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STATE OF CONNECTICUT *v.* STEPHEN NEARY  
(AC 38017)

Keller, Prescott and Bear, Js.

*Syllabus*

The defendant, who previously had been convicted, on pleas of nolo contendere, of the crimes of interfering with an officer, assault of public safety personnel and carrying a dangerous weapon, and of violation of probation, appealed to this court from the judgment of the trial court denying his motion to correct an illegal sentence, in which he raised claims regarding the legality of his sentence. *Held* that the defendant having completed his sentence, including the period of conditional discharge, there was no practical relief that could be afforded to him with regard to that sentence, and, therefore, his claims regarding the legality of that sentence were moot; accordingly, the appeal was dismissed.

Argued September 12—officially released November 7, 2017

*Procedural History*

Information, in the first case, charging the defendant with violation of probation, and information, in the second case, charging the defendant with the crimes of interfering with an officer, breach of the peace in the second degree, assault of public safety personnel, and carrying a dangerous weapon, brought to the Superior Court in the judicial district of New Haven, geographical area number seven, where the defendant was presented to the court, *J. Fischer, J.*, on a plea of guilty to violation of probation, and on a plea of nolo contendere to interfering with an officer, assault on a police officer, and carrying a dangerous weapon; thereafter, the court rendered judgments in accordance with the defendant's pleas; subsequently, the state entered a nolle prosequi on the charge of breach of the peace in the second degree; thereafter, the court denied the defendant's motion to correct an illegal sentence, and the defendant appealed to this court. *Appeal dismissed.*

*David B. Rozwaski*, special public defender, for the appellant (defendant).

*Timothy F. Costello*, assistant state's attorney, with whom, on the brief, were *Patrick J. Griffin*, state's attorney, and *James Turcotte*, supervisory assistant state's attorney, for the appellee (state).

*Opinion*

PER CURIAM. The defendant, Stephen Neary, appeals from the judgment of the trial court denying his motion to correct an illegal sentence filed pursuant to Practice Book § 43-22. On February 7, 2013, pursuant to a plea agreement, the defendant pleaded nolo contendere to the charges of interfering with an officer in violation of General Statutes § 53a-167a, assault of public safety personnel in violation of General Statutes § 53a-167c, and carrying a dangerous weapon in violation of General Statutes § 53-206. The defendant also admitted to violating conditions of a previously imposed probation. See General Statutes § 53a-32.<sup>1</sup> On the same day, the court sentenced the defendant to a total effective sentence of seven years of incarceration, execution suspended after two and one-half years to serve, and two years of conditional discharge.

On March 4, 2014, the defendant filed the second of two motions to correct an illegal sentence in which he raised various claims regarding the legality of his sentence and the underlying conviction. The court denied the motion, and this appeal followed.

On August 30, 2017, we ordered the parties to “be prepared to address at oral argument (1) whether the sentence imposed on the defendant on February 7, 2013, has been completed; and (2) if so, whether this appeal from the trial court’s denial of the defendant’s motion to correct [an] illegal sentence has been rendered moot as a result.” At oral argument, the defendant conceded that he had completed the sentence that was imposed by the court on February 7, 2013, including the period of conditional discharge.

In *State v. Bradley*, 137 Conn. App. 585, 587 n.1, 49 A.3d 297, cert. denied, 307 Conn. 939, 56 A.3d 950 (2012), this court held that an appeal from a motion to correct an illegal sentence is rendered moot if the defendant completes the sentence while the appeal is pending because this court cannot afford the defendant any practical relief as to that sentence. Accordingly, because the defendant has completed his sentence, his claims here regarding the legality of that sentence are moot.<sup>2</sup>

The appeal is dismissed.

<sup>1</sup> Although §§ 53a-167a, 53a-167c, 53-206, and 53a-32 have been amended by the legislature since the events underlying the present appeal, those amendments have no bearing on the merits of this appeal. In the interest of simplicity, we refer to the current revision of those statutes.

<sup>2</sup> To the extent that the defendant here is also attempting to challenge not only the legality of the sentence, but the underlying conviction itself, such a claim is beyond the purview of a motion to correct an illegal sentence. See, e.g., *State v. Lawrence*, 281 Conn. 147, 158–59, 913 A.2d 428 (2007).