

SUPREME COURT OF CONNECTICUT

State v. Gelormino, 291 Conn. 373

968 A.2d 379 (2009) · No. No. 18144 · Decided April 28, 2009

SUMMARY

The Supreme Court of Connecticut considered whether a defendant who had previously received a sentence departure under General Statutes § 21a-283a could obtain a second departure in a separate drug case. The court held that the statute’s provision barring prior invocation applied at the time of sentencing, making the defendant ineligible for a second departure. The court affirmed the judgment imposing the mandatory minimum five-year sentence.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	PALMER, J.; Katz, J.; Palmer, J.; Vertefeuille, J.; Zarella, J.; Schaller, J.
JURISDICTION	Connecticut
DECIDED	April 28, 2009
DOCKET	No. 18144
PROCEDURAL POSTURE	The defendant appealed from a judgment of conviction and a five-year mandatory minimum sentence after entering an Alford plea. The appeal was transferred from the Appellate Court to the Supreme Court of Connecticut.
STANDARD OF REVIEW	Plenary review applies to the defendant's statutory-interpretation claim.
PARTIES	Kenneth Gelormino v. State of Connecticut

QUESTIONS PRESENTED

- Whether General Statutes § 21a-283a permits a defendant to obtain a sentence departure from a mandatory minimum sentence when the defendant previously received a departure under that statute in a separate case.
- Whether the phrase "have not previously been invoked" refers to the date of sentencing rather than the date of the defendant's plea or offense.
- Whether applying § 21a-283

FACTUAL BACKGROUND

The defendant participated in separate marijuana transactions involving Waterbury and Torrington. In the Waterbury case, he entered an Alford plea to selling marijuana by a person who was not drug-dependent. Before he was sentenced in Waterbury, he had already received a sentence departure under General Statutes § 21a-283a in the separate Litchfield case.

PROCEDURAL HISTORY

The defendant was prosecuted separately in the Litchfield and Waterbury cases. After a Litchfield jury conviction, the trial court granted a sentence departure under General Statutes § 21a-283a and imposed a suspended eight-year sentence with probation. The defendant then sought a second departure in the Waterbury case, but the trial court denied the request and imposed the mandatory minimum five-year sentence. The Supreme Court affirmed.