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violation of General Statutes §§ 21a-277 and 21a-278a (b), one count of conspiracy to sell narcotics in violation of General Statutes §§ 53a-48 and 21a-278 (b), and one count of racketeering, based upon two of the six sales of narcotics of which he was convicted, in violation of the Corrupt Organizations and Racketeering Activity Act (CORA), General Statutes § 53-395 (c).¹ On appeal, the defendant claims: (1) that there was insufficient evidence to establish that, while associated with an enterprise, he conducted or participated in the enterprise through a pattern of racketeering activity, as required to support his conviction for racketeering; and (2) that the trial court violated his constitutional right to represent himself at trial by denying his request for a reasonable continuance to review his attorney's case file before the start of evidence at trial.² We agree with the defendant on both of his claims. Accordingly, we reverse the judgment and remand this case to the trial court with direction to render a judgment of acquittal on the charge of racketeering and for a new trial on all of the other charges of which the defendant was convicted.

The charges upon which the defendant was brought to trial were based upon his alleged involvement in seven separate sales of cocaine to a police informant, David Hannon, during an undercover police investigation of illegal drug activity in the area of Pembroke and Ogden Streets in Bridgeport between late June through early November, 2010. In an amended long form information dated January 3, 2012, the state charged the defendant, more particularly, with: one count each of sale of narcotics by a person who is not drug-dependent

¹The defendant was acquitted of six counts of sale of narcotics by a person who is not drug-dependent in violation of § 21a-278 (b).

²The defendant also alleges various instructional errors and challenges the legality of the sentence imposed on the conspiracy charge. Because we reverse the judgment as set forth herein, we need not address the defendant's additional claims of error.

NOTE: These pages (156 Conn. App. 259 and 260) are in replacement of the same numbered pages that appear in the Connecticut Law Journal of 7 April 2015.

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and sale of narcotics within 1500 feet of a school by a person who is not drug-dependent in connection with six of the seven alleged sales; and one count each of conspiracy to sell narcotics and racketeering based upon his alleged involvement in all seven such alleged sales, as specially pleaded both in the conspiracy count, as overt acts in furtherance of the alleged conspiracy, and in the racketeering count, as incidents of racketeering activity claimed to prove his involvement in a pattern of racketeering activity, as required by General Statutes § 53-396 (a). The jury found the defendant guilty of the lesser included offenses of sale of narcotics by a person who is drug-dependent and sale of narcotics within 1500 feet of a school by a person who is drug-dependent based upon his proven involvement in sales of cocaine to Hannon on the six dates he was charged in the information with committing such offenses, particularly June 30, July 14, July 16, August 6, August 24, and November 9, 2010. The jury also found the defendant guilty of both conspiracy to sell narcotics and racketeering, specifying as to the latter charge, in a special verdict rendered pursuant to § 53-396 (b),³ that the sole basis for its finding that the defendant had engaged in a pattern of racketeering activity as a member of an enterprise was his involvement in the sale of cocaine on two of the seven dates specified in the information, June 30 and November 9, 2010, which it found to have constituted “incidents of racketeering activity.” The trial court later sentenced the defendant on all charges of which he was convicted to a total effective sentence of twenty years incarceration. There after, the defendant filed this appeal. Additional facts

³ General Statutes § 53-396 (b) provides: “In any prosecution under this chapter the court or the jury, as the case may be, shall indicate by special verdict the particular incidents of racketeering activity that it finds to have been proved by the state beyond a reasonable doubt.”