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STATE OF CONNECTICUT *v.* MARK BRESCIA
(SC 18739)

Rogers, C. J., and Norcott, Palmer, Zarella, Eveleigh and Vertefeuille, Js.

Argued September 20—officially released October 23, 2012

Martin Zeldes, public defender, for the appellant
(defendant).

Laurie N. Feldman, special deputy assistant state's
attorney, with whom, on the brief, were *Michael Dear-*
ington, state's attorney, and *James Turcotte*, supervi-
sory assistant state's attorney, for the appellee (state).

Opinion

PER CURIAM. On March 10, 2006, during criminal sentencing proceedings, the trial court found the defendant, Mark Brescia, to be in contempt of the court and, following a summary contempt proceeding at which the defendant admitted that his conduct constituted contempt, sentenced him to six months imprisonment. See General Statutes § 51-33; Practice Book § 1-16. On September 17, 2008, the defendant filed a motion to correct an illegal sentence or disposition pursuant to Practice Book § 43-22 (motion to correct), claiming that the contempt sentence was imposed in an illegal manner, thereby rendering it invalid. On February 27, 2009, the trial court dismissed the defendant's motion for lack of subject matter jurisdiction after concluding that the defendant's sole remedy was by writ of error. The defendant appealed to the Appellate Court, which affirmed the trial court's dismissal of the defendant's motion to correct for lack of subject matter jurisdiction. *State v. Brescia*, 123 Conn. App. 342, 347, 1 A.3d 1145 (2010). We then granted the defendant's petition for certification to appeal to this court limited to the following issue: "Did the Appellate Court properly conclude that the trial court lacked subject matter jurisdiction over the defendant's Practice Book § 43-22 motion to correct an illegal sentence imposed after a summary criminal contempt proceeding pursuant to General Statutes § 51-33?" *State v. Brescia*, 300 Conn. 901, 12 A.3d 574 (2011).

After examining the entire record on appeal and considering the briefs and oral arguments of the parties, we have determined that the appeal in this case should be dismissed on the ground that certification was improvidently granted.

The appeal is dismissed.
