

SUPREME COURT OF CONNECTICUT

State v. Bard

SC 21016 (Conn. May 5, 2026) · No. SC 21016 · Decided May 5, 2026

SUMMARY

The Connecticut Supreme Court affirmed Kevin Bard’s convictions for murder and violations of protective orders. The court held that Bard’s claim concerning the trial court’s authority to order severance sua sponte was unpreserved because he had not moved for severance at trial, and that a motion for articulation could not preserve the issue. The court further concluded that, even if preserved, the claim lacked merit because the offenses were of the same character and the evidence would have been cross-admissible.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Alexander, J.; Mullins, C. J.; McDonald, J.; D’Auria, J.; Ecker, J.; Dannehy, J.; Bright, J.
JURISDICTION	Connecticut Supreme Court
DECIDED	May 5, 2026
DOCKET	SC 21016
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a judgment of conviction after a jury trial in the Superior Court, judicial district of New Britain.
STANDARD OF REVIEW	Unpreserved claims generally are not reviewable on appeal. A trial court's decision regarding severance is reviewed for abuse of discretion and will not be disturbed absent manifest abuse; severance is warranted only when a joint trial would substantially prejudice the defendant.
PRECEDENTIAL VALUE	Published, precedential Connecticut Supreme Court opinion
PARTIES	Kevin Bard v. State of Connecticut

TOPICS

- criminal procedure
- appellate procedure
- preservation of error
- evidence
- standard of review

PRACTICE AREAS

Criminal procedure

Appellate procedure

Evidence

QUESTIONS PRESENTED

1. Whether Bard's failure to move for severance in the trial court rendered unreviewable his claim that the trial court abused its discretion by failing to recognize its sua sponte authority under Practice Book § 41-18 to sever the murder and protective-order violation charges.
2. Whether, even if preserved, the record demonstrated that the trial court misunderstood its authority to order severance sua sponte or improperly declined to sever the charges.

HOLDINGS

1. Because the defendant did not move for severance in the trial court, his claim that the court abused its discretion by failing to recognize its authority to order severance sua sponte was unpreserved and not reviewable. A posttrial motion for articulation could not preserve an issue that had not been raised at trial.
2. Even if the claim had been preserved, the defendant failed to show error. The trial court understood that Practice Book § 41-18 authorized it to order severance on its own motion, but reasonably declined to do so because the offenses were of the same character, evidence of each would have been cross admissible at a separate trial, and the joint trial was not substantially prejudicial.

KEY QUOTATIONS

“A motion for articulation may not be utilized to preserve for appeal an issue that was not raised in the trial court.”

“It is clear, rather, that the trial court’s main reasons for declining to raise the issue of severance sua sponte was the court’s determination that the charged offenses were of the same character; and because evidence of the charged offenses would have been cross admissible if the cases had been tried separately.”

FACTUAL BACKGROUND

On December 13, 2020, Kevin Bard killed a woman with whom he had been in a long-term romantic relationship by slitting her throat. He immediately confessed to several friends and family members and to police, stating that she deserved it because she did not stop talking. He later stated that rage, rather than alcohol, caused the killing. The murder charge and four protective-order violation charges arose from conduct occurring on the same date and were tried together; Bard admitted the killing but claimed that extreme intoxication and irrational anger negated the intent required for murder.

PROCEDURAL HISTORY

The defendant was charged in a single substitute information with murder, criminal violation of a standing criminal protective order, and three counts of criminal violation of a protective order. After a joint jury trial before Pelosi, J., he was convicted on all counts and sentenced to a total effective term of seventy years. He appealed, arguing that the trial court abused its discretion by failing to recognize its authority under Practice

Book § 41-18 to order severance sua sponte; while the appeal was pending, he sought an articulation of the trial court's reasons for not ordering severance. The Supreme Court of Connecticut affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Labarge, 164 Conn. App. 296, 304, 134 A.3d 259 (2016), cert. denied, 321 Conn. 915, 136 A.3d 646 (2016)
- State v. Petteway, Docket No. KNL-CR-18-342995, 2022 WL 2297867 (Conn. Super. June 22, 2022)
- State v. Bolton, 352 Conn. 477, 499, 337 A.3d 1114 (2025)
- State v. Golding, 213 Conn. 233, 239–40, 567 A.2d 823 (1989), as modified by In re Yasiel R., 317 Conn. 773, 781, 120 A.3d 1188 (2015)
- State v. Berube, 256 Conn. 742, 747, 749 n.7, 775 A.2d 966 (2001)
- State v. King, 235 Conn. 402, 405 n.3, 665 A.2d 897 (1995)
- State v. Groomes, 232 Conn. 455, 465–66, 656 A.2d 646 (1995)
- State v. Colon, 232 Conn. App. 122, 131–32, 335 A.3d 848, cert. denied, 353 Conn. 902, 341 A.3d 959 (2025)
- State v. Brunetti, 279 Conn. 39, 59 n.33, 901 A.2d 1 (2006), cert. denied, 549 U.S. 1212, 127 S. Ct. 1328, 167 L. Ed. 2d 85 (2007)
- Brandy v. Commissioner of Correction, 89 Conn. App. 387, 394 n.6, 873 A.2d 1061 (2005)
- State v. Crenshaw, 313 Conn. 69, 83–84, 95 A.3d 1113 (2014)
- State v. Lopez, 280 Conn. 779, 795, 911 A.2d 1099 (2007)
- State v. Dillard, 132 Conn. App. 414, 428–29, 31 A.3d 880 (2011), cert. denied, 303 Conn. 932, 36 A.3d 694 (2012)
- State v. Berube, 256 Conn. 742, 749 n.7, 775 A.2d 966 (2001)

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