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STATE OF CONNECTICUT *v.* RICHARD S. TAYLOR
(SC 18916)

Rogers, C. J., and Norcott, Palmer, Zarella, Eveleigh, McDonald and
Espinosa, Js.

Argued May 14—officially released June 25, 2013

Daniel J. Krisch, assigned counsel, for the appellant (defendant).

Harry Weller, senior assistant state's attorney, with whom were *Jennifer W. Cooper*, special deputy assistant state's attorney, and, on the brief, *Michael L. Regan*, state's attorney, and *Stephen M. Carney*, senior assistant state's attorney, for the appellee (state).

Moirra L. Buckley and *Leonard M. Crone* filed a brief for the Connecticut Criminal Defense Lawyers Association as amicus curiae.

Opinion

PER CURIAM. The defendant, Richard S. Taylor, was found guilty by a jury of the crimes of cheating during gambling in violation of General Statutes § 53a-127d (a) (3), conspiracy to cheat during gambling in violation of General Statutes §§ 53a-48 and 53a-127d (a) (3), larceny in the first degree in violation of General Statutes (Rev. to 2007) § 53a-122 (a) (2), and conspiracy to commit larceny in the first degree in violation of General Statutes §§ 53a-48 (a) and 53a-122 (a) (2). The trial court rendered a corresponding judgment of conviction and sentenced the defendant to a total effective sentence of thirteen years, execution suspended after ten years, with a three year period of probation. The defendant subsequently appealed to the Appellate Court, claiming “that the trial court’s instruction to the jury on the conspiracy offenses was improper, necessitating a reversal by [the Appellate Court] of his conviction and a remand to the trial court for a new trial.” *State v. Taylor*, 132 Conn. App. 357, 359, 31 A.3d 872 (2011). The Appellate Court concluded that, on the basis of its review of the entire charge, it was not reasonably possible that the jury was misled. *Id.*, 367. Further, the Appellate Court held that the trial court properly stated the law on conspiracy, including the element of agreement, in accordance with Supreme Court precedent. *Id.* Accordingly, the Appellate Court affirmed the judgment of the trial court. *Id.* We then granted the defendant’s petition for certification to appeal to this court, limited to the following issue: “Did the Appellate Court properly determine that in a conspiracy case it is sufficient for the court to instruct the jury that, with respect to the first essential element that there was an agreement, ‘[i]t is sufficient to show that the parties knowingly engaged in a mutual plan to do a criminal act?’ ” *State v. Taylor*, 303 Conn. 930, 36 A.3d 241 (2012).

After examining the entire record on appeal and considering the briefs and oral arguments of the parties, we have determined that the appeal in this case should be dismissed on the ground that certification was improvidently granted.

The appeal is dismissed.
