
The “officially released” date that appears near the beginning of each opinion is the date the opinion will be published in the Connecticut Law Journal or the date it was released as a slip opinion. The operative date for the beginning of all time periods for filing postopinion motions and petitions for certification is the “officially released” date appearing in the opinion. In no event will any such motions be accepted before the “officially released” date.

All opinions are subject to modification and technical correction prior to official publication in the Connecticut Reports and Connecticut Appellate Reports. In the event of discrepancies between the electronic version of an opinion and the print version appearing in the Connecticut Law Journal and subsequently in the Connecticut Reports or Connecticut Appellate Reports, the latest print version is to be considered authoritative.

The syllabus and procedural history accompanying the opinion as it appears on the Commission on Official Legal Publications Electronic Bulletin Board Service and in the Connecticut Law Journal and bound volumes of official reports are copyrighted by the Secretary of the State, State of Connecticut, and may not be reproduced and distributed without the express written permission of the Commission on Official Legal Publications, Judicial Branch, State of Connecticut.

STATE OF CONNECTICUT v. KENNOLLEY BROOKS
(AC 23994)

Flynn, West and Hennessy, Js.

Argued February 17—officially released March 16, 2004

(Appeal from Superior Court, judicial district of
Hartford, geographical area number fourteen,
Scheinblum, J.)

James B. Streeto, assistant public defender, for the
appellant (defendant).

Denise B. Smoker, assistant state's attorney, with
whom, on the brief, were *James E. Thomas*, state's
attorney, and *Cathryn J. Krinitsky*, senior assistant
state's attorney, for the appellee (state).

Opinion

PER CURIAM. The trial court's judgment of conviction is reversed. The defendant, Kennolley Brooks, appeals from the judgment of conviction rendered after he entered a plea of guilty to the crimes of possession of a controlled substance in violation of General Statutes § 21a-279 (c) and breach of the peace in violation of General Statutes (Rev. to 2001) § 53a-181. The defendant claims, inter alia, that his constitutional rights were violated by the court's insufficient explanation to him of the rights that he waived upon entering the guilty plea.

“The question of an effective waiver of a federal constitutional right in a proceeding is of course governed by federal standards. *Douglas v. Alabama*, [380 U.S. 415, 422, 85 S. Ct. 1074, 13 L. Ed. 2d 934 (1965)].” *Boykin v. Alabama*, 395 U.S. 238, 243, 89 S. Ct. 1709, 23 L. Ed. 2d 274 (1969). “Several federal constitutional rights are involved in a waiver that takes place when a plea of guilty is entered in a state criminal trial. First, is the privilege against compulsory self-incrimination guaran-

ted by the Fifth Amendment and applicable to the States by reason of the Fourteenth. *Malloy v. Hogan*, [378 U.S. 1, 84 S. Ct. 1489, 12 L. Ed. 2d 653 (1964)]. Second, is the right to trial by jury. *Duncan v. Louisiana*, [391 U.S. 145, 88 S. Ct. 1444, 20 L. Ed. 2d 491 (1968)]. Third, is the right to confront one's accusers. *Pointer v. Texas*, [380 U.S. 400, 85 S. Ct. 1065, 13 L. Ed. 2d 923 (1965)]. We cannot presume a waiver of these three important federal rights from a silent record." *Boykin v. Alabama*, *supra*, 243.

The defendant contends, and the state concedes, that the court gave insufficient advice to the pro se defendant regarding two of his core *Boykin* rights, namely, his right to confront the state's witnesses against him and his privilege against self-incrimination. Without a record indicating that he understood those rights and voluntarily waived them, the conviction cannot stand.

The judgment is reversed and the case is remanded for further proceedings in accordance with law.
