

A.C. 42332

RICHARD HOUGHTALING : APPELLATE COURT
V. : STATE OF CONNECTICUT
COMMISSIONER OF CORRECTION : DECEMBER 14, 2018

**COMMISSIONER OF CORRECTION-RESPONDENT'S PRELIMINARY
STATEMENT OF ISSUES INTENDED FOR
PRESENTATION ON APPEAL**

Pursuant to Practice Book §63-4(a)(1), the Commissioner of Correction-Respondent intends to present any or all of the following issues to the extent they are applicable to those issues raised by the petitioner:

1. Alternative grounds upon which the judgment may be affirmed:

a. Whether any seizure of the petitioner, if not supported by probable cause, was supported by suspicion amounting to less than probable cause and was lawful under applicable state and federal constitutional principles, or was not a seizure at all;

b. Whether any statements of the petitioner, or other evidence, were properly admitted into evidence because the petitioner was lawfully in police custody, on grounds amounting to less than probable cause, or because the petitioner was not in custody at all;

c. Whether any statements or evidence were admissible under exceptions to the exclusionary rule including, but not limited to, the doctrines of consent, inevitable discovery, independent source, plain view, and search incident to arrest;

d. Whether any evidence admitted in error could have been admitted on another, proper ground;

e. Whether any identification of the petitioner, if found to be unnecessarily suggestive, was nonetheless reliable under the circumstances of the case;

f. Whether any search upheld under a "good faith" exception to the exclusionary rule was supported by probable cause under the totality of the circumstances;

g. Whether review of some or all of the claims raised by the appellant is barred by res judicata or collateral estoppel.

h. Any other alternative ground for affirmance of the judgment of conviction which, upon full review of the record and transcript of proceedings is apparent, or which becomes apparent upon any amendment of the petitioner's preliminary statement of issues or upon the filing of the petitioner's brief.

2. Adverse rulings or decisions of the trial court, for consideration on appeal in the event that the petitioner is awarded a new trial:

- a. Whether suppression of any of the state's evidence was erroneous;
- b. Whether any ruling on the admissibility of the state's evidence was erroneous;
- c. Any other adverse ruling or decision which, upon full review of the record and transcript of proceedings, should be considered in the event that the petitioner is awarded a new trial.

3. Claims that a new trial rather than a directed judgment should be ordered if the judgment is reversed:

- a. Whether, if reversible error is found, the petitioner is entitled to relief other than a judgment of acquittal, including, but not limited to, a new trial, remand, or dismissal;
- b. Any remedy which, upon full review of the record and transcript of proceedings is apparent, or which becomes apparent upon the filing of the petitioner's brief.

Respectfully submitted,

COMMISSIONER OF CORRECTION-RESPONDENT

By:



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CERTIFICATION

The undersigned hereby certifies that the foregoing motion complies with Practice Book §§ 66-2 and 66-3. It is further certified, pursuant to Practice Book § 62-7, that a copy of this motion was emailed to Lauren Weisfeld, Supervisory Assistant Public Defender, Office of the Chief Public Defender, 55 West Main Street, Suite 430, Waterbury, CT 06702 Tel: (203) 574-0029, Fax: (203) 575-0038, at legalservicesunit@jud.ct.gov, on December 14, 2018.



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