204–205, 802 A.2d 74 (2002). "[I]t is not the province of appellate courts to decide moot questions, disconnected from the granting of actual relief or from the determination of which no practical relief can follow." (Internal quotation marks omitted.) *Statewide Grievance Committee* v. *Burton*, 282 Conn. 1, 14, 917 A.2d 966 (2007). In short, "where the question presented is purely academic, we must refuse to entertain the appeal." (Internal quotation marks omitted.) Id.

The only questions presented by this appeal are whether the Appellate Court improperly declined to consider the merits of the plaintiff's claim that the trial court had utilized the wrong standard in deciding her motion to substitute and, if so, whether the trial court in fact did use an improper standard. If we were to decide both of these questions in the plaintiff's favor, the proper remedy would be to remand the case for a new hearing on the plaintiff's motion to substitute, utilizing the proper standard.[7] The plaintiff, however,

[7] The mandate of an appellate tribunal establishes the scope of a trial court's authority to proceed with a case upon remand. *State* v. *Tabone*, 301 Conn. 708, 713, 23 A.3d 689 (2011). In the plaintiff's view, this court's remand order ought to be crafted broadly enough to permit her to abandon the substitution motion and attempt anew to prosecute this action in her own name, now that she has persuaded the bankruptcy trustee not to pursue it. It is axiomatic that, when a reviewing court sets aside a judgment on appeal, the "effect [of the judgment] is destroyed and the parties are in the same condition as before it was rendered." (Internal quotation marks omitted.) *Hurley* v. *Heart Physicians, P.C.*, 298 Conn. 371, 383, 3 A.3d 892 (2010); see also 5 Am. Jur. 2d 538, Appellate Review § 803 (2007) ("[a] complete reversal generally annuls the judgment below, and the case is put in the same posture in which it was before the judgment was entered" [footnote omitted]). The plaintiff, however, is asking to be put in a *better* position than she was in before the court rendered judgment, namely, a position in which she has the benefit of a ruling from the bankruptcy court that she did not obtain until approximately eight months after the case already had concluded. For the plaintiff to pursue this action in her own name, it was necessary for her to secure the trustee's abandonment of the claim either (1) prior to bringing the action, (2) while the action remained pending or (3) within four months of the trial court's judgment dismissing the action. See General Statutes § 52-212a. We disagree that pursuit of an academic issue on appeal can provide an alternative path to opening a judgment

has informed this court that she does not intend to pursue that motion, because the underlying action no longer belongs to the bankruptcy trustee, the party whom she previously had sought to substitute. Consequently, a disposition on the merits of the case would not result in any practical relief for the plaintiff. Stated otherwise, the questions of the proper standard on a motion to substitute, and whether the Appellate Court properly refused to decide that issue, are purely academic. In short, the appeal has been rendered moot.

The appeal is dismissed.

In this opinion the other justices concurred.

MICHAEL SKAKEL *v.* COMMISSIONER OF CORRECTION*
(SC 19251)

Palmer, Zarella, Eveleigh, McDonald, Espinosa, Robinson and Vertefeuille, Js.**

Syllabus

The petitioner sought a writ of habeas corpus, claiming that his criminal trial counsel had provided such inadequate representation that he was denied his constitutional right to have the effective assistance of counsel for his defense. The habeas court agreed with some of the petitioner's ineffective assistance claims and rendered judgment granting the petition. Thereafter, on the granting of certification, the respondent, the Commissioner of Correction, appealed, and the petitioner cross appealed. The petitioner, who was fifteen years old at the time of the crime, had been convicted of murder in connection with the death of the victim, who had been bludgeoned with a golf club and found dead on the grounds of her family home in Greenwich in 1975. The habeas

---

when the time limitation of § 52-212a, or the exceptions to that statute's application; see *Weiss* v. *Weiss*, 297 Conn. 446, 455, 998 A.2d 766 (2010); cannot be satisfied.

* A motion for reconsideration en banc was granted on May 4, 2018. This opinion has been superseded by *Skakel* v. *Commissioner of Correction*, 329 Conn. 1, A.3d (2018), on the issue for which reconsideration en banc was granted.

** This appeal originally was argued before a panel of this court consisting of Justices Palmer, Zarella, McDonald, Espinosa, Robinson and Vertefeuille. Thereafter, Justice Eveleigh was added to the panel. Justice Eveleigh read the briefs and appendices, and listened to a recording of oral argument prior to participating in this decision.