on another conviction. Id., 630. Continued confinement in state hospital for mental illness of a dementia praecox patient who mutilated himself when suffering religious delusions held not violation of first amendment religious rights. 157 C. 56. Eighth amendment is made applicable to states by *Robinson v. California*, 370 U.S. 660, but sentences within statutory limit are not, as matter of law, cruel and unusual punishment. Id., 114. Habeas corpus denied where plaintiff's plea of guilty had been made voluntarily on advice of counsel and was prompted by evidence legally obtained against him and not by additional evidence obtained by illegal search of his hotel room. Id., 143. When female complainant testified as to alleged rape, exclusion of all spectators except members of press and parents of defendant and complainant not denial of public trial or due process. Id., 198. Search of defendant's apartment and car under warrant at time of his arrest for crime of rape held reasonable. Id. Not having objected below to defects in arrest warrant, defendants submitted to jurisdiction of court and cannot now claim reversible error. Id., 330. Defendant not deprived of right under this amendment in proceedings convicting him under uniform state narcotic drug act. Id., 498. 1967 amendment of Sec. 45-113 is unconstitutional as it would deprive remaindermen of capital gains distributions already allocated to them by trustees pursuant to 1965 directions of this statute. 158 C. 48. Death penalty does not constitute cruel and unusual punishment. Id., 341. Cited. 162 C. 224, 344, 400. Sec. 10-153e, prohibiting teachers' strikes, is constitutional. 164 C. 348. Principle of procedural due process would apply whether sanction was revocation or suspension (of a license). 165 C. 559, 573 (Diss. Op.). The prima facie provision of Sec. 29-38 has the effect of placing on the alleged violator the burden of proof of innocence and constitutes a denial of due process. Id., 577, 597. Taxation of the exercise and nonexercise, after enactment of tax, of a power of appointment created prior to enactment of tax is not unconstitutional. 166 C. 581. Claim of error by trial court in failing to strike testimony of what defendant said before he had counsel cannot be raised for the first time on appeal. 167 C. 328. Sec. 19-480a does not violate the prohibition against cruel and unusual punishment. Id. The issuance of a bench warrant without the presence of accused or his counsel is not denial of due process. Id., 539. Defendant's right to assistance of counsel pursuant to Sec. 53a-32 is mandated by due process and is one of "constitutional dimension." His counsel's assistance is adequate under either the "farce and mockery" or "range of competence" tests. Id., 639. Challenge to validity of attachments under Sec. 52-279 cannot be made by a second mortgagee of the property as he does not stand in mortgagor's shoes for this purpose. 168 C. 43. Although Sec. 7-433c imposes a financial obligation on towns to compensate policemen or firemen for heart disabilities, it does not deprive towns of property without due process as the

interest of public safety demands the provision. *Id.*, 84. Sec. 14-111(c) draws a reasonable distinction as matter of public policy in suspending licenses only of those careless drivers whose carelessness contributes to accidents causing death. *Id.*, 94. Plaintiff who waived counsel after ample information he was entitled to counsel, cannot later claim denial of due process at hearing. *Id.* Zoning commission's holding of a public hearing, after notice for the establishment of a "floating zone," satisfied due process. Plaintiffs have no right to a judicial review as zoning amendment did not affect their property or other legal rights. *Id.*, 285. Mechanic's lien as a taking of property without due process. *Id.*, 371. Cited. 169 C. 207; 170 C. 258; *Id.*, 273. Right to jury trial in civil paternity action cannot be characterized as fundamental. *Id.*, 367. Probationary employee having no property interest in continued employment has no constitutional right to hearing before Connecticut personnel appeal board before being dismissed. *Id.*, 541. Tax imposed on basis of domicile but enacted subsequent to abandonment of such domicile does not violate due process. *Id.*, 567. Circumstances not so unnecessarily suggestive and conducive to irreparable mistaken identification that defendant was denied due process by testimony concerning postarrest one-man confrontation. *Id.*, 601. Cited. 171 C. 395. Due process does not require a hearing to revoke child's commitment where plaintiff had opportunity to be heard at prior neglect hearings. *Id.*, 630. Removal of child by state from foster parents' home should be subject to due process guarantees of fourteenth amendment. *Id.* (Diss. Op.). Cited. 172 C. 22; *Id.*, 531; *Id.*, 577. Although father of illegitimate child is entitled to same hearing as legal father before being deprived of custody, even rights of parent may not militate against court's determination of best interests of child. *Id.*, 612. Discussed. 173 C. 165. Cited. *Id.*, 317. In criminal trial the rule that no person may be present with or speak to jurors when they are assembled for deliberation takes on constitutional dimensions since accused has right to be present at every stage of trial and to have assistance of counsel. *Id.*, 334. Cited. 174 C. 73. State does not deny a criminal defendant due process when it allows the defense to interview a state's witness on the condition such witness consents thereto. *Brady v. Maryland*, discussed. *Id.*, 287. Impermissible irrebuttable presumption created by commissioner's support scale constituted a deprivation of property without due process. 175 C. 35. Cited. *Id.*, 147; *Id.*, 269. 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.*, 398; *Id.*, 512; *Id.*, 527. Proof of nonexistence of all affirmative defenses has never been constitutionally required. Operability of gun as affirmative defense is not constitutionally impermissible shifting of burden of proof. *Id.*, 569. To be considered fully apprised of consequences of guilty plea defendant must be aware of all relevant information concerning sentencing. 176 C. 7. Cited. *Id.*, 227; *Id.*, 409. Because defendants failed to take timely appeal from decisions under Sec. 52-278e court did not consider subsequent collateral constitutional challenge; no compelling circumstances. *Id.*, 432. Proof of nonexistence of all affirmative defenses never constitutionally required. *Id.*, 451. Cited. *Id.*, 563; *Id.*, 613; *Id.*, 630; 177 C. 78; *Id.*, 295; *Id.*, 304; *Id.*, 335. State's failure to inform defendant of sentencing delay of principal witness and coconspirator, not erroneous where made at request of witness, and no promises or agreement were made concerning leniency. *Id.*, 370. Source of prohibition against use of accused's silence after arrest is fifth amendment as applied to states by due process clause of fourteenth amendment and the "Miranda" case. *Id.*, 545. Today, prejudgment garnishment subject to strict judicial scrutiny to assure no violation of due process. *Id.*, 566. Cited. *Id.*, 677; 178 C. 67. A minor may effectively waive constitutional right without parental advice. *Id.*, 116. Not applicable. *Id.*, 145. Cited. *Id.*, 207. Sec. 46b-40(c)(1) constitutional despite lack of guidelines or standards. *Id.*, 254. Cited. *Id.*, 287. Under "minimum contacts" standard, bringing defendant's property "within the jurisdiction of the court" by a prejudgment attachment is not a due process prerequisite for jurisdiction quasi in rem. *Id.*, 308. Cited. *Id.*, 393; *Id.*, 480; *Id.*, 534; *Id.*, 579; *Id.*, 640, 646. Instruction on presumption of intent without proper explanatory instructions on legal effect of presumption is unconstitutional, further, use of "until some credible evidence comes into the case" in instruction is impermissible shifting of burden of proof. *Id.*, 689. Cited. 179 C. 1; *Id.*, 46; *Id.*, 78. City has sufficient standing to raise constitutionality of procedures employed by department of environmental protection. *Id.*, 111. Commission's interpretation of regulation held a violation of right to due process. *Id.*, 128. Cited. *Id.*, 155; *Id.*, 250. Harmless error doctrine discussed in majority opinion and dissent. *Id.*, 328. Cited. *Id.*, 431; *Id.*, 522; *Id.*, 576; 180 C. 11; *Id.*, 54. Court's instructions on inferences and presumptions which state relied upon to prove intent for manslaughter could be interpreted as either a conclusive or burden-shifting presumption and therefore deprived defendant of due process. *Id.*, 171. Blood test performed by medical personnel in medical environment according to accepted medical procedures satisfies reasonableness requirement. *Id.*, 290. Sec. 52-325 concerning *lis pendens* is unconstitutional for failure to provide notice to property owners and an opportunity for a hearing to challenge the *lis pendens*. *Id.*, 501. Plaintiff who bid on the property of an estate offered for sale has a protected interest in the proceedings used by the court to approve the sale and is entitled to due process. *Id.*, 511. Speedy trial guarantee applicable to states. Method of selecting jury panel which limited proportionally the number of men and women offends due process. *Id.*, 589. Discussion of due process in connection with discharge of tenured teacher. 181 C. 69. Statement of reasons for actions taken should be included in disciplinary summary in prisoner's records, as a matter of constitutional law. *Id.*, 85. Unconstitutionality of Sec. 52-325 became moot upon entry of judgment of strict foreclosure. *Id.*, 141. Cited. *Id.*, 151. Irretrievable breakdown under Sec. 46b-40(c) not unconstitutionally vague. *Id.*, 225. Cited. *Id.*, 230; *Id.*, 254. Charge to grand jury that ordinarily a person is presumed to intend result which follows his acts did not deprive defendants of due process right to presumption of innocence since grand jury only determines whether probable cause to try defendants exists. *Id.*, 268. Party accorded right to appellate review is entitled to full and unhampered exercise of that right, otherwise party is deprived of due process. *Id.*, 296. Cited. *Id.*, 299. Court's instructions considered as a whole could not be reasonably construed to require a conclusive presumption or a shifting of the burden of proof; did not deprive defendant of due process. *Id.*, 299. Cited. *Id.*, 388. Discussion of admission of laboratory report or similar record in face of sixth amendment objection. *Id.*, 562. Cited. *Id.*, 638; 182 C. 40; *Id.*, 52; *Id.*, 66. Due process cited. *Id.*, 124. Cited. *Id.*, 142; *Id.*, 176; *Id.*, 220; *Id.*, 242; *Id.*, 262; *Id.*, 272; *Id.*, 353. Admissibility of show-up identification of accused discussed. *Id.*, 366. Cited. *Id.*, 382; *Id.*, 403. State, over defendant's objection, seeking to have a trial closed must demonstrate 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. Court instructions on intent discussed. *Id.*, 449. Cited. *Id.*, 511; *Id.*, 533; *Id.*, 545; *Id.*, 595; 183 C. 1. "Void for vagueness" and burden of proof charge to jury discussed. *Id.*, 17. Cited. *Id.*, 85; *Id.*, 183; *Id.*, 299. Proper and orderly hearing required; trial court erred in granting joint custody where sole or joint custody had not been requested by defendant. *Id.*,

353. Cited. Id., 369; Id., 386; Id., 394; Id., 552; 184 C. 30; Id., 51; Id., 75; Id., 121. Sec. 53a-169 held not in violation of this clause. Id., 222. Cited. Id., 258. Overruled 178 C. 579 to the extent it maintained that sovereign immunity invariably barred suits against state for prospective injunctive relief of alleged constitutional violations unless suits also requested declaratory relief. 184 C. 339. Cited. Id., 406; Id., 483. 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., 88; Id., 104; Id., 118; Id., 124. Party making application under zoning ordinance is precluded from raising question of its constitutionality in the same proceeding. Id., 135. Erroneous general instruction on “conclusive presumption” of intent was held to be cured by later specific instructions regarding permissive inferences. Id., 163. Cited. Id., 211; Id., 294; Id., 339; Id., 372; Id., 402; Id., 495; Id., 517. Challenge by general contractor to constitutionality of mechanic’s lien statutes (Secs. 49-33 to 49-40a, inclusive) discussed. Id., 583. Due process rights in identification procedures, relevancy and reliability, discussed. Id., 607. Discussion of court instructions on conclusive presumptions with reference to intending natural and necessary consequences of act. 186 C. 1. Cited. Id., 45. Some criminal contempts may be dealt with summarily without offending due process guarantees. Id., 256. Cited. Id., 295; Id., 337; Id., 437; Id., 476; Id., 521. Discussion of sufficiency of courts’ instructions. Id., 555 (Diss. Op.). Cited. Id., 574. Discussion of due process in connection with the jury instructions on self defense, intent to cause serious physical injury. Id., 654. Due process cited. Id., 725; Id., 773; 187 C. 6; Id., 53; Id., 73. Fair trial cited. Id., 94. Due process cited. Id., 144. Fair trial cited. Id., 199; Id., 216. 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. 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 administrative landscape. Id., 476. Due process cited. Id., 513. Cited. Id., 647; 188 C. 90; Id., 98; Id., 161; Id., 336; Id., 354; Id., 372; Id., 432; Id., 515; Id., 591; Id., 620; Id., 653; Id., 671; Id., 681. Right to jury trial discussed. Id., 697. Cited. 189 C. 114; Id., 162; Id., 183; Id., 228; Id., 276; Id., 303; Id., 337; Id., 364. Principles of *Sandstrom v. Montana*, 442 U.S. 510, regarding jury instructions on intent have to be given retroactive application. Id., 374. Cited. Id., 383; Id., 416; Id., 445; Id., 461. Sec. 52-325 as amended by P.A. 81-8 meets minimum requirements of procedural due process. Id., 471. Cited. Id., 573; Id., 585; Id., 690; Id., 727; Id., 752; 190 C. 20; Id., 48; Id., 143; Id., 191; Id., 219; Id., 245. Due process and liberty interests discussed. Id., 327. Cited. Id., 428; Id., 440; Id., 541. Prosecutorial misconduct involving purposeful disregard of a ruling discussed. Id., 559. If 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. Id., 622. Cited. Id., 639; Id., 707, 822; 191 C. 27. 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. Id., 37. *State v. Vennard*, 159 C. 385, overruled. Id. Cited. Id., 113; Id., 142; Id., 146. In administrative law a combination of investigative and adjudicative functions do not per se constitute a denial of due process. Id., 173. Instructions on guilt beyond a reasonable doubt discussed. Id., 412. Cited. Id., 433; Id., 453; Id., 468; Id., 506; Id., 514; Id., 545; Id., 564; Id., 604; Id., 622; Id., 636; 192 C. 37; Id., 48; Id., 104; Id., 150. A penal statute may survive a vagueness attack solely upon a consideration of whether it provides fair warning. Id., 154. Cited. Id., 247; Id., 377; Id., 405; Id., 447; Id., 460; Id., 497; Id., 520; Id., 539; Id., 576. Fairness and due process discussed. Id., 618. Cited. Id., 704. Right to speedy trial factors discussed. Id., 739. Cited. 193 C. 35; Id., 48; Id., 59; Id., 70. Imposition of academic sanctions for nonattendance discussed. Id., 93. Due process cited. Id., 144. Cited. Id., 157. Denial of due process cited. Id. “The due process clauses of the state and federal constitutions require that one subject to a significant deprivation of liberty or property must be accorded adequate notice and a meaningful opportunity to be heard”. Id., 180. Unconstitutional procedures; constitutionally acceptable practice; constitutional principles; admissibility of identification evidence discussed. Id., 238. Cited. Id., 270. Due process cited. Id., 333. Cited. Id., 350. Right to due process; denial of fair trial; right to present own defense cited. Id. Constitutional protection of the family unit and rights of parents and child discussed. Id., 393. Cited. Id., 457. Right to due process cited. Id. Cited as importing fifth amendment right against self-incrimination to criminal defendants in state court proceedings; cited as constitutional fair trial standards. Id., 474. Failure to disclose exculpatory material specifically requested constituted violation of due process rights cited. Id. Fair trial right contained in sixth amendment and applied to the states by this amendment cited. Id., 474. Cited. Id., 526. Due process cited. Id. Cited. Id., 589. Right to due process cited. Id. Cited. Id., 612; Id., 632. Right to fair trial cited. Id. Cited. Id., 646. Due process cited. Id. Cited. Id., 646. Fair trial cited. Id. Due process cited. Id., 670. A fair trial is implicit in the term “due process”. Id., 695. Due process cited. Id. Cited. 194 C. 52. Right to due process cited. Id. Cited. Id., 165. Due process cited. Id. Cited. Id., 213; Id., 223; Id., 252; Id., 258. Due process cited. Id. Cited. Id., 279. Due process rights 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 to fair trial cited. Id. Cited. Id., 483. Fair trial cited. Id. Claims of appellate delay arise under this constitutional guaranty. Id., 510. Court may recognize a due process challenge to a state grand jury without requiring defendant to be a member of the unrepresented class. Id., 530. Due process right to 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., 601. Due process cited. Id. Cited. Id., 617. Due process cited. Id. Cited. Id., 623. Fundamental constitutional right and a fair trial cited. Id. Cited. Id., 665; Id., 702. Constitutional right to due process cited. Id. Cited. 195 C. 128. Constitutional right to due process and a fair trial cited. Id. Cited. Id., 160. Denial of due process cited. Id. Denial of a right of appeal to plaintiff (from Board of Education decision) does not implicate any constitutional guarantees, citing *Hortonville Joint School District No. 1 v. Hortonville Board of Education*, 426 U.S. 482, with reference to this amendment. Id., 174. Due process clause cited. Id. Cited. Id., 232. Use of involuntary statement is denial of due process. Id. Due process clause cited. Id., 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 cited. Id. Unconstitutionally vague cited. Id., 326. Due process cited. Id., 405. Cited. Id., 421. Fair trial and due process cited. Id. Right to due process and fair trial cited. Id., 444. No denial of due process cited. Id., 461. Due process clause and right to fair trial cited. Id., 475. Right to fair trial and due process cited. Id., 496. Cited. Id., 534. Due process cited. Id.; Id., 543; Id., 558; Id., 598. Cited. Id., 611. Due process cited. Id. Cited. Id., 636. Fair trial cited. Id. Cited. Id., 651; Id., 668; Id., 682. Right to due process under federal constitution cited. Id. Cited. 196 C. 10. Constitutionally protected rights of parents to companionship, care, custody and management of their children cited. Id.

Due process cited. Id. Prosecutor's summation violated right to due process. Id., 32. Due process cited. Id.; Id., 157. Cited. Id., 172. Due process cited. Id. Due process rights cited. Id., 289. Cited. Id., 309. Due process cited. Id. Violation of due process rights cited. Id., 395. Indigent defendants in state-supported paternity actions have constitutional right under both federal and state constitutions to court-appointed counsel at state expense; due process considerations discussed. Id., 403. Due process right to court-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. "When jury instruction is challenged ... as constitutionally deficient in a 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. Constitutional right to substantive due process cited. Id., 440. Cited. Id., 471. Due process rights cited. Id. Cited. Id., 557. Due process rights cited. Id. Cited. Id., 567; Id., 655. Due process cited. Id. "The twin touchstones of due process analysis under the minimum contacts doctrine are foreseeability and fairness." 197 C. 34. Due process cited. Id. Cited. Id., 50. Right to counsel under the fourteenth amendment cited. Id. Cited. Id., 60. Due process cited. Id. Cited. Id., 67; Id., 87; Id., 115. Due process; fair trial cited. Id. Due process cited. Id., 141. Fundamental constitutional right; fair trial cited. Id., 180. Due process cited. Id., 247; Id., 280. Due process; fair trial cited. Id., 298. Right to due process cited. Id., 309. Requirement of fair trial; due process cited. Id., 326. Due process cited. Id., 337. Fair trial cited. Id., 413. Cited. Id., 485. Due process cited. Id. Cited. Id., 507. Due process cited. Id. Cited. Id., 554. Due process; fairness of trial cited. Id., 574. Due process; fundamental right; fair trial cited. Id., 595. Fundamental right to liberty cited. Id., 602. Cited. Id., 620. Due process; right to fair trial; fundamental right cited. Id., 629. Cited. Id., 644. Due process cited. Id. Right to fair trial cited. Id., 666. Fair trial; due process cited. Id., 677. Right to fair trial; due process cited. Id., 685. Cited 198 C. 1. Right to fair trial; due process cited. Id. Fair trial cited. Id., 23. Due process cited. Id., 43; Id., 68. Cited. Id., 77. Fundamental constitutional right; fair trial; due process; assistance of counsel cited. Id. Right to confront witnesses against. Id., 111. Fair trial cited. Id., 124. "Freedom of personal choice in matters of marriage and family life is one of the liberties protected by the due process clause of the fourteenth amendment." Id., 138. Due process clause cited. Id., 168. Fundamental right and fair trial; due process cited. Id., 190; Id., 209. Due process clause cited. Id., 229. Constitutional principles of due process cited. Id., 243. Cited. Id., 255. Fundamental constitutional right implicating the fairness of trial cited. Id. Right to due process cited. Id., 273. Cited. Id., 285. Due process rights; fundamental constitutional right cited. Id. Cited. Id., 314. Fundamental constitutional right; fair trial cited. Id. Fair trial; due process cited. Id., 328. Cited. Id., 369. Fundamental constitutional right; fair trial; due process cited. Id., 397. Due process cited. Id., 435. Due process right to establish a defense cited. Id., 454. "The claim that inconsistent verdict must be set aside is not one of constitutional dimension." Id., 490. Deprivation of a fundamental constitutional right; fair trial cited. Id. Due process clause cited. Id., 498. Cited. Id., 506. Deprivation of fundamental right; fair trial cited. Id. Cited. Id., 517. Due process; deprivation of a fundamental constitutional right; right to fair trial cited. Id. Cited. Id., 560. Infringement of a fundamental constitutional right; due process; fair trial cited. Id. Cited. Id., 573; Id., 598. Due process cited. Id. Deprivation of a fundamental right; fair trial cited. Id., 644. Due process cited. Id., 680. Cited. 199 C. 14. Fundamental constitutional right; fair trial; due process cited. Id. Due process; right to fair trial cited. Id., 30. Due process cited. Id., 47. Due process cited; judgment of appellate court in 2 CA 36 reversed in part. 199 C. 70. Right to a fair trial; right to due process cited. Id., 102. Due process cited. Id., 121. Cited. Id., 143. Ineffective assistance of counsel cited. Id. Cited. Id., 163. Invalidation of previous death penalty statute as violative of federal constitution, *Furman v. Georgia*, 408 U.S. 238, cited; due process cited. Id. Cited. Id., 207. Right to a fair trial; due process cited. Id. Applicable due process standards for disqualification of administrative adjudicators not to be equated with such standards for judges; judgment of appellate court in 2 CA 551 reversed. 199 C. 231. Federal due process rights 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; fundamental right to present a defense cited. Id. Due process cited. Id., 273. Cited. Id., 281. Constitutional right to confrontation cited. Id. Defendant's constitutional rights; due process cited. Id., 287. Cited. Id., 308. Right to due process; fair trial cited. Id. Cited. Id., 322. Right to due process; fair trial cited. Id. Due process cited. Id., 359; Id., 368. Denial of a fundamental constitutional right; fair trial cited. Id., 389. Cited. Id., 399. Due process; denial of a fair trial; fair trial guarantee cited. Id. Cited. Id., 473. Due process cited. Id. Cited. Id., 481. Due process cited. Id. 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., 537. Due process cited. Id. Cited. Id., 557. Due process rights cited. Id. Cited. Id., 575; Id., 618. Due process 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. 9. Right to a fair trial cited. Id. Cited. Id., 102. Federal due process clause cited. Id. Cited. Id., 113. Due process; right to be present at all stages cited. Id. Cited. Id., 151. Due process cited. Id. Cited. Id., 224. Due process cited. Id. Cited. Id., 268. Right to due process and a fair trial cited. Id. Cited. Id., 310. Right to a fundamentally fair trial; constitutional standards of due process; violation of due process; denial of due process and a fair trial cited. Id. Cited. Id., 323. Constitutional rights to due process cited. Id. Cited. Id., 350. Due process rights cited. Id. Cited. Id., 376. Constitutional right to due process cited. Id. Cited. Id., 406. Federal due process requirements 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. Denial of due process cited. Id., 489. Cited. Id., 544. Constitutional right to fair trial cited. Id. Cited. Id., 553. Violation of due process cited. Id. Federal constitutional rights to due process; fundamental constitutional rights, cited. Id., 586. Due process cited. Id., 615. Opportunity for fair trial; due process cited. Id., 642. Cited. Id., 664. Unconstitutionally vague cited. Id. Cited. Id., 676. Federal constitutional due process cited. Id. Cited. Id., 685. Cited. Id., 721. Deprivation of fundamental constitutional right and a fair trial cited. Id., 743. Cited. 201 C. 74. Right to due process; right to a fair trial, cited. Id., 125. Right to due process cited. Id., 162. Fair trial and due process of law; constitutional rights to adequately instructed jury, cited. Id., 174. Deprivation of a fair trial cited. Id., 190. Federal due process clause cited; application of "clear and convincing evidence" and "fair preponderance of the evidence" standards of proof discussed. Id., 229. Due process obligation cited. Id., 368. Cited. Id., 395. Due process; constitutional duty to disclose exculpatory evidence; due process rights implicating fairness of trial, cited. Id. Cited. Id., 421. Due process rights cited. Id., 462. Cited. Id., 489; Id., 505. Fundamental constitutional

right and fair trial cited. Id. Cited. Id., 517. Right to due process; right to fair trial; right to present a defense, cited. Id., 559. Due process cited. Id., 577. Use of preinstructions discussed; constitutional right to appear at his trial clothed with the indicia of innocence; right to appear in court free from physical restraints; due process and fair trial, cited. Id., 605. Cited. Id., 632. Due process; fundamental constitutional right, cited. Id., 659. Cited. Id., 675. Due process cited. Id., 700; 202 C. 1. Cited. Id., 18. Deprivation of a fundamental constitutional right and a fair trial cited. Id. Supreme court adopted appellate court holding that plaintiff not deprived of due process by written hearsay evidence admitted by board of fire commissioners. Id., 28. Due process cited. Id. Cited. Id., 39. Constitutional right of defendant to be present at all stages of trial cited. Id., 75. Due process right to fair trial cited. Id., 316. Cited. Id., 343, 349. Due process; rights to adequately instructed jury and fair trial, cited. Id. Due process cited. Id., 369. Cited. Id., 385. Due process cited. Id. Cited. Id., 429. Deprivation of federal constitutional rights; deprivation of liberty in violation of constitutional rights, cited. Id. Cited. Id., 463. Constitutional rights to due process cited. Id. Cited. Id., 509. Constitutional right to a fair trial; constitutional rights, cited. Id. Cited. Id., 520. Constitutional rights to due process cited. Id. Cited. Id., 541. Constitutional rights to due process cited. Id. Unconstitutionally vague; vagueness doctrine and requirement of due process, cited. Id., 629. Constitutional right to due process and to present a defense; right to call witnesses, cited. Id., 676. Cited. 203 C. 14. Due process clause cited. Id. Cited. Id., 63. Due process cited. Id. Cited. Id., 81. Fair and impartial jury cited. Id. Rights to due process cited. Id., 159. Cited. Id., 212; Id., 246. Rights to due process of law and constitutional rights, cited. Id. Due process cited. Id., 385. "... due process does not mandate a factual basis inquiry by state courts", and to the extent that 192 C. 37, 180 C. 702, 174 C. 338 and 170 C. 469 hold to the contrary, they are overruled. Id., 484. Due process cited. Id.; Id., 525. Cited. Id., 682. 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. Due process right cited. Id., 17. Double jeopardy clause of fifth amendment applies to states by fourteenth amendment 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., 259. Due process cited. Id., 287. Cited. Id., 336; Id., 377. Due process cited. Id. Cited. Id., 410. Unconstitutionally vague; due process, cited. Id. Unconstitutionally vague; violation of due process, cited. Id., 429. Cited. Id., 523. Deprivation of constitutional right to fair trial and due process cited. Id. Constitutional right to due process cited. Id., 571. Cited. Id., 585. Deprivation of due process cited. Id., 639. Constitutional right to develop a defense cited. Id., 654. Cited. Id., 683. Constitutional right to due process cited. Id., 714. Sec. 5-270(f) and (g) held not unconstitutionally vague. Id., 746. Due process; void for vagueness doctrine, cited. Id. Cited. Id., 760. Due process cited. Id. Cited. Id., 769; 205 C. 39. Due process rights cited. Id. Deprivation of constitutional due process rights; right to establish a defense, cited. Id., 61. Due process; constitutional duty of disclosure; right to fair trial, cited. Id., 132. Due process cited. Id., 178. Cited. Id., 262. Constitutional privilege against self-incrimination; "Miranda" rights, cited. Id. Cited. Id., 298. Due process cited. Id. Fundamental constitutional right to proof of guilt beyond reasonable doubt cited. Id., 352. "... it is an abuse of the trial court's discretion to permit a reopening of the case to supply the missing evidence"; deprivation of fundamental constitutional right to proof of every element of alleged crime beyond reasonable doubt, cited. Id., 370. Cited. Id., 386. Constitutional right to proof of guilt beyond reasonable doubt cited. Id. Cited. Id., 437. Federal constitutional requirements for a fair trial cited. Id. Cited. Id., 456. Void for vagueness; due process, cited. Id. Cited. Id., 495. Deprivation of fundamental federal constitutional rights cited. Id. Cited. Id., 528; Id., 542; Id., 560. Fundamental constitutional right that state prove guilt beyond a reasonable doubt; constitutional right to fair trial, cited. Id., 616. Cited. Id., 673. Due process cited. Id. Due process right to present a defense; rights to due process and to a fair trial, cited. Id., 723. Prearrest, prearrest conversations in connection with voice identification do not implicate defendant's right to counsel. 206 C. 40. Due process rights and unconstitutional jury instruction, cited. Id. Cited. Id., 113. Due process cited. Id. Constitutional principles of due process cited. Id., 125. Cited. Id., 157. Due process cited. Id. Denial of due process; constitutional standards of due process, cited. Id., 182. Due process; right to fair trial, cited. Id., 213. Due process violation cited. Id., 253. Due process; vagueness and overbreadth, cited. Id., 267. Cited. Id., 300. Federal due process rights cited. Id. Cited. Id., 316; Id., 512. Rights to due process cited. Id. Constitutional requirements of due process cited. Id., 608. Due process rights cited. Id., 657; Id., 685. Cited. Id., 678; 207 C. 1. Due process cited. Id. Right to fair trial cited. Id., 35. Cited. Id., 59. Constitutional rights to due process cited. Id. Cited. Id., 109. Due process cited. Id.; Id., 118. Cited. Id., 152. Due process cited. Id. 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 sentences do not implicate constitutional rights; fundamental constitutional right and fair trial; due process, cited. Id., 276. Due process; violation and deprivation of constitutional rights, cited. Id., 346. Due process cited. Id., 374. Cited. Id., 403; Id., 420. Sec. 53-21 unconstitutionally vague in circumstances of the case; due process and unconstitutional vagueness; void for vagueness doctrine, cited. Id., 456. Cited. Id., 565. Due process cited. Id. Cited. Id., 590. Due process cited. Id., 619. Right to fair trial and denial of constitutional due process; right to fair trial, cited. Id., 646. Due process privations cited. Id., 743. Due process cited. 208 C. 1; Id., 13. Due process rights cited. Id., 21, 23, 33, 34. Due process cited. Id., 38. Cited. Id., 52. Right to fair trial and fair and impartial jury; due process, cited. Id. Cited. Id., 146. Due process cited. Id. Due process interests cited. Id., 156. Denial of fair trial; due process, cited. Id., 202. Cited. Id., 267, 270. U.S. constitution cited; due process cited. Id. Where defendant's diplomatic immunity gives way to right of access to dissolve marriage this does not include right of access to obtain proprietary relief incident to divorce. Id., 329. Due process right of access cited. Id. Cited. Id., 365. Right to due process cited. Id. "... unfairness of using a defendant's silence following "Miranda" warnings is not mitigated by the absence of custody"; invocation of right to remain silent is not admissible in evidence; breaching implied assurance of "Miranda" warning is violation of due process clause. Id., 455. Right to due process cited. Id. Due process violation cited. Id., 492. Cited. Id., 543. Due process cited. Id.; Id., 576. Cited. Id., 620; 209 C. 23. Due process cited. Id. Due process rights cited. Id., 34. Due process cited. Id., 59. Cited. Id., 98. Due process cited. Id., 143. Fundamental fairness and due process cited. Id., 225. Cited. Id., 290. Principles of due process and due process clause cited. Id. Constitutional right to unanimous jury decision; fundamental due process rights cited. Id., 322. Procedural due process safeguards discussed. Id., 352. Due process cited. Id. Due process rights and a fair trial cited. Id., 423. Cited. Id., 480, 497. Violation of constitutional rights cited. Id. Cited. Id., 544. Due process cited. Id. Right to fair trial cited. Id., 564. Cited. Id., 622. Deprived of fundamental constitutional right

and a fair trial cited. Id. Cited. Id., 652. Due process and unconstitutional vagueness cited. Id. Liberty interest protected by due process clause cited. Id., 692. 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 cited. Id., 801. Cited. 210 C. 22. “Miranda” rights cited; due process cited; constitutional rights cited. Id. Cited. Id., 78. Due process rights cited; right to fair trial cited. Id. Due process rights cited. Id., 110. Unconstitutionally vague cited; deprivation of due process cited; deprivation of fundamental constitutional right and a fair trial cited. Id., 132. Due process cited. Id., 157. Due process rights cited; deprivation of fundamental constitutional right cited. Id., 244. Cited. Id., 286. Due process cited. Id.; Id., 304. Cited. Id., 315. Due process cited. Id. 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Evans*, 165 C. 61. discussed; guidelines furnished. Id., 233. Deprivation of fundamental right and a fair trial cited. Id. Right to due process cited. Id., 243. Cited. Id., 289. Applicability of res judicata to foreclose relitigation, in a state habeas corpus action, of constitutional claims previously adjudicated in a federal civil rights action, discussed. Id. Due process cited. Id. Cited. Id., 388. Due process rights cited; constitutional right to fair trial cited. Id. Due process right to fair trial cited. Id., 405. Federal due process clause cited. Id., 548. Constitutionally protected liberty interest 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. 23; Id., 38. Due process cited. Id. Cited. Id., 57; Id., 77. 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. Due process of law cited. Id., 132. Constitutional rights of due process 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. Not violated by termination of emergency housing program; constitutional right to family unity cited; violation of constitutional rights cited; integrity of family and due process clause cited. Id., 256. Due process clause cited. Id., 292. Summary criminal contempt procedure discussed; due process rights cited; no claim of constitutional deprivation of notice cited. Id., 344. Due process under U.S. Constitution cited. Id., 801. 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process cited. Id. Due process clause cited. Id. Cited. Id., 85. Rights to due process cited. Id. Violation of due process clauses cited. Id., 144. Denial of due process cited. Id., 181. Rights to present a defense and to due process cited. Id., 239. Cited. Id., 281. Rights of due process cited. Id. Cited. Id., 349. Right to due process cited. Id. Cited. Id., 447. Restriction of cross-examination cited. Id. Right to present a defense cited. Id. Due process right to a fair trial cited. Id. Unconstitutional dilution of burden of proof cited. Id. Right to due process cited. Id., 458. Cited. Id., 483. Unconstitutionally vague and over broad and invalid for vagueness cited. Id. Cited. Id., 486. Due process and right to fair trial cited. Id. Due process clause cited. Id., 512. Cited. Id., 531. Constitutional rights of privacy cited. Id. Cited. Id., 580. Unconstitutional vagueness and guarantees of due process cited. Id. Does not require de novo review by trial court of factual findings by arbitrators. Id., 646. Rights to due process cited. Id. Cited. Id., 714. Due process 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. Rights to due process cited. Id., 766. Federal constitutional right to due process cited. Id., 778. Deprivation of due process rights cited. 219 C. 93. Rights to due process, deprivation and rights of fair trial cited. Id., 160. Cited. Id., 217. Constitutionally protected property interest cited. Id. Due process clauses cited; right to present a defense cited. Id., 234. Cited. Id., 473. Unconstitutionally vague cited. Id. Due process cited. Id. Void for vagueness cited. Id. Unconstitutionally vague, deprivation of fair trial, due process right of fair warning cited. Id., 489. Cited. Id., 529. Due process requirements, right to fair trial cited. Id., 605. Due process cited. Id., 620. Trial court abused its discretion in finding that defendant voluntarily waived his due process right to be present. Id., 629. Due process cited. Id. Right of presence cited. Id. Cited. Id., 657. Due process rights cited. Id. Freedom of association and privacy rights cited. Id. Due process rights cited. Id., 703. Cited. Id., 721. Due process rights cited. Id. Constitutional right to fair trial 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. Cited. Id., 38; Id., 61. Federal constitution cited. Id. Due process cited. Id. Rights to due process and a fair hearing cited. Id., 86. Cited. Id., 112. "... due process concerns actual impact of resentencing on a defendant, not percentages." Id., 169. Due process, unconstitutional vindictiveness cited. Id. Due process cited. Id., 192. Procedural due process cited. Id., 307. Cited. 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Due process rights cited; right to fair housing cited. Id., 98. Deprivation of fair trial cited; delution 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. Grievance procedures in collective bargaining agreement satisfied plaintiff's right to due process; judgment of appellate court in 24 CA 377 reversed. Id., 233. Right to due process cited. Id. Cited. Id., 280. Right to due process cited; fairness of trial cited. Id., 299. Cited. Id., 312. Due process cited. Id. Due process rights cited. Id., 331. Chapter 921, replevin statutes, as applied by court comport with requirements of due process of law. Id., 361. Due process clause cited. Id. Due process right to fair trial cited. Id., 444. Cited. Id., 469. Right to due process cited. Id. Due process and right to fair trial cited. Id., 506. Denial of due process cited. Id., 556. Plaintiff did not meet burden that regulation at issue was impermissibly vague as applied to facts of case; judgment of appellate court in 25 CA 392 reversed. Id., 607. Impermissibly vague, unconstitutionally vague cited. Id. Federal 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. Cited. Id., 672. Degree of discretion in denying application as related to federally protected property rights discussed. Id., 730. Procedural due process rights cited. Id. Property interest protected by substantive component of federal due process clause cited. Id. Unconstitutionally vague cited; due process protections cited. Id., 784. Cited. Id., 799. Due process cited. Id. 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Constitutional entitlement; right to substantive due process; federally protected property interest cited. *Id.* Right to due process cited. *Id.*, 63. Cited. *Id.*, 168. Right to due process cited. *Id.* Unconstitutionally vague cited. *Id.* Right to present a defense cited. *Id.*, 196. Due process cited. *Id.*, 263. Cited. *Id.*, 347. Right to due process and a fair trial cited. *Id.* Cited. *Id.*, 397. Due process cited. *Id.* Cited. *Id.*, 426. Due process clause cited. *Id.* Cited. *Id.*, 445. Due process right cited. *Id.* Cited. *Id.*, 524. Due process cited. *Id.* Cited. *Id.*, 593. Constitutional rights cited. *Id.* Cited. *Id.*, 627. Cited. *Id.*, 656; judgment of acquittal reversed, see 31 CA 452. Right to jury selected from cross section of the community. *Id.*, 711. Guarantees to due process cited. *Id.* Right to due process cited. *Id.*, 730. Cited. *Id.*, 797. Void for vagueness cited. *Id.*, 914. Cited. 225 C. 55. 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Constitutional due process right to evidentiary hearing on counsel's motion to withdraw cited. *Id.* Cited. *Id.*, 237. Due process and deprivation of fair trial cited. *Id.* Cited. *Id.*, 265. Right to procedural due process cited. *Id.*, 299. Cited. *Id.*, 314. Due process cited. *Id.* Right to due process cited. *Id.*, 418. Cited. *Id.*, 514; *Id.*, 618. Rights to a fair trial cited. *Id.* Due process cited. *Id.* Right to unanimous verdict cited. *Id.* Standard of proof beyond reasonable doubt cited. *Id.* Requirements of due process cited. *Id.*, 757. Due process of law cited. *Id.*, 812. Cited. 227 C. 1. Right to fair trial before impartial jury cited. *Id.* Cited. *Id.*, 32. Guarantees of due process cited. *Id.* Due process rights cited. *Id.*, 71. Over broad terms of warrant cited. *Id.*, 207. Cited. *Id.*, 231. Right to present a defense cited. *Id.* Cited. *Id.*, 270. Due process cited. *Id.* Due process clauses and due process rights cited; deprivation of fair trial cited. *Id.*, 301. Right to due process and fair trial cited. *Id.*, 417. Cited. *Id.*, 456. Due process cited. *Id.* Cited. *Id.*, 495. Taking claim cited. *Id.* Due process and right to present a defense cited; burden of proof beyond a reasonable doubt cited. *Id.*, 518. Due process cited. *Id.*, 534. Unconstitutionally vague cited; right to due process cited. *Id.*, 566. Cited. *Id.*, 611. Due process rights cited. *Id.*, 616. Rights to due process and to be present cited. *Id.*, 677. Cited. *Id.*, 711. Right to due process cited. *Id.* Fair trial cited. *Id.* Adequately instructed jury cited. *Id.* Due process rights cited. *Id.*, 751. Due process rights cited. *Id.*, 784. Federal due process clause cited. *Id.*, 921. Due process rights cited. 228 C. 95. Cited. *Id.*, 118. Right to due process and burden of proof cited. *Id.* Due process clause cited. *Id.*, 137. 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Due process clauses of state or federal constitution protect individuals against governmental rather than private deprivation of property. *Id.*, 592. Due process cited. *Id.*, 627. Cited. *Id.*, 664. Due process clause cited. *Id.* Cited. *Id.*, 703. Due process right cited. *Id.* Cited. *Id.*, 716. Due process cited. *Id.* Procedural due process cited. *Id.*, 771. Due process of law cited. *Id.*, 801. Right to due process cited. 230 C. 43. Cited. *Id.*, 183. Unconstitutional vagueness cited; rights of due process cited; instructions to jury depriving defendant of fair trial cited. *Id.* Rights to due process and a fair trial cited. *Id.*, 351. Cited. *Id.*, 372. Right to be present during trial cited. *Id.*, 385, see also 37 CA 801. Rights to due process cited. *Id.*, 400. Denial of notice and opportunity to be heard cited; judgment of appellate court in 31 CA 400 reversed. *Id.*, 459. Cited. *Id.*, 572. Rights to due process cited. *Id.*; *Id.*, 608. 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.*, 909. Due process clause cited. *Id.* Cited. *Id.*, 914. Unconstitutionally vague cited. *Id.*, 916. Cited. 231 C. 43. Right to due process cited. *Id.* Cited. *Id.*, 77. Unconstitutionally vague cited. *Id.* Cited. *Id.*, 195. Due process cited. *Id.* Cited. *Id.*, 235. Due process rights cited. *Id.* Cited. *Id.*, 274. Constitutional rights and due process cited. *Id.*, 308. Cited. *Id.*, 418. Due process rights cited; due process clause cited. *Id.* Rights to due process cited; right of defendant to establish a defense cited; burden of disproving beyond a reasonable doubt cited. *Id.*, 484. Cited. *Id.*, 514. Due process clause cited. *Id.* Cited. *Id.*, 545. Due process clause cited. *Id.*, 563. Cited. *Id.*, 918. Due process clause cited. *Id.* Cited. *Id.*, 919. Due process clause cited. *Id.* Cited. *Id.*, 938. Due process clause cited. *Id.* Constitutional right to a fair trial and due process cited. 232 C. 1. Due process of law cited. *Id.*, 27. Cited. *Id.*, 65. Right to due process cited. *Id.* Due process cited. *Id.*, 91; *Id.*, 172. Cited. *Id.*, 198. Due process rights cited. *Id.* Due process clause cited. *Id.*, 325. Cited. *Id.*, 345. Unconstitutionally vague and vagueness cited; violation of due process cited. *Id.* Cited. *Id.*, 431. Judgment superseded by en banc reconsideration, see 235 C. 502. Rights to due process cited. *Id.* Federal constitutional rights to due process cited; court held defendants entitled to a jury instruction on self defense; judgment of appellate court in 34 CA 58 and 34 CA 96 reversed. *Id.*, 537. Cited. *Id.*, 599. Due process of law cited. *Id.* Cited. *Id.*, 691. Right to a jury selected from fair cross section of community cited; right to due process cited; state's burden of proof cited. *Id.* Cited. *Id.*, 707. Rights to due process and a fair trial cited. *Id.* Cited. *Id.*, 740. Right to present a defense cited. *Id.* Due process of law cited. *Id.*, 758. Cited. *Id.*, 901. Due process clause cited. *Id.* Cited. *Id.*, 902. Right to present a defense and self defense instruction cited. 233 C. 1. Cited. *Id.*, 44. Due process and federal and state constitutional rights cited. *Id.* "Efficient, intervening cause" discussed; right to be present cited; instruction regarding element of causation cited. *Id.*, 106. Cited. *Id.*, 153.

Procedural due process of law cited. *Id.* Due process rights cited. *Id.*, 198. Judgment of appellate court in 34 CA 751 reversed and case remanded to trial court to review merits of challenge to the sufficiency of the evidence for conviction. *Id.*, 211. Cited. *Id.*, 215. Due process cited; instruction violating right to fair trial cited. *Id.* Cited. *Id.*, 251. Denial of due process rights cited. *Id.*, 296. Cited. *Id.*, 437. Due process cited. *Id.* Cited. *Id.*, 460. Due process cited. *Id.*, 474. Judgment of appellate court in 33 CA 743 reversed; review or comment on the evidence not constitutionally mandated where trial court in exercise of sound discretion determines such commentary not necessary. *Id.*, 502. Right to due process cited. *Id.* Cited. *Id.*, 517. Right to travel cited. *Id.*, 557. Due process clause cited. *Id.*, 557. Cited. *Id.*, 813. Due process requirements cited; procedural misconduct 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.* Cited. *Id.*, 97. Federal due process rights cited; deprivation of fair trial cited; obligation under federal constitution cited. *Id.* Cited. *Id.*, 139. Due process cited. *Id.*, 194. Procedural due process cited. *Id.*, 221. Due process clause of federal constitution cited. *Id.*, 281. Due process rights cited. *Id.*, 301, 308. Due process of law cited. *Id.*, 324. Right to due process cited. *Id.*, 381. Cited. *Id.*, 455. Due process cited; vagueness cited. *Id.* Interplay of double jeopardy and prosecutorial misconduct discussed; prosecutorial misconduct cited. *Id.*, 683. Due process and deprivation of fair trial cited. 235 C. 145. Cited. *Id.*, 206, 214, 257. 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; unconstitutionally vague and due process cited. *Id.*, 426. Cited. *Id.*, 477. Due process clause cited. *Id.* "... no protection afforded by the due process clause of the fourteenth amendment may fairly be characterized as creating a per se rule requiring a hearing before a transcript rectification is ordered ...". *Id.*, 487. Right to due process cited. *Id.* Cited. *Id.*, 502. Rights to due process cited. *Id.* Cited. *Id.*, 539; *Id.*, 595. Rights to due process cited; constitutional prohibition against mandatory presumptions cited. *Id.* Cited. *Id.*, 614. Due process cited. *Id.* Due process rights cited. *Id.*, 671. Due process cited. *Id.*, 679. Rights to due process cited. *Id.*, 693. Right to present an effective defense cited. *Id.*, 711. 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. Due process cited. *Id.*, 865. Due process and deprivation of fair trial cited. 236 C. 31. Cited. *Id.*, 112. Due process cited. *Id.* Cited. *Id.*, 176. Right to a fair trial cited. *Id.*, 209. Cited. *Id.*, 216; *Id.*, 266. Rights to fair trial and due process cited; right to present a defense cited. *Id.* Due process and right of defendant to establish a defense cited. *Id.*, 342. Cited. *Id.*, 388. Due process cited. *Id.* Cited. *Id.*, 421. Procedural and substantive due process cited. *Id.* Cited. *Id.*, 514. Due process cited. *Id.* Court concluded "... that a criminal defendant does not have a federal constitutional right to a presentence investigative report ..."; judgment of appellate court in 37 CA 801 reversed. *Id.*, 561. Right to due process cited. *Id.* Due process cited. *Id.*, 602. Due process rights cited. *Id.*, 625. Due process cited. *Id.*, 681. Due process clauses cited. *Id.*, 701. Due process cited. *Id.*, 719. Deprivation of due process cited. 237 C. 1. Constitutional right to present a defense cited. *Id.*, 58. Right to due process cited. *Id.*, 272. Cited. *Id.*, 284. Due process cited; unconstitutionally vague cited; fair trial rights cited; adequate notice of charges cited; ability to present a defense cited. *Id.* Cited. *Id.*, 348. Due process rights cited; right that state prove every element beyond a reasonable doubt cited. *Id.* Cited. *Id.*, 364. Cited. *Id.*, 390. Due process right to fair trial cited; preponderance of evidence cited. *Id.* Cited. *Id.*, 454. Sixth amendment right applies to the states through due process clause of fourteenth amendment cited; burden of proving every essential element of crime cited; harmless beyond a reasonable doubt cited; dilution of state's burden of proof cited. *Id.* Cited. *Id.*, 518. Due process right to fair notice cited. *Id.* Cited. *Id.*, 576. Due process of law cited. *Id.*, 633. Due process rights cited. *Id.*, 679. Cited. *Id.*, 694. Due process clause cited. *Id.* Due process cited. 238 C. 216. Right to present a defense cited. *Id.*, 313. Cited. *Id.*, 389. Right to due process cited; unconstitutional vagueness cited. *Id.* Cited. *Id.*, 692. Right to access to courts cited; review of inmate's outgoing nonprivileged mail cited. *Id.* Sec. 53a-93(a)(2)(C) not unconstitutionally vague on its face. *Id.*, 784. Unconstitutional vagueness of statute on its face cited. *Id.* Deprivation of due process and right to unanimous verdict cited. *Id.* Failure of city to include lump sum payments for accrued sick leave in final pension calculation not a violation of due process rights because the expectation of such claimed benefit did not create a constitutionally protected property interest within the meaning of the fourteenth amendment. *Id.*, 809. Constitutionally protected property interest and due process cited. *Id.* Right to due process cited. 239 C. 56. Rights to due process cited. *Id.*, 144. Due process cited. *Id.*, 168. Cited. *Id.*, 235; *Id.*, 313. Procedural due process cited. *Id.* Due process cited. *Id.*, 427. Rights to due process cited. *Id.*, 449. Rights to due process cited; right to fair trial cited; dilution of burden of proof cited. *Id.*, 481. Substantive due process cited. *Id.*, 574. Fundamental requirements of fairness and right to fair trial cited. *Id.*, 629. Due process clauses cited. *Id.*, 708. Cited. 240 C. 97; *Id.*, 119. Due process cited. *Id.* Distinction drawn between due process at investigation and adjudicatory stages of judicial disciplinary proceedings. *Id.*, 157. Due process cited. *Id.* Right to be present at all stages cited. *Id.*, 317. Due process cited; right to present a defense cited. *Id.*, 395. Cited. *Id.*, 489; *Id.*, 590. Due process rights cited. *Id.*, 671; *Id.*, 708. Federal constitutional rights to due process cited. *Id.*, 727. Cited. *Id.*, 743. Right to due process of law cited. *Id.* Right to due process and unconstitutionally vague cited. *Id.*, 766. Rights to due process cited. *Id.*, 799. Due process concerns cited. 241 C. 24. Proposition that due process clause guarantees right to introduce all relevant evidence is indefensible; polygraph examinations discussed. *Id.*, 57. Cited. *Id.*, 269. Due process rights cited. *Id.* Cited. *Id.*, 282. Due process and unconstitutionally vague cited. *Id.* Cited. *Id.*, 322. Due process clause cited. *Id.* Cited. *Id.*, 439. Due process clause cited; failure to instruct jury on essential element cited. *Id.* Cited. *Id.*, 502. Due process right to fair cross section cited. *Id.* Due process clause cited. *Id.*, 569. Cited. *Id.*, 650; *Id.*, 665. Prosecutorial misconduct, due process and a fair trial cited. *Id.*, 802. Cited. *Id.*, 823. Confrontation requirements cited. *Id.* Cited. 242 C. 17. Right to due process cited. *Id.* Improper shifting of burden of proof, constitutional rights and deprivation of a fair trial cited. *Id.*, 93. Right to present a defense and due process cited. *Id.*, 125. 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. Right to due process cited. *Id.* Deprivation of due process cited. *Id.*, 318. Cited. *Id.*, 345; *Id.*, 432. Constitutionally inadequate and insufficient and due process cited. *Id.* Deprivation of due process and rights to present a defense and to a fair trial 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 cited. *Id.*, 523. Cited. *Id.*, 666. Right to present a defense and due process cited. *Id.* Deprivation of due process cited. *Id.*, 689. Rights to due process cited. *Id.*, 745. Constitutional requirements for

fairness in initial identification procedures cited. *Id.* Cited. 243 C. 115. Due process clause cited. *Id.* Cited. *Id.*, 205. 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. Duty of police to preserve evidence under *Arizona v. Youngblood* distinguished from standard under state constitution. *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 entitled to jury instruction on self-defense because he was engaged in robbing the victims when his purported justification for killing them arose. *Id.*, 779. 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. Factors considered in determining whether defendant made a knowing, intelligent and voluntary waiver of “Miranda” rights discussed. *Id.*, 301. Provision in criminal statute re prima facie evidence interpreted for purposes of burden of proof. *Id.*, 339. Improper jury instruction concerning evidentiary matter did not violate defendant’s due process rights. 248 C. 132. Failure to raise dual motivation at trial makes such assertion inapplicable on appeal. *Id.*, 207. Reaffirmed prior rulings that propriety of peremptory challenge entrusted to trial court. *Id.* Re-notification clause in Sec. 31-349(e) does not violate due process clause, because no showing under circumstances of this case that legislature, in establishing second injury fund, entered into a contract with employees, employers and insurers. *Id.*, 457. Limitations provision in Sec. 31-349(b) and re-notification provision in Sec. 31-349(e) do not violate due process clause because premise that second injury fund had a contractual relationship with employees, employers and insurers is unsustainable. *Id.*, 466. Legal benefits and opportunities provided by this state for certain testamentary and inter vivos trusts established and probated in this state but administered by out-of-state trustee were sufficient fiscal contacts to justify subjecting undistributed income of such trusts to state income tax. 249 C. 172. Jury was not coerced where judge did not permit it to cease deliberation and be sent home for the day. 250 C. 385. Despite possible inaccuracy of one part of a charge to jury in a criminal trial, the charge, taken as a whole, adequately apprised jury of the presumption of innocence and state’s burden of proof and there was not reasonable likelihood of juror confusion. *Id.*, 466. In the absence of any reasonable possibility of juror confusion over the challenged instruction to the jury, which is identical in all material respects to the challenged instructional language in *State v. Schiappa*, 248 C. 132, and *State v. Delvalle*, 250 C. 471, court rejected defendant’s constitutional claims and concluded that trial court’s charge, when viewed in its entirety, adequately apprised jury that defendant was entitled to a presumption of innocence unless and until state proved the defendant guilty beyond a reasonable doubt. 251 C. 220. Appellate Court properly rejected defendant’s claim of prosecutorial misconduct during state’s closing argument and state was not prohibited from asking the jury to draw an inference from the absence of evidence concerning any improper motivation behind the minor female victim’s identification of defendant. *Id.*, 252. Guilt phase of a capital case does not impose greater requirements of specificity of the verdict on a panel of judges than on a jury nor does panel have to make findings of fact prior to the hearing on cause and time of victim’s death. Due process vagueness principles in capital sentencing cases are analyzed under eighth amendment. *Id.*, 285. 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 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 the right to a fair trial. 252 C. 533. Defendant’s due process rights were not violated by photographic identification of defendant by the mother of a victim who came to the police station without an appointment and unsolicited by 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 totality of the circumstances—mother of the victim 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.* Right to fair trial; trial court did not abuse its discretion in considering potential juror bias. 253 C. 280. 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. Defendant was not deprived of constitutional rights by state’s cross-examination of him or by reference in its final argument to his claimed inability to speak English where state’s attempt to undermine defendant’s use of an interpreter was directly related to issue of assailant’s identity and where thrust of the final argument was not directed to defendant’s use of an interpreter. Defendant could not prevail on claim of a pattern of prosecutorial misconduct and a sole, isolated instant in which prosecutor’s comment may have evoked feelings of fear in jurors did not deprive defendant of a fair trial. *Id.*, 543. Requirement that defendant bear the burden of persuasion with respect to affirmative defense of driving pursuant to a 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. Refusal of trial court to instruct jury on self-defense with respect to felony murder charge did not deprive defendant of rights to be presumed innocent, present a defense, due process and trial before a properly instructed jury. *Id.* Prosecutor’s remarks during closing argument in which she rendered her opinion as to 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. Instructions to jury on reasonable doubt held not to violate right to fair trial where instructions, in the context of court’s charge as a whole, did not dilute state’s burden

of proof. *Id.*, 694. Jury instruction which failed to instruct as to two elements of the crime was held to not violate defendant's rights where the omitted elements were uncontested and supported by overwhelming evidence. *Id.* On various claims that due process was denied because trial court took on role as advocate for state, it was held that (1) asking, without comment, for testimony to be read back to insure accuracy, (2) attempting to facilitate witness' understanding of a question, (3) clarifying ambiguous answer and (4) asking question relevant to witness' credibility did not render the court an advocate. *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. Sec. 9-333w(a) is narrowly tailored to serve compelling state interests and is valid and enforceable. *Id.*, 78. Plaintiffs' free speech and due process rights were not violated either by the time frame in which Elections Enforcement Commission adjudicated complaints under Sec. 9-7a(g) or by prehearing publicity. *Id.* Regarding a juvenile's plea agreement, due process requires that trial court advise the juvenile of any possible extension of delinquency commitment beyond the time period stated in the plea agreement. *Id.*, 565. Due process clause does not require notice and a hearing with the benefit of counsel prior to order modifying terms of probation. *Id.*, 830. Defendant's due process right to a fair and impartial jury 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. Due process rights of defendant 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.* 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 does not require that defendant be given the opportunity to substantiate an immaterial claim. *Id.* In order for defendant to have constructively possessed narcotics, the state must prove beyond 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. Because state made no claim that defendant should have retreated, the omission of a jury instruction on the duty to retreat did not deny defendant his right to present a defense. Jury instructions on reasonable doubt did not violate defendant's right to have jury properly instructed or dilute state's burden of proof. *Id.*, 193. 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. There was no pervasive pattern of prosecutorial misconduct at trial that deprived the pro se defendant of his constitutional right to fair trial; prosecutor's conduct during the voir dire was appropriate, prosecutor appropriately questioned evidence presented by means of defendant's trial techniques, prosecutor did not improperly appeal to jurors' emotions by such statements as "People could have died in that house. Those firefighters on their hands and knees could have died in that house..." because the comments referred to relation of evidence to applicable statutory requirement-that defendant's fire put firefighters in danger of substantial bodily injury, nor improperly commented on defendant's failure to testify. *Id.*, 291. 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 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 a 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 his right to due process. *Id.*, 313. Principles of due process prohibit court from retaliating against a defendant merely for exercising a statutory or constitutional right. *Id.*, 494. 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. Conditions set forth for prevailing on claim of presumptive judicial vindictiveness. 258 C. 374. 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 the search warrant application for defendant's commercial premises contained sufficient other facts to establish probable cause for issuance of warrant without the results of the thermal imaging scan. 259 C. 94. Defendant was not without fair warning and his due process rights were not denied by court's holding construing a common law duty to act under Sec. 53a-59(a). 260 C. 93. Re double jeopardy claim, due process rights were not violated because defendant failed to meet his burden of proving that his conviction of assault under Sec. 53a-59(a) with regard to different injuries arose out of the same act. *Id.* Secs. 53-21 and 53a-59(a)(3) do not stand in relationship to each other as greater and lesser included offenses and are not the same offense for double jeopardy purposes. *Id.* In future cases where a 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 a 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. *Id.*, 420. "True threat" is

serious expression of intent to harm or assault that falls outside ambit of constitutionally protected speech, and first amendment does not demand that the class of statements that constitute true threats be narrowed when spoken to a police officer. Sec. 53a-181(a)(3) not unconstitutionally vague or overbroad. 265 C. 145. Court declines to adopt rule urged by defendant that confession is presumed to be the product of physical violence and thus involuntary if evidence is submitted establishing that defendant has sustained a physical injury while in police custody and that state can rebut this presumption only by providing clear and convincing evidence of how, when or by whom defendant was injured. *Id.*, 184. 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. *Id.*, 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 defendant's substantive due process rights. *Id.*, 697. Prosecutorial misconduct in rebuttal argument deprives defendant of due process of law when prosecutor's remarks are not invited by the conduct or argument of defendant or his counsel, are severe in their wrongfulness (improper violation of court's prior rulings, improper appeals to jurors' passions and emotions and expressions of personal opinions and feelings by prosecutor), are frequent and are central to critical issues in the case and the curative measure adopted by trial court was inadequate to alleviate such misconduct. 266 C. 171. In determining whether prosecutorial misconduct constituting denial of due process has occurred, argument by prosecution that invokes or references religion or religious beliefs is to be evaluated under a two-step progression: First, whether challenged statements are inflammatory, unduly evoke passions or prejudices of jurors, or improperly invade province of jury, and second, if statements constitute misconduct, whether the misconduct was substantially prejudicial to defendant. *Id.*, 364. Defendant not entitled to review of his claim of induced impropriety in jury instruction because defendant requested the jury instruction from trial court that he now challenges; Golding review is not applicable to an error induced by defendant regardless of alleged constitutional nature of the error. 269 C. 97. 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. *Id.*, 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 that 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 the strength of state's case, trial court's curative instructions and defendant's failure to object to the lesser improprieties. *Id.*, 726. 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. *Id.*, 763. Sec. 17a-112(j) is not unconstitutional as applied to termination of parental rights of unfit mother upon proof by clear and convincing evidence that the child has been, among other things, uncared for. 270 C. 382. Where procedure by which witness identified defendant was unnecessarily suggestive, court nevertheless upheld the identification as reliable under totality of the circumstances. *Id.*, 458. On claim of insufficiency of the evidence, court held that jury could reasonably have inferred from the evidence that defendant intended to commit the crime charged and, therefore, that no constitutional violation had occurred. *Id.* Where co-conspirator's participation was not so attenuated or remote that it would have been unjust to hold him responsible, court's jury instruction on conspiratorial liability did not violate due process. *Id.* 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. Eighth amendment does not preclude using accessorial liability to prove aggravating factor in penalty phase of a capital trial when defendant was a major participant in the crime and evidenced reckless disregard for human life. 271 C. 338. Trial court improperly denied defendant access to mental health records that bore on witness' ability to understand, recall and relate circumstances of the murders, but failure to do so was harmless and defendant's right to confront witnesses against him was not violated. *Id.* Trial court's jury instruction on reasonable doubt did not violate defendant's due process rights by impermissibly diluting state's burden of proving him guilty beyond a reasonable doubt. 272 C. 106. Defendant does not have constitutional right to review on appeal privileged records that were exempted from discovery to determine if they contain exculpatory material and reveal a Brady violation. *Id.* Trial court's acceptance of jury's corrected verdict, prior to jury's discharge, does not violate defendant's double jeopardy rights. *Id.* Procedures utilized by trial court in accepting jury's corrected verdict satisfied eighth amendment's requirement of heightened reliability in capital cases. *Id.* Defendant does not possess federal constitutional right of allocution in capital sentencing hearing. *Id.* Trial court's comments during defense counsel's direct examination of witnesses and comments admonishing defense counsel outside presence of jury did not deprive defendant of fair trial. *Id.* Trial court did not violate defendant's right to impartial jury when it excused for cause venire persons whose views would prevent or substantially impair performance of their duties as jurors in accordance with their instructions and oath. *Id.* Prosecutor's statement that his interest in the case was to see that justice was done improperly injected his personal opinion into trial but this prosecutorial misconduct did not so infect trial with unfairness as to make defendant's conviction a denial of due process because the remark was brief and isolated and was invited by defense counsel argument, court gave curative instructions and state's case against defendant was particularly strong. *Id.* Prosecution did not pursue inherently factually contradictory theories against defendant and witness and thus did not violate due process. *Id.* Since statute at issue (Sec. 53a-110b) did not require that validity of protective order be an implicit element of that offense, defendant was not deprived of due process right to fair trial by virtue of trial court's failure to require state to prove validity of the order beyond a reasonable doubt. 273 C. 418. Court made finding due process requires special credibility jury instructions re informants who provide testimony for the state in return for consideration from the state; overruled 48 CA 19. 276 C. 452. Although plaintiff police officer's estate may proceed with substantive due process claim under theory of state-created danger, under facts of case concerning response to emergency call, dispatcher's failure to provide

officer with certain information was not sufficiently egregious to support claim. 277 C. 120. Sum of prosecutor's misconduct, including misconduct central to issue of credibility, was not severe enough and was sufficiently cured so that defendant was not deprived due process right to a fair trial. 278 C. 354. Although prosecutor committed misconduct by impugning defense counsel, such misconduct did not deprive defendant of fair trial because it was neither frequent nor severe, state's case was strong, defendant failed to object and jury instructions adequately addressed the impropriety. 279 C. 414. Admission of improper testimony regarding victim's credibility and prosecutorial misconduct in referencing testimony in closing argument did not deprive defendant of fair trial because defendant did not object to misconduct, testimony and misconduct were limited, credibility of victim was not critical to state's case and state's case was strong due to defendant's signed confession. 280 C. 36. Although municipal police officers deprived plaintiff of her possessory interest in dwelling without any process, they are entitled to qualified immunity because their mistake as to the constraints of the fourteenth amendment was objectively reasonable under the circumstances. 284 C. 502. Although challenged provision of Sec. 9-410(c) prohibiting a person circulating petitions for more than maximum number of candidates to be nominated by a party for same office or position implicates core political speech, burden it imposes is slight and, under applicable relaxed standard of review, the court concludes provision furthers important state interests and does not violate right to free speech or association. *Id.*, 573. If the evidence pointing to third party's culpability, taken together and considered in light most favorable to defendant, establishes a direct connection between third party and charged offense, rather than merely raising a bare suspicion that another could have committed the crime, a trial court has a duty to submit an appropriate charge to jury. *Id.*, 597. Limitation on constancy of accusation doctrine imposed by *State v. Samuels* that statements made by victim after he or she has filed an official complaint with police are inadmissible does not apply when victim is a young child and a state agency makes an official complaint to police on behalf of victim. *Id.* Standard of review in evaluating habeas petitioner's claim of ineffective assistance of appellate counsel is whether there is 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. Failure to instruct jury on every essential element of a crime charged does not automatically warrant new trial because such an error is subject to harmless error analysis. *Id.* Although prosecutor committed prosecutorial impropriety by attempting to create an impression on the jury by innuendo when there was no evidence to support the innuendo and by asking unduly sarcastic and repetitive questions of a defense witness, the improprieties were neither egregious nor representative of a pattern of similar conduct throughout the trial and therefore did not deprive the defendant of his due process right to a fair trial. 287 C. 509. 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, the trial court must canvass the defendant to ensure that any waiver is knowing, intelligent and voluntary. 288 C. 770. Sec. 46b-69(b) that requires parents involved in dissolution of marriage and certain other actions to participate in a parenting education program does not infringe on parents' fundamental right to exercise care, custody and control over their children and, under rational basis review, is rationally related to a legitimate government purpose, that is, the state's legitimate interest in promoting the welfare of children. 289 C. 362. Defendant was not deprived of a fair trial when defendant's counsel clearly and unequivocally agreed to a limiting jury instruction rather than seeking a mistrial after the court allowed the state to introduce hearsay evidence during cross-examination of defendant. *Id.*, 535. It is not unconstitutional to require defendant to prove his drug dependency by a preponderance of the evidence under Secs. 21a-269 and 21a-278(b). 290 C. 24; judgment superseded, see *Id.*, 602. Prosecutor's reference to "ingenuity of counsel" in closing argument was improper but since statement was isolated and not directed at a critical issue in the case it did not deprive defendant of his right to a fair trial. *Id.*, 70. Prosecutor's closing remark re motive in murder case, where he acknowledged there was no direct evidence and motive was not central to state's case, was harmless and did not deprive defendant of fair trial. *Id.*, 209. Despite the fact that defendant had no right to counsel for purpose of extradition, defendant was aware of right to counsel for purposes of interview with detectives and validly waived that right. *Id.*, 261. Defendant's due process rights were not violated because of trial court's failure to strictly adhere to Practice Book Sec. 42-2, because due process does not require a separate trial or judicial proceeding when the fact of a prior conviction is uncontested. *Id.*, 278. Trial court improperly expanded scope of hearing re reinstatement of guardianship without providing prior notice to respondent, in violation of her right to due process. *Id.*, 371. Trial court improperly concluded that town deprived plaintiff of property interest without due process of law by promoting another person despite fact that plaintiff received the higher examination score. *Id.*, 421. There is insufficient factual basis to determine that defendant's presence was constitutionally required at in camera discussions. *Id.*, 468. 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. *Id.*, 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. In indirect civil contempt case, defendant's due process rights were violated when defendant received notice of required court appearance at 5:00 p.m. the day before the date of appearance and was required to prepare a defense while preparing for other matters previously scheduled for that date. *Id.*, 489. In case where state showed defendant video recorded evidence of defendant engaged in drug transactions, and state indicated that video recording would be enhanced for trial and would likely be more readily viewable, defendant had no constitutional right to require state to reoffer a plea agreement that defendant rejected after viewing the first recording, and the introduction of the enhanced recording at trial did not constitute new evidence that was previously unknown to defendant because second recording was provided to defendant in a timely manner. *Id.*, 693. Right of defendant to be present has been extended, via the due process clause, beyond origins in confrontation clause to encompass situations where defendant is not actually confronting witnesses but, under circumstances of this case, defendant did not have a fundamental right to be present when testimony was played back to jurors during jury deliberations because such playback did not constitute a critical stage of the trial. 292 C. 226. Defendant was deprived of fair trial when prosecutor elicited evidence of, and commented during summations about, the fact that

defendant had hired an attorney and had refused to be interviewed by police prior to his arrest. Id., 262. 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. Id., 417. Re probation violation hearing, record did not indicate whether defendant who waived right to counsel knew he faced possible prison term if found to have violated probation, therefore defendant was entitled to new probation violation hearing. Id., 483. Trial courts do not have a duty to charge the jury, sua sponte, on defenses, affirmative or nonaffirmative in nature, that are not requested by defendant; trial court did not abuse discretion by precluding defense counsel from asking venirepersons specifically about self-defense and did not commit plain error by failing to give a jailhouse informant credibility instruction; right of defendant to establish defense includes proper jury instructions on the elements of self-defense; defendant's unpreserved claim of error concerning jury instruction is reviewable under third prong of *Golding* because defendant, while acquiescing to the charge given at trial, did not actively induce trial court to act on the challenged portion of the instruction. Id., 656; judgment reversed in part, see 299 C. 447. Trial court did not violate defendant's right to present a defense by failing to instruct the jury on whether defendant used deadly or nondeadly force during struggle immediately preceding stabbing because that was irrelevant once the jury determined defendant has intentionally stabbed the victim and by instructing the jury on initial aggressor exception to the law of self-defense because instructions did not suggest that a person could be considered the initial aggressor on the basis of words alone rather than a combination of physical and verbal conduct; although the court improperly instructed the jury that they should find defendant not guilty if the state failed to prove "each" instead of "any" element of manslaughter in the first degree, the instructions as a whole were not misleading and did not deprive defendant of a fair trial. Id., 734. Re prior misconduct evidence, it is not necessary that court instruct jury that it must find, by preponderance of evidence, that prior misconduct actually occurred at hands of defendant, but instead jury may consider prior misconduct evidence for proper purpose for which it is admitted if there is evidence from which the jury reasonably could conclude that defendant actually committed the misconduct. 293 C. 303. Deceased victim's statement did not constitute hearsay because it was not admitted for purpose of proving truth of matter asserted, but to establish, inter alia, motive and state of mind, and admission of such testimonial nonhearsay evidence did not violate right of confrontation under *Crawford v. Washington*. Id., 327. Plaintiff's limited property interest in contract with state agency is not an entitlement to which due process protections apply. Id., 342. When defendant clearly and unequivocally invokes the right to self-representation after trial has begun, the court must consider defendant's reasons for the request, the quality of defendant's counsel and defendant's prior proclivity to substitute counsel, and if the court determines that the balance weighs in favor of defendant's interest in self-representation, the court must canvass defendant in accordance with Practice Book Sec. 44-3 to ensure that defendant's choice has been made in a knowing and intelligent fashion. Id., 406. There is no liberty interest in receiving a sentence within the authorized range that is proportionate to that of similarly situated offenders. Id., 489. Since the town had discretion to promote any candidate certified to the promotional list to the position of police captain, the plaintiff did not have a constitutionally protected property interest in the promotion and hence no process was due for the deprivation of an interest that was not of constitutional magnitude. Id., 698. Kidnapping statute, Sec. 53a-94(a), is not unconstitutionally vague as applied to defendant's conduct. 294 C. 753. Defendant who committed perjury at trial was not denied right to due process and fair trial, and court's rulings re false testimony were not constitutionally excessive. 296 C. 397. Recognition of born alive rule reasonably cannot be characterized as a departure from settled law, let alone a radical and unforeseeable change in the law, and therefore application of rule to defendant's conduct did not violate his right to fair notice under due process clause. Id., 622. Defendant's due process rights were not violated when trial court increased defendant's sentence on counts affirmed on appeal because the aggregate package theory sentence was not presumptively vindictive and defendant failed to prove actual vindictiveness; court declined to adopt remainder aggregate theory of sentencing. 297 C. 262. In determining if identification procedures violate due process rights, inquiry is made on an ad hoc basis and is two-pronged: first, it must be determined whether the identification procedure was unnecessarily suggestive, and second, if so, it must be determined whether the identification was nevertheless reliable based on examination of the totality of the circumstances; failure of police to use double-blind identification procedure and inconsistency in identification instruction form did not render identification unnecessarily suggestive. 298 C. 34. Due process does not mandate that custodial interrogation, advisement of Miranda rights and any resulting statements of defendant be recorded. Id., 537. Defendant's right to remain silent was not violated when police detective testified that defendant refused to sign Miranda rights card, because defendant spoke with detectives thereafter, that defendant refused to answer questions about a co-participant, because defendant may not remain selectively silent, that defendant refused to give a written statement and thereafter ended the interview, because that was a permissible description of the course of events and investigative efforts of the police, and that defendant's demeanor was arrogant, because that characterization was not a description of the manner in which defendant nonverbally ended the interview or evidenced his intent to invoke his right to remain silent. Id. When trial court provides counsel with a copy of the proposed jury instructions, allows a meaningful opportunity for review, solicits comments from counsel regarding changes or modifications and counsel affirmatively accepts the instructions proposed or given, defendant may be deemed to have knowledge of any potential flaws therein and to have waived implicitly the constitutional right to challenge the instructions on direct appeal. 299 C. 447. Because defense counsel had a meaningful opportunity to review the supplemental instructional language and because jury's specific request was sufficient to focus defense counsel's attention on the elements of forgery, defense counsel's acceptance of trial court's supplemental instruction constituted an implied waiver of defendant's claim of instructional error. Id., 551. Admission of evidence of prior uncharged misconduct by defendant, namely the shooting of another individual with same firearm, did not deprive defendant of fair trial because it was relevant to prove defendant's identity as shooter in this case as well as to corroborate a witness's testimony, and the prejudicial effect of evidence did not outweigh its probative value. Id., 567. Although court improperly instructed jury on Pinkerton liability when it failed to instruct jury that it must find the murder was reasonably foreseeable as a necessary or natural consequence of the conspiracy, the error was harmless since the foreseeability of the murder as a consequence

of the conspiracy was uncontested and was supported by overwhelming evidence. *Id.*, 640. Since defense counsel had meaningful and multiple opportunities to review trial court's jury instructions and object to any language therein, and repeatedly indicated his satisfaction with the charge, defendant therefore waived her claim of instructional error and was not deprived of a fair trial. *Id.*, 667. Failure to provide a hearing in juvenile court to afford defendant an opportunity to contest transfer to adult criminal court did not violate due process because defendant is entitled to such a hearing before the judge of the criminal court docket prior to that court's decision to accept and finalize the transfer. 300 C. 104. Respondent father's due process rights were not violated in termination of parental rights proceeding where he participated by telephone due to his incarceration and where his request for a trial transcript and a continuance were denied, because respondent did not identify on appeal any evidence or argument that he could have presented if trial court had granted his request for a transcript and a continuance. *Id.*, 463. Youth charged with commission of a crime has a liberty interest in his status as a defendant on youthful offender docket and such liberty interest results only from state statutory authority; due process requires that defendants on youthful offender docket be provided with notice and a hearing before they are divested of their youthful offender status. *Id.*, 748. Participation of judge on three-judge panel for capital felony penalty phase proceeding who had participated in earlier proceedings in case did not give rise to an improper appearance of partiality or risk of bias against defendant requiring such judge to disqualify himself. 303 C. 71. Defendant's claim that his death sentence was imposed arbitrarily and capriciously because there are no uniform standards guiding prosecutors' decisions to seek the death penalty is contradicted by overwhelming authority and is rejected. *Id.* Retroactive application of Sec. 53a-40(h), as modified in a merely procedural manner by holding in 283 C. 748 that Sec. 53a-40(h) was unconstitutional to the extent that it required trial court to make the requisite finding, does not violate the ex post facto principles embodied in the due process clause of the fourteenth amendment. *Id.*, 246. Re defendant who admitted violating conditions of probation but contested revocation, due process rights were not violated by admission of photographs from social media Internet websites depicting defendant committing acts in violation of terms of probation because state articulated an uncontradicted basis for determining whether each image depicted defendant before or during probation and defendant failed to contest that the photographs depicted her while on probation. *Id.*, 304. When defendant claims on appeal that improper remarks by prosecutor deprived him of fair trial, burden is on defendant to show not only that remarks were improper, but also that, in light of whole trial, improprieties were so egregious as to amount to denial of due process. *Id.*, 538. Conviction reversed where trial court failed to submit a material element of the charge to the jury for determination and defendant did not unequivocally waive the instructional error. 304 C. 426. In camera review is sufficient to protect death penalty defendant's right to use statutorily privileged records to establish his case in mitigation; although defendant does not have a right to unfettered access to any and all privileged records that concern members of his family, failure of trial court to disclose certain documents from department's file that potentially would have given the jury a broader and more comprehensive picture of defendant's family history to consider as a mitigating factor violated defendant's due process rights to fair trial. 305 C. 101; death penalty unconstitutional on other grounds, see 318 C. 1. Criminal charges against defendant were not fundamentally unfair because defendant does not have the right to commit a new crime in resistance to a police entry, illegal or not; trial court did not err in refusing to instruct jury on defense of entrapment because there was no evidence presented that defendant was initially unwilling to commit a crime or that the actions of the officers actually implanted a criminal design in defendant's mind. *Id.*, 330. Conviction of defendant who is compelled to stand trial in identifiable prison clothes in violation of constitutional rights is reversible per se pursuant to Supreme Court's supervisory authority. *Id.*, 594. Sec. 22a-359 not unconstitutionally vague re structure erected by plaintiff without proper approval that was waterward of the high tide line. *Id.*, 681. Prosecutor's failure to disclose perjury of key prosecution witness concerning plea deal a violation of due process when state lacked otherwise overwhelming evidence to convict defendant; prosecutor's ignorance of plea deal no excuse for failure to disclose. 309 C. 359. Denial of defendant's motion to complete a family relations child custody evaluation with defendant's counsel present did not violate defendant's procedural due process rights. *Id.*, 499. Use of the preponderance of the evidence standard in a physician discipline proceeding before the Connecticut Medical Examining Board does not offend a physician's due process rights. *Id.*, 727. Indigent, self-represented criminal defendant has right to publicly funded expert or investigative services to the extent reasonably necessary to present an adequate defense; due process right to basic tools of adequate defense is not dependent on whether party is represented by counsel or self-represented. 312 C. 222. 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. Re prosecutorial impropriety depriving defendant of due process right to a fair trial, language is deemed "ambiguous" when, read in context, it is susceptible to more than one reasonable interpretation; where prosecutor's allegedly improper statements are genuinely ambiguous, the ambiguity will be construed in favor of the state; for purpose of determining whether challenged remark is improper, when selecting among multiple, plausible interpretations of the language, court will assign the remark the less damaging, plausible meaning; impropriety of prosecutor's remarks is a fact centered inquiry, which must be determined on a case-by-case basis. 319 C. 1. No deprivation of procedural due process 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. *Id.*, 288. Prosecutorial improprieties, i.e., asking defendant to comment on veracity of other witnesses and then referring to defendant's response in closing argument, did not deprive defendant of due process right to a fair trial where defense counsel did not object to any of those improprieties, jury instructions would have ameliorated harmful effect of all but one of the improprieties, and the two most serious improprieties, which pitted defendant's credibility directly against that of the police, were not directed at the charge for which defendant was convicted but, rather, at the charge which resulted in an acquittal; where jury was required to decide whether defendant or witness was telling the truth, improperly questioning defendant directly about whether witness had lied during his testimony was harmless. 320 C. 22. 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. *Id.*, 265. 10-year delay in scheduling postremand inquiry into defendant's juror misconduct allegations did not violate defendant's right to due process because it did not prevent him from fully presenting his juror misconduct claims. *Id.*, 400. Defendant's due process rights not prejudiced by presence of a dog who offered comfort and support to child witness testifying during sexual assault trial. 321 C. 656. In parental rights termination, due process would be violated where parents did not have notice of and an adequate opportunity to appeal trial court's determination that reunification efforts were not required because of clerical error. 322 C. 231. First time in-court identifications implicate due process protections and must be prescreened by the trial court; 200 C. 465 limited to its facts. *Id.*, 410.

The sentencing court must inquire into reasons for the failure to pay restitution in a revocation proceeding. 1 CA 70. Cited. *Id.*, 207; *Id.*, 270; *Id.*, 298; *Id.*, 315; *Id.*, 373. 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; 2 CA 36, 40; judgment 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 appeal. 2 CA 43. Cited. *Id.*, 127. Due process rights cited. *Id.* Where judge interviewed minor child in absence of parents and their counsel over objection of party it was determined to be a violation of that party's due process rights. *Id.*, 132. Right to due process cited. *Id.* There is no due process violation in the requirement that a defendant must attend his own trial even where his identification as the perpetrator is an integral part of the issues. *Id.*, 204. Due process; unconstitutionally vague cited. *Id.* Cited. *Id.*, 363. Due process cited. *Id.* Cited. *Id.* 449. Due process cited. *Id.* Cited. *Id.*, 496. Due process requirements of administrative hearings discussed. 2 CA 551; judgment reversed, see 199 C. 231. Due process cited. *Id.* Cited. 2 CA 605. Right to fair trial cited. *Id.*, 617. Cited. *Id.*, 689. Due process cited. *Id.* Cited. 3 CA 80; *Id.* 118. Due process cited. *Id.* Cited. *Id.*, 126; *Id.*, 137; *Id.*, 148. Due process; fair trial cited. *Id.* Cited. *Id.*, 166. Fundamental constitutional right and fair trial cited. *Id.* Cited. *Id.*, 184. Denial of due process cited. *Id.* Due process rights cited. *Id.*, 322. Cited. *Id.*, 339; *Id.*, 349. Right to a fair trial cited. *Id.*, 374. Due process right to call witnesses on his own behalf cited. *Id.* Procedural due process cited. *Id.*, 404. Cited. *Id.*, 410. Federal due process cited. *Id.*, 432. Not unconstitutionally vague cited. *Id.*, 576, 579. Federal constitutional question on burden of proof beyond reasonable doubt cited. *Id.*, 650. 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. Due process and constitutional right to fair trial cited. *Id.*, 154. Due process rights cited. *Id.*, 216. Due process cited. *Id.*, 261. Due process rights cited. *Id.*, 307. Void for vagueness cited. *Id.* Due process cited and due process considerations with uniform administration procedure act provisions discussed. *Id.*, 359. Cited. *Id.*, 406. Due process cited. *Id.* Cited. *Id.*, 451. Due process cited. *Id.*, 464. Cited. *Id.*, 514; *Id.*, 653. Due process cited. *Id.* Fair trial cited. *Id.*, 669. Due process cited. 5 CA 113. Denial of due process; fair trial cited. *Id.*, 277. Cited. *Id.*, 369. Due process cited. *Id.* Due process; fundamental constitutional right cited. *Id.*, 378. Due process cited. *Id.*, 500; *Id.*, 520; *Id.*, 571. Due process; fair trial cited. *Id.*, 599. Cited. *Id.*, 649. Due process cited. *Id.* Cited. 6 CA 15. Issue of fundamental constitutional significance cited. *Id.*, 24. Right to effective assistance of counsel is not guaranteed to defendant in a civil proceeding. *Id.*, 83. Right to effective assistance of counsel cited. *Id.* Right to a fair trial cited. *Id.*, 124. Fundamental right to a fair trial cited. *Id.*, 143. Cited. *Id.*, 164. Fair trial cited. *Id.* 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.* 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; deprived of fair trial cited. *Id.* Cited. *Id.*, 301; *Id.*, 334. Due process cited. *Id.* Cited. *Id.*, 394. Unconstitutionally vague or over broad cited. *Id.*, 407. Due process cited. *Id.*, 469. Cited. *Id.*, 471. Constitutional rights of due process cited. *Id.*, 546. Cited. *Id.*, 667. Fundamental constitutional right and a fair trial; 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.* Due process cited. *Id.*, 27; *Id.*, 95. Cited. *Id.*, 142. Due process cited. *Id.* Cited. *Id.*, 149. Due process cited. *Id.* Cited. *Id.*, 180. Due process cited. *Id.* Cited. *Id.*, 292; *Id.*, 309. Due process clause cited. *Id.* Cited. *Id.*, 326. Due process cited. *Id.* Cited. *Id.*, 403. Unconstitutionally vague cited. *Id.* Cited. *Id.*, 445. Constitutional right of defendant to testify cited. *Id.* Cited. *Id.*, 452. Due process right to fair trial cited. *Id.* Cited. *Id.*, 470. Fundamental right to a fair trial cited. *Id.* Cited. *Id.*, 477. Fundamental constitutional right to a fair trial; due process rights cited. *Id.* Cited. *Id.*, 503. Rights to due process cited. *Id.* Cited. *Id.*, 532. Right under amendment to be present at trial. *Id.* Cited. *Id.*, 639. Due process; constitutional rights cited. *Id.* Cited. *Id.*, 726. Due process rights cited. *Id.* Cited. 8 CA 35. Right to a fair trial cited. *Id.* Cited. *Id.*, 44. Due process rights cited. *Id.* Cited. *Id.*, 63. Right to effective assistance of counsel cited. *Id.* Cited. *Id.*, 216. Due process; right to fair trial, cited. *Id.* Due process cited. *Id.*, 273. Cited. *Id.*, 290; *Id.*, 317. Due process right to fair trial cited. *Id.* Federal due process rights cited. *Id.*, 345. Cited. *Id.*, 361. Due process cited. *Id.*, 387. Due process rights cited. *Id.*, 399. Unconstitutionally void for vagueness cited. *Id.*, 407. Violation of a fundamental constitutional right cited. *Id.*, 491. Due process; fair hearing, cited. *Id.*, 508. Deprivation of a fair trial and due process cited. *Id.*, 566. 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; *Id.*, 656. Due process cited. *Id.*, 667. Federal due process rights; void for vagueness; right to fair trial, cited. 9 CA 74. Due process cited. *Id.*, 141. Cited. *Id.*, 147; judgment reversed, see 206 C. 278. Due process cited. *Id.* Cited. *Id.*, 208. Due process right to fair trial cited. *Id.* Denial of due process cited. *Id.*, 228. Cited. *Id.*, 260. Due process principles cited. *Id.* Constitutional requirement of proof beyond a reasonable doubt; unconstitutional dilution of burden of proof, cited. *Id.*, 275. Denial of due process cited. *Id.*, 313. Cited. *Id.*, 330. Due process rights; right to counsel, cited. *Id.*, 340. Denial of due process cited. *Id.*, 396. Constitutionally protected right to companionship, care, custody and management of his child cited. *Id.*, 413. Due process rights cited. *Id.*, 514. Notice of public hearings constitutionally defective, cited. *Id.*, 538. Due process rights and due process clause cited. *Id.*, 548. Due process rights cited. *Id.*, 608. Cited. *Id.*, 631; judgment reversed, see 205 C. 352. Constitutional right to fair trial cited. *Id.*, 656; *Id.*, 667.

Cited. 10 CA 36. Due process cited. Id. Deprivation of property without due process cited. Id., 80. Void for vagueness; due process, cited. Id., 86. Cited. Id., 90. Denial of due process cited. Id. Due process rights cited. Id., 103. Right to due process cited. Id., 130. Cited. Id., 147. Rights to due process cited. Id. Due process cited. Id., 201. Cited. Id., 217. A “harmless error” test must now be applied to a Sandstrom violation (*Sandstrom v. Montana*, 442 U.S. 510) and must therefore also be applied to the less serious Rodgers error (*State v. Rodgers*, 198 C. 53) and to present case as well as *State v. Reddick*, 197 C. 115. Id., 279. Rights to due process cited. Id. Due process cited. Id., 292. Cited. Id., 302. Due process and fundamental constitutional right cited. Id., 330. Right to due process; rights under state and federal constitution, cited. Id., 404. Cited. Id., 361. Constitutional due process claims; right to fair trial, cited. Id. Due process cited. Id., 422. Due process clause 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. Cited. Id., 503; Id., 520. Due process cited. Id. Cited. Id., 561. Defendant not entitled under due process clause to cross-examine witnesses in a sentencing hearing. Id., 591. Due process cited. Id.; Id., 643. Deprivation of fundamental constitutional right and fair trial cited. Id., 659. Clarification of instructions is mandatory when any member of jury manifests confusion about the law. Id., 697. Fundamental constitutional right to due process and a fair trial cited. Id. Constitutional right to notice of charges cited. Id., 709. Cited. 11 CA 11. Cited. Id., 47. Constitutional rights to an adequately instructed jury and conviction only on proof beyond a reasonable doubt cited. Id., 102. Unconstitutionally void for vagueness; due process; burden of proving guilt beyond a reasonable doubt, cited. Id. 122. Constitutional right to conviction on proper evidence cited. Id., 236. Federal constitutional due process cited. Id., 297. Due process; unconstitutionally vague, cited. Id., 316. Due process cited. Id., 332. Cited. Id., 397. Constitutional burden of proof; due process, cited. Id., 425. Due process violation implicating fairness of trial cited. Id., 575. Cited. Id., 584. Due process cited. Id., 665. Right to due process cited. Id., 673. Cited. Id., 693. Deprivation of due process cited. Due process cited. Id., 699. Due process rights cited. Id., 709. Cited. 12 CA 1. Constitutional 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 rights cited. Id., 172. Due process challenges to federal judiciary appointments cited. Id., 190. Due process 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 rights to a fair trial cited. Id., 320. Right to due process cited. Id., 338. Cited. Id., 364; Id., 395. Right to a fair trial and due process cited. Id. Cited. Id., 408; Id., 427. Due process cited. Id., 435. Due process rights cited. Id., 455. Constitutional right not to be convicted except upon proof beyond a reasonable doubt. 13 CA 12. Constitutional right to a fair trial cited. Id., 40. Cited. Id., 76. Deprivation of a fundamental constitutional right and a fair trial cited. Id. Right to due process cited. Id., 91. Constitutional right to due process cited. Id., 114. Exculpatory evidence unconstitutionally suppressed cited. Id., 133. Cited. Id., 139. Constitutional right to present a defense cited. Id. Cited. Id., 175; Id., 239. Due process of law cited. Id. Constitutional right to a unanimous jury verdict cited. Id., 288. Cited. Id., 368. Fundamental constitutional right that guilt be proved beyond a reasonable doubt. Id. Due process clause cited. Id., 378. Constitutional right to a fair trial cited. Id., 386. Violation of due process rights cited. Id., 400. 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 due process 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. Cited. Id., 596. Fundamental constitutional right to proof of guilt beyond reasonable doubt cited. Id. Deprived of property without due process cited. Id., 632. Cited. Id., 687. Right to due process cited. Id. Denial of fair trial; denial of due process, cited. 14 CA 6. Cited. Id., 10. Rights to due process cited. Id. Due process violation; fundamental constitutional right and fair trial, cited. Id., 88. Due process cited. Id., 108. Cited. Id., 134. Fundamental constitutional right and fair trial; denial of due process, cited. Id., 146. Right to due process cited. Id., 159. Cited. Id., 205. Constitutional right to fair notice; right to due process and fair treatment, cited. Id. Cited. Id., 212; Id., 272. Unconstitutionally vague; due process rights; fundamental constitutional right and fair trial, cited. Id. Due process; fundamental constitutional right and fair trial, cited. Id., 296. Due process cited. Id., 322. Due process violation cited. Id., 413. Cited. Id., 451. Due process clause cited. Id. Cited. Id., 463. Federal due process rights cited. Id., 472. Due process cited. Id., 487. Right to fair trial cited. Id., 586. 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rights cited. Id., 440. Cited. Id., 473; Id., 488; Id., 516. Due process clauses cited. Id. Right to fair trial cited. Id., 525. Cited. Id., 587. Due process rights cited. Id.; Id., 597. Rights to due process cited. Id., 631. Due process cited. Id., 635; judgment reversed, see 236 C. 330. Due process cited. Id., 641. Denial of due process cited. Id., 670. Rights to present a defense, to a fair trial and to due process cited. Id., 680. Cited. Id., 695. Due process right to fair trial and constitutional right to be found guilty only on finding of proof beyond a reasonable doubt cited. Id., 718. Cited. Id., 753. Improper prosecutorial conduct and due process claims cited. Id. Due process rights and a fair trial cited; right to an adequately instructed jury cited. Id., 805. Cited. Id., 821. Due process rights and rights to present a defense cited. Id. Unconstitutionally diluted state's burden of proof cited. 37 CA 21. Cited. Id., 40. Due process cited. Id., 100. Cited. Id., 105. Rights to due process cited. Id. Deprivation of fair trial by trial court's marshaling of the evidence cited. Id., 180. Due process rights cited. Id., 213. Due process cited; right to be informed of nature and causes of criminal charge cited. Id., 228. Cited. Id., 276. Right not to be convicted of crime upon insufficient evidence cited. Id. Cited. Id., 338. Due process violation, failure to instruct on essential element cited. Id. Due process and suppression by prosecution of evidence favorable to the accused; right to fair trial cited. Id., 355. Rights 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; Id., 437. Right to due process cited. Id. Due process and a fair trial cited. Id., 456; judgment reversed, see 236 C. 176. Court declines to elevate identification of inanimate object to one of constitutional magnitude on basis of impermissibly suggestive identification procedures; due process cited. Id., 464. Cited. Id., 500. Dilution of state's burden of proof and deprivation of fair trial cited. Id., 509. Deprivation of due process cited. Id., 515. Cited. Id., 589. Right to due process of law cited; prosecutorial misconduct and deprivation of fair trial cited; dilution of burden of proof cited. Id. Rights to a fair trial or due process cited. Id., 635. Denial of due process cited. Id., 672. Cited. Id., 722. Unconstitutionally vague cited. Id. Cited. Id., 733. Right to due process, suppression of out of court identification, prosecutorial misconduct cited. Id. Cited. Id., 749. Right to fair trial and improper comment on defendant's invocation of right to counsel and prosecutorial misconduct cited. Id. Failure to have available presentence investigation (PSI) prior to sentencing violated due process; 31 CA 278 judgment reversed by 230 C. 385 and case remanded to trial court for resentencing. Id., 801; judgment reversed, see 236 C. 561. Not a taking of property without due process of law cited. Id., 835. Cited. 38 CA 29. Due process and jury instruction cited. Id. 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; Id., 125. Rights to due process cited. Id. Due process cited. Id., 198. Cited. Id., 240. Due process cited. Id. Rights to due process cited. Id., 247. Due process cited. Id., 263. Dilution of state's burden of proof cited. Id., 282. Cited. Id., 371. Prosecutorial misconduct, deprivation of fair trial, due process and right to present a defense cited. Id. Rights to due process cited; reduction of state's burden of proof cited. Id., 434. Due process cited. Id., 506. Cited. Id., 581. Due process cited. Id. Right to fair trial cited. Id., 598; judgment reversed, see 237 C. 238. Due process cited. Id., 643. Cited. Id., 661. Right to trial by jury cited; due process cited; right to fair trial cited; proof of guilt beyond a reasonable doubt cited. Id. Due process cited. Id., 685. Due process rights cited. Id., 731. Due process cited. Id., 762. Due process and duty to disclose exculpatory evidence cited. Id., 777. Due process rights cited. Id., 801. Cited. Id., 815. Due process right cited. Id. Cited. Id., 868. Due process right cited. Id. Cited. 39 CA 45. Federal due process violation cited. Id. 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. Id. Cited. Id., 96. Comments on defendant's failure to testify cited; due process right cited. Id. Right to due process cited. Id., 175. Cited. Id., 183. Due process cited. Id. Cited. Id., 224. "Miranda" rights cited; right to remain silent cited. Id. Due process cited. Id., 253. Prosecutorial misconduct, due process and a fair trial cited. Id., 333. Cited. Id., 369. Right to due process and a fair trial cited. Id. Due process and prosecutorial misconduct cited; right to a fair trial cited. Id., 384. Due process rights cited. Id., 407. Cited. Id., 412. Due process cited. Id. Due process rights cited. Id., 429. Cited. Id., 455. Due process and prosecutorial misconduct cited. Id., 478. Cited. Id., 502. Due process clause and rights and a fair trial cited. Id. Cited. Id., 563. Right to establish a defense cited. Id. Due process and prosecutorial misconduct cited; "Miranda" warnings cited. Id., 579. Due process cited. Id., 645. Cited. Id., 657. Right to due process and a fair trial cited. Id. Cited. Id., 674. Rights to due process cited. Id. Due process cited. Id., 684. Cited. Id., 789. Right to present a defense cited. Id., 800. Deprivation of due process cited. Id., 832. Due process rights cited. Id., 840. Cited. 40 CA 1. Unconstitutionally vague cited. Id. Due process and a fair trial cited. Id., 47. Cited. Id., 60; Id., 75. Impermissibly vague cited; taking without just compensation cited. Id. Rights to due process 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 a fair trial cited. Id. Cited. Id., 233. Due process right cited. Id. Due process cited. Id., 278. Deprivation of due process and a fair trial cited. Id., 374. Due process and a fair trial cited; instructions constitutionally defective cited. Id., 387. Cited. Id., 420. Right to due process cited. Id., 452. Due process cited. Id., 501. Cited. Id., 515. Due process cited. Id. Due process rights cited. Id., 526. Cited. Id., 544. Due process and fairness of trial cited. Id., 601. Denial of due process cited, prosecutorial misconduct cited; diminished state's burden of proof cited. Id., 624. Due process rights cited. Id., 643. Cited. Id., 762; Id., 789. Right to due process cited; right to present a defense and to a fair trial cited. Id., 805. Cited. 41 CA 16. Right to due process cited. Id.; Id., 47. Due process violation cited. Id., 139. Cited. Id., 147. Due process rights cited. Id. Cited. Id., 180. Due process clause cited; prosecutorial misconduct cited. Id. Cited. Id., 238. Right to due process cited. Id. Due process rights cited; right to fair trial cited. Id., 255. Right to due process, to a fair trial and to present a defense cited. Id., 317. Cited. Id., 341. Due process cited. Id. Due process right to establish a defense cited. Id., 361. Due process cited. Id., 382. Cited. Id., 391. Due process cited. Id. Cited. Id., 454. Rights to due process cited. Id. Due process and a fair trial cited. Id., 495. Cited. Id., 604. Rights to due process and a fair trial cited. Id. Cited. Id., 515. Ineffective assistance of counsel cited. Id. Due process cited. Id., 530. Cited. Id., 701. Impermissible cross-examination about past arrest silence cited; right to an adequately instructed jury cited; right to due process cited. Id. Cited. Id., 751. Right not to be put twice in jeopardy cited; double jeopardy rights cited. Id. Cited. Id., 772; Id., 809. Right to due process and a fair trial cited. Id. Right to present a defense cited. Id., 817. Deprived of rights to present a defense, to due process and to a fair trial cited; improper instruction on reasonableness of degree of force used in self-defense cited. Id. 831. Due process cited. Id., 866. Use of rebuttable presumption did not deprive defendant of due process. Id., 874. Due process cited. Id. Unconstitutionally shifted burden of proof from state cited. 42 CA 10.

“The jury was never instructed that the presumption of inference was mandatory and the burden of persuasion never shifted.” Id. Cited. Id., 17. Denial of fair trial and due process cited. Id. Cited. Id., 41. Due process clause cited. Id. “Miranda” warnings and exercised right to remain silent cited. Id. Cited. Id., 141. Denial of presumption of innocence and due process rights cited. Id. Denial of motion to dismiss on due process grounds is not final for the purposes of appeal. Id., 144. Denial of rights to due process cited. Id. Cited. Id., 264. Due process cited. Id., 318. Constitutionally guaranteed due process right to establish a defense cited. Id., 348. Cited. Id., 445. Prosecutorial misconduct and deprivation of right to a fair trial cited. Id. Rights to due process cited. Id., 472. Deprivation of due process cited. Id., 480. Constitutional rights as a tenured teacher cited. Id. Federal right to due process and a fair trial cited. Id., 507. Prosecutorial misconduct cited. Id. Deprivation of constitutional right to fair trial by improper instruction cited. Id., 555. Unconstitutionally vague cited. Id., 631. Cited. Id., 640. Unconstitutionally vague as applied to defendant cited. Id. Denial of a fair trial and due process of law cited. Id., 669. Obligation to produce exculpatory evidence cited. Id. Due process cited; due process right to address court cited. Id., 768. Right to due process cited. Id., 803. Right to due process and a fair trial cited; lowering of state’s burden of proof cited. Id., 810. Due process cited. 43 CA 39. Deprivation of due process cited; right to be present at trial cited. Id., 142. Right to due process cited. Id., 227. Cited. Id., 252. Due process rights cited. Id. Cited. Id., 339. Due process cited; state’s satisfaction of burden of proof cited; constitutional attack or claim cited. Id. Due process cited. Id., 387. Rights to due process and a fair trial cited. Id., 468; Id., 480. Cited. Id., 488. Right to a speedy trial, due process and opportunity afforded to present a defense cited. Id. Cited. Id., 512. Unconstitutionally vague cited. Id., 527. Cited. Id., 555. Right against self-incrimination cited; right to due process cited. Id. 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. Substantive and procedural due process cited. Id., 654. Cited. Id., 659. Due process cited; constitutional right to cross-examination cited. Id. Cited. Id., 667. Rights to confrontation and due process cited; fair trial cited. Id. Alleging prosecutorial misconduct cited; fair trial cited. Id., 680. Cited. Id., 704. Right to present a defense cited; due process clauses cited; prosecutorial misconduct cited; right to fair trial cited. Id. Cited. Id., 715. Due process right to call witnesses cited; right to present witnesses in own defense cited. Id. Right to due process cited. Id., 785. Cited. 44 CA 6. Guarantee against double jeopardy cited; due process cited; reliability of identification cited. Id. Due process clause cited. Id., 40. Cited. Id., 62; Id., 84. Unconstitutionally vague and overbroad on its face cited; due process cited. Id. Due process rights cited. Id., 70. Due process cited. Id., 99. Cited. Id., 162. Due process rights cited. Id., 179. Cited. Id., 231. Due process cited. Id. Cited. Id., 280. Due process and a fair trial cited. Id. Due process rights cited. Id., 370. Cited. Id., 457. Due process cited. Id. Cited. Id., 548. Due process rights cited; federal counterpart cited. Id. Cited. Id. 561. Due process and a fair trial cited. Id. Cited. Id., 702. Due process cited. Id. Due process right to an adequately instructed jury cited. Id. 731. Due process rights cited. Id., 759. Cited. Id., 771. Prosecutorial misconduct claim cited. Id., 818. Due process rights cited. 45 CA 32. Cited. Id., 83. Due process clause cited. Id. Due process of law cited. Id., 89. Cited. Id., 110. Equal protection cited. Id. Prosecutorial misconduct cited; right to due process, present a defense and a fair trial cited. Id., 116. Prosecutorial misconduct and deprivation of a fair trial cited. Id., 142. Cited. Id., 148. Due process clause cited. Id. Violation of due process cited. Id., 187. Right to due process and to present witnesses cited. Id., 282. Cited. Id., 289. Due process and deprivation of due process cited. Id. Violated rights to fair trial, to present a defense and to due process of law cited. Id., 297. Cited. Id., 369. Right to fair trial and present a defense cited. Id. 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 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. Id., 658. Due process cited. Id., 707. Rights to due process cited. Id. 712. Federal and state rights to present a defense cited. Id., 756. Cited. Id., 798. Due process clause cited. Id. Rights to due process cited; right to be present at trial cited. Id., 809. Cited. 46 CA 118. Right to fair trial cited. Id., 131. Due process grounds cited. Id., 150. Requirements of due process cited. Id., 182. 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 and to present a defense cited. Id. Cited. Id., 350. Due process cited; unconstitutionally vague cited; exculpatory evidence cited. Id., 486. Cited. Id., 514; Id., 559. Due process, a fair trial and prosecutorial misconduct cited. Id., 578. Constitutional right to due process and to present a defense and a fair trial cited. Id., 640. Cited. Id., 661. Due process, facially and unconstitutionally vague and a fair trial cited; void for vagueness cited. Id. Rights to due process cited. Id., 684. Due process right to proof of an element cited. Id., 691. Court held Sec. 12-157 does not violate due process. Id., 721. Procedural due process cited; proper notice and opportunity to be heard cited. Id. Right to due process and a fair trial cited. Id. 810. Denial of due process cited; right to fair trial cited. 47 CA 1. Sec. 53a-71(a) (1) re statutory rape is not unconstitutionally vague as applied to defendant in this case. Id., 68. Court declines to distinguish prior case on due process challenge to unitary adjudication of sale of narcotics and drug dependency under Sec. 21a-278a(b). Id., 86. Defendant failed to show prejudice due to state’s failure to disclose exculpatory statements. Trial court’s instructions on possible motive of state’s witnesses were correct. Trial court properly balanced prejudicial and probative value of color slides of autopsy. 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. It is a violation of due process rights to affirm a conviction based on a theory not presented to trial jury. Id., 205. Prosecutorial statements that directly linked defendant’s decision to testify on his own behalf with defendant’s guilt violated defendant’s right to due process. Id., 401. Prosecutor’s rebuttal closing argument did not violate defendant’s right to testify on his own behalf. Id., 632. 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. Prosecution following Department of Public Health sanctions did not constitute double jeopardy. 48 CA 71. The defendant’s right to due process of law was not violated by the court considering unsworn statements of police officers at his sentencing hearing when the defendant had ample opportunity to rebut the statements and the statements had sufficient indicia of reliability. Id., 492. Admissibility of defendant’s post-arrest silence and request for an attorney to show investigative effort and sequence of post-arrest events. Id., 784. Propriety of prosecutor’s cross-examination of defendant re prior inconsistent statements where defendant chose to forego his right to remain silent. Id. 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. 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. Where jury was fully and correctly instructed as to the principles of defendant's presumption of innocence and state's burden of proof at final instructions, defendant was not deprived of right to a fair trial notwithstanding questionable preliminary instruction as to presumption of innocence. *Id.*, 606. 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. Where defendant defaulted on due process claim at trial, habeas court properly required demonstration of cause for default and prejudice arising therefrom. *Id.*, 819. 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. Entry into premises by police in community caretaking role to protect or preserve human life deemed a reasonable search. *Id.*, 77. Certain actions by prosecutor towards child victim held not to be improper influence of witness where defendant accorded wide range of latitude in cross-examining the victim and other factors considered. *Id.*, 114. Failure to give motive-of-witness instruction held to be not violative of due process where jury was clearly aware of certain facts concerning witness's motives. *Id.*, 145. 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. Exclusion of an expert witness's testimony held not violative of due process where defendant was permitted to present three other expert witnesses. *Id.* 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.*, 175. 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.* Urinalysis found to be a reasonable condition of defendant's probation and suppression of evidence related thereto held to be improper. *Id.*, 187. 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. Right to privacy does not preclude disclosure of patient's name, address and Social Security number when purpose is to bring suit against such patient. *Id.*, 654. Inverse condemnation is not precluded where property has not been stripped of all physical use for a purpose permitted by zoning. 51 CA 262. Due process of law guarantees criminal defendant fair trial before impartial judge and jury in neutral atmosphere. *Id.*, 328. Standard for analyzing defendant's due process claim alleging prosecutorial misconduct. *Id.*, 345. Two-part analysis for reviewing sufficiency of the evidence claims. *Id.*, 563. Failure to provide full hearing to contest out-of-state conviction prior to suspension of driver's license under driver license compact did not violate person's right to procedural due process. 52 CA 326. Miranda rights waived if Hispanic defendant appeared to read English form, there was evidence of comprehension of job application in English and defendant was administered a test in English. *Id.*, 503. Reiterated requirements of custody and police interrogation as threshold conditions requiring Miranda warnings. *Id.*, 599. Voluntary waiver of Miranda rights can be found where defendant is eighteen years of age, completed the tenth grade and read Miranda rights in English. *Id.* 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. State not required to furnish defendant with information about parole eligibility in order for defendant's plea of guilty to be voluntary. *Id.*, 90. Failure of Sec. 14-227b to require police officer to inform driver that his Miranda rights did not extend to taking a breath test did not deprive him of due process. *Id.*, 391. Inculpatory statements by defendant held admissible where defendant was fully apprised of Miranda rights, was not coerced or under undue influence and, through his actions and words, waived his right to remain silent. *Id.*, 507. Allegedly improper prosecutorial comments did not shift burden of proof to defendant where challenged comments were invited by defense counsel, were isolated and confined to closing arguments and court instructed the jury regarding the burden of proof. *Id.*, 551. In case involving denial of clinical social worker license to a felon, prelicensure consent order requesting plaintiff to undergo a psychological evaluation found not to violate plaintiff's substantive due process rights; psychological evaluation not seen as an invasion of plaintiff's privacy. *Id.*, 855. Improper comments by juror held to be juror misconduct which deprived defendant of fair trial before impartial jury. 55 CA 60. On claim of ineffective assistance of counsel after entry of guilty plea, held not to be reversible error for trial court to disallow new counsel since defendant could not establish factual basis for ineffectiveness of prior counsel. *Id.*, 95. Where court charged jury as to presumption of innocence and stated that it may be overcome only after state proves defendant's guilt beyond a reasonable doubt, no constitutional violation found notwithstanding alleged error in one part of instruction. *Id.*, 170. No Brady violation where defendant failed to show that allegedly exculpatory evidence was, in fact, suppressed. *Id.*, 196. Due process requires that certain minimum procedural safeguards be observed in the process of revoking the conditional liberty created by probation. 56 CA 125. Court found defendant's conviction of assault in the first degree violated his right to due process since court could not conclude that defendant would have known that he was committing assault in the first degree when he failed to protect the victim, to secure medical attention for her or to report the situation to the authorities. *Id.*, 296. Defendant deprived of right of fair trial by pattern of prosecutorial misconduct during closing argument in which prosecutor improperly expressed personal opinions, appealed to passions and emotions of jurors and injected extraneous matters into the case. 57 CA 202. Two-part test for sufficiency of evidence claim discussed. *Id.*, 290. Two-pronged

test to determine whether identification procedures violate due process rights. *Id.*, 356. Due process claim not properly preserved; defendant's failure to file proper pretrial motions constituted waiver of his claim that the 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. 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 was 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 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. Respondent's due process was not denied where her attorney who was appointed pursuant to Sec. 45a-717 failed to request that guardian ad litem be appointed for her and that competency hearing be ordered prior to and during the parental termination proceedings. *Id.*, 451. Defendant was not denied his constitutional rights 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 right to due process. 59 CA 112. Defendant not deprived of right to due process 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 police investigation did not deprive defendant of fair trial by undermining 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. *Id.*, 394. As to defendant's claim that trial court improperly instructed jury by juxtaposing testimony of defendant and victim, appellate court found that jury instructions as a whole adequately apprised jury of its duty to assess credibility and that state is required to prove its case beyond a reasonable doubt. 60 CA 398. As to defendant's claim that trial court improperly instructed jury that it could consider defendant's interest in the case when evaluating his credibility, appellate court found that jury instructions adequately apprised jury of its duty to assess credibility. *Id.* Court's charge, when viewed in its entirety, adequately apprised jury that the defendant was entitled to a presumption of innocence unless and until the state proved guilt beyond a reasonable doubt. *Id.*, 408. Jury instructions, read as a whole, adequately informed jury of the standard of proof. *Id.*, 487. Although the right to adequate notice of the charges in a juvenile delinquency hearing is among the essentials of due process, amendment may be made to petition of delinquency where the additional charge arises out of the same act and encompasses the same set of facts as the original charge. *Id.*, 736. 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 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. Due process not violated where jury was not required to find that defendant possessed the relevant mental states simultaneously. *Id.*, 713. Defendant's due process rights not denied where court did not inform him of the maximum sentence for each individual charge. *Id.*, 855. Appellate court rejected defendant's claim that trial court violated his rights when it improperly allowed the state to exercise a peremptory challenge against a prospective juror, who was a member of the 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. Defendant not deprived of fair trial by court's instruction on what constitutes a reasonable doubt. 63 CA 245. Prosecutor's comments with respect to defendant's personal use of drugs, which the 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 a 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 an 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. 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.*, 386. Since factual situation before court did not present a situation in which defendant could assert the existence of an intervening cause that broke the chain of causation, failure of the court to instruct jury on proximate cause did not violate defendant's right to have jury instructed on each

element of the offense. *Id.*, 466. 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. Actual notice to defendant by state building inspector that his roof repair required permit constituted fair warning and defeated defendant's claim that Sec. 29-263 is unconstitutionally vague. 64 CA 480. It was not error for court to refuse to define terms in jury instructions where legal definition was not so different from dictionary definition as to confuse or mislead the jury. *Id.* Due process rights not violated by instruction that jury could convict defendant as accessory when he had been charged as principal offender, where defendant put on notice of issue of accessorial liability. 66 CA 91. Unsuccessful bidder of property in estate sale cannot make colorable claim that he was denied due process by virtue of fact that Probate Court did not hold public hearing on bidding procedure, where bidder had no legal status vis-à-vis the property. *Id.*, 591. Trial court abused its discretion in denying defendant's motion to vacate and to withdraw his guilty plea; defendant was denied due process of law by ineffective assistance of counsel because his trial attorney did not inform him of his statutory right to enter a plea of *nolo contendere* in order to preserve his right to appeal and because his guilty plea was involuntarily and unknowingly entered. 67 CA 708. 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 present closing arguments. 68 CA 40. Voluntariness of a confession is determined on the basis of the totality of the circumstances and an individual's minority is only one factor in the totality of circumstances. Confrontation clause does not give defendant the right to engage in unrestricted cross-examination. Court did not coerce jury to reach a verdict and defendant's right to a fair trial was not violated when court directed jury that "you need to reach a verdict on the offense charged." *Id.*, 97. Right to present a defense not violated when testimony of defendant's prior attorney concerning the atmosphere surrounding an interview of her by police was excluded as irrelevant. *Id.*, 351. Due process denial found where court failed to determine competency prior to ordering transfer of mentally disabled youth from Department of Children and Families facility to a correctional institution. *Id.*, 427. 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.* Despite trial court's refusal to allow a certain witness to testify because a sequestration order was violated, defendant's right to due process was not deprived because similar testimony could be gained from other sources. *Id.*, 815. Defendant's due process rights were denied where, in a case of self-defense, eyewitness testimony of prior violent acts perpetrated on defendant by the victim were excluded where such evidence may have shown defendant's state of mind at the time of the killing. *Id.*, 828. 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. Defendant's due process right to a fair trial was denied during closing arguments when prosecutor failed to confine himself to evidence in record and improperly appealed to the emotions, passions and prejudices of jurors. 69 CA 29. Defendant's assertion that jurors may have been biased by seeing him in shackles, where such assertion was based only on statement of the court clerk, did not constitute evidence that jurors actually saw him in shackles and defendant cannot fault court for failing to question jurors when defendant had the opportunity to do so. *Id.*, 57. Court's jury instruction that was conclusory as to an element of the offense but was qualified with statement that it was the jury's decision to make did not deprive defendant of his right to a fair trial. *Id.* Prosecutor's improper remarks were not so prejudicial in the context of the entire trial as to deny defendant due process and a fair trial. *Id.*, 117. Respondent mother of two minor children could not prevail on her claim that there was not a full and fair hearing because pendency of the criminal charges against her required her to exercise her privilege against self-incrimination; since respondent chose to remain silent at the two hearings, she cannot complain that she was deprived of a full and fair hearing based on the premise that she did not tell her side of the story. 70 CA 665. 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. 71 CA 190. Court required to instruct jury that defendant must be found not guilty if state fails to disprove defense of justification under Sec. 53a-19. *Id.*, 246. 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. In the context of the entire trial, certain instances of improper questioning by state did not cause substantial prejudice or undermine fairness of the trial. 72 CA 545. On claim that prosecutor in closing argument improperly stated the law, it was held that the 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.* 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 a 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 the 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 critical issue of defendant's intent and did not have 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. Instructions given by court were more than adequate to convey legal concept that any reasonable conclusion consistent with defendant's innocence must prevail and that if jury so determined, it could not find him guilty. Id., 474. Where statute concerning termination of parental rights allowed 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 respondent's due process rights by requiring clear and convincing evidence in the adjudicatory phase. Id., 485. Where defendant drafted and submitted his own request for a jury instruction on self-defense, it was held that he was not entitled to a different instruction and defendant could not complain that he has been deprived of right to fair trial on that basis. Id., 500. In light of substantial highly inculpatory evidence, any error in denying defendant's motion to suppress a challenged confession was harmless as state carried its burden of proof beyond a reasonable doubt. Id., 527. 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 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. Guilty plea was knowingly and voluntarily entered and not void for violation of due process because although court did not expressly reference defendant's right against self-incrimination, court adequately conveyed to defendant that he had such a right prior to accepting the plea. 78 CA 479. 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. Id., 513. Although recorded out-of-court statement of defendant was not equivalent to in-court testimony where defendant puts his credibility in issue, prosecutor's admonition to jury to consider defendant's interest in the outcome of the case when evaluating defendant's statement was not a forbidden indirect comment on defendant's decision not to testify; prosecutor's remarks about jury's disbelief of defendant's statement did not deprive defendant of fair trial by diluting state's burden of proof. Id., 535. Prosecutor's comments that defendant had opportunity to observe testimony of all the witnesses and ability to tailor his testimony accordingly did not deny defendant fair trial. Id., 610. Because court's exercise of discretion in ruling on motion to open the judgment was dependent on the disputed factual issue of fraud, due process required that court hold an evidentiary hearing on that issue. Id., 684. Defendant's claim that he was deprived of fair trial in violation of his due process rights because the probation revocation hearing did not comply with requirements of due process was unavailing as defendant was afforded a full two-part probation revocation hearing prior to revocation; since trial court made the findings that defendant violated his probation and that probation should be revoked, it did not abuse its discretion by failing to articulate specific reasons on which revocation of probation was based. 79 CA 199. Where defendant received adequate notice of grounds on which he ultimately was found to have violated his probation, it was held that defendant's due process rights were not violated. 80 CA 220. Court's application of the presentence confinement credit pursuant to Sec. 18-98d(a) did not violate petitioner's right to substantive due process. Id., 574. Court did not fail to unambiguously instruct jury that if the state failed to disprove defendant's claim of self-defense, it must find defendant not guilty. Id., 635. Because trial court record identifies evidence from which a jury reasonably could have found that defendant was the initial aggressor, had a duty to retreat and provoked the attack, it was not misleading to jury for court to charge on those issues. Id. 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. 83 CA 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. 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. Id., 832. Where defendant claimed improper jury instruction as to an essential element of risk of injury to a child, court, viewing the charge in its entirety, held that it did not lessen state's burden of proof or direct a verdict against defendant. 84 CA 245. Where defendant had claimed that consequence of a jury instruction was that it may have invited negative comment to jurors, it was held that, because the instruction indicated that such comment would be improper and was to be reported to the court, the instruction was not improper. Id. Where prosecutor had made two improper comments in closing argument, court held that, since the comments were not severe or frequent and that state's case was overwhelmingly strong, prosecutor's misconduct, in terms of the trial as a whole, did not deprive defendant of fair trial. Id. Where defendant claimed that jury instruction improperly defined term "firearm" but presented no factual or legal argument as to how jury could have been misled, court held the instruction was sufficient and that no reasonable juror would have been misled. Id., 263. Where defendant claimed that jury instruction failed to inform jury that defendant's behavior had to be willful and deliberate, court held that statute under which the case was prosecuted only required a general intent to perform the act that resulted in the injury and, therefore, the instruction was proper. Id. Where there was evidence from which jury could reasonably find that defendant was accessory to the crime, it was not misleading to instruct jury on the theory of accessory liability on a charge of conspiracy. Id., 283. Where defendant claimed that jury instruction had expanded conspiracy charge and reduced state's burden of proof, it was held that the charge of conspiracy is for one agreement, which may be carried out in multiple ways, and the instruction had been correct and that it was not reasonably possible that jury could have been misled. Id. On defendant's claim that court improperly instructed jury on the elements of conspiracy, it was held that court's instruction on that charge as a whole was sufficient to guide jury in its determination of whether the state had proven each element necessary for conviction and was not improper. Id. In a child custody and visitation proceeding, it was not a violation of plaintiff's due process rights for court to refuse to grant motion for continuance in order to secure substitute counsel since before permitting counsel to withdraw, court held an earlier hearing and then gave ample time for plaintiff to secure such counsel. Id., 311.

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. Prosecutorial misconduct did not deprive defendant of right to fair trial because improper statements were limited to closing argument, not severe, not objected to by defendant, not central to critical issues and court adequately instructed jury. 85 CA 365. Trial court's imposition of enhanced sentence reflecting defendant's failure to fulfill 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 termination of parental rights proceeding does not deny respondent adequate procedural safeguards. Id., 528. Failure of counsel to request 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. Defendant who fled from police was denied due process in robbery case when prosecutor implied at trial that flight was evidence of guilt and there was no other reason to flee despite fact that prosecutor knew defendant possessed illegal drugs at the time of flight and thus had another reason to flee. Id., 563. Prosecutor's misconduct in sexual assault case of asking counselor, as a person who has done hundreds of counseling sessions, to comment on credibility of victim's statements during counseling, did not violate due process due to court's curative jury instruction. Id., 575. Court's instruction under Sec. 53-21(a)(2) that "likely" had same meaning as "possible", while improper, did not deprive defendant of due process since court also gave proper interpretation of "probable" or "in all probability" and evidence supported the verdict. Id. Prosecutor's misconduct of asking questions re credibility and motive of other witnesses did not deprive defendant of due process; pretrial identification did not violate defendant's rights because there is no constitutional mandate that gives defendant right to a photographic array of look-alikes. Id., 637. Trial court did not violate defendant's right to fair trial when it restricted and commented on his second recross-examination because he had had an adequate opportunity to cross-examine witness. 86 CA 702. Court did not abuse its discretion and did not violate defendant's rights to due process and 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 case remanded for a new trial. 88 CA 495. 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. Id., 599. Although court incorrectly interjected itself into 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 meaningful opportunity to present evidence or to cross-examine defendant and therefore court did not violate plaintiff's due process rights. 89 CA 210. 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 trial counsel conducted an extensive voir dire examination of the jurors on the possibly tainted panel and declined to exercise a peremptory challenge of either juror 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. Id., 371. Petitioner's constitutional rights to equal protection and due process were not violated by commissioner's method of calculating presentence confinement credit; presentence confinement credit, being a creature of statute, is not constitutionally mandated, and because allocation of credit under Sec. 18-98(d) does not implicate a fundamental right or burden a suspect class, it was upheld as rationally related to legitimate public purpose of ensuring that convicted offenders serve the full term of their sentences. 90 CA 460. Prosecutor's improper statements did not deprive defendant of fair trial. 91 CA 333. Defendant could not establish a Brady violation because defendant did not show that state failed to disclose exculpatory evidence. 93 CA 408. Defendant did not demonstrate a due process violation regarding jury instruction on nonexclusive possession of premises where narcotics were found pursuant to charge under Sec. 21a-278(b). Id., 548. Probationer's due process right to proper notice not violated by court's use of statutory definition to interpret condition of probation. Id., 569. Prosecutorial misconduct during closing argument, including statements regarding defendant's civil action based on action of arresting officers, taken as a whole did not violate defendant's due process right to fair trial. Id., 592. Defendant insurance company could not prevail on claim that trial court improperly denied its motion for mistrial after plaintiff's counsel made multiple inflammatory remarks during closing argument re defendant's alleged bad faith in denying the insurance claim because the challenged remarks did not include words "bad faith", were not improper and did not prejudice defendant's ability to obtain fair trial. 94 CA 234. Plaintiff could not prevail on 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 contempt hearing without affording plaintiff an opportunity to defend herself thus denying her due process and a meaningful opportunity to be heard. Id., 306. Plaintiff could not prevail on 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 an appreciable delay from plaintiff's arrest on felony charges and suspension until his acquittal, delay did not constitute a violation of 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 time of his acquittal until time that a hearing was held, delay did not violate plaintiff's due process. Id., 445. Court's failure to give defendant's requested jury instruction that use of a deadly weapon, by itself, does not prove 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. Court did not err in confirming foreclosure by sale without conducting an evidentiary hearing because, although court may grant an evidentiary hearing upon request, defendant did not request hearing properly. Id., 279. Kidnapping statute,

Sec. 53a-94(a), is unconstitutionally vague as applied to the particular facts in issue because it failed to put defendant on notice that forcibly taking the victim's arm but not moving her was a violation. *Id.*, 332; judgment reversed, see 294 C. 753. 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 state for each challenge were legitimate and not pretextual. Prosecutor's comments on credibility of a 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. Defendant was given notice of consequences of guilty plea under Alford doctrine and was told, prior to entering sex offender treatment program as condition of probation, that refusing to admit to crimes for which he was convicted would result in unsatisfactory discharge from program and initiation of probation revocation proceedings. *Id.*, 686. In analyzing claims of prosecutorial misconduct, court engages in a two-step analytical process, first determining whether misconduct occurred, and second determining whether that misconduct deprived defendant of due process right to fair trial. 97 CA 72. Defendant's right to counsel free from conflict of interest was violated when court held in camera inquiry re potential conflict without defendant present because such inquiry constituted a critical stage of the prosecution at which defendant had right to be present, and court's later in-court statement re inquiry which did not discuss contents of the inquiry did not correct the error. 98 CA 13. Defendant's right to due process not violated by ineffective assistance of counsel when trial and appellate counsel failed 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. *Id.*, 389. Although defendant has right to be informed of the nature and cause of the charges against him, with respect to counts of criminal possession of a firearm and stealing a firearm, the state was not required to provide defendant with specific notice of the firearm at issue or prove that the firearm at issue was a shotgun. 99 CA 183. 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. *Id.*, 230. Conviction of sexual assault in the second degree as a lesser offense included within count of sexual assault in the first degree, without the 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.* Plaintiff could not prevail on claim that he was denied due process of law because he was not allowed to cross-examine adverse witness at summary criminal contempt hearing and because he was denied a one-week continuance to present "acquitting-mitigating" evidence. 102 CA 394. Defendant could not prevail on claims that court's failure to instruct jury properly 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, charge re reasonable doubt fairly presented case to jury and instruction to jury re self-defense was clear and comprehensive. *Id.*, 556. Sec. 53a-181(a)(3) not unconstitutionally vague or overbroad. 104 CA 46. Trial court was not required to give a special credibility instruction in case where jailhouse informants had hoped to receive, but were not promised, special consideration in return for their testimony. Special credibility instruction is required only when jailhouse informant is promised a benefit for testifying against defendant. *Id.*, 167. Although pretrial identifications of defendant were unnecessarily suggestive, identifications were reliable under totality of the circumstances because witnesses had ample and adequate opportunity to view defendant, witnesses paid a high degree of attention to defendant, descriptions of defendant were sufficiently accurate, witnesses were very certain that defendant was perpetrator and period between the shooting and the identifications was brief. *Id.*, 599. Although trial court improperly imposed an additional superfluous element with respect to charges of which defendant was acquitted, the judgment of conviction rendered by the court on 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. *Id.* Where plaintiff had been given ample notice of the charges against him and had a sufficient opportunity to be heard, the failure of the state electrical work examining board to hold a compliance hearing prior to license revocation did not deprive plaintiff of his statutory or constitutional rights. *Id.*, 655. In denying defendant permission to make a missing witness argument, court did not violate defendant's right to make a closing argument since defendant failed to make any showing that state's decision not to call a person as a witness exposed a weakness in its case. *Id.*, 668. The right to make a closing argument is violated not only when a defendant is completely denied opportunity to argue before the court or jury after all evidence has been admitted, but also when defendant is deprived of opportunity to raise a significant issue that is reasonably inferable from facts in evidence. *Id.* 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. Although prosecutor committed prosecutorial impropriety by violating court's ruling on content of argument, the impropriety did not affect fairness of trial because transgression was minor and unintended and did not unfairly prejudice defendant, and prosecutor did not improperly appeal to the emotions of jury when she referred to child victim's pain or improperly express a personal opinion when she said criminal conduct at issue was "hard to accept". *Id.*, 722. Because petitioner failed to satisfy the prejudice prong by demonstrating that his counsel's alleged deficiency produced an unreliable result, court need not determine whether counsel's failure to interview and call a witness constituted deficient performance. *Id.*, 768. Jury instruction that used "sufficient evidence" rather than "proof" and that used "strong and abiding conviction" in defining reasonable doubt did not deprive defendant of fair trial. *Id.*, 805. Because defendant accepted sentence that included probation, modification of terms of probation was not constitutional violation as long as the modified conditions reasonably related to rehabilitation and public safety. 105 CA 693. Based on the record and facts presented at trial, intervenor was not deprived of due process rights in child neglect proceeding. *Id.*, 713. Prosecutor's statements in the first person and personal observations, some of which constituted misconduct, did not deprive defendant of right to fair trial. *Id.*, 813. Defendant was not deprived of right to jury trial and proof beyond 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 the sentence. 107 CA 441. Habeas petitioner did not sustain burden of establishing that because of the failure of his appellate counsel to raise a sufficiency of evidence

claim there is a reasonable probability that he remains burdened by an unreliable determination of his guilt. *Id.*, 539. If a claimant does not establish a constitutionally protected interest, the due process analysis ceases because no process is constitutionally due for the deprivation of an interest that is not of constitutional magnitude. 108 CA 668. The testimony of the state's witness wherein he briefly mentioned the defendant's prior misconduct was invited by defense counsel and did not rise to the level of denying the defendant a fair trial. *Id.*, 744. Court did not violate defendant's due process rights when it referred to "the victim" in its jury instructions because it was not reasonably possible that the jury was misled. Court did not violate defendant's rights to be presumed innocent, to have the state prove his guilt beyond a reasonable doubt, to due process of law and to a fair trial when it instructed the jury on reasonable doubt by saying it is "a real doubt, a honest doubt that has its foundation in the evidence or lack of evidence." *Id.*, 788. Defendant was not denied procedural due process when court denied his motion for a continuance because defendant had adequate notice that trial was approaching and waited until last possible moment to request a continuance to obtain counsel. *Id.*, 813. Although trial court improperly excluded relevant evidence re third party's alleged motive to attack defendant, exclusion did not foreclose an entire defense theory and did not rise to the level of a constitutional violation. 110 CA 708. Trial court properly determined defendant validly waived his "Miranda" rights. *Id.*, 743. Admission of testimony of psychologist re whether children should testify in court did not unfairly surprise respondent and violate her due process rights because respondent was placed on notice of the expected testimony of the witness. 111 CA 28. Prisoner's liberty interests and right to due process were not implicated in his classification in a security risk group and transfer to a more secure correctional institution. *Id.*, 138. In action for the termination of parental rights, the court did not deny respondent her procedural due process rights when conducting a trial on the merits with only her counsel present as the court still required petitioner to prove by clear and convincing evidence not only the grounds for termination, but that it was in the child's best interest for respondent's parental rights to be terminated. *Id.*, 210. Defendant's conviction and sentencing under both Subdivs. (1) and (2) of Sec. 14-227a(a) violated his right not to be placed in double jeopardy. *Id.*, 466. Conviction for manslaughter in second degree and manslaughter with a motor vehicle in second degree under Secs. 53a-56(a)(1) and 53a-56b(a) for the death of one person does not constitute double jeopardy. *Id.* The chronology of defendant's proceedings under which he alleges he was prevented from testifying and presenting defense on drug dependency, and instead had to invoke his fifth amendment right to remain silent in order to not incriminate himself in his other pending matters, did not violate due process. *Id.*, 538. Definition of "value" in Sec. 53a-121 is not unconstitutionally vague as applied to facts of case. *Id.*, 543. Evidence was sufficient to convict defendant of forgery and larceny where defendant deposited third-party out-of-state check via teller machine at bank during business hours and immediately withdrew funds from account upon availability, and check was subsequently found to be fraudulent and defendant did not respond to inquiries from bank. *Id.*, 575. Jury instruction re reasonable doubt that included statement on absolute certainty was not improper within scope of entire instruction. *Id.*, 614. In civil contempt proceeding, defendant was denied due process when she was denied a hearing and precluded from presenting evidence re her inability to comply with court's order. *Id.*, 760. In case where defendant did not object to prosecutor's improper remark in closing argument, defendant was not deprived due process when the court's general curative instruction, in light of other factors, was sufficient to cure harm. *Id.*, 801. Decision of trial court denying defendant's motion to withdraw guilty pleas upheld because defendant did not object to the characterization of the plea agreement and trial court substantially complied with Practice Book provision on ensuring voluntariness of a guilty plea and literal compliance would not have made any difference in the court's determination that the pleas were voluntary. 112 CA 33. Admission of one-on-one identification occurring twenty-seven days after commission of the crime did not abridge defendant's due process rights because, although the circumstances of the case did not necessitate a one-on-one identification procedure and the identification procedure may have been unnecessarily suggestive, the identification was nonetheless reliable based on the totality of the circumstances. *Id.*, 40. Pro se defendant's constitutional right to a fair and impartial trial was violated when the trial court compelled defendant to wear prison clothing during both the jury selection process and the trial, despite defendant's objection that such attire was not sufficient. *Id.*, 324. Defendant was not deprived of due process when trial court granted state's motion for joinder because the matters were not so complex as to confuse a jury. *Id.*, 711. Defendant established valid Brady claim with respect to note excluded from evidence that tended to prove his temporal inability to have committed the crime. 113 CA 378. Sec. 14-149(a), when applied to prohibit knowingly possessing a vehicle with one or more altered vehicle identification numbers, is not unconstitutionally vague. *Id.*, 541. Court had opportunity to observe defendant on numerous occasions and did not abuse its discretion by denying defendant's motion for a competency evaluation; in trial for violation of Secs. 53a-211 and 53a-217, defendant was not entitled to jury instruction that "mere presence in the vicinity of the firearm, however, is not enough to establish possession". *Id.*, 651. Court's failure to instruct jury on specific intent element of possession of narcotics with intent to sell by person not drug-dependent, possession of narcotics with intent to sell within 1,500 feet of school, possession of drug paraphernalia with intent to use and possession of such with intent to use within 1,500 feet of school violated right to due process; state did not meet its burden of proving the conduct at issue because there was no testimony establishing that the school identified in the information was a "public or private elementary or secondary school" under Secs. 21-278a(b) and 21a-267(c). *Id.*, 731. During closing argument, prosecutor's repeated statements of personal opinion concerning the sole contested issue in the case, combined with lack of evidence presented by the state, constituted impropriety so serious that defendant was deprived of the right to a fair trial. 114 CA 295; judgment reversed, see 302 C. 653. Refusal to grant defendant access to victim's juvenile court file did not violate due process right to exculpatory evidence because material evidence was not withheld. *Id.*, 448. 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. Transfer of juvenile matter to regular criminal docket pursuant to Sec. 46b-127(b) did not meet requirements of due process because said Subsec. creates a liberty interest and due process requires opportunity for a hearing at which the Juvenile Court judge considers argument as to whether the case should be transferred to adult criminal court. *Id.*, 180. 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. Id., 521. Risk of injury to a child statute, Sec. 53-21(a)(1), not void for vagueness as applied to defendant's conduct because reasonable person would recognize that allowing two-year-old child to play unsupervised in home with unlocked door near busy street presents a foreseeable risk of injury to that child. 116 CA 1. Defendant was not placed in double jeopardy when state proceeded to try him again on charges for which the jury could not reach a unanimous verdict in the first trial, and the jeopardy pertaining to those charges that attached at the commencement of the first trial was not terminated when the trial court declared a mistrial and therefore continued through the jury's verdict in the second trial. Id., 312. Narcotics possession conviction reversed because court failed to instruct jury on nonexclusive possession after jury explicitly requested instruction, and evidence was insufficient to prove element of control necessary for conviction. Id., 710. Admission of arrest and alcohol test report form on which defendant, after receiving "Miranda" warnings, had refused to answer certain questions, constituted due process violation, but violation was harmless beyond a reasonable doubt in light of entire record. 117 CA 360. Due process does not require that defendant be notified of exact statutory penalties, but rather have an understanding of actual sentencing possibilities. Id., 436. Respondent's due process rights to be present at trial and to confront witnesses were not violated because he voluntarily chose not to be present for the termination of parental rights proceedings and there was no affirmative act by the court to deny him opportunity to be present at the proceedings. Id., 521. Defendant actively induced court to give jury instruction, thereby waiving right to challenge instruction on appeal. Id., 845. Acquiescence by defense counsel to draft charge and actual charge delivered to jury did not constitute a defense waiver of objection, as such acquiescence did not actively induce court to utilize the instructional language at issue on appeal. 118 CA 278. Although under *Ebron* a defendant's passive acquiescence to a challenged jury charge does not constitute waiver, under certain circumstances, it can be inferred from absence of objection that defendant waived his right to require state to prove a particular element of crime. Id., 763; *Ebron* reversed in part, see 299 C. 447. Where trial court failed to obtain from defendant a voluntary waiver of the three constitutional rights discussed in *Boykin v. Alabama*, 395 U.S. 283, guilty plea could not stand. 119 CA 143. Sec. 53a-167c(a)(1), re assault of peace officer, is not unconstitutionally void for vagueness re defendant's conduct because section provides fair warning that a specific intent to injure officer is not an element of the offense. Id., 556. 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., 660. Although incarcerated respondent's motion in termination of parental rights proceeding for a continuance and transcript implicates due process rights since it is directly linked to the constitutional right of a parent to raise his children, denial of that motion did not render trial fundamentally unfair where respondent did not avail himself of any of the procedures that would have allowed him to provide evidence or telephonically provide testimony at the proceeding and where there was no affirmative act by court to deny him opportunity to be present at proceeding, nor did court violate his rights when it denied him opportunity to participate using videoconferencing technology. 120 CA 465. Sec. 53a-123(a)(5) not unconstitutionally vague as applied since it provides adequate notice that embezzlement from an estate is prohibited even if it occurs after a conservator of the estate is appointed. 121 CA 190. Violation of defendant's right to confront witnesses is subject to harmless error analysis and admission of testimonial hearsay was harmless beyond a reasonable doubt since nearly every detail to which the witness testified was corroborated by the defendant himself and defendant's testimony alone was sufficient to find him guilty beyond a reasonable doubt. Id., 672. 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. Id. Court's order requiring defendant to file pro se motion to withdraw his guilty plea after his initial counsel's appearance was withdrawn but prior to the appointment of substitute counsel is not structural error and not an error that fundamentally infected the entire trial process. Id., 767. One-on-one identification was not unduly suggestive due to exigencies, including victim's description of knife-wielding assailant and police encounter with defendant less than one minute after departing victim's residence while still in possession of knife. 122 CA 258. In the absence of a showing that the record could not be adequately reconstructed, defendant failed to demonstrate that he was deprived of a fair trial as a result of trial court's failure to ensure that a record was created of what transpired when the jury visited scene of the crime. Id., 608. Where defendant is charged with violating Sec. 54-252 by failing to register as a sexual offender, involuntary administration of medication to render defendant competent to stand trial is justified because protecting public by identifying sexual offenders, known to have high recidivism rates, is an important state interest. Id., 664. 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. Petitioner's equal protection claim of systemic racial disparity in state judicial procedures for prosecuting and sentencing criminal defendants failed because petitioner specifically disclaimed presence of purposeful discrimination in either his particular sentencing or systemically. Id., 197. There was insufficient evidence to support conviction for possession of narcotics with intent to sell under Sec. 21a-277(a). Id., 690. In larceny prosecution, in view of specific intent instructions, trial court's mistake in referring back to definition of general intent was not reversible error. 124 CA 261. Court did not violate due process by charging jury re statutory exception to defense of duress under Sec. 53a-14 because there was enough evidence at trial to allow jury to reasonably conclude that defendant intentionally or recklessly placed herself in a situation in which it was probable she would be subject to duress. 125 CA 125. Defendant was not deprived of right to jury trial because defense counsel's stipulations to certain facts at trial did not remove from the jury its constitutional function to apply the law to the facts found. Id., 189. Trial court's reasonable doubt jury instruction did not violate defendant's due process right to a fair trial because the instruction, when viewed in the context of the entire charge, did not dilute defendant's presumption of innocence or reduce the state's burden of proof. Id. Applicant's submission of revised site plan to planning and zoning commission, subsequent to close of the public hearing on the matter, constituted an impermissible ex parte communication in violation of plaintiff's right to due process. Id., 724. Trial court is not mandated to include "two

inference” language in its instructions to jury on the concept of proof beyond a reasonable doubt as long as its instructions on that concept are otherwise proper. 126 CA 221. Evidence of defendant’s illness and her questions and answers in dissolution of marriage action did not trigger a duty by the court to inquire sua sponte into her competency in representing herself; defendant’s right to due process was not violated when court ended her cross-examination of plaintiff and her own direct testimony because court must have control over proceedings and had given defendant ample opportunity to present any relevant evidence. *Id.*, 231. Court’s instruction to jury that evidence of motive was “desirable and important” did not invade the province of jury and was not improper. *Id.*, 239. Court not required to review or order state’s attorney to review department records subpoenaed by defendant because defendant did not make a preliminary showing that they contained exculpatory information; defendant was properly prohibited from questioning victims about their sexual histories. *Id.*, 437. Right of confrontation not violated by admitting evidence re results of laboratory testing of rape kit because evidence established only that sexual intercourse occurred, not that force was used, and claimed error was harmless beyond a reasonable doubt. *Id.*, 472. Prosecutor’s cross-examination in violation of motion in limine and reference to facts not in evidence, as well as other improprieties, deprived defendant of right to fair trial. 127 CA 70. Due process was not violated when plaintiff was placed on special needs management status without notice and a hearing because an inmate does not have a protected liberty interest in his classification, the placement did not subject him to an atypical and significant hardship and plaintiff failed to prove that such status is a mental health status. 129 CA 437. In civil contempt proceeding, due process requires the opportunity for defendant to have a hearing to present her own evidence and cross-examine witnesses re the extent of plaintiffs’ attorney’s fees and costs. 130 CA 835. 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. Court’s denial of defendant’s motions to find child with pervasive developmental disorder incompetent to testify in sexual assault case did not violate defendant’s due process right to confront the witness against him. 133 CA 332. Sec. 53a-94a is not void for vagueness and provides notice that even brief restraint of victim could constitute crime of kidnapping. *Id.*, 514. Where defendant asserted self-defense re charge of interfering with an officer and assault of a peace officer, his due process rights were violated when court failed to instruct jury to consider the reasonableness of the force used by the officers. *Id.*, 614. State had no duty to disclose information that it no longer had where defendant delayed making request for tape that had been erased and reused. 134 CA 175. Placement of teacher’s name on child abuse and neglect registry for abuse, based on definition of “abused” in Sec. 46b-120, was unconstitutional because definition was unconstitutionally vague as to teacher’s conduct and failed to give notice that cheek-pinching and name-calling toward student constituted proscribed abuse. *Id.*, 288. Dismissal of habeas petition without an evidentiary hearing does not violate petitioner’s due process rights if the procedures used did not involve unreasonable risk of erroneous deprivation of liberty, and if there is little value in the imposition of additional procedural safeguards. *Id.*, 405. Court order modifying plaintiff’s child support obligation violated his due process rights because he had not been served with the motion to modify and therefore did not have a meaningful opportunity to be heard. 136 CA 238. Prosecutor’s comments and use of PowerPoint presentation to summarize testimony in arson case did not deprive defendant of his due process right to a fair trial. *Id.*, 302. In construing and applying the exemption for disclosures constituting invasions of personal privacy under Sec. 1-210(b)(2), the person’s constitutional right to privacy under this amendment has no bearing. *Id.*, 496. 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. Sec. 53a-94(a) provisions re kidnapping in second degree not unconstitutionally vague as applied to defendant whose actions over a 2-hour period included using stun gun and restraints against victim and confining victim in defendant’s car and home. 137 CA 29. Sec. 53-21(a)(2) not void for vagueness as applied to defendant who made deliberate contact with victim’s intimate parts. *Id.*, 152. Procedural due process violated where court failed to provide notice of or opportunity to be heard on its decision to open and to modify its judgment. *Id.*, 216. Prosecutorial impropriety in compelling defendant to comment directly on the veracity of police witnesses and the complainant, in a case that entirely turns on credibility, results in substantial prejudice depriving defendant of a fair trial and due process even in the absence of an objection or request for specific curative instructions from defendant. 139 CA 469; judgment reversed, see 320 C. 22. 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. 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. Joinder of criminal cases was improper due to length of trial, complexity of issues and distinct facts related to each crime. 147 CA 53. Sec. 53a-94(a) not unconstitutionally vague as applied to defendant where defendant put his arms around victim, tried to pick her up and put his hand over her mouth to quiet her screams, with the purpose of restraining her and preventing her liberation; defendant not subject to arbitrary and discriminatory enforcement. *Id.*, 598. Trial court’s refusal to hold requested evidentiary hearing on second motion for contempt for failure to pay alimony violated defendant’s due process rights. *Id.*, 794. Due process did not require trial court to order, sua sponte, psychological evaluation of minor children in termination of parental rights proceeding. *Id.*, 829. Claim that asserts a due process violation without any legal analysis is deemed abandoned. 149 CA 103. Due process rights violated when defendant was convicted after a legally inconsistent verdict that he had both intentionally and recklessly assaulted the victim when state did not make such claim during trial. *Id.*, 361. Granting plaintiff’s motion for reconsideration and clarification without holding a hearing or providing notice and a meaningful opportunity for defendant to present oral argument constitutes a violation of due process. *Id.*, 799. A non-double-blind photographic array identification is not by itself unduly suggestive or a per se violation of due process. *Id.*, 816. Trial court’s limitations of the scope of defendant’s cross-examination into proper police investigation procedures generally followed in similar cases deprived defendant of a fair trial. 152 CA 260;

judgment reversed, see 322 C. 270. Due process right that arises from person's status as a juvenile does not translate automatically to a liberty interest in the confidentiality of records relating to that juvenile. *Id.*, 300. Defendant's receiving and understanding Miranda warning and choosing to volunteer to police his unsolicited exculpatory statement that he was not at scene of the crime and did not know anything about murders was a waiver of his right to remain silent and police were not required to stop their interview at that point; police were not prohibited from approaching defendant again 13 days later because he did not invoke his right to remain silent during the 13-day period between the interviews and, prior to making the statement, he signed a valid waiver. *Id.*, 318. Fact that defendant was only person in photo array wearing a hooded sweatshirt did not render identification procedure unnecessarily suggestive and thus did not violate defendant's right to due process despite fact that victim had previously stated that her assailant wore a hooded sweatshirt. 154 CA 293. In claim for denial of procedural due process, alleged facts implicated a liberty interest in first amendment right to free speech. 157 CA 708. Prisoner's classification as sex offender in absence of criminal history as sex offender and loss of right to earn early release unless he received treatment as sex offender satisfied "stigma plus" test for deprivation of liberty interest. 159 CA 226; judgment affirmed, see 326 C. 668. Evidence of defendant's silence prior to receipt of Miranda warnings where one would naturally be expected to speak may be used as an admission or for impeachment purposes; there was no due process violation where testimony of witness concerned defendant's silence during traffic stop prior to receipt of Miranda warnings. *Id.*, 560. 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. 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. *Id.*, 557. Due process rights violated when court issued new postjudgment financial orders without first holding an evidentiary hearing. 167 CA 641. Miranda warning was not required because a reasonable person in defendant's position would not have believed he was in police custody of the degree associated with a formal arrest considering his exchange with the officers was short in duration, the officers wore plain clothes, defendant agreed to be interviewed in a private location, defendant was never handcuffed or physically restrained, the officers never drew their weapons and defendant agreed to allow the officers to put his backpack in their cruiser for safety reasons. 173 CA 227. In cases in which there has been no pretrial identification of a defendant, the state must first request permission from the trial court to present a first time in-court identification; the court may grant permission only if it determines that there is no factual dispute as to the identity of the perpetrator or the ability of the witness to identify the defendant is not at issue; rule applies prospectively and to all cases pending on review. 175 CA 138. By speaking and answering other questions, defendant unambiguously chose to waive his right to remain silent while being questioned by police, and was selectively silent when accused of murder, thus the state's use of defendant's post-Miranda silence was not a constitutional violation of defendant's privilege against self-incrimination. 178 CA 400. Due process right to fair trial not violated by introduction of FBI agent's testimony re comparative bullet lead analysis that was subsequently discredited by the FBI. 179 CA 647. Prosecutor's questions asking defendant to comment on the veracity of other witnesses' testimony was improper, but such impropriety did not deprive defendant of his due process right to a fair trial because it was not possible for the jury to reconcile the testimony of defendant and the other witnesses and the jury was required to determine which of these conflicting testimonies was the truth and which was the lie. 180 CA 250. Defendant's due process rights violated where prosecutor disclosed to the court and defense counsel the existence of an agreement concerning a cooperating witness, who was the only person who put defendant at crime scene and in possession of murder weapon, but cooperating witness's testimony denied any such agreement and such falsity was not disclosed to jury, and prosecutor argued during summation that cooperating witness had everything to lose and nothing to gain by testifying at trial. 183 CA 496.

Applied to service on nonresident in motor vehicle action. 7 CS 42. Applied to use of drugs to prevent conception. 7 CS 277. Duty placed by number 576 of 1937 special acts on New Haven property owners to keep sidewalks free from ice and snow, constitutional. 7 CS 300. Necessity of appeals. 8 CS 81. Cited. *Id.*, 156. State entered special defense questioning constitutionality of special act giving plaintiff permission to sue state for negligence. Demurrer to defense overruled. 20 CS 496, 503. Physician has no vested or constitutional right to practice in a hospital. 21 CS 55. Cited. 22 CS 323, 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, 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.* 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. Constitution does not guarantee to every person charged with a crime in a state court the right to the assistance of counsel unless the failure results in a conviction lacking in fundamental fairness. *Id.*, 94. Cited. *Id.*, 187, 298. Constitutionality of chapter 913 discussed. *Id.*, 328. To qualify as a "person aggrieved by an unlawful search and seizure" one must have been the one against whom the search was directed as distinguished from one who claims prejudice only through use of evidence gathered as consequence of search and seizure directed at someone else. 25 CS 108. Sec. 42-114a held violative of due process clause. *Id.*, 160. 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 an incident to a lawful arrest, such taking was in violation of his constitutional rights. 26 CS 41. Indigent defendant does not have the constitutional right to compel state to engage counsel of his choice. Absent showing of incompetency, bias or other quality which would deny defendant effective assistance of counsel, there is no basis for replacing experienced counsel merely because defendant so requests. *Id.*, 93. Cited. *Id.*, 104. Zoning ordinance limiting occupancy to elderly persons did not so serve the public welfare as to be within the police power. *Id.*, 127. Foreign corporation's contact with Connecticut sufficient to give Connecticut jurisdiction to entertain action against it where, although it had no office in Connecticut and had not done business in Connecticut, there was, on the basis of the facts alleged, a contractual relation between the parties, a breach thereof, and the commission of a tort by the furnishing of inadequate specifications. *Id.*, 206. Constitutional right of an accused to counsel does not include representation by counsel before a grand jury. *Id.*,

215. Neither due process nor privileges and immunities clause “permits an individual to play ducks and drakes” with a state’s jurisdiction. Id., 428. Accused has right to court appointed counsel for sentencing and appeal where he is an indigent. Id., 464. Cited as invalidating conviction of defendant in trial without counsel on authority of *Gideon v. Wainwright*, 372 U.S. 335. Id. Zoning restrictions applicable only to gasoline filling stations, legislation for a class and not unconstitutional. Id., 475. Distinction noted between taking of property by eminent domain and determination of just compensation as to notice and hearing required. 27 CS 242. An ordinance of defendant zoning commission requiring 1,500-foot distance between gasoline station sites, not proved by plaintiff to have confiscated his property. Id., 362. Does not prohibit states from enacting other penal statutes to control use of drugs. 28 CS 153. Cited. Id., 239. No violation of due process where warrant for defendant’s arrest issued upon affidavit of detective although he did not describe his informants, victims of a car theft conspiracy as “trustworthy.” Id., 252. Appointment of Connecticut state’s attorneys by judges of superior court is not violative of defendant’s right to due process of law. Id. Due process, religion and sex education. 29 CS 407. Inquest procedure for wrongful confinement of mentally ill, violates due process. 30 CS 309. Cited. Id., 584. Cited. 31 CS 145. Self-help repossession does not violate due process of law. Id., 152. Activities of quasi-public landlord constitute “state action.” Informal hearing required before summary process eviction may be instituted by such landlord. 33 CS 15. The requirement of Sec. 52-542 that an appeal bond filed by a tenant in a summary process action guarantee rents accruing prior to the judgment does not violate this provision. Id., 531. Cited. Id., 52. At hearing under Sec. 52-369, no violation of due process where judgment debtor pleads indigency, to place burden of proof on him as to lack of funds. 35 CS 130. Cited. Id., 136. “Minimum contacts” test as basis for personal jurisdiction of a nonresident gambling debtor satisfied. Id., 522. Right to due process and equal protection not violated by order to pay entire amount of support previously advanced by welfare department for illegitimate child. By Sec. 17-82e, both parents are liable. Id., 628. Failure of state to pay blood grouping tests for indigent defendant in paternity action does not violate due process. Id., 679. Cited. 36 CS 18; Id., 37; Id., 108. Due process principles require that a tenant in a public housing project have timely and adequate notice detailing reasons for proposed eviction and an effective opportunity to defend by cross-examining witnesses and providing evidence and argument. Id., 515. Cited. Id. Foreseeability, critical to due process, is that the defendant’s conduct and connection with forum state are such he should reasonably anticipate being hauled into court there—discussion of Connecticut long-arm statute, Sec. 33-411(c)(1). Id., 262. Cited. Id., 357. Provision for notice by registered or certified mail adequately fulfills requirement. Dissent on admissibility of rubber stamp signature—presumed, duly authorized “until contrary appears”, shifts burden of proof to defendant, is offensive to right to due process. Id., 586. Cited. Id., 637; 37 CS 90; Id., 506; Id., 515; Id., 520; Id., 560. 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. Id., 579. Cited. Id., 678; Id., 723; Id., 745; Id., 755. Failure to introduce evidence on market value defeated claim of defendant that she was denied right of confrontation where price tags already admitted. Id., 796. Due process cited. 38 CS 24. Cited. Id., 70. Due process cited. Id., 301; Id., 331. Cited. Id., 364; Id., 400; Id., 407; Id., 426. State’s right to due process discussed. Id., 521. Cited. Id., 570; Id., 581. Sec. 8-28 provision for notice of decision by publication complies with constitutional requirement of due process where right of appeal is extended to potentially large class of people. Id., 590. Cited. Id., 689; Id., 695; 39 CS 170. If notice by publication is to be utilized plaintiff must clearly and in detail set forth in affidavit form all the steps taken to determine whether notice by some other form could be given so court may make independent determination of adequacy of notice. Id., 198. Cited. Id., 313; Id., 359; Id., 392; Id., 514; Id., 264. Due process cited. Id. Cited. Id., 273. Due process cited. Id. Cited. 40 CS 38. Fair trial cited. Id. Right to court appointed counsel where indigent defendant faces civil contempt proceedings to enforce child support orders applied in instant case. Id., 111. Procedural due process cited. Id. Cited. Id., 173. Due process clause cited. Id. Cited. Id., 208. Rights of due process cited. Id. Due process cited. Id., 361. Right of privacy and liberty clause of fourteenth amendment; right to be left alone; due process clause, cited. Id., 394. Due process rights cited. Id., 498. Due process clause cited. Id., 512. Cited. Id., 547. Constitutional issue of procedural due process cited. 41 CS 14. Cited. Id., 130. Federal constitutional issue cited. Id. Due process requirements cited. Id., 196. Due process cited. Id., 229. Procedural due process, due process problems and due process requirements cited. Id., 320. Cited. Id., 356. Due process cited. Id., 376. “A construction of Sec. 46b-71 that would confer the same personal jurisdiction of the decree-rendering state upon Connecticut courts would violate fundamental due process requirement and the minimum contacts standard...” Id., 429. Due process cited. Id. Cited. Id.; Id., 525. Unconstitutionally void for vagueness and over breadth cited. Id. Vagueness challenge coupled with due process claim cited. Id. Cited. 42 CS 1. Rights to due process cited. Id. Due process cited. Id., 10. Cited. Id., 25. Due process cited. Id. Due process and denial of cross-examination of defendant’s experts cited. Id., 57. Due process cited. Id., 144. Due process clause of the U.S. Constitution cited. Id., 227. *Lis pendens* statute(s) Sec. 52-325 et seq., provide(s) for immediate post deprivation hearing and is thus constitutional. Id., 241. Deprivation of property without due process of law cited. Id. Unconstitutionally vague probable cause standard cited. Id. Cited. Id., 256. Right of due process cited. Id., 291. Cited. Id., 306. Due process of law cited. Id., 323. Due process clause cited. Id., 356. Cited. Id., 439. Right to due process cited. Id. Cited. Id., 460. Due process cited. Id. Deprivation of property without due process of law cited; modern notions of due process cited. Id., 534. Cited. Id., 574. Due process cited. Id. Cited. Id., 602. Due process cited. 43 CS 13. Due process guarantees cited; whether unconstitutionally vague or over broad cited; right to travel, a due process right cited. Id., 46. Due process clause cited. Id., 91. Due process of law cited. Id., 108. Cited. Id., 152. Right to procedural due process cited. Id., 386. Cited. Id., 441. Due process and the due process clause cited. Id. Due process cited. Id., 457. Due process rights cited. Id., 470. Cited. 44 CS 34. Due process safeguard and protection cited. Id., 53. Cited. Id., 121. Due process clause cited. Id. Due process cited. Id., 297. Due process of law cited. Id., 361. Violation of due process cited. Id., 472. Retroactive application of statute terminating parental rights (Sec. 17a-112(c)(3)(F)) does not violate parent’s right to due process of law. 45 CS 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. In an administrative agency proceeding, mere presentation of news items without a showing of how they affected hearing officer’s conduct of the proceeding is insufficient to establish bias. 47 CS 228.

Public school student's right to liberty and privacy under due process clause were 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. *Id.*, 342. 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 that is 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 a 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. Lack of adequate notice by Revenue Services Commissioner in dealing with deficiency assessment implicates a person's due process rights. *Id.*, 410. 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 the 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. Department of Correction's classification of petitioner as sexual offender despite the fact that petitioner had been acquitted of sexual assault charges was in violation of petitioner's liberty interest protected under fourteenth amendment. Such classification represented derogatory statement about petitioner that was capable of being proven false and represented a material and tangible burden imposed by the state upon petitioner because as a result of being improperly classified as a sexual offender, petitioner was denied access to programs and services that he would have otherwise been eligible for, had he not been so classified. 49 CS 416. Notice and hearing procedures used by University of Connecticut re plaintiff's suspension for harassment and stalking of fellow student satisfied minimum requirements of procedural due process where plaintiff received multiple notices and was permitted to ask questions of witnesses directly or through administrative officer at hearing. 50 CS 256. Exercise of personal jurisdiction under Sec. 52-59b(a)(2) over nonresident defendant who posted video on Internet that threatened physical harm to state resident did not violate due process clause. 51 CS 212. 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). *Id.*, 307. 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. *Id.*, 342. Requirement in Sec. 22a-245a(d) that deposit initiators pay outstanding bottle deposit balance to the state for the period December 1, 2008, to March 31, 2009, is a taking without compensation. *Id.*, 425.

Under-representation of a racial group on juries is not violative of any constitutional requirements. Constitution only requires a fair jury selected without regard to race. 2 Conn. Cir. Ct. 205. Admission into evidence of involuntary confession a violation of due process. *Id.*, 555–558. Denial of counsel during preliminary investigation in criminal proceeding constitutes denial of due process only if subsequent trial is thereby infected with absence of “that fundamental fairness essential to the very concept of justice.” *Id.*, 574. Denial to accused of use of telephone to call doctor, relatives and friends does not infringe any right guaranteed by constitution. *Id.*, 603. Where defendant, during interval between denial of her request to call a lawyer and her removal to hospital, did not say, do or write anything concerning offenses for which she was tried, denial did not violate her constitutional rights. *Id.* Connecticut obscenity law (Sec. 53-244a) must be construed in light of due process clause. 3 Conn. Cir. Ct. 362. Cited. *Id.*, 455. Where trial court had instructed jury that if they concluded there was such a strong probability of the defendant's guilt that a denial or explanation by him was reasonably called for, then they would be entitled to consider his failure to testify, held this charge was in violation of due process and constituted reversible error. *Id.*, 463, 464. Presumption raised by Sec. 14-107 that in the case of certain violations, proof of the registration number of any motor vehicle shall be prima facie evidence that the owner was the operator thereof is not violative of due process since there is a rational and reasonable connection between the facts proved and the ultimate fact presumed. *Id.* Where defendant was allowed to telephone his lawyer upon completion of routine investigatory police procedures, his constitutional right to counsel was satisfied. *Id.*, 473–475. Defendant's conviction under Sec. 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. The defendant's right of due process was not violated because of the publication of an article based on his case in a national magazine, written by the trial judge and published during the pendency of his appeal. *Id.*, 538, 545, 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. An unsigned and undated search warrant is fatally defective, invalid and void and confers no authority to act thereunder. *Id.*, 641, 644. Cited. *Id.*, 674, 679. Sec. 17-379 is not penal but is concerned with care and protection and not subject to same constitutional guarantees as penal statute. 4 Conn. Cir. Ct. 55, 62. Dram shop act not in violation of the equal protection and due process provisions. *Id.*, 89. Cited. *Id.*, 358; *Id.*, 521. Roadblock stopping by state police to check operator's license, registration and safety equipment is valid exercise of police power and not invasion of constitutional rights. *Id.*, 385. Beneficiary of welfare assistance has no vested right to aid and therefore no property in welfare assistance subject to protection of constitution. *Id.*, 449. Connecticut Sunday law (Sec. 53-300) not a violation. *Id.*, 493. Liquor regulation is within police power of state and to hold owners of bottle clubs liable for unlicensed dispensing of liquors in their club regardless of scienter is constitutional under Sec. 30-100. *Id.*, 565. Defendant's confession of her crime of lascivious carriage was voluntary where made in her own apartment without duress and case was tried before “Miranda” decision. (384 U.S. 436) 5 Conn. Cir. Ct. 35. Police use of flashlight from fire escape to observe conduct of defendant, where they were investigating on speedy information that defendant was committing crime of lascivious carriage, was not an abridgment of defendant's right to privacy. *Id.* Defendant was represented by counsel in all stages of his case, all arguments heard fully and continuances granted after pleas of impecunity. *Id.*, 228. Cited. 6 Conn. Cir. Ct. 668.

⁴ This provision applies only to persons physically present within the jurisdiction. 70 C. 600. Statute imposing liability on railroad for fire caused by it upheld; 54 C. 459; so one requiring a person convicted of intoxication to disclose under oath where he secured liquor. 59 C. 521. Equal protection of the law explained. 76 C. 520; 78 C. 429. Legislature may create highway district out of several towns. 170 U.S. 309. Different classes may be treated differently; individual and corporation; 76 C. 567; thus in usury law, difference may be made between different classes of money lenders, if not

unreasonable. 82 C. 232; 83 C. 1; 218 U.S. 563, 572; 125 C. 320. No law requires taxation to be equal or uniform; 70 C. 590; 73 C. 255; 74 C. 449; 76 C. 98; 104 C. 199; succession tax. 76 C. 236; 77 C. 654; 105 C. 205. Legislature may tax corporate stock, though result is payment of larger tax by nonresident than by resident; 185 U.S. 364; and, with like result may tax debt owed by nonresident and secured by land in another state. 100 U.S. 491; see 106 C. 529 ff. A law taxing advertising signs is not an unjust discrimination. 90 C. 662. So-called "guest statute" held not an unreasonable classification. 108 C. 376. Power to segregate a certain group from operation of general law discussed. *Id.* "Penalty tax" on assets not listed by decedent during his lifetime held valid. 96 C. 368; 106 C. 529; 118 C. 101. 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. 291. No unlawful discrimination in fact that liquor sales under druggist permits are not restricted as are package store sales. 118 C. 262. 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. Statute upheld permitting trial for nonsupport in any court of state without regard to where offense was committed. 129 C. 570. Requirement that liquor permittee be elector is not discriminatory. *Id.*, 619. State veterans' bonus sustained. 133 C. 511. Act authorizing issuance of bonds by city to provide housing for veterans is proper class legislation. *Id.*, 544. Sec. 30-48 is a constitutional exercise of police power and does not, standing alone, work any discrimination between residents and nonresidents engaged in liquor business. 138 C. 669. Equal protection of laws not denied by special act giving preferential treatment to veterans taking civil service examination, either for original employment or promotion. 139 C. 102. Provision in will that widow should receive stipulated amount either by order for widow's allowance or by way of bequest, constitutional. *Id.*, 652. If police legislation has legitimate purpose which is pursued in fair and reasonable way, it satisfies requirements of equal protection. 144 C. 241. Jury recommendation for life imprisonment under Sec. 53-10 not violation of equal protection. 145 C. 60. Regulation of ordinary businesses and those by nature dangerous to public distinguished. *Id.*, 490. Allowance of sale of antiques on Sunday held constitutional. *Id.*, 554. Charge of denial of equal protection since others, similarly circumstanced, were not sentenced as third offenders held not valid defense unless there is a showing of intentional or arbitrary action amounting to discrimination. 147 C. 506. To hold zoning ordinance violative of equal protection clause, provisions must appear clearly arbitrary and unreasonable, having no substantial relation to public health, safety, morals or general welfare. Fourteenth amendment 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 subject and purposes of legislation between those within class and those it leaves untouched. 149 C. 712. Clause in Sec. 10-6 exempting schools in existence before 1942 from its operation held discriminatory and unconstitutional. 151 C. 631. 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 the appointment of other counsel, an unconstitutional line has been drawn between the rich and the poor in violation of the equal protection of the law 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 the appeal are granted. 152 C. 504-507. In latter 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.*, 505. Search by police officer, not made as an incident to a lawful arrest, if otherwise reasonable, could be justified under this section, the fourth amendment and Art. I, Sec. 8 of the Connecticut Constitution only on proof that the protection afforded by these provisions had been waived. 153 C. 70, 71. There is no federal constitutional impediment to dispensing entirely with the grand jury in state prosecutions. *Id.*, 451, 457. 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. *Id.*, 465, 475. Classification of "shopping centers" in zoning concerning liquor stores is constitutional exercise of police powers, not discriminatory or unreasonable. 156 C. 213. Ordinance allowing package stores and drug stores dislocated by redevelopment condemnation to remove to other locations in business-zoned areas is not unequal treatment in zoning regulations of city of Stamford. *Id.*, 287. Prosecution by information was not violation of defendant's rights under this section. *Id.*, 391. Claim of illegal arrest made for first time on appeal has no merit. *Id.* New trial ordered where plaintiff's application for habeas corpus was defeated by his financial inability to pay costs of obtaining witness' testimony, with directions lower court afford indigent adequate opportunity to test legality of his detention. 157 C. 403. Laxity in administration of law in failing to enforce zoning regulations in some cases and enforcing in others is not unequal protection of laws in absence of intentional discrimination. *Id.*, 548. 1967 statute amending Sec. 45-113 is unconstitutional as discriminatory in that it applies only to investments in certain trusts made prior to a certain date, a purely arbitrary classification. 158 C. 48. Cited. 162 C. 291. Father of illegitimate child, standing to determine custody of child. 163 C. 344. Sec. 10-153e, prohibiting teachers' strikes, is constitutional. 164 C. 348. Cited. 167 C. 111. Sec. 14-66, proper exercise of the police power of the state, is designed to serve the safety and welfare of the motoring public. *Id.*, 304. The alternative procedures of affidavits accompanying a request for a bench warrant or a court hearing in probable cause present no denial of equal protection. Prosecutor's discretion in choice of procedure is not shown to be discriminatory. *Id.*, 539. Equal protection not violated by Sec. 14-111(c) as legislature has drawn a reasonable distinction based on public policy in requiring suspension of licenses of only those careless drivers who contribute to accidents causing death. 168 C. 94. Cited. *Id.*, 212; 169 C. 207. Nonexemption of some plaintiffs from the operation of no-fault insurance law is not denial of equal protection. *Id.*, 267. Cited. *Id.*; 170 C. 258. Jury fee serves a legitimate state interest in paternity action and satisfies equal protection clause of fourteenth amendment. *Id.*, 367. Cited. *Id.* 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 the U.S. and Connecticut Constitutions. 171 C. 600. Classification that distinguishes natural parents from foster parents regarding who may move to revoke commitment of child is so unreasonable or irrelevant as to violate equal protection. *Id.*, 630. Participation in action to remove religious restrictions from charitable trust by attorney general, being prescribed by statute, held not to be such significant state action within purview of equal protection clause as to shift responsibility of settlor's private discrimination to the state and thus necessitate removal of such religious restrictions. 172 C. 496. Cited. *Id.* Although father of illegitimate child is entitled to same hearing as legal father before being deprived of custody, even rights of parent may not militate against court's determination of best interests of

child. Id., 612. Relationship between federal and state constitutional guarantees of equal protection. Id., 615. That adequate level of benefits is provided to all does not constitutionally excuse discrimination. Id. Equal protection not addressed to minimal sufficiency but rather to unjustifiable equalities of state action. Id. Discussed. 173 C. 165. Cited. Id., 220. 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 laws. 174 C. 51. Section does not require taxation to be equal and uniform. Id., 556. Cited. 175 C. 527; Id., 545; 176 C. 11; Id., 638; 177 C. 304; 178 C. 67; Id., 180; 179 C. 62; Id., 128; Id., 311; Id., 552; Id., 627; 181 C. 225; Id., 286; 182 C. 314; 184 C. 51; Id., 75. Sec. 53a-169 held not in violation of this clause. Id., 222. Cited. Id., 246; 185 C. 124; Id., 211; Id., 540; 186 C. 521. Equal protection cited. Id., 725. Since 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., 73; Id., 144. Cited. Id., 324. Equal protection cited. Id., 451. Cited. 188 C. 98; Id., 145; Id., 276; Id., 385; Id., 432; Id., 653; Id., 671; 189 C. 276; Id., 445; Id., 550; Id., 690; Id., 727; 191 C. 27. Durational residency and bona fide residency requirements discussed. 192 C. 335. Cited. Id., 460. 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. Id., 144. Equal protection cited. Id. Constitutional protection of the family unit and rights of parents and child discussed. Id., 393. 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. 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., 252. Equal protection challenge to grand jury and due process challenge requiring a fair cross section differentiated and discussed. Id., 416. Equal protection cited. Id. Claims of appellate delay arise under this constitutional guaranty. Id., 510. Cited. Id., 530; Id., 601. Equal protection rights 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. 195 C. 284. Equal protection clause cited. Id. Cited. Id., 399. Federal right to equal protection cited. Id. Equal protection cited. Id., 543. Cited. Id., 682. Right to equal protection under federal constitution cited. Id. Constitutionally protected right of parents to companionship, care, custody and management of their children cited. 196 C. 10. Cited. Id., 309. Equal protection cited. Id. Cited. Id., 440. Right to equal protection; equal protection clause cited. Id. Cited. Id., 572. Equal protection clause of federal constitution cited. Id., 623. Equal protection cited. Id., 655. Equal protection clause cited. 197 C. 485. Equal protection cited. Id., 629. Cited. 198 C. 671. Equal protection clause of the federal 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. Federal equal protection clause cited. Id. Cited. Id., 376. Constitutional right to equal protection cited. Id. Cited. Id., 453. Sec. 52-577a is constitutional under this article. Id., 562. Cited. 201 C. 16; Id., 577; 203 C. 14. Equal protection clause of U.S. Constitution cited. Id. Cited. Id., 63. Equal protection cited. Id. Cited. Id., 156; Id., 246. Equal protection of the laws 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. Equal protection cited. 204 C. 17. Cited. Id., 287. Equal protection cited. Id. Cited. Id., 746. Equal protection cited. Id. Cited. Id., 760. Equal protection cited. Id. Cited. 205 C. 17. Equal protection cited. Id. Cited. Id., 27. Equal protection cited. Id.; Id., 219. Cited. Id., 495. Deprivation of fundamental federal constitutional rights cited. Id. Right to equal protection cited. Id., 723. Cited. 206 C. 113. Right to equal protection cited. Id., 229. Cited. Id., 316; Id., 391. Equal protection cited. Id. Right to equal protection cited. Id., 685. Cited. 207 C. 59. Constitutional rights to equal protection cited. Id. Cited. Id., 276. Equal protection clause of the U.S. Constitution cited. Id. Cited. Id., 412. Equal protection claim cited. Id. Cited. Id., 496. Equal protection cited. Id. Federal equal protection clause cited. Id., 518. Equal protection clause cited. 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. Deprivation of equal protection cited. Id., 349. 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. Denial of jail time credits to insanity acquittees does not violate constitutional rights; 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. Cited. Id., 351. Equal protection cited; fair trial cited. Id. Equal protection cited. 213 C. 19. Right to equal protection cited. Id., 112. Equal protection cited. Id., 136. Cited. Id., 220; Id., 373. Equal protection claim cited. Id. Cited. 214 C. 256. Equal protection of the law cited. Id. Rights to equal protection cited. Id., 321. Cited; guarantee of equal protection cited. Id., 378. Cited; guarantee of equal protection cited. 215 C. 292. Equal protection cited. Id., 469. Rights to equal protection of the law cited. Id., 675. Equal protection of the law cited. 216 C. 85. Application of constitutional claims in summary process cases discussed. 217 C. 313. Denial of equal protection cited. Id. Cited. Id., 404. Equal protection provisions cited. Id. Rights to equal protection cited. Id., 490. Cited. Id., 568. Equal protection cited. Id. Cited. 218 C. 309. Rights to equal protection cited. Id. Cited. Id., 403 (see also 219 C. 215, 231). Equal protection cited. Id. Cited. Id., 429. Equal protection claims cited. Id. Equal protection cited. Id., 778. Unconstitutional jury composition cited. 219 C. 215 (see also 218 C. 403); Id., 231. Cited. Id., 703; 220 C. 61. Federal constitution cited. Id. Equal protection clause cited. Id. Cited. Id., 487. Equal protection clause cited. Id. Cited. Id., 721; 221 C. 166. Equal protection of the law cited. Id. Constitutional rights cited. Id. Equal protection cited. Id., 903. Equal protection clause cited. 221 C. 1. Cited. 222 C. 591. Equal protection clause cited. Id. Violation of equal protection clause cited. 223 C. 492. Equal protection cited. Id., 903. Cited. 224 C. 168. Equal protection cited. Id. Denial of equal protection cited. Id., 711. Equal protection cited. 225 C. 355. Rights to equal protection cited. Id., 499. Cited. Id., 528. Equal protection cited. Id. Cited. Id., 650. Right to equal protection of law cited. Id. Equal protection rights cited. 226 C. 314. Abandonment of "deliberate bypass rule" and adoption of "cause and prejudice standard" for claims procedurally defaulted at trial discussed. 227 C. 124. Equal protection rights cited. Id. Jury array violation of constitutional rights cited. Id. Cited. Id., 147. Equal protection rights and federal and state constitutional rights cited. Id. Unconstitutional jury composition cited. Id. Guarantees of equal

protection cited. Id., 175. Equal protection clause cited. Id., 261. Equal protection rights cited; right to fair trial cited. Id., 301. Cited. Id., 711. Equal protection clause and challenge to composition of jury array cited. Id. Cited. 228 C. 79. Constitutional rights to equal protection cited. Id. Equal protection provisions cited. Id., 393. Cited. 229 C. 1. Equal protection provisions of federal constitution cited. Id. Equal protection of the law cited. Id., 801. Right to equal protection and fair trial cited. 230 C. 88. Cited. Id., 385, see also 37 CA 801. Equal protection clause cited; right to public trial, impartial jury with adequate voir dire cited. Id. Right to equal protection cited. Id., 400. Qualified immunity discussed. Id., 735. Right to equal protection cited. Id. Cited. 231 C. 1. Equal protection rights cited. Id., 235. Cited. Id., 514. Equal protection clause cited. Id.; Id., 563. Cited. 232 C. 431; judgment superseded by en banc reconsideration, see 235 C. 502. Rights to equal protection cited. Id. Federal equal protection law cited. 233 C. 44. Rights to equal protection cited. Id., 106. Equal protection clause cited. Id., 557. Equal protection cited. 234 C. 51; Id., 194. Cited. Id., 217. Equal protection cited. Id. Cited. Id., 455. Right to equal protection cited. Id. Cited. 235 C. 502. Rights to equal protection cited. Id. Cited. Id., 637. Equal protection clause cited. Id. Equal protection clauses cited. Id., 865. Sec. 38a-336 is constitutional within equal protection provisions. 236 C. 299. Equal protection clause cited. Id.; Id., 318. Cited. Id., 421. Equal protection clauses cited. Id. Rights to equal protection cited. Id., 701. Equal protection cited. Id., 719. Defendant may object to state's preemptory challenge on equal protection grounds any time prior to swearing of jury; judgment of appellate court in 38 CA 598 reversed. 237 C. 238. Equal protection objection to preemptory challenge cited. Id. Cited. 238 C. 1. Equal protection clause cited. Id. Rights to equal protection of the laws cited. Id., 809. Equal protection of the law cited. 239 C. 168. Cited. Id., 233. Equal protection claim cited. Id. Equal protection provisions cited. Id., 427. Constitutionality and unconstitutionality of statute and fair trial cited. Id. Cited. Id., 708. Equal protection clause cited. Id. Federal constitutional rights to equal protection cited. 240 C. 727. Cited. Id., 743. Right to equal protection cited. Id. Cited. 241 C. 502. Federal constitutional equal protection rights and right to fair trial cited. Id. Cited. 242 C. 17. Equal protection cited. Id. Equal protection guarantees cited. Id., 125. Equal protection clause cited. Id., 523; 243 C. 115. 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 laws. 245 C. 93. There was rational basis for legislature to classify larceny from the person as a more serious offense than simple robbery and therefore the classification did not violate defendant's right to equal protection of the laws. 246 C. 132. Guidelines for assessing a criminal defendant's claim of purposeful, race-based preemptory challenges by the state during jury selection. Id., 268. Legislative decision to exclude certain benefits from the calculation of an injured employee's workers' compensation award was a rational one. 247 C. 126. Preemptory challenge based on religious affiliation of venire person is violative of equal protection. 248 C. 207. Failure to raise disparate treatment in preemptory challenge fatal on appeal. Id. Reiterated prior decisions that prima facie case of selective and malicious treatment violates equal protection. 249 C. 385. Reaffirmed holdings that failure to vote on application was not fatal to claim that plaintiff was deprived of equal protection where government official was moving force behind deprivation. Id. Venire person's potential reluctance to vote to convict constitutes a valid, race neutral reason for exercise of preemptory challenge; Supreme Court refused to consider unpreserved claim; trial court not required to undertake sua sponte review of prior preemptory challenges due to subsequent challenges that do not pass Batson case test. 253 C. 280. State is required to offer a nondiscriminatory reason to the court for exercising a preemptory challenge when defendant claims the challenge is based on a prospective juror's ancestry or ethnic origin. 256 C. 1. Trial court's grant of prosecutor's request to dismiss potential jurors did not violate equal protection because the record reveals that state did not excuse the jurors solely on the basis of their religious beliefs. 261 C. 336. Regarding claim that defendant was entitled to sentence reduction for time served in another state while extradition was pending, court held that the equal protection clause was not implicated because persons who are confined in another state pending extradition are not similarly situated to persons who are confined in this state pending trial. 266 C. 596. 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. Rational basis exists for legislature's differential treatment of insanity acquittees and civilly committed inmates, and therefore, Sec. 17a-593(c) does not violate defendant's federal equal protection guarantees. Id., 508. Legislature had rational basis for classifying intentional murder of a person under sixteen as capital felony and therefore Sec. 53a-54b(9) does not violate equal protection clause. 272 C. 106. Equal protection clause required that P.A. 04-100, which extended parental obligation to support a child of unmarried parents until child either completes twelfth grade or attains age of nineteen years, be applied retroactively to support orders already in effect at time of act's effective date. 283 C. 187. Sec. 53a-72a(a)(2) does not violate equal protection clause of federal constitution because it applies equally to both opposite sex and same sex intercourse when individuals are related within certain degrees of kindred. 285 C. 528. Plaintiff failed to demonstrate that selective treatment that deprived plaintiff of promotion to police captain was based on race, religion, intentional effort to punish for exercise of constitutional rights or malice. 290 C. 421. To prove a violation of equal protection by selective treatment, plaintiff must demonstrate that defendants maliciously singled him out with the intent to injure him, and demonstrating that he received different treatment from other persons similarly situated, without more, does not establish malice or bad faith. 293 C. 698. Plaintiffs did not meet their burden of proving that defendants had violated their equal protection rights by underfilling higher rank positions to pay additional individuals in lower ranks because plaintiffs did not present evidence that underfilling had a disproportionate impact on African-American firefighters thereby allowing the jury to conclude that underfilling should be treated as if it has created a racial classification on its face. 294 C. 280. Requirements under Sec. 46a-33a re translation services for deaf or hard of hearing persons does not support equal protection claim that certification is required for person translating confession of non-hearing-impaired defendant due to defendant's inability to speak or read English. 299 C. 39. 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. Elimination of state-funded medical assistance program for non-citizens does not draw a classification on the basis of alienage in violation of equal protection clause because program did not benefit citizens as opposed to aliens; to draw a classification based on alienage, statute typically must afford some benefit to citizens but deny that benefit to

at least some aliens because of their status as noncitizens; for purposes of equal protection analysis, state's treatment of individuals within state-funded program cannot be compared to state's treatment of individuals within separate federal Medicaid program, which is governed and funded substantially by a different government. *Id.*, 412. Defendant's claim that his death sentence was imposed arbitrarily and capriciously because there are no uniform standards guiding prosecutors' decisions to seek the death penalty is contradicted by overwhelming authority and is rejected. 303 C. 71.

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.* Federal equal protection cited. *Id.*, 432. Cited. 4 CA 154. Equal protection cited. *Id.*, 261. Equal protection rights cited. *Id.*, 307. Cited. *Id.*, 451; 5 CA 369. Equal protection cited. *Id.* Cited. *Id.*, 649. Constitutional rights 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.* Cited. 8 CA 50. Equal protection cited. *Id.*, 407. Cited. *Id.*, 642. Equal protection clause of the U.S. Constitution cited. 9 CA 327. Constitutionally protected right to companionship, care, custody and management of his child cited. *Id.*, 413. Cited. 10 CA 14. Equal protection cited. *Id.* Cited. *Id.*, 683. Guarantee of equal protection cited. *Id.* Cited. 12 CA 455. Equal protection requirement cited. *Id.* Right to equal protection cited. 13 CA 91. 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. Equal protection cited. 19 CA 20. Equal protection cited. 20 CA 51; judgment reversed, see 215 C. 450. Cited. *Id.*, 241. Equal protection clause cited. *Id.* Equal protection rights cited. *Id.*, 599. Cited. 21 CA 40. Equal protection clause cited; constitutional challenges and issues and deprivation of constitutional right cited. *Id.* Cited. *Id.*, 67. Federal constitutional claims and issues cited. *Id.* Constitutional right to equal protection cited. *Id.*, 688. Cited. 22 CA 402. Equal protection rights cited. *Id.* 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 225 C. 499. Cited. 26 CA 10. Rights to equal protection cited. *Id.* Cited. *Id.*, 466. Equal protection rights cited. *Id.*, 553. Cited. 27 CA 495; judgment reversed, see 223 C. 492. Equal protection clause cited. *Id.* Cited. *Id.*, 675. Right to equal protection cited. *Id.*; 28 CA 1. Cited. 30 CA 594. Equal protection cited. *Id.* Cited. *Id.*, 765. Equal protection cited. *Id.* Equal protection clause cited. 31 CA 278; judgment reversed, see 230 C. 385. Deprivation of federal constitutional rights to equal protection cited; arbitrary determination of a child's best interests cited. *Id.*, 400. Right to equal protection cited. *Id.*, 621. Equal protection cited. *Id.*, 771. Cited. 32 CA 38. Equal protection cited. *Id.* Rights to equal protection cited. *Id.*, 280. Denial of equal protection cited. *Id.*, 515. Cited. *Id.*, 553. Guarantee of equal protection cited. *Id.* Equal protection clauses cited. *Id.*, 656. Cited. *Id.*, 704. Equal protection claim cited. *Id.* Cited. 33 CA 242. Equal protection cited. *Id.*; *Id.*, 339; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502; 34 CA 557. Cited. *Id.*, 816. Equal protection clause cited. 35 CA 212. Equal protection cited. *Id.*, 599. Cited. 36 CA 584. Rights to equal protection cited. *Id.* Cited. *Id.*, 623. Equal protection clauses cited. *Id.* Rights to equal protection cited. 37 CA 360. Equal protection clause cited. *Id.*, 589. Right to equal protection cited. *Id.*, 672; *Id.*, 801; judgment reversed, see 236 C. 561. Cited. *Id.*, 856. Right to equal protection cited. *Id.* Cited. 38 CA 231. Gender-based discrimination cited; fair cross section requirement cited. *Id.* Rights to equal protection cited. *Id.*, 434. Equal protection clause cited. *Id.*, 598; judgment reversed, see 237 C. 238. Cited. *Id.*, 685. Equal protection rights cited. *Id.* Cited. 39 CA 183. Rights to equal protection cited. *Id.*, *Id.*, 369. 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.* Right to equal protection cited. *Id.*, 454. Equal protection cited. *Id.*, 866. Cited. 42 CA 583. Equal protection clause cited. *Id.* Right to equal protection cited. *Id.*, 803. Equal protection clauses cited. 43 CA 265. Cited. 44 CA 457. Equal protection cited. *Id.* Equal protection cited. *Id.*, 611. Rights of equal protection cited. 45 CA 66. Equal protection cited. *Id.*, 83. 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. Rights to equal protection cited. *Id.*, 810. Sec. 53a-71(a)(1) re statutory rape does not violate equal protection. 47 CA 68. 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. Due process does not require hearing on suppression of confession prior to trial. *Id.*, 503. Clause forbids prosecutor to challenge peremptorily potential jurors solely on account of race. 57 CA 371. Alleged selective enforcement of ordinance against defendant held not violative of equal protection guarantee where court found a mere laxity of administration of law and not an intentional violation of the essential principle of practical uniformity. 60 CA 376. Court's application of presentence confinement credit pursuant to Sec. 18-98d(a) did not violate petitioner's right to equal protection. 80 CA 574. Court reiterated holding that its application of presentence confinement credit pursuant to Sec. 18-98d(a) did not violate petitioner's right to equal protection. *Id.*, 580. Petitioner's constitutional rights to equal protection and due process were not violated by commissioner's method of calculating presentence confinement credit; presentence confinement credit, being a creature of statute, is not constitutionally mandated, and because allocation of credit under Sec. 18-98(d) does not implicate a fundamental right or burden a suspect class, it was upheld as rationally related to legitimate public purpose of ensuring that convicted offenders serve the full term of their sentences. 90 CA 460. The fact that Commissioner of Correction did not reincarcerate those inmates who had been released before commissioner implemented policy to recalculate presentence confinement credits in wake of *Harris v. Commissioner of Correction* did not constitute violation of petitioner's right to equal protection. 104 CA 793. Trial court properly determined that the state had not exercised a peremptory challenge in a racially discriminatory manner because potential juror's negative encounters with police and knowledge of some attorneys and police officers in case constituted a neutral ground for peremptory challenge. 110 CA 743. Trial court's rejection of defendant's Batson challenge was not clearly erroneous since prosecutor's proffered grounds for peremptory strike of venireperson that he had been arrested by the same

police department, had a close relative who had been prosecuted and had a troubled past that might cause him to empathize with defendant despite promise of impartiality, were race neutral. 126 CA 239. Conviction of being a spectator at an animal fight under Sec. 53-247(c)(4) does not violate equal protection rights because Sec. 53-247(c)(4) is rationally related to legitimate state objective of suppressing animal cruelty. 131 CA 388. Plaintiff's equal protection claim was legally insufficient because he failed to allege that another inmate was provided the type of accommodation he requested or that the failure to provide the requested accommodation was because of his disability status. 139 CA 216. Trial court's decision to permit state to exercise peremptory challenge of venireperson was not clearly erroneous where proffered grounds for peremptory challenge was that venireperson frequented area where crimes that were the subject of trial had been committed. 142 CA 161. An inmate has no fundamental right in the opportunity to earn risk reduction credit because such credit is a creature of statute and not constitutionally required; the exclusion of indigent individuals held in presentence confinement from the earned risk reduction credit scheme does not violate equal protection if there is a rational basis for such treatment. 175 CA 460.

Equal protection clause does not require person accused of larceny be prosecuted by indictment of grand jury rather than by information. 25 CS 509. Only persons charged with capital crimes are prosecuted by grand jury indictment in Connecticut. *Id.* Zoning ordinance limiting occupancy to elderly persons did not so serve public welfare as to be within police power. 26 CS 127. Sentencing of woman petitioner to maximum term of three years under Sec. 17-360 for violation of breach of peace statute which provides maximum penalty of one year is violation of equal protection of law as men are limited to one year's punishment for same offense. 28 CS 9. Classification of witnesses protected under Sec. 52-159 reasonable pretrial, but question remains as to reports of such witnesses during trial being withheld. *Id.*, 52. To hold publisher responsible for libel, public official must prove actual malice; that (1) falsehood endangers reputation, (2) unreasonable conduct by publisher. *Id.*, 109. Legislative delegation to local boards of education for supervision over sex education programs. 29 CS 405. Cited. 30 CS 122. Forced retirement of a police chief held to violate equal protection. 31 CS 172. Classification of certain obligations as binding on claimant's assets and exclusion of other obligations under welfare regulations not violative of equal protection. *Id.*, 544. The classification of marijuana with the dangerous psychoactive drugs, amphetamines and barbiturates is irrational, unreasonable and violates equal protection. 32 CS 324. The requirement of Sec. 52-542 that an appeal bond filed by a tenant in a summary process action guarantee rents accruing prior to the judgment does not violate this provision. 33 CS 531. Cited. 34 CS 52; 35 CS 130; *Id.*, 136. 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. Municipal ordinance requiring residency of municipal employees does not violate equal protection clause. 36 CS 18. Cited. *Id.*, 71; *Id.*, 609; 37 CS 560; *Id.*, 723; *Id.*, 745. Equal protection cited. 38 CS 331. Defendant is not denied equal protection if he is not a member of group excluded from jury. *Id.*, 407. Cited. *Id.*, 426; 39 CS 142; *Id.*, 170; *Id.*, 250. Three-year limitations period of Sec. 46b-160 is not sufficiently long to withstand equal protection scrutiny. 40 CS 6. Equal protection clause of the federal constitution cited. *Id.* Equal protection cited. *Id.*, 361. Cited. *Id.*, 381; *Id.*, 394. Equal protection clause of U.S. Constitution cited. *Id.* 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 574. Equal protection cited. *Id.* Equal protection grounds cited; right to travel cited. 43 CS 46. Equal protection clause cited. *Id.*, 91; *Id.*, 278. Right to equal protection cited. *Id.*, 386. Cited. *Id.*, 470. Equal protection cited. *Id.* Equal protection and equal protection clause cited. 44 CS 285. Sec. 46b-84(b) has a legitimate governmental purpose and any classification created by that section is rationally related to such purpose and therefore does not violate equal protection clause of U.S. Constitution. 46 CS 553. 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's conviction under Sec. 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. 3 Conn. Cir. Ct. 491. Cited. *Id.*, 674, 679. Sec. 17-379 is not penal but is concerned with care and protection and not subject to same constitutional guarantees as penal statute. 4 Conn. Cir. Ct. 55, 62. Connecticut Sunday law (Sec. 53-300) not a violation. *Id.*, 493. Welfare regulations limiting total cash surrender value of life insurance policies held by recipients of aid to dependent children, although lower than in other categories, found not arbitrary and not a denial of equal protection of laws. *Id.*, 453, 454. While constitution protects against invasions of individual rights it is not a suicide pact and mayor of New Haven constitutionally imposed a curfew in that city during riots which defendant was obliged to obey. 5 Conn. Cir. Ct. 22. Requirement that tenant give a bond on appeal of summary process action is not a denial of equal protection of the laws as to indigent tenants. *Id.*, 282.

(Apportionment of Representatives in Congress.)

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote¹ at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for

participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

¹ Right to vote for candidate of choice cited. 232 C. 65.

(Persons who have broken an official oath of allegiance by aiding in rebellion, disqualified to hold office.)

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

(Public debt obligatory. Claims for losses by emancipation of slaves.)

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

(Enforcement of article XIV., by Congress.)

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.*

*Proposed February 27, 1869. Ratification consummated March 30, 1870. Ratified by this state, May 19, 1869.

Cited. 34 CS 52.

(Race and color not to disqualify citizens as electors.)

Section 1. The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

(Enforcement of article XV., by Congress.)

Section 2. The Congress shall have power to enforce this article by appropriate legislation—

ARTICLE XVI.*

*Proposed July 12, 1909. Ratification consummated February 25, 1913. Not ratified by this state.

(Tax on incomes.)

The congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE [XVII.]*

*Proposed June 12, 1912. Ratification consummated May 31, 1913. Ratified by this state, April 15, 1913.

(Election of senators by people.)

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

ARTICLE [XVIII.]*

*Proposed December 18, 1917. Ratification consummated January 16, 1919. Not ratified by this state. Repealed by Article XXI., effective December 5, 1933.

(Prohibition of intoxicating liquors. Repealed by Amendment XXI.)

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

ARTICLE [XIX.]*

*Proposed June 4, 1919. Ratification consummated August 18, 1920. Ratified by this state, September 14 and 21, 1920.
Cited. 114 C. 529.

(Equal suffrage.)

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

(Enforcement of article XIX., by Congress.)

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE [XX.]*

*Proposed March 2, 1932. Ratification consummated January 23, 1933. Ratified by this state, January 27, 1933.

(Commencement of terms of President, Vice President, Senators and Representatives.)

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

(Time of assembling of Congress.)

Sec. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

(Death of President elect.)

Sec. 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

(Death of persons from whom house may choose.)

Sec. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

(Effective date of sections 1 and 2.)

Sec. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

(Inoperative unless ratified within seven years.)

Sec. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

ARTICLE [XXI.]*

*Proposed February 20, 1933. Ratification consummated December 5, 1933. Ratified by this state, July 11, 1933.

State may absolutely prohibit liquor manufacture, transportation, sale or possession, or may permit under prescribed conditions, but may not unreasonably discriminate. 129 C. 621. The difference in manner of dealing with a nonresident and with a resident manufacturer under liquor control act is not unreasonable. 138 C. 669. The states have broad police powers with respect to alcoholic liquors and can adopt such measures as they deem reasonably appropriate. 144 C. 241. Cited. 213 C. 184; 239 C. 599.

Cited. 36 CS 305.

(Repeal of eighteenth amendment prohibiting intoxicating liquors.)

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

(Transportation or importation of intoxicating liquors.)

Sec. 2. The transportation or importation into any State, Territory or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.¹

¹ Gives to states power to enact legislation unrestricted by commerce clause. 140 C. 176, 185. Amendment does give state virtually complete control over how to structure the liquor distribution system. 184 C. 75. Cited. 194 C. 165; 239 C. 599.

Cited. 23 CS 491.

(Inoperative unless ratified within seven years.)

Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE [XXII.]*

*Proposed March 24, 1947. Ratification consummated March 1, 1951. Ratified by this state, May 21, 1947.

(Limitation on terms of President.)

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

ARTICLE [XXIII.]*

*Proposed June 16, 1960. Ratification consummated April 3, 1961. Ratified by this state, March 9, 1961.

(Presidential electors for District of Columbia.)

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous state; they shall be in addition to those appointed by the States, but they shall be considered for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

(Enforcement of article XXIII., by Congress.)

Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE [XXIV.]*

*Proposed August 27, 1962. Ratification consummated January 23, 1964. Ratified by this state, March 20, 1963.

(Franchise not be to be denied for nonpayment of poll tax or other tax.)

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

(Enforcement of article XXIV., by Congress.)

Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE [XXV.]*

*Proposed January 6, 1965. Ratification consummated February 10, 1967. Ratified by this state, February 14, 1967.

(Presidential succession.)

Section 1. In the case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

(Vacancy in Vice Presidential office.)

Sec. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

(President unable to discharge powers and duties, declaration.)

Sec. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

(Declaration of presidential inability to discharge powers and duties. Resumption of presidential powers and duties. Determination by Congress.)

Sec. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President 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 unless

the Vice President and a majority of either the principal officers of the executive department or of such other body as the Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in Session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as acting President; otherwise, the President shall resume the powers and duties of his office.

ARTICLE [XXVI.]*

*Proposed March 23, 1971. Ratification consummated June 30, 1971. Ratified by this state, March 23, 1971.

(Right to vote of citizens eighteen years of age or older.)

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

(Enforcement of article XXVI., by Congress.)

Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE [XXVII.]*

*Proposed by the First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, and ratified by this state by House Joint Resolution No. 54 which was adopted by the House of Representatives on May 6, 1987, and by the Senate on May 13, 1987, and certified as valid, to all intents and purposes, as part of the Constitution of the United States by Don W. Wilson, Archivist of the United States, on May 18, 1992.

(Salary increases for members of Congress.)

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.