

SUPREME COURT OF CONNECTICUT

State v. Patel, 327 Conn. 932

171 A.3d 1037 (2017) · Decided November 14, 2017

SUMMARY

The Connecticut Supreme Court considers whether the state constitutional right to bail continues after a defendant has been found guilty but before sentencing. The court holds that the right to bail under article first, § 8, of the Connecticut Constitution is extinguished upon conviction, meaning a finding of guilt accepted by the court. The court also concludes that it has jurisdiction to review the postconviction bail order and that the matter falls within the capable-of-repetition-yet-evading-review exception to mootness.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Per curiam
JURISDICTION	Connecticut
DECIDED	November 14, 2017
DISPOSITION	other
PROCEDURAL POSTURE	The defendant petitioned for review of an order revoking his bail after a jury found him guilty of murder and other offenses but before sentencing. The Supreme Court granted review, rejected the state's jurisdictional objections, and denied the requested relief.
STANDARD OF REVIEW	Constitutional interpretation and statutory interpretation were reviewed de novo. The court independently determined whether it had jurisdiction and whether the petition was moot.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Hiral Patel v. State of Connecticut

TOPICS

- bail
- appellate jurisdiction
- mootness
- constitutional law
- statutory interpretation

PRACTICE AREAS

- criminal procedure
- constitutional law
- appellate procedure
- bail
- statutory interpretation

QUESTIONS PRESENTED

1. Whether General Statutes § 54-63g and Practice Book § 78a-1 authorize review of a postconviction bail order notwithstanding their reference to an 'accused person.'
2. Whether the petition remained reviewable after the defendant was sentenced while it was pending under the capable-of-repetition-yet-evading-review exception to mootness.
3. Whether article first, § 8, of the Connecticut constitution creates a right to bail after a finding of guilt but before sentencing.
4. Whether the 1965 amendment to article first, § 8, expanded the constitutional right to bail to the period between conviction and sentencing.
5. Whether General Statutes § 54-63f is unconstitutional insofar as it bars release pending sentencing of persons convicted of specified homicide offenses.

HOLDINGS

1. The term 'accused' in General Statutes § 54-63g and Practice Book § 78a-1 includes a criminal defendant after conviction for purposes of seeking review of a release order.
2. The petition was not moot because the constitutional bail question was capable of repetition yet evading review.
3. Article first, § 8, of the Connecticut constitution does not afford a constitutional right to bail after a defendant has been found guilty, whether by verdict or plea, and before sentencing.
4. The 1965 amendment to article first, § 8, did not expand the constitutional right to bail to the period between conviction and sentencing.

KEY QUOTATIONS

“We conclude that we have jurisdiction over the petition and grant review but conclude that the right to bail under article first, § 8, of the Connecticut constitution is extinguished upon conviction, i.e., a finding of guilt, accepted by the court.” (171 A.3d at 1038)

“The petition for review is granted but the relief requested is denied.” (171 A.3d at 1049)

FACTUAL BACKGROUND

Patel was released before trial on a \$1 million bond. Following a jury verdict finding him guilty of murder under General Statutes § 53a-54a and other offenses, the trial court increased the bond to \$1.5 million and imposed release conditions pending sentencing. Six weeks later, at the state's request, the trial court revoked bail solely because it concluded that General Statutes § 54-63f barred release after a homicide conviction.

PROCEDURAL HISTORY

Patel was released before trial on a \$1 million bond. After the guilty verdict, the trial court increased the bond to \$1.5 million pending sentencing, but approximately six weeks later revoked bail at the state's request on the ground that General Statutes § 54-63f barred release of a person convicted of homicide. Patel sought review under General Statutes § 54-63g and Practice Book § 78a-1; the petition was transferred from the Appellate

Court to the Supreme Court under Practice Book § 65-3. The trial court sentenced Patel while the petition was pending, but the Supreme Court retained jurisdiction under the capable-of-repetition-yet-evading-review exception.

DISPOSITION

other

CASES CITED

- State v. McCahill, 261 Conn. 492, 811 A.2d 667 (2002)
- State v. McElveen, 261 Conn. 198, 802 A.2d 74 (2002)
- Loisel v. Rowe, 233 Conn. 370, 660 A.2d 323 (1995)
- In re Emma F., 315 Conn. 414, 107 A.3d 947 (2015)
- State v. Ayala, 222 Conn. 331, 610 A.2d 1162 (1992)
- State v. Geisler, 222 Conn. 672, 610 A.2d 1225 (1992)
- State v. Barton, 219 Conn. 529, 594 A.2d 917 (1991)
- Quintard v. Knoedler, 53 Conn. 485, 2 A. 752 (1885)
- State v. Vaughan, 71 Conn. 457, 42 A. 640 (1899)
- State v. Menillo, 159 Conn. 264, 268 A.2d 667 (1970)
- State v. Colon, 272 Conn. 106, 864 A.2d 666 (2004)
- Betterman v. Montana, 578 U.S. 437, 136 S. Ct. 1609, 194 L. Ed. 2d 723 (2016)
- State v. Wassillie, 606 P.2d 1279 (Alaska 1980)
- Ex parte Brown, 68 Cal. 176, 8 P. 829 (1885)
- Ex parte Voll, 41 Cal. 29 (1871)
- State v. Flowers, 330 A.2d 146 (Del. 1974)
- Stack v. Boyle, 342 U.S. 1, 72 S. Ct. 1, 96 L. Ed. 3 (1951)
- United States v. Madoff, 316 Fed. Appx. 58 (2d Cir. 2009)
- United States v. Abuhamra, 389 F.3d 309 (2d Cir. 2004)
- Snyder v. Newtown, 147 Conn. 374, 161 A.2d 770 (1960)
- Cahill v. Leopold, 141 Conn. 1, 103 A.2d 818 (1954)
- State v. Palko, 122 Conn. 529, 191 A. 320 (1937), aff'd, 302 U.S. 319, 58 S. Ct. 149, 82 L. Ed. 288 (1937)
- Consiglio v. Warden, 153 Conn. 673, 220 A.2d 269 (1966)