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In March, 2018, the state filed a long form information (2018 long form information) that charged the defendant with the same three counts but changed the date of May 22, 2017, which appeared on the short form information, to July 22, 2017, with respect to each count.³ The 2018 long form information alleged that the conduct charged in each count occurred at a particular address on Beechwood Avenue in Bridgeport.

The state thereafter filed the relevant 2020 substitute information, which contained three counts. Count one, charging aggravated sexual assault in the first degree, alleged conduct that occurred on or about May 22, 2017, at or near a particular address on Beechwood Avenue in Bridgeport; count two, charging aggravated sexual assault in the first degree, alleged conduct that occurred on or about January 1, 2014, at a particular address on North Bishop Avenue in Bridgeport; and count three, charging sexual assault in the first degree, alleged conduct that occurred on or about January 1, 2016, in the area of Park Avenue in Fairfield. Count two of the 2020 substitute information is the subject of this appeal.

Six days after the 2020 substitute information was filed, jury selection began, and a six day trial commenced three weeks later.⁴ After the state completed its presentation of evidence, the defendant moved to dismiss count two, arguing that the prosecution of the 2014 offense was time barred under § 54-193 (b) because the charge was not brought until 2020, more than five

³ The state represents that this change of date was not a typographical error but, rather, is the date that the victim reported the incidents to the police.

⁴ On March 9, 2020, the state filed a final substitute information amending the defendant's charges to three counts of sexual assault in the first degree. Each count alleged the same date of occurrence as the charges in the February, 2020 substitute information. The counts, however, are listed in a different order. Count one refers to May 22, 2017, count two refers to January 1, 2016, and count three refers to January 1, 2014.

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Moreover, although the state relies on the Appellate Court's decision in *Mosback* for the proposition that conduct referred to in an arrest warrant affidavit can provide sufficient notice of potential charges, its reliance on *Mosback* is misplaced. The court in that case simply looked to the affidavit to provide greater detail about the underlying facts of the *timely filed charge* of operating a motor vehicle under the influence of alcohol in violation of General Statutes § 14-227a and concluded that the new charge of reckless driving in violation of General Statutes § 14-222 arose from the same event and that the evidence required to prove the additional charge involved the same specific factual allegations that could have been used to prove the timely charge. *State v. Mosback*, supra, 159 Conn. App. 155–58. It did not consider the arrest warrant affidavit to have tolled the statute of limitations for any uncharged conduct contained therein. Accordingly, we conclude that count two of the state's 2020 substitute information substantially broadened or amended the timely charges, and, therefore, count two does not relate back to the timely charges, rendering it time barred under § 54-193 (b).

The judgment of the Appellate Court is reversed in part and the case is remanded to that court with direction to reverse the judgment of the trial court as to count two of the February, 2020 substitute information (now count three of the March 9, 2020 final substitute information) only, to remand the case to the trial court with direction to render a judgment of acquittal on that count, and to resentence the defendant on the remaining counts; the judgment of the Appellate Court is affirmed in all other respects.

In this opinion the other justices concurred.

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