

SUPREME COURT PENDING CASES

The following appeals are fully briefed and eligible for assignment by the Supreme Court in the near future.

STATE *v.* JOSEPH SILVA, SC 20266
Judicial District of Hartford

Criminal; Whether Trial Court’s Jury Instructions on “Single Transaction” Element of Murder With Special Circumstances Were Proper; Whether Trial Court Was Required to Give Special Credibility Instruction Regarding Witness Allegedly Implicated in Murders; Whether Trial Court Improperly Prevented Defense Counsel From Commenting About Failure to Hear From Key State Witness. The defendant was involved in romantic relationships with two women, Coraima Velez and Kailei Opalacz. Velez was best friends with Alysha Ocasio, who was dating Joshua Cortez. On the evening of May 16, 2016, Opalacz visited Grant Street in Hartford, and she allegedly showed other individuals there the gun she had purchased. Subsequently, Opalacz and another individual, Josue Rodriguez, left Grant Street with the defendant in his vehicle. Later that evening, both Cortez and Ocasio were shot and killed on Cowles Street in Hartford. In connection with the shootings, the defendant was charged with, inter alia, one count of murder with special circumstances in violation of General Statutes § 53a-54b (7), which provides that “[a] person is guilty of murder with special circumstances who is convicted of . . . murder of two or more persons at the same time or in the course of a single transaction.” In its long form information, the state alleged that the murders of the victims occurred “in the course of a single transaction.” At trial, both Opalacz and Rodriguez testified that they saw the defendant shoot the victims. The defendant was convicted, and he now appeals. He claims that the trial court’s instruction on the element of murder with special circumstances that the murders must take place in the course of a single transaction misled the jurors to believe that the state had to prove only that the murders had a temporal connection. The challenged instruction provided as to the “single transaction” element of § 53a-54b (7) that the jury must find “either that there was a temporal nexus between the murders . . . that is, a continuity between them based on time, or that he had a plan, motive or intent common to both murders.” The defendant argues that, contrary to the “temporal connection” criteria seemingly articulated by the instruction, the element requires a “logical nexus” between the murders and proof that the defendant possessed a plan, motive or intent common to the murders. The defendant also claims that the trial court was required to give sua sponte a special credibility instruction as to

Opalacz in light of evidence implicating her in the murders. He contends that the principle that “animates” the special credibility instruction for accomplices and complaining witnesses, i.e., that they have a strong incentive to testify falsely, applies to a witness who commits the crime but then testifies for the state and blames the crime on the defendant. Finally, the defendant claims that the trial court improperly prevented defense counsel during his summation from commenting about not hearing from a key state witness, Velez, during trial. He argues that the comment was a proper argument on the jury’s ability to find reasonable doubt based on lack of evidence and that the trial court’s action violated his constitutional rights to counsel and to present a defense.

RASPBERRY JUNCTION HOLDING, LLC *v.* SOUTHEASTERN
CONNECTICUT WATER AUTHORITY, SC 20454
Judicial District of New London

Torts; Economic Loss Doctrine; Whether the Defendant Water Company Owed Plaintiff a Duty of Care in Delivering Water Supply. The plaintiff, Raspberry Junction Holding, LLC, operates a hotel in North Stonington that relies on the defendant, Southeastern Connecticut Water Authority, for its water supply. The defendant was created in 1967 by a special act of the General Assembly and was granted rulemaking authority, pursuant to which it promulgated a rule that it was not liable for damages due to an interruption in the water supply. In June, 2015, one of the defendant’s pump stations was damaged when a pneumatic tank exploded and, as a result, the water supply to the plaintiff’s hotel was interrupted for several days. Due to the lack of water, the plaintiff was forced to stop conducting its business. It commenced this negligence action seeking to recover for purely economic damages as a result of its lost revenue. The defendant moved for summary judgment on the ground that it was immune from liability under its rules and because, under the economic loss doctrine, the defendant did not owe the plaintiff a duty of care with respect to its purely economic loss. The trial court granted the motion for summary judgment on the first ground, but that judgment was reversed on appeal by the Supreme Court (331 Conn. 364), and the case was remanded to the trial court with direction to consider the defendant’s claim regarding the economic loss doctrine. On remand, the trial court rendered summary judgment in favor of the defendant after finding that it did not owe a duty of care to the plaintiff. The trial court concluded that, although the harm that the plaintiff suffered was foreseeable, it did not comport with public policy to hold the defendant liable for the

plaintiff's purely economic damages. In its public policy analysis, which is guided by four factors, the trial court reasoned that imposing a duty of care on the defendant would expose it to increased litigation and that a majority of other jurisdictions bar a plaintiff from recovering in tort for purely economic damages. Those factors, the court held, weighed heavily against imposing a duty on the defendant. The trial court also rejected the plaintiff's arguments that the economic loss doctrine should not apply here because the defendant is in a better position to insure against the loss and because the plaintiff was forced to accept the defendant's services without negotiating over any contractual terms, which the plaintiff claimed would provide an opportunity for the parties to allocate the risk between them. The trial court therefore rendered summary judgment for the defendant, and, after the plaintiff appealed to the Appellate Court, the Supreme Court transferred the appeal to itself. The Supreme Court will decide whether the trial court correctly rendered judgment in favor of the defendant because it did not owe a duty of care to the plaintiff.

STATE *v.* NOEL BERMUDEZ, SC 20461
Judicial District of Waterbury

Criminal; Whether Evidence That Defendant Was a Gang Member and That State's Chief Witness Was Relocated Out of State Was Properly Admitted; Whether Trial Court's Erroneous Preclusion of Sexually Explicit Letters Written by State's Chief Witness to Defendant Was Harmless; Whether Trial Court's Rulings Limiting Defendant's Cross-Examination of State's Chief Witness on Topics Regarding Her Credibility Were Proper. On April 11, 1998, the victim was robbed and shot to death near his home. Twelve years later, Damaris Algarin-Santiago (Algarin), the estranged wife of the defendant's brother, Victor Santiago, gave the police a written statement that implicated the defendant and Santiago in the victim's murder. The defendant was subsequently charged with felony murder. At trial, Algarin testified, inter alia, that, while the defendant was incarcerated on an unrelated criminal matter, he instructed her to write three intimate and salacious letters to him so that he could discredit her in the event that she were to testify against him. The defendant was convicted, and he appealed, claiming that the trial court improperly admitted into evidence Algarin's testimony that he and Santiago were affiliated with gangs and that she and her children were relocated out of state multiple times after she gave her statement to the police. The Appellate Court (195 Conn. App. 780) disagreed, concluding that the challenged testimony was admissible because it was

highly probative and relevant to explain that Algarin waited twelve years before informing the police about the victim's murder because she believed that she and her family were not safe due to the defendant's and Santiago's gang affiliations. Next, the defendant claimed that the trial court improperly excluded from evidence the three sexually explicit letters Algarin wrote to him and contended that the letters would have undercut Algarin's contention that she feared him. The court determined that, although the trial court erred in refusing to admit the letters into evidence, the defendant failed to show that the error was harmful. Finally, the defendant claimed that the trial court improperly (1) precluded defense counsel from cross-examining Algarin about the termination of her employment at a hospital following Santiago's admittance to the psychiatric unit of that hospital and (2) restricted defense counsel's inquiry into Algarin's birth control practices while she was married to Santiago. He contended that the purpose of both lines of inquiry was to undermine Algarin's supposed fear of Santiago. The court rejected both claims. Specifically, it concluded (1) that the evidence relating to the termination of Algarin's employment would have injected a collateral issue into the trial and (2) that any further inquiry into Algarin's birth control regimen would have inappropriately focused on a matter far too attenuated from the material issues in the case. Accordingly, the court affirmed the defendant's conviction. The defendant was granted certification to appeal, and the Supreme Court will determine whether the Appellate Court properly (1) upheld the trial court's admission of evidence that the defendant was a gang member and that Algarin, the state's chief witness, was relocated out of state after providing her statement to the police inculcating the defendant, (2) concluded that the trial court's erroneous preclusion of sexually explicit letters Algarin wrote to the defendant was harmless and that the trial court's limitation on the defendant's cross-examination of her was proper, and (3) upheld the trial court's rulings limiting the defendant's cross-examination of Algarin on topics regarding her credibility.

KRISTINE CASEY et al. v. GOVERNOR NED LAMONT, SC 20494

Judicial District of Waterbury, Complex Litigation Docket

Separation of Powers; General Statutes § 28-9; Civil Preparedness Emergency; Whether COVID-19 Pandemic Is a "Serious Disaster"; Whether Governor Has Authority to Issue Executive Orders Limiting Alcohol Service in Response to Pandemic.

General Statutes § 28-9 authorizes the governor to proclaim a civil preparedness emergency “[i]n the event of a serious disaster.” Once the governor has proclaimed a civil preparedness emergency, he has the authority under § 28-9 to “modify or suspend in whole or in part . . . any statute, regulation or requirement or part thereof” if it conflicts with “the efficient and expeditious execution of civil preparedness functions or the protection of the public health.” In response to the COVID-19 pandemic, the defendant, Governor Ned Lamont, declared a civil preparedness emergency in March, 2020, and subsequently issued a series of executive orders aimed at stopping the spread of the disease. Those executive orders, among other things, prohibited bars from serving food or alcohol on the premises. They were subsequently modified to allow for alcohol to be served during outdoor dining, and later, during indoor dining. The plaintiffs, Kristine Casey and Black Sheep Enterprise, LLC, own and operate a bar in Milford known as Casey’s Irish Pub (pub). The plaintiffs, whose business consists of 10 percent food and 90 percent alcohol, closed the pub since the governor issued the first executive orders, and it has remained closed. The plaintiffs assert that the pub cannot reopen as a result of the executive orders, as neither indoor nor outdoor dining is economically or physically feasible and their customers have no interest in purchasing prepared takeout meals or sealed alcoholic beverages for off premises consumption. The plaintiffs brought this action seeking an injunction to prohibit the governor from enforcing those or similar executive orders as well as a declaration that those or similar executive orders are unconstitutional under the state constitution. The trial court concluded that the governor has the statutory authority to issue the challenged executive orders and, furthermore, that § 28-9 is not unconstitutional. The trial court rendered judgment in favor of the governor, and the plaintiffs appealed to the Supreme Court upon the granting of certification by the Chief Justice pursuant to General Statutes § 52-265a. The plaintiffs claim on appeal that the trial court erred in finding that the COVID-19 pandemic is a “serious disaster” within the meaning of § 28-9 (a) and erred in concluding that the governor has the statutory authority to issue the executive orders in question. They argue on appeal that § 28-9 is unconstitutional in that it violates the separation of powers enshrined in article second of the state constitution. They specifically assert that the statute improperly delegates to the governor the legislative power that the state constitution vests solely in the General Assembly, as § 28-9 allows the governor to unilaterally suspend, in whole or in part, any statute, regulation or requirement.

ANTHONY A. *v.* COMMISSIONER OF CORRECTION, SC 20499
Judicial District of Tolland at G.A. 19

Habeas Corpus; Due Process; Whether Petitioner’s Right to Due Process was Violated by the Department of Correction Classifying Him as an Inmate with Sexual Treatment Needs When He Was Not Convicted of a Sex Offense; Whether Petitioner’s State Constitutional Right Not to Be Punished Except in Cases Warranted by Law Was Violated. The petitioner was convicted pursuant to a guilty plea of unlawful restraint in the first degree and failure to appear in connection with a domestic dispute between the petitioner and the victim, his wife. The state initially charged the petitioner with sexual assault in a spousal relationship based on the victim’s statement to police claiming that he had sexually assaulted her, but the state entered a nolle prosequi as to that charge after the victim recanted her statement. After he was sentenced, the Department of Correction (department) notified the petitioner that a hearing would be held to determine whether he would be assigned a sexual treatment needs score greater than one based on the victim’s statement in the police report that the petitioner sexually assaulted her. The petitioner was not allowed to have his attorney present or to call witnesses at the hearing, but he was allowed to submit documentary evidence and to present arguments at the hearing. After the hearing, the hearing officer recommended that the petitioner be assigned a sexual treatment needs score of three based on the victim’s allegations in the police report. The department referred him to a sex offender treatment program, advising him that his failure to comply with the program would affect his eligibility for good time credit, parole and supervised community release. The petitioner refused to participate in the program and subsequently requested that he be reclassified on the basis of a psychiatric report stating that sex offender treatment would be inappropriate for the petitioner. The department reviewed the report but denied the request, and the petitioner brought this habeas action, alleging that the department violated his right to due process and his state constitutional right not to be punished except in cases clearly warranted by law by wrongfully classifying him as having sexual treatment needs. He claimed that the department violated his right to procedural due process by denying his request to present witnesses at the hearing, by failing to provide adequate notice of the evidence to be used against him, by failing to ensure the final decision was made by a disinterested person, and by rendering a decision that was not supported by sufficient, reliable evidence. He further claimed that his substantive due process rights were violated because he was classified as having sexual treat-

ment needs, despite the fact that he had no history of sexual misconduct. The habeas court rejected the petitioner's claims, concluding that the department's classification procedure satisfied due process requirements and that the petitioner is not being punished by being classified as having sexual treatment needs. After the habeas court granted certification to appeal, the petitioner filed this appeal in the Appellate Court, and it was subsequently transferred to the Supreme Court. The Supreme Court will decide whether the habeas court properly denied the petitioner's claims that the department violated his right to due process and his state constitutional right not to be punished except in cases warranted by law.

DEBRA NORMANDY *v.* AMERICAN MEDICAL
SYSTEMS, INC., SC 20500

Judicial District of Waterbury, Complex Litigation Docket

Product Liability; Statute of Limitations; Whether Trial Court Properly Determined that Defendant Hospital was Not “Product Seller” of Medical Device for Purposes of Product Liability Claim; Whether Trial Court Properly Determined that CUTPA and Common-Law Claims Were Barred under Statutes of Limitation. On December 1, 2009, Debra Normandy underwent a procedure at Bristol Hospital that involved the implantation of pelvic mesh products manufactured by American Medical Systems, Inc. (AMS). She suffered injuries, and she and her husband, Mark Normandy, commenced this action against AMS and Bristol Hospital in 2015. The claims against AMS were withdrawn, leaving claims against Bristol Hospital sounding in (1) violation of the Connecticut Product Liability Act (CPLA), (2) violation of the Connecticut Unfair Trade Practices Act (CUTPA), and (3) various common-law claims. The plaintiffs alleged in relevant part that the hospital had engaged in the business of placing the pelvic mesh products into the stream of commerce by purchasing them from AMS and further marketing and selling them to patients and medical professionals. The hospital filed a motion for summary judgment and argued that it was entitled to a judgment as a matter of law on the product liability claim because it was a provider of medical services and not a “product seller” under the CPLA. The hospital further argued that the plaintiffs’ CUTPA and common-law claims were barred by the applicable statutes of limitation. The trial court granted the motion for summary judgment. It observed that there is no binding Connecticut precedent as to whether a hospital is a product seller under the CPLA when it engages in the business

of selling products used in medical procedures. It further observed, however, that other trial courts and courts in other jurisdictions have held that, for product liability purposes, hospitals are providers of medical services and not sellers of medical devices used in connection with such services. It accordingly concluded that there was no genuine issue of material fact that the hospital was not a product seller and noted in support thereof that the pelvic mesh products were incidental to the provision of the implantation procedure, which the trial court characterized as the “essence” of the parties’ relationship. The trial court also determined that the plaintiffs’ remaining claims were barred under the applicable statutes of limitation, which had run in 2012. It rejected the plaintiffs’ argument that the statutes of limitation had been tolled under the continuing course of conduct and fraudulent concealment doctrines where they failed to provide evidence or legal authority for their positions that the hospital engaged in continuous marketing and advertising of the products, had an ongoing duty to warn about the dangers of the products, and had intentionally concealed information regarding the products. The plaintiffs filed this appeal from the trial court’s judgment in the Appellate Court, and it was thereafter transferred to the Supreme Court. The Supreme Court will decide whether the trial court properly concluded that hospitals cannot be product sellers of medical devices for purposes of CPLA claims. It will also decide whether the trial court properly concluded that the plaintiffs’ CUTPA and common-law claims were barred by the applicable statutes of limitation and that equitable tolling doctrines did not apply.

RAINBOW HOUSING CORPORATION et al. v.
TOWN OF CROMWELL, SC 20506
Judicial District of New Britain

Property Taxes; Whether Trial Court Properly Determined That Plaintiffs were Entitled to General Statutes § 12-81 (7) Charitable-Use Tax Exemption for Property Used as Supervised Apartment Program for Men with Mental Illness Because Plaintiffs Provided “Temporary” Housing not “Subsidized” by State Government. Rainbow Housing Corporation (Rainbow) owns property in the town of Cromwell, which it leases to its affiliate, Gilead Community Services, Incorporated (Gilead). On the property, Gilead conducts a “Supervised Apartment Program,” a transitional, community based support program for men who suffer from severe mental illness. By contract, Gilead receives approximately 75 percent of its

funding from the State Department of Mental Health and Addiction Services (DMHAS). Rainbow and Gilead appealed to the Superior Court from the decision of the town's Board of Assessment Appeals affirming the town assessor's denial of their claim for a charitable property tax exemption under General Statutes § 12-81 (7). Subsection (A) of § 12-81 (7) provides in relevant part: "[T]he real property of, or held in trust for, a corporation organized exclusively for . . . charitable purposes . . . shall be eligible for the exemption." Subsection (B) of § 12-81 (7) provides an exception to the charitable-use exemption for "housing subsidized, in whole or in part, by federal, state or local government." Subsection (B) also provides, however, that the "subsidized housing" exception is not applicable to a property that is being used to "temporary" house "persons with a mental health disorder." The parties filed cross motions for summary judgment. The trial court granted the plaintiffs' motion for summary judgment and denied the defendant's motion for summary judgment. The defendant argued that the plaintiffs were not entitled to a charitable property tax exemption under § 12-81 (7) (A) because the property fell within the "subsidized housing" exception to the exemption under § 12-81 (7) (B) in that the living arrangement provided by Gilead to the residents under the program was "housing" that was "subsidized" by the funds from DMHAS to Gilead. The defendant further argued that the plaintiffs could not avoid the application of the "subsidized housing" exception of § 12-81 (7) (B) because the residency at the property was not "temporary." The court found that the contractual payments from DMHAS to Gilead could not be considered a subsidy where the purpose of those payments was to assist Gilead in its goal to provide various rehabilitative services in a residential setting for men with mental health disabilities. The court also concluded that, even if Gilead was providing subsidized housing, the "subsidized housing" exception was not applicable because the housing was "temporary" in nature. The court stated that Gilead's charitable purpose of moving men with mental health disabilities into the program with the expectation of preparing them to live independently in the community was a temporary, not long term, process. On appeal, the defendant claims that the trial court erred in granting summary judgment in favor of the plaintiffs because they are not entitled to a charitable property tax exemption under § 12-81 (7) (A) where their property falls within the "subsidized housing" exception to the exemption under § 12-81 (7) (B).

JOHN DOE *v.* TOWN OF MADISON, SC 20508
JOHN DOE *v.* TOWN OF MADISON *et al.*, SC 20509
JOHN DOE *v.* TOWN OF MADISON *et al.*, SC 20510
Judicial District of New Haven

Negligence; Governmental Immunity; Whether Trial Court Properly Found that Defendants Were Entitled to Governmental Immunity and that Identifiable Person-Imminent Harm Exception Did Not Apply. These three actions all revolve around allegations that a high school teacher in the town of Madison engaged in inappropriate relationships of a sexual nature with the plaintiffs, three students at the school. The crux of each of the minor plaintiff's claims is that the defendants, the board of education and the school's principal, were negligent in supervising the teacher in question and in failing to train school employees to identify and report this type of inappropriate interaction. They also allege that the defendants and their employees were aware of the teacher's inappropriate conduct, but those individuals failed to enforce the board's policies or report the teacher's conduct to either the Department of Children and Families or law enforcement, as mandated by General Statutes § 17a-101 *et seq.* The plaintiffs assert that the defendants' negligence allowed the teacher to call the plaintiffs out of class as well as contact them through social media for purposes of subjecting them to unwanted and inappropriate sexual acts, photographs, and comments. After the three cases were consolidated, the defendants moved to dismiss each action based on General Statutes § 52-557n, which provides governmental immunity for damages caused by negligent acts that require the exercise of discretion. The trial court agreed with the defendants that many of the acts or omissions complained of, including supervising or disciplining the teacher at issue and denying one plaintiff's request to be removed from a class taught by the teacher's husband after the allegations came to light, involved the exercise of discretion, and, therefore, the defendants were immune from liability as to those claims. The plaintiffs argued, however, that the defendants and school employees had a ministerial duty to report the teacher's abuse under both General Statutes § 17a-101 *et seq.* and school policy, as there was reasonable cause to suspect that the plaintiffs were being abused or were at risk of imminent harm. The trial court found that there was no genuine issue of material fact that the school employees did not witness any conduct that would cause them to reasonably suspect that the plaintiffs were being abused or were at risk of imminent harm from the teacher. Furthermore, the court rejected the plaintiffs' claims that they fit the identifiable person-imminent harm exception to discretionary act governmental immunity,

finding that, although the plaintiffs may have met the identifiable person prong of the exception when they were on school grounds during school hours, there was no reasonably ascertainable threat that would have put the defendants on notice that the plaintiffs were subject to imminent harm. As a result, the trial court rendered summary judgment for the defendants in each action, and the plaintiffs filed separate appeals in the Appellate Court. The plaintiffs generally argue on appeal that the trial court improperly rejected their claim that the defendants violated a ministerial duty to report suspected abuse and, also, that the court erred in concluding that the identifiable person-imminent harm exception did not apply. The Supreme Court subsequently transferred the appeal to itself and will decide whether the trial court properly rendered summary judgments for the defendants.

STATE OF CONNECTICUT JUDICIAL BRANCH *v.*
GERMAINE GILBERT, SC 20514
Judicial District of New Britain

Employment Discrimination; Whether Commission on Human Rights and Opportunities Had Authority to Issue Award of Emotional Distress Damages and Attorney’s Fees; Whether Commission Properly Ordered Injunctive Relief. The defendant, Germaine Gilbert, is employed as a judicial marshal by the plaintiff, the State of Connecticut Judicial Branch. She complained to the plaintiff that another marshal who worked at the same courthouse, Gordon Marco, made inappropriate sexual comments and sexually assaulted her. The defendant suffered from anxiety and sleep related problems due to the harassment. The plaintiff investigated the defendant’s claims, issued a written warning to Marco, and reassigned the defendant to a different courthouse. The defendant filed a complaint with the Commission on Human Rights and Opportunities (commission) alleging that the plaintiff had engaged in gender discrimination and subjected her to a hostile work environment. After a hearing, the referee found that the plaintiff had violated General Statutes § 46a-58 by depriving the defendant of her civil rights under the federal constitution and had violated General Statutes § 46a-60 by discriminating on the basis of sex and fostering a hostile work environment. The referee awarded the defendant \$47,637 in attorney’s fees and \$50,000 in emotional distress damages pursuant to § 46a-58, as well as prejudgment and postjudgment interest. He also enjoined the plaintiff from assigning Marco to the same courthouse as the defendant and ordered that she have the option of returning to her original courthouse. The plaintiff appealed from the referee’s decision to the Superior Court, claiming

that the award exceeded the commission's statutory authority. The trial court disagreed, reasoning that, although Supreme Court precedent holds that § 46a-60 does not authorize the commission to award emotional distress damages and attorney's fees, it may do so under § 46a-58. Furthermore, it found that, while sexual discrimination in violation of § 46a-60 cannot serve as the predicate for a claim under § 46a-58, sexual discrimination in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e et seq., can serve as such a predicate. It also rejected the plaintiff's claim that the commission lacked jurisdiction over the defendant's civil rights claim under Title VII, finding that the commission had adjudicated a § 46a-58 claim predicated on a Title VII violation. The trial court, however, vacated the award of emotional distress damages as a result of the defendant's discovery noncompliance. It also vacated the portion of the award allowing her to return to her original assignment as an abuse of discretion and in excess of the commission's authority. The trial court affirmed the remainder of the award. The plaintiff appealed and the commission cross appealed to the Appellate Court, and the Supreme Court transferred the appeal to itself. The plaintiff claims on appeal that the trial court erred in affirming the award of emotional distress damages and attorney's fees under § 46a-58. It also claims that the commission did not have subject matter jurisdiction to adjudicate the defendant's civil rights claim under Title VII and that the award of prejudgment and postjudgment interest is barred by sovereign immunity. The commission claims on cross appeal that the trial court erred by vacating the emotional distress damages award and the order that the defendant be allowed to return to her original courthouse.

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.

*Jessie Opinion
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