

SUPREME COURT PENDING CASES

JAMIE R. GOMEZ *v.* COMMISSIONER OF CORRECTION, SC 20089
Judicial District of Tolland at Rockville

Habeas; Whether Appellate Court Properly Found that State not Required to Correct State’s Witnesses’ False Testimony Concerning Agreements with the State Where State Disclosed Agreements; Whether Appellate Court Properly Rejected Petitioner’s Claim that his Attorney Rendered Ineffective Assistance in Failing to Adequately Cross-Examine State’s Witnesses Regarding their Agreements with State. The petitioner was convicted of murder and conspiracy to commit murder. He brought this habeas action claiming that his due process rights were violated by the state’s suppression of material exculpatory evidence in violation of *Brady v. Maryland*. He alleged that the state failed to disclose that it had entered into agreements with two state’s witnesses that, in exchange for the witnesses’ testimony, it would assist in reducing their bonds and in seeking favorable dispositions of the criminal charges that were pending against them. The petitioner also alleged that the state violated his right to due process when the prosecutor failed to correct the false testimony of the two witnesses, who both testified that the state had not offered them any consideration in exchange for their testimony. Finally, the petitioner claimed that he was denied his right to the effective assistance of counsel by his trial counsel’s failure to adequately impeach the witnesses regarding their agreements with the state. The habeas court denied the petition and granted the petitioner certification to appeal. The Appellate Court (178 Conn. App. 519) affirmed the judgment, concluding that the state was not required to correct the witnesses’ false testimony because the evidence demonstrating that the testimony was false had been disclosed and it was available to the defense at the time of the petitioner’s criminal trial. The court also rejected the petitioner’s claim of ineffective assistance of counsel, concluding that, even assuming that the petitioner’s trial counsel was deficient in failing to utilize certain impeachment evidence, the petitioner failed to demonstrate that he was prejudiced as a result of his attorney’s allegedly deficient performance. The Appellate Court noted that the jury knew of the substantive terms of the state’s agreements with the witnesses, that the jurors could have inferred a connection between their cooperation with the state and their reduced bonds, and that the jury was fully informed that the witnesses might have potential biases against the petitioner. The Supreme Court granted the petitioner certification to appeal, and it will decide (1) whether the Appellate Court properly concluded that the state did not

violate the petitioner's due process rights when it failed to correct false testimony at his criminal trial, and (2) whether the Appellate Court properly concluded that the petitioner was not prejudiced by his trial counsel's allegedly deficient performance.

MOMODOU JOBE *v.* COMMISSIONER OF CORRECTION, SC 20124
Judicial District of Tolland

Habeas Corpus; Whether Appellate Court Properly Declined to Consider Argument Raised in Reply Brief; Whether § 52-466 Jurisdictional “Custody” Requirement Should be Read to Include Detention by Federal Immigration Authorities of Individual who Served Sentence for Connecticut Conviction but Whose Federal Detention was Result of Expired Conviction. The petitioner, Momodou Jobe, is a citizen of Gambia. He lawfully entered the United States in 2003 and married a United States citizen. In January, 2010, the petitioner pleaded guilty to possession of less than four ounces of marijuana. After serving his sentence for the conviction, the petitioner traveled to Gambia to visit his family. On his return to the United States, the petitioner was detained by federal immigration officials, and an immigration judge ordered that he be deported on the ground that his Connecticut marijuana conviction served to bar his reentry to the United States. While the petitioner was detained by immigration officials, he filed a petition for a writ of habeas corpus, alleging that his attorney had provided ineffective assistance in connection with his decision to plead guilty to the marijuana charge. The habeas court dismissed the petition, finding that it lacked jurisdiction over it because the United States Supreme Court ruled that its decision in *Padilla v. Kentucky*, which held that criminal defense attorneys must advise noncitizen defendants about the deportation risks of a guilty plea, does not apply retroactively to cases such as the petitioner's. The petitioner appealed, and the respondent argued in its appellate brief that, while the habeas court had wrongly dismissed the petition for lack of jurisdiction on the basis of *Padilla's* lack of retroactivity, the judgment of dismissal could nonetheless be affirmed on the alternative ground that the petitioner was not in “custody” for purposes of General Statutes § 52-466 when he filed the petition. In response, the petitioner urged in his reply brief that the Appellate Court hold that an individual, such as the petitioner, who has fully served a Connecticut sentence may nonetheless pursue state habeas relief where the individual was detained by federal immigration authorities, where the detention was the result of the Connecticut conviction, and where the individual could not have been aware of the need to challenge the constitutionality

of the Connecticut conviction until after he served his sentence. The Appellate Court declined to review that claim on the ground that the petitioner had raised it for the first time in his reply brief, and it affirmed the judgment of dismissal, finding that the habeas court lacked jurisdiction over the petition where the petitioner was not “in custody” for purposes of § 52-466 at the time he filed it. The Supreme Court granted the petitioner certification to appeal, and it will consider the following issues: “(1) Did the Appellate Court properly decline to review the petitioner’s claim that the definition of ‘custody’ in General Statutes § 52-466 should include individuals in the petitioner’s circumstances, when the first opportunity to raise that claim was in the petitioner’s reply brief because the petitioner had no notice that the respondent would raise an unpreserved alternative ground to affirm the habeas court’s judgment? (2) Does § 52-466 include habeas petitioners whose sentences have been fully served, who are in the custody of federal immigration authorities, and who could not have been aware of the need to challenge the constitutionality of their convictions until after serving their sentences?”

STATE *v.* JOSEPH C. ACAMPORA, SC 20125
Judicial District of Meriden at G.A. 7

Criminal; Whether Appellate Court Properly Determined that Defendant Waived Claim That Trial Court Required to Canvass him Concerning Right to Self-Representation Prior to February 23, 2012; Whether Appellate Court Properly Concluded that Canvass Sufficient and that Defendant Waived Right to Counsel. In August, 2011, the defendant was charged with assault of a disabled person in the third degree and disorderly conduct in connection with allegations that he slapped and punched his brother, who suffers from cerebral palsy, in the face and head. The defendant was convicted following a jury trial at which he represented himself. The defendant appealed, claiming that the trial court improperly permitted him to represent himself at arraignment and during plea negotiations without canvassing him concerning his waiver of his right to counsel. The defendant also claimed that the canvass conducted by the trial court at a pretrial proceeding that took place on February 23, 2012, was constitutionally inadequate. The Appellate Court (176 Conn. App. 202) affirmed the defendant’s conviction, concluding that the trial court had no duty to canvass the defendant concerning his waiver of his right to counsel and his invocation of the right to self-representation until the defendant clearly and unequivocally invoked his right to self-representation. The Appellate Court found

that the defendant first clearly and unequivocally invoked his right to self-representation at the February 23, 2012, hearing and that, insofar as the defendant argued that he had clearly invoked his right to self-representation prior to that date, he had waived the claim by raising it for the first time in his reply brief. Finally, the Appellate Court rejected the defendant's claim that the canvass at the February 23, 2012, hearing was constitutionally inadequate because the court did not explain in sufficient detail the nature of the charges against him and did not advise him of the specific dangers and disadvantages of self-representation. In this certified appeal, the Supreme Court will decide whether the Appellate Court properly found that the defendant waived his claim that he invoked his right to represent himself prior to February 23, 2012, and, if not, whether the trial court erred in failing to canvass the defendant regarding his right to self-representation prior to that date. The Supreme Court will also decide whether the Appellate Court properly concluded that the trial court's February 23, 2012 canvass was sufficient and that the defendant effectively waived his right to counsel.

STATE *v.* THOMAS WILLIAM SAWYER, SC 20132
Judicial District of Ansonia/Milford

Criminal; Search and Seizure; Whether Search Warrant Affidavit Established Probable Cause to Believe That Defendant Possessed Child Pornography; Whether Connecticut Constitution Requires “More Probable Than Not” Standard of Proof to Establish Probable Cause for Search. In July, 2015, the defendant was a member of the Holy Cross Brotherhood and living in a four-bedroom suite in the rectory of Saint Vianney Church in West Haven. Brother Lawrence Lussier, who also lived in the rectory, contacted the West Haven police to notify them that he believed that the defendant was viewing child pornography on his computer. Lussier told the police that he had observed the defendant looking at two images on his computer—one of a naked boy who appeared to be approximately eight or nine years old standing with his genitals exposed and one of a naked girl with her hands covering her genital area. Based on the information supplied by Lussier, the police obtained a warrant to search the defendant's residence, and the police seized the defendant's computers during the search. The defendant was arrested and charged with possession of child pornography in the second degree after a forensic analysis of his computers uncovered 427 still image files that appeared to depict child pornography as well as a number of video files. The defendant moved to suppress the evidence obtained in the

search, claiming that the search warrant affidavit failed to establish probable cause to believe that the images described by Lussier constituted “child pornography” in that they depicted individuals under sixteen years of age engaging in “sexually explicit conduct” as defined in General Statutes § 53a-193 (14). The trial court denied the motion to suppress, ruling that the judge who issued the warrant was entitled to draw a reasonable inference from Lussier’s observations that the defendant was in fact in possession of child pornography. The trial court also ruled that the question of whether the pictures actually depicted “sexually explicit conduct” was not a relevant inquiry for the court that issued the warrant. Following the denial of his motion to suppress, the defendant pleaded nolo contendere to the child pornography charge, conditioned on his right to appeal and challenge the suppression ruling. On appeal, the defendant claims that the warrant affidavit did not establish probable cause to justify the issuance of the search warrant in violation of his constitutional right to be free from unreasonable search and seizure. The defendant claims that the judge who issued the search warrant unreasonably inferred that, based on Lussier’s description of two images of nude children, illegal images of children would be found on the defendant’s computers. The defendant also asserts that the trial court improperly found that the question of whether the pictures observed by Lussier actually constituted child pornography was not relevant to the determination of whether there was probable cause to justify issuance of the search warrant. Finally, the defendant urges that the Supreme Court should interpret our state constitution as requiring a “more probable than not” standard of proof for establishing probable cause justifying the issuance of a search warrant or, in the alternative, that such a heightened standard should apply in cases, like this one, where a search warrant issued even though it was not known at the time whether any criminal activity has occurred.

JENNIYAH GEORGES et al. v. OB-GYN SERVICES, PC, et al., SC 20170
Judicial District at New London

Appellate Jurisdiction; Final Judgment; Medical Malpractice; Whether Appellate Court Properly Dismissed Defendants’ Appeal from Verdict as Untimely; Whether Appellate Court Abused its Discretion in Denying Defendants’ Motion for Permission to File Late Appeal. The plaintiff, minor Jenniyah Georges, brought this medical malpractice action through her mother seeking to recover for injuries she sustained during childbirth. On October 28, 2016, a jury returned a \$4.2 million verdict in the plaintiff’s favor, and the trial court accepted the verdict that same day. On November 8,

2016, the plaintiff filed a motion seeking an award of General Statutes § 52-192a offer of compromise interest and, on December 12, 2016, the trial court awarded the plaintiff \$1,639,496.55 in offer of compromise interest. The defendants filed an appeal on December 16, 2017, raising claims that challenged both the \$4.2 million judgment and the subsequent award of offer of compromise interest. The plaintiff moved that the appeal be dismissed insofar as it challenged the \$4.2 million judgment, claiming that the appeal was untimely as to that judgment because it was not filed within twenty days of the date that notice of that judgment was given as required by Practice Book § 63-1 (a). The defendants opposed the motion to dismiss, arguing that their appeal was timely in all respects. The defendants also filed a motion asking that, should the Appellate Court determine that their appeal was untimely, it nonetheless exercise its discretion to allow the late appeal. The defendants urged that, given confusion as to whether the trial court had rendered an appealable judgment on October 28, 2016, there was good cause to excuse any lateness. The Appellate Court denied the defendants' motion for permission to file a late appeal and granted the plaintiff's motion to dismiss, ordering that the defendants' appeal be dismissed insofar as it challenged the \$4.2 million judgment. Subsequently, after briefing and oral argument on the defendants' remaining claim that the trial court had erred in awarding the plaintiff offer of judgment interest, the Appellate Court (182 Conn. App. 901) affirmed the judgment that awarded the plaintiff offer of judgment interest. The Supreme Court granted the defendants certification to appeal, and it will consider (1) whether the Appellate Court properly dismissed as untimely that portion of the defendants' appeal that challenged the judgment rendered on October 28, 2016, and (2) whether the Appellate Court abused its discretion in denying the defendants' motion for permission to file a late appeal. The defendants claim that, pursuant to Practice Book § 63-1 (c) (1), the plaintiff's filing of the motion for offer of compromise interest on November 8, 2016—within the twenty day appeal period for the October 28, 2016 judgment—operated to extend the appeal period until that motion was ruled on because the plaintiff's motion sought an "alteration of the terms of the judgment," and that their appeal was timely because it was filed within twenty days of the December 12, 2016 judgment awarding the plaintiff offer of judgment interest. The defendants claim, in the alternative, that the trial court did not render a final judgment on October 28, 2016, and that the court did not render an appealable final judgment until it ruled on the claim for offer of compromise interest.

HUGH F. HALL *v.* DEBORAH HALL, SC 20181*Judicial District of Stamford-Norwalk*

Dissolution of Marriage; Contempt; Whether Appellate Court Properly Affirmed Judgments Finding Plaintiff in Contempt and Denying Parties' Joint Motion that Contempt Finding be Vacated. After the plaintiff brought this action for dissolution of the parties' marriage, the parties entered into stipulation that \$533,588 that was being held in escrow be released to the parties for deposit into a joint bank account and that the joint account would require the signature of both parties prior to any withdrawals. The trial court approved the parties' stipulation and made it an order of the court. The defendant subsequently moved that the plaintiff be found in contempt, claiming that he had wilfully violated the court's order by unilaterally withdrawing \$70,219.99 from the joint account and placing the money into a separate, personal account. The trial court granted the motion for contempt and ordered the plaintiff to return the money to the joint account. The parties subsequently entered into a separation agreement which provided, among other things, that the parties agreed that they would file a joint motion to open and vacate the finding of contempt, representing that they believed the finding "could interfere with the parties' future employment." The trial court incorporated the separation agreement into a judgment of dissolution, and the parties then moved that the order of contempt be vacated. The trial court denied that motion, and the plaintiff appealed, challenging the finding of contempt and the order denying the parties' joint motion to vacate that finding. The Appellate Court (182 Conn. App. 736) affirmed the judgments, rejecting the plaintiff's claim that the trial court wrongly found him in wilful violation of a court order where the plaintiff claimed that he had acted on the advice of his attorney when he withdrew the money from the joint account. The plaintiff was granted certification to appeal, and the Supreme Court will determine whether the Appellate Court properly concluded that the trial court did not abuse its discretion in finding the plaintiff in contempt or in denying the parties' joint motion to open and vacate the contempt judgment.

STATE *v.* TYQUAN TURNER, SC 20186
Judicial District of Hartford

Criminal; Murder; Whether Appellate Court Properly Refused to Review, Pursuant to *State v. Golding*, Defendant's Unpreserved Claim Concerning Admission of Cell Phone Evidence; Whether Appellate Court Properly Held that Admission of Cell Phone Evidence did not Constitute Plain Error. Miquel Rodriguez was shot and killed while he was standing on a sidewalk in Hartford. The police received information that the defendant and an accomplice were involved in the shooting and, shortly after the shooting, the police attempted to stop a vehicle in which the defendant and the alleged accomplice were riding. The two men abandoned the vehicle and fled on foot, and the defendant dropped his cell phone as he was exiting the vehicle. The police recovered the cell phone and subpoenaed the defendant's call records from his cell phone carrier and performed a call detail mapping analysis that detailed the movement of the cell phone on the day of the shooting. The defendant was charged with felony murder and robbery in connection with the shooting and, at trial, the defendant's cell phone records, along with the testimony of a police officer who had performed the call detail mapping analysis, were admitted into evidence without objection from the defendant. The defendant was convicted, and he appealed, arguing, among other things, that the trial court wrongly deemed the police officer qualified to testify as an expert on call detail mapping and wrongly admitted the cell phone coverage maps. The defendant argued that he was convicted on the basis of scientific evidence that did not satisfy the reliability safeguards established in *State v. Edwards*, 325 Conn. 97 (2017). In *Edwards*, the Supreme Court held that the trial court had improperly admitted cell phone data and cell tower coverage maps into evidence without qualifying the police officer who testified as to that evidence as an expert and without conducting a *Porter* hearing to determine whether the officer's testimony was based on reliable scientific methodology. The Appellate Court (181 Conn. App. 535) affirmed the defendant's conviction, declining to review his claim concerning the cell phone evidence on the ground that the claim was unpreserved for appellate review in that the defendant had not raised it before the trial court. The Appellate Court held that the unpreserved claim was not entitled to review pursuant to *State v. Golding* because the claim was evidentiary in nature and not truly of constitutional magnitude. The Appellate Court also rejected the defendant's claim that reversal of his conviction was warranted because the trial court's qualification of the officer as an expert witness and admission of cell

phone coverage maps constituted plain error. The court found that there was no manifest injustice warranting reversal under the plain error doctrine where defense counsel had made a strategic decision not to object to the cell phone evidence and where defense counsel had relied on that evidence during his closing argument to the jury. The defendant was granted certification to appeal, and the Supreme Court will consider (1) whether the Appellate Court properly determined that the defendant was not entitled to *Golding* review of his unpreserved claim that the trial court improperly admitted cell phone evidence, and (2) whether the Appellate Court properly refused to reverse the defendant's conviction on the ground that the admission of the cell phone evidence constituted plain error.

STATE *v.* JASMINE LAMANTIA, SC 20190
Judicial District of New London at G.A. 21

Criminal; Witness Tampering; Whether Evidence Sufficient to Prove that Defendant Intended to Induce Witness to Testify Falsely in Imminent or Pending Official Proceeding. The defendant and her boyfriend, Jason Rajewski, went to a party at a house in Preston. The defendant entered the house while Rajewski remained outside. David Moulson, the defendant's former boyfriend, arrived at the house, exited his car, and confronted Rajewski. Rajewski and Moulson engaged in a verbal and physical confrontation that ended with Rajewski striking Moulson and causing him to bleed. Moulson called the police, and Rajewski left after the defendant told him about the call. A police officer spoke to Moulson in the defendant's presence, and Moulson identified Rajewski as his assailant. The officer then went to Rajewski's residence, and Rajewski presented his cell phone to the officer. The phone contained text messages from the defendant stating that the police were coming, that she and Rajewski "needed to stick with the same story," that he should delete the messages, that he should "make sure [he was] bloody," and that he should tell the police that he had been involved in an altercation at a bar before the party and had come to the party because he was concerned for the defendant's safety in Moulson's presence. Rajewski replied to the defendant in the text messages that he was going to tell the truth. The defendant was subsequently charged with and convicted after a jury trial of tampering with a witness in violation of General Statutes § 53a-151, which provides that "[a] person is guilty . . . if, believing that an official proceeding is pending or about to be instituted, he induces or attempts to induce a witness to testify falsely [or] withhold testimony." The

defendant appealed, claiming that the evidence was insufficient to prove that she sent the text messages to Rajewski with the intent to induce him to testify falsely in an official proceeding. She argued that, at the time she sent the texts, it simply was not probable that a “criminal court proceeding” would occur in which Rajewski would be called to testify. The Appellate Court (181 Conn. App. 648) rejected that claim and affirmed the defendant’s conviction. The Appellate Court noted that the term “official proceeding” in § 53a-151 was not limited to a prosecution of Rajewski and it found that the jury could have concluded that the defendant believed that an official proceeding against her or any of the other participants in the altercation was likely to result. The Appellate Court held that there was sufficient evidence for the jury to reasonably find that, at the time she sent the text messages, the defendant was aware of the police investigation, that she believed that an official proceeding would probably result therefrom, and that she tampered with Rajewski when she sent the text messages telling him to lie to the police. The defendant was granted certification to appeal from the Appellate Court’s decision. The Supreme Court will decide whether the Appellate Court properly concluded that the evidence was sufficient to prove beyond a reasonable doubt that the defendant intended to induce a witness to testify falsely in an official proceeding that she believed to be pending or imminent in violation of General Statutes § 53a-151 (a).

MARY BETH FARRELL et al. v. JOHNSON AND JOHNSON et al.,
SC 20225

Judicial District of Waterbury

Personal Injury; Innocent Misrepresentation; Whether Appellate Court Correctly Determined that Trial Court Properly Excluded Journal Articles on Risks of Transvaginal Mesh Products as Inadmissible Hearsay; Whether Appellate Court Correctly Concluded that Theory of Innocent Misrepresentation Inapplicable in Personal Injury Action. The plaintiff brought this action against surgeon Brian J. Hines, M.D. and his medical practice (the defendants) seeking to recover damages for injuries the plaintiff suffered after the defendants implanted Prolift, a transvaginal mesh product used to treat pelvic organ prolapse, in her body. The plaintiff sought recovery under various theories, including lack of informed consent and innocent, negligent, and intentional misrepresentation. The plaintiff alleged that the defendants knew or should have known that Prolift was experimental and that the defendants failed to properly

advise her of the risks associated with it. The plaintiff also alleged that, in order to induce her to undergo the procedure, the defendants misrepresented the risks associated with using the product. At the conclusion of the trial, the trial court directed a verdict in favor of the defendants on the innocent misrepresentation claim, and the jury subsequently returned a verdict in favor of the defendants on the remaining claims. The plaintiff appealed, contending that the trial court improperly excluded from evidence two journal articles that discussed the experimental and risky nature of transvaginal mesh products on the ground that they constituted inadmissible hearsay. The plaintiffs argued that the articles were not hearsay because they had not been offered to prove the truth of the matters asserted therein, but rather to prove notice—that is, to establish that the defendants knew or should have known of the experimental and risky nature of Prolift. The plaintiffs also claimed that the trial court improperly concluded that innocent misrepresentation claims are not applicable in personal injury actions. The Appellate Court (184 Conn. App. 685) affirmed the judgment, holding that the trial court properly excluded the articles as inadmissible hearsay because they were offered for the truth of the facts asserted therein. The court explained that the plaintiff could not establish that Hines knew or should have known of the experimental and risky nature of the product without offering the articles for their truth, as that is precisely what the articles asserted. In addition, the Appellate Court concluded that the theory of innocent misrepresentation was not applicable in this case, noting that such claims are based on principles of warranty and that they primarily apply to business transactions, typically between a buyer and a seller. The court reasoned that the plaintiff and the defendants were not involved in a commercial transaction, that the plaintiff did not assert breach of warranty claims against the defendants, and that the plaintiff did not allege that the defendants received some benefit as a result her reliance on the alleged misrepresentation. In this certified appeal, the Supreme Court will decide (1) whether the Appellate Court properly determined that the trial court correctly excluded the journal articles as hearsay, and (2) whether the Appellate Court properly determined that the theory of innocent misrepresentation is not applicable in this case and that the trial court properly directed a verdict in favor of the defendants on the plaintiff's innocent misrepresentation claim.

JOE MARKLEY et al. v. STATE ELECTIONS
ENFORCEMENT COMMISSION, SC 20305
Judicial District of New Britain

Campaign Financing; Whether Trial Court Properly Dismissed Administrative Appeal for Lack of Jurisdiction Because Appeal was not Filed Within 45 Days of Agency’s Constructive Denial of Petition for Reconsideration. On February 14, 2018, the State Elections Enforcement Commission (SEEC) issued a final decision finding that, while they were candidates for office in the November 4, 2014 election, Joe Markley and Rob Sampson violated state campaign finance laws by attacking Governor Malloy’s record in their campaign materials. Malloy was seeking reelection in 2014. The SEEC ordered that Markley pay a \$2000 civil penalty and that Sampson pay a \$5000 penalty. On the same day that the SEEC issued its final decision, Markley and Sampson (the plaintiffs) filed a petition for reconsideration of the decision. The SEEC denied the petition for reconsideration on March 23, 2018, and mailed notice of that denial to the plaintiffs on March 28, 2018. The plaintiffs filed an administrative appeal challenging the SEEC’s decision on May 7, 2018, seemingly within the 45-day appeal period provided in General Statutes § 4-183 (c) (3). The SEEC moved that the appeal be dismissed on the ground that it was not timely filed. The trial court granted the motion to dismiss, finding that the plaintiffs’ failure to file the appeal within the applicable statutory time limit deprived it of subject matter jurisdiction over the appeal. The court noted that General Statutes § 4-181a (a) (1) provides that an agency’s failure to decide a petition for reconsideration within 25 days of its filing “shall constitute a denial of the petition” and accordingly that the plaintiffs’ petition for reconsideration was denied by operation of the statute on March 11, 2018—25 days after it was filed. The trial court ruled that the plaintiffs’ appeal was untimely because it was not filed within 45 days of March 11, 2018. The plaintiffs appeal, claiming that the trial court wrongly dismissed their administrative appeal as late where they filed the appeal within 45 days of the SEEC’s actual—as opposed to constructive—denial of their petition for reconsideration. The plaintiffs also accuse the SEEC of misleading them, and they argue that principles of equity and fairness demand that their administrative appeal be deemed timely filed under the circumstances here. Finally, the plaintiffs argue that their administrative appeal has merit and that the campaign finance statutes that they were found to have violated are unconstitutional in that they impermissibly limit free speech by restricting a candidate’s ability to speak about other, non-opposing candidates.

The summaries appearing here are not intended to represent a comprehensive statement of the facts of the case, nor an exhaustive inventory of issues raised on appeal. These summaries are prepared by the Staff Attorneys' Office for the convenience of the bar. They in no way indicate the Supreme Court's view of the factual or legal aspects of the appeal.

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