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STATE OF CONNECTICUT *v.* RUSSELL PEELER
(SC 18125)

Rogers, C. J., and Palmer, Zarella, Eveleigh, McDonald,
Espinosa and Robinson, Js.

*Argued January 7—officially released May 26, 2016**

Mark Rademacher, assistant public defender, with whom was *Lisa J. Steele*, for the appellant (defendant).

Harry Weller, senior assistant state's attorney, with whom, on the brief, were *Kevin T. Kane*, chief state's attorney, *John C. Smriga*, state's attorney, *Jonathan Benedict*, former state's attorney, *Susan C. Marks*,

supervisory assistant state's attorney, *Marjorie Allen Dauster* and *Joseph Corradino*, senior assistant state's attorneys, and *Matthew A. Weiner*, assistant state's attorney, for the appellee (state).

Opinion

PER CURIAM. A jury found the defendant, Russell Peeler, guilty of, among other things, one count of capital felony in violation of General Statutes (Rev. to 1999) § 53a-54b (8) and one count of capital felony in violation of General Statutes (Rev. to 1999) § 53a-54b (9) in connection with the 1999 shooting deaths of a woman and her young son, and, following a capital sentencing hearing, the trial court, *Devlin, J.*, rendered judgment imposing two death sentences.¹ This appeal of the defendant's death sentences is controlled by *State v. Santiago*, 318 Conn. 1, 122 A.3d 1 (2015), in which a majority of this court concluded that, following the enactment of No. 12-5 of the 2012 Public Acts (P.A. 12-5), executing offenders who committed capital crimes prior to the enactment of P.A. 12-5 would offend article first, §§ 8 and 9, of the Connecticut constitution. See, e.g., *Conway v. Wilton*, 238 Conn. 653, 658–62, 680 A.2d 242 (1996) (explaining scope of and rationale for rule of stare decisis). Our conclusion that the defendant's death sentences must be vacated as unconstitutional in light of *Santiago* renders moot the defendant's other appellate claims.

The judgment is reversed with respect to the imposition of two sentences of death and the case is remanded with direction to impose a sentence of life imprisonment without the possibility of release on each capital felony count; the judgment is affirmed in all other respects.

In this opinion ROGERS, C. J., and PALMER, EVELEIGH, McDONALD and ROBINSON, Js., concurred.

* May 26, 2016, the date that this decision was released as a slip opinion, is the operative date for all substantive and procedural purposes.

This case originally was argued before the same panel of justices on July 10, 2014. This court granted the state's request for supplemental argument on November 30, 2015, which was heard on January 7, 2016.

¹ The facts and procedural history of the case are presented more fully in *State v. Peeler*, 271 Conn. 338, 343–57, 857 A.2d 808 (2004), cert. denied, 546 U.S. 845, 126 S. Ct. 94, 163 L. Ed. 2d 110 (2005).
