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BERDON, J., dissenting. This nightmare has been going on for over five years, during which time, the defendant, Edward Burgos, has been incarcerated because he was unable to post the required cash bond of \$750,000. Now, the majority wants to send this case back to the trial court for further proceedings because of a mere technicality. I will not take part in it, and, accordingly, I dissent.

This matter began with a claim that on or about September 11, 2004, the defendant sexually assaulted a woman, a matter that the “state has always conceded [was] . . . not the strongest case out there.” He then struck a guard on February 6, 2005, presumably out of this frustration. Although the defendant’s actions are not excusable, I could understand the frustration the defendant must have felt while being incarcerated and awaiting trial for a charge that, even the state conceded, was weak.

Appropriately, the defendant raised his constitutional right to a speedy trial in a motion to dismiss the charges before the court. Although it is unclear as to whether the court reached this argument, I would order defense counsel and the prosecutor to file supplemental briefs on the issues with respect to the violation of the defendant’s state and federal constitutional right to a speedy trial<sup>1</sup> and put this case to rest.

Accordingly, I respectfully must dissent.

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<sup>1</sup> See *Barker v. Wingo*, 407 U.S. 514, 530, 92 S. Ct. 2182, 33 L. Ed. 2d 101 (1972); *State v. Lloyd*, 185 Conn. 199, 208, 440 A.2d 867 (1981); see also *State v. Nims*, 180 Conn. 589, 591, 430 A.2d 1306 (1980) (identifying four factors forming matrix of defendant’s constitutional right to speedy adjudication: [1] length of delay, [2] reason for delay, [3] defendant’s assertion of his right and [4] prejudice to defendant).