

**Timothy Hackett Everett**  
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### **Professional Experience**

#### **1987 to 2021**

Clinical Professor of Law (Full, 1994-2021) University of Connecticut School of Law. Trained and supervised students in criminal defense clinics representing indigent persons and groups in trial, appellate, and other postconviction cases in state and federal courts and administrative settings. Nonclinical teaching: Criminal Procedure, Advanced Criminal Procedure, Advanced Legal Writing, and frequent presenter in Recent Cases course. Acted as Faculty adviser for school's pro bono initiatives, 2009-21.

#### **1986-87**

Associate at Sharp & Berger, a Hartford firm concentrating on land use and environmental law.

#### **1984-86**

Lecturer, University of Bridgeport School of Law. Created curriculum, trained and supervised students representing indigent defendants in fourteen criminal appeals before the Connecticut Supreme and Appellate Courts. Also taught Criminal Procedure and appointed special public defender in cases in the Norwalk Superior Court.

#### **Bar Admissions**

Connecticut Bar, 1984. Connecticut District Court, 1985. Second Circuit Court of Appeals, 1990. United States Supreme Court, 1990.

### **Legal Interests**

Appellate brief writing, criminal law/procedure, linguistics, and lexicography in law.

### **Education**

**J.D.** with honors, University of Connecticut School of Law, 1984. Co-winner of Federal District Court Judge M. Joseph Blumenfeld award for outstanding work on behalf of indigent persons, 1984. American Jurisprudence prize in Criminal Procedure, fall 1982. Teaching assistant in 1983 and 1984 Moot Court Interterms. Co-taught and supervised criminal investigation program, 1982 & 1983. Elected as the 1984 student commencement speaker.

**M.A.** in linguistics, Clark University, 1977. Thesis on distinction between anomaly and ungrammaticality in natural language. Delivered paper on metaphor and anomaly at 1977 annual conference of International Linguistic Association. Taught expository writing in departments of English, History, and Economics.

**B.A.** with highest honors in English, Clark University, 1975. Phi Beta Kappa. Honors thesis: *The "Terror of History" in Thomas Wolfe's Novels*.

### **Professional/Community Affiliations and Activities**

*Member and Prisoner Representative on University of Connecticut Health Center Institutional Review Board (“IRB”), Nov. 2003 to present (2024).* IRB meets monthly to review human subjects research projects at UCHC to ensure compliance with federal, state, and UCHC medicolegal and ethical standards governing human subjects research. Appointed annually by Vice President for Health Affairs and Dean, School of Medicine.

*Member of the James W. Cooper Fellows, Connecticut Bar Foundation, 2013-present.*

Member, *Connecticut Criminal Defense Lawyers Association (“CCDLA”), 1988-present.* In 2013, 2014, and 2016 shared awards for exceptional contributions and services for authoring (with Professor T. D. Fernow and clinic students) CCDLA amicus briefs filed in Connecticut Supreme Court cases.

Member, Board of Directors, *Community Partners in Action (“CPA,” formerly Connecticut Prison Association).* Terms 1998-2013 and 2017-2023 (Board Chair, 2002-2003 and 2009-2011) CPA is a nonprofit organization founded in the 19<sup>th</sup> Century that works with adults and children affected by the Connecticut criminal justice system. CPA’s programs include alternatives to incarceration, re-entry, work training, and prison arts. CPA is primarily funded by grants and by contracts with the Court Support Services Division of the Connecticut Judicial Department and the Connecticut Department of Correction.

Board of Editors, *Connecticut Bar Journal*, editorial board member 1993-2023. Senior Topical Editor, Criminal Law, 2006-2011.

*Connecticut Civil Liberties Union:* Statewide Board of Directors (1993-1999) and Hartford Chapter Board of Directors (1991-2000).

Member, Committee on Professional Ethics, *Connecticut Bar Association*, 1993-97. Drafted ethics opinions for Committee adoption and publication.

### **Pre-professional Experience**

Assistant editor for *Word* (Journal of International Linguistic Association), 1977-81. Assisted editor in chief, Professor James Macris, on articles on National Language Planning and Treatment, *Word*, Vol. 30, Nos. 1-2.

Worked in various roles, dishwashing, clean up, busing and waiting tables at Sal’s Place restaurant in Provincetown, MA, summers, 1967 to 1981. Also worked as a carpenter, Latin tutor, bookstore clerk, waiter in a Greenwich Village coffee bar, and assistant for a veteran New York arts agent.

### **Personal Interests**

Quirks of current and past English usage, lexicography and etymology. English poetry. Italian renaissance paintings and drawings. Pastimes include imagining great baseball feats I never accomplished.

## SELECTED OTHER ACTIVITIES

Faculty adviser for Connecticut Law Review Symposium held on October 22, 2021: “The Tulsa Race Massacre: What’s Law Got To Do With It?” Advised and collaborated with symposium editors, Abby R. Booth ’22 and Joan N. Bosma, ’22 in defining the symposium themes and planning the event. Panelists published articles in 54 Conn. L. Rev., issue 4 (2022).

Wrote “*‘In Dreams Begin Responsibility’: Law Students and the Pro Bono Habit*” in Connecticut Lawyer (Magazine of the Connecticut Bar Assoc.), 36, 44 (March 2012).

*Arizona v. Gant: The End of the Belton Rule as We Knew It*, XXXIII The Champion (National Association of Criminal Defense Lawyers) 58-60 (August 2009).

*Developments in Connecticut Criminal Law: 2008*, 83 Connecticut Bar Journal 163-96 (2009).

*Developments in Connecticut Criminal Law: 2007*, 82 Connecticut Bar Journal 173-204 (2008).

*Developments in Connecticut Criminal Law: 2006*, 81 Connecticut Bar Journal 161-96 (2007).

*Developments in Connecticut Criminal Law: 2005*, 80 Connecticut Bar Journal 185-216 (2006).

*On the Value of Prison Visits with Incarcerated Clients Represented on Appeal by a Law School Criminal Defense Clinic*, 75 Mississippi Law Journal 845 (2006).

*Post-Gideon Developments in Law and Lawyering*, 4 Conn. Pub. Int. L.J. 20 (2004) (paper written after moderating Connecticut Public Interest Law Journal Symposium, “Gideon v. Wainwright After 40 years: Are We Keeping the Promise?” Nov. 13, 2003). Available at <http://www.law.uconn.edu/journals/cpilj/contents/archives/vol4/everett.pdf>

Presented paper contrasting early 19<sup>th</sup> century with late 20<sup>th</sup> century appellate courts’ use of lexicographic authority, May 31, 2003, at 14<sup>th</sup> Biennial Meeting of the Dictionary Society of North America, held in Durham, N.C., sponsored by the Duke University Linguistics Department.

Wrote lead Op-Ed for the Commentary section of the *Hartford Courant*, Sunday, October 8, 1995: “‘Not guilty’-- in whose eyes? The Simpson jury: unique perspective”.

SELECTED APPELLATE CASES<sup>1</sup>

## SECOND CIRCUIT COURT OF APPEALS

*Nderere v. Holder*, 467 Fed. Appx. 56, 57, 2012 U.S. App. LEXIS 5713, 2012 WL 917225 (2d Cir. 2012) (asylum case, prevailed on withholding of removal issue; cosupervised legal intern along with lead counsel, Professor Jon Bauer).

*Bunkley v. Meachum*, 68 F.3d 1518 (2d Cir. 1995) (federal habeas for state prisoner; issue re proper standard for an ineffective assistance of appellate counsel claim; student argued).

*Floyd v. Meachum*, 907 F.2d 347 (2d Cir. 1990) (habeas corpus petition for state inmate claiming prosecutorial misconduct; new trial ordered).

## CONNECTICUT SUPREME COURT

41. *State v. Christopher S.*, 338 Conn. 255 (2021) (issue of first impression re statutory mandate for audiovisual recording of custodial interrogation in serious felony cases).
40. *State v. Damato-Kushel*, 327 Conn. 173 (2017) (amicus brief on victim rights issue on behalf of Connecticut Criminal Defense Lawyers Association, co-authored with Professor T.D. Fernow and an appellate clinic student).
39. *State v. James A. E.*, 327 Conn. 212 (2017).
38. *State v. Edwards*, 325 Conn. 97 (2017) (need for expert to show reliability of historical cell phone location analysis).
37. *State v. Herring*, 323 Conn. 526 (2016) (amicus brief urging overruling of *State v. Kitchens*, 299 Conn. 447 (2011), on behalf of Connecticut Criminal Defense Lawyers Association, co-authored with Professor T.D. Fernow and three clinic students).
36. *State v. Walker*, 319 Conn. 668 (2015).
35. *State v. Pond*, 315 Conn. 451 (2015) (student argued) (aff'd Appellate Court order of new trial; elements of conspiracy elucidated).
34. *State v. Kelly*, 313 Conn. 1 (2014) (state constitutional search and seizure issue re street stop not supported by individualized suspicion).
33. *State v. Artis*, 314 Conn. 131 (2014) (amicus Brief on eyewitness identification issue on behalf of Connecticut Criminal Defense Lawyers Association, co-authored with Professor T.D. Fernow and clinic students).
32. *State v. Jenkins*, 298 Conn. 209 (2010) (state constitutional search and seizure issue re full car search during routine stop for not signaling lane changes).
31. *State v. King*, 289 Conn. 289 (2008) (student argued) (conviction affirmed but clinic later obtained relief in *King v. Warden*, 2011 WL 5531336 (Conn. Super.)).

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<sup>1</sup> One or more Appellate Clinic students presented oral argument in 57 of the 91 clinic cases listed. Students co-wrote the briefs in all clinic cases listed.

## CONNECTICUT SUPREME COURT (continued)

30. *Baker v. Commissioner*, 281 Conn. 241 (2007) (student argued) (claim re inmate's liberty interest in parole).
29. *State v. James G.*, 268 Conn. 382 (2004) (co-supervised students) (uncharged misconduct evidence issue).
28. *Johnson v. Commissioner of Correction*, 258 Conn. 804 (2002) (student argued) (successful claim re habeas jurisdiction and parole eligibility).
27. *Beasley v. Commissioner of Correction*, 249 Conn. 499, 733 A.2d 833 (1999) (whether categorical denial of good time credit to inmates in supermax prison violates ex post facto clause).
26. *State v. Wilkins*, 240 Conn. 489, 692 A.2d 1283 (1997) (student argued) (state constitutional search and seizure issue).
25. *State v. Newsome*, 238 Conn. 588, 682 A.2d 972 (1996) (sufficiency challenge to murder conviction based on eyewitness's prior inconsistent statement).
24. *State v. Linares*, 232 Conn. 345, 655 A.2d 737 (1995) (state constitutional issues re definition of public forum stemming from arrest of protesters who supported of gay and lesbian rights by interrupting governor's speech at legislature).
23. *State v. Nixon*, 231 Conn. 545, 651 A.2d 1264 (1995) (student argued) (double jeopardy)
22. *State v. Ray*, 228 Conn. 147, 635 A.2d 777 409 (1993) (new trial ordered; lesser included offense issue).
21. *State v. Cooper*, 227 Conn. 417, 630 A.2d 1043 (1993) (students argued).
20. *Bunkley v. Commissioner of Correction*, 222 Conn. 444, 610 A.2d 598 (1992) (student argued) (claim of ineffective assistance of appellate counsel).
19. *State v. Carey*, 222 Conn. 299, 610 A.2d 1147 (1992) (supervised student argument)
18. *State v. Hammond*, 221 Conn. 264, 604 A.2d 793 (1992) (student argued; shared supervisory responsibilities with Professors Sheldon and Fernow; DNA issue requiring remand for new ruling on motion for a new trial—motion later granted).
17. *Phillips v. Warden*, 220 Conn. 112, 595 A.2d 1356 (1991) (student co-argued) (habeas relief ordered because defense counsel's own murder conviction deprived defendant of his right to conflict-free representation).
16. *State v. Grant*, 219 Conn. 596, 594 A.2d 459 (1991) (supervised student argument, not brief).
15. *State v. Joly*, 219 Conn. 234, 593 A.2d 96 (1991) [16 A.L.R.5th 1093] (students argued; co-supervised with Professors Sheldon and Fernow)
14. *State v. Osman* ["*Osman II*"], 218 Conn. 432, 589 A.2d 1227 (1991) (students argued) (successful claim that evidence of identification was insufficient).
13. *Sekou v. Warden*, 216 Conn. 678, 583 A.2d 1277 (1990) (students argued) (constitutional right to be present issue where defendant had been tried in straitjacket and shackles).
12. *State v. Smith*, 207 Conn. 152, 540 A.2d 679 (1988) (THE wrote brief; not a Clinic case).
11. *State v. Jones*, 205 Conn. 638; 534 A.2d 1199 (1987) (THE wrote brief and argued case, not a Clinic case).
10. *State v. Garrison* ("*Garrison II*"), 203 Conn. 466, 525 A.2d 498 (1987).
9. *State v. Ghere*, 201 Conn. 289, 513 A.2d 1226 (1986) (student argued).

## CONNECTICUT SUPREME COURT (continued)

8. *State v. Woolcock*, 201 Conn. 605, 518 A.2d 1377 (1986) (challenged content and timing of preliminary instruction to jury when state's lead witness sworn; defendant tried in shackles).
7. *State v. Simino*, 200 Conn. 113, 509 A.2d 1039 (1986) (defendant not present when jury received final instructions).
6. *State v. Artis*, 198 Conn. 617, 503 A.2d 1181 (1986).
5. *State v. Harrell*, 199 Conn. 255; 506 A.2d 1041 (1986) (clinic student argued).
4. *State v. Garrison* ("Garrison P"), 199 Conn. 383; 507 A.2d 467 (1986) (clinic student argued).
3. *State v. Castonguay*, 194 Conn. 416, 481 A.2d 56 (1984) (THE appeared in case as a certified legal intern).
2. *State v. Johnson*, 192 Conn. 471, 472 A.2d 1267 (1984) (THE argued as a certified legal intern).
1. *Conservation Commission v. Price*, 193 Conn. 414, 479 A.2d 187 (1984) (not a clinic case; THE appeared in case as a certified legal intern).

## CONNECTICUT APPELLATE COURT

51. *Stafford v. Commissioner*, 207 Conn. App. 85 (2021) (obtained reversal of habeas court dismissal of case on jurisdictional and mootness grounds and prevailed on merits of parole eligibility claim; petitioner had pleaded guilty to offenses committed when he was 20 years old in 1981, sought parole review in 2014 and was told he would never be eligible for review; he filed a habeas petition which trial court dismissed; following appellate reversal, petitioner received initial parole review in 2022 and was found suitable for release, having served 41 years in prison. Three clinic students wrote appellate brief and two students argued appeal). Link to oral argument: <https://www.jud.ct.gov/appellatecourt/Audio/PlayAudio.aspx?ID=525&secondsToWait=5>
50. *State v. Mansfield*, 201 Conn. App. 748 (2020).
49. *State v. Crewe*, 193 Conn. App. 564 (2019).
48. *State v. Christopher S.*, 186 Conn. App. 197 (2018), *cert. granted*, 330 Conn. 963 (2019) (case of first impression under statute governing recording of custodial interrogation).
47. *State v. Ames*, 171 Conn. App. 486 (2017) (public defender case for which THE briefed just claim of improper judicial participation during state and defense summations).
46. *State v. James A.E.*, 154 Conn. App. 795 (2015) (student argued), *aff'd*, 327 Conn. 212(2016).
45. *State v. McNeil*, 154 Conn. App. 727 (2015) (student argued).
44. *State v. Sylvester Walker*, A.C. 35977 (2015) (successful motion to set aside trial court judgment).
43. *State v. Sterling DeCosta*, A.C. 36020 (2014) (successful motion to set aside trial court judgment).

## CONNECTICUT APPELLATE COURT (continued)

42. *State v. James E. Walker* ["Walker I"], 147 Conn. App. 1 (2013) (student argued), *aff'd* 319 Conn. 668 (2015).
41. *State v. Alexander Holley, Jr.*, 144 Conn. App. 558 (2013) (student argued).
40. *State v. Pond* ["Pond I"], 138 Conn. App. 228 (2012), *aff'd*, 315 Conn. 451 (2015) (student argued) (clinic prevailed in both Appellate and Supreme Courts re elements of conspiracy).
39. *State v. Kelly*, 129 Conn. App. 109 (2011) (student argued), *aff'd*, 313 Conn. 1 (2014).
38. *State v. Lahai*, 128 Conn. App. 448 (2011) (student argued) (court affirmed conviction but clinic prevailed subsequently in habeas corpus action alleging ineffective assistance of trial counsel).
37. *State v. Ocasio*, 112 Conn. App. 737 (2009) (student argued).
36. *State v. Guzman*, 110 Conn. App. 263 (2008) (student argued).
35. *State v. Jenkins*, 104 Conn. App. 417 (2007) (student argued), *cert. granted*, 285 Conn. 909 (2008), *rev'd*, 298 Conn. 209 (2010).
34. *State v. Sam*, 98 Conn. App. 13 (2006) (student argued) (new trial ordered; violation of constitutional right to be present).
33. *State v. Schiavo*, 93 Conn. App. 290 (2006) (student argued; co-supervisor).
32. *Baker v. Commissioner*, 91 Conn. App. 855 (2005) (student argued).
31. *Groomes v. Commissioner*, 86 Conn. App. 486 (2004).
30. *State v. Tyson*, 86 Conn. App. 607 (2004) (student argued).
29. *State v. Wilson*, 71 Conn. App. 110 (2002) (student argued).
28. *Beasley v. Commissioner*, 50 Conn. App. 421 (1998).
27. *Blakeney v. Commissioner of Correction*, 47 Conn. App. 568 (1998) (student argued).
26. *D'Onofrio v. Commissioner of Correction*, 36 Conn. App. 691 (1995) (student argued).
25. *State v. Garcia*, 37 Conn. App. 619 (1995) (student argued; co-supervisor).
24. *State v. Shanks*, 34 Conn. App. 103 (1994) (student argued; co-supervisor).
23. *State v. Linares* ["Linares I"], 32 Conn. App. 656, *cert. granted*, 228 Conn. 906 (1993) (student argued).
22. *State v. Nixon* ["Nixon I"], 32 Conn. App. 224, *cert. granted*, 228 Conn. 910 (1993) (student argued).
21. *State v. Ray* ["Ray I"], 30 Conn. App. 95, *cert. granted*, 225 Conn. 919 (1993) (student argued).
20. *State v. Nelson*, 23 Conn. App. 215 (1990), *cert. denied*, 216 Conn. 826; 582 A.2d 205, *cert. denied*, *Connecticut v. Nelson*, 499 U.S. 922 (1991) (student argued) (dismissal of prosecution ordered based on state's violation of plea agreement settling earlier case).
19. *State v. Osman* ["Osman I"], 21 Conn. App. 299, *cert. granted in part*, 216 Conn. 801 (1990) (students argued) (prevailed on insufficiency claim re dangerous instrument).
18. *State v. P.*, 22 Conn. App. 207 (1990) (student argued).

## CONNECTICUT APPELLATE COURT (continued)

17. *Phillips v. Warden* ["*Phillips I*"], 23 Conn. App. 63, *cert. granted*, 216 Conn. 822 (1990) (student co-argued) (petitioner prevailed in Supreme Court, *Phillips v. Warden*, 220 Conn. 112 (1991)).
16. *State v. Kristy* ["*Kristy II*"], 20 Conn. App. 495 (1990), *cert. denied*, 214 Conn. 808, 573 A.2d 321 (1990), *cert. denied*, *Connecticut v. Kristy*, 498 U.S. 818 (1990) (double jeopardy barred re-prosecution after reversal in *Kristy I*).
15. *State v. Rivera*, 23 Conn. App. 592 (1990) (not primary supervisor).
14. *State v. Kennedy*, 20 Conn. App. 354 (1989) (not primary supervisor).
13. *State v. Spears*, 20 Conn. App. 410 (1989) (students argued; co-supervised with Attorney Richard Emanuel).
12. *State v. Manfredi*, 17 Conn. App. 602 (1989) (not primary supervisor).
11. *State v. Phillips*, 17 Conn. App. 391 (1989).
10. *State v. Ramirez*, 16 Conn. App. 284 (1988) (co-supervisor).
9. *Iagrosse v. Carlin*, 16 Conn. App. 281 (1988) (zoning case; not a clinic case).
8. *State v. Chapman*, 16 Conn. App. 38 (1988) (student argued).
7. *State v. Butler*, 11 Conn. App. 673 (1987) (successful instructional error claim).
6. *State v. Kristy* ["*Kristy I*"], 11 Conn. App. 473 (1987), *cert. denied*, 206 Conn. 801 (1987) (students argued) (lesser included offense claim; new trial ordered).
5. *State v. Floyd*, 10 Conn. App. 361 (1987), *cert. denied*, 203 Conn. 809 (1987) (student argued) (prosecutorial misconduct at final argument claim; later prevailed on federal habeas review, *Floyd v. Meachum*, 907 F.2d 347 (2d Cir. 1990)).
4. *State v. Huff*, 10 Conn. App. 330 (1987).
3. *State v. Smith*, 9 Conn. App. 330 (1986).
2. *State v. Kitt*, 8 Conn. App. 478 (1986) (student argued) (prevailed on lesser included offense claim).
1. *State v. Householder*, 7 Conn. App. 1 (1986) (student argued).

## SELECTED OTHER CLINIC CASES

*State v. Pond*, N07M-CR08-0249522-S. Decided November 30, 2015. Superior Court granted clinic's motion for dismissal of re-prosecution on remand from Connecticut Supreme Court. Student attorneys co-wrote and briefed motion to dismiss.

*State v. Lahai*, N07MCR060237378S. Decided March 25, 2013. Successful motion to dismiss re-prosecution of client after clinic obtained new trial for inmate in habeas action. Student attorneys co-wrote motion and legal memorandum and presented oral argument.

*Lahai v. Warden*, 2012 WL 1959065, 2012 Conn. Super. LEXIS 1196, *Rockville Superior Court*, decided May 7, 2012, by Judge Samuel Sferrazza. Successful habeas corpus claim of ineffective assistance of trial counsel. Two clinic students co-briefed and orally argued case. Trial counsel had requested a jury charge that relieved state of its burden of proof on self-defense. New trial ordered.



## SELECTED OTHER CLINIC CASES (continued)

*Application of M.D. for Pardon* (2007). Successful application to Connecticut Board of Pardons and Paroles for pardon and erasure of felony drug and assault offenses. Supervised student in preparing application package and making presentation at hearing before the Board

*Groomes v. Commissioner of Correction*, U.S. District Court, District of Connecticut, 3:06-cv00201-AWT. Federal habeas corpus petition for state inmate under 28 U.S.C. § 2254.

*King v. Warden*, 2011 WL 5531336, 2011 Conn. Super. LEXIS 2719, Rockville Superior Court, decided October 27, 2011, by Judge Susan Cobb. Successful habeas corpus claim of ineffective assistance of counsel based on counsel's deficient advice that led petitioner to reject a 3 ½ year sentence in a plea offer, following which he was convicted at trial and then given a sentence of 18 years' incarceration. Students co-drafted the habeas petition and trial briefs and assisted at habeas trial. After the habeas court ordered relief, the state did not appeal but disputed habeas court's authority to order the original trial court to order specific relief. Obviating need to resolve the conflict between the habeas court's authority and the trial court's authority, the presiding judge at the Bridgeport Superior Court commuted the petitioner's sentence to "time served" on February 25, 2012.

*State v. Josue C.*, 2009 WL 765692, *Manchester Superior Court*, decided by Judge William H. Bright. After defendant was convicted of three offenses stemming from exercise of speech rights on his own property, the clinic appeared, filed a post-verdict memorandum of law, and presented oral argument challenging the convictions. The trial court ordered acquittals on all counts.

*State v. Holliday*, CR01-194794. Sentence Review case decided favorably in August 2005. Two clinic students represented client who was serving 40-year sentence for first degree robbery and conspiracy to commit robbery. The sentence review panel reduced client's sentence by 15 years, remarking, "We agree with the petitioner that a sentence in the 40 year range is generally reserved for those perpetrators whose acts result in serious physical injury or death."

*Application of T.M. for Pardon* (2004). Successful application to Connecticut Board of Pardons for pardon and erasure of larceny convictions for person from Eritrea who offended shortly after immigration into the U.S. Assembled supporting documentation and appeared at Board hearing to narrate biographical and cross-cultural background material.

*State v. Groomes*, CR91-347582. In April 2004, supervised a Clinic student who successfully argued that three judge sentence review panel should reduce by 25 years sentence imposed in 1993 for multiple garage burglaries and bicycle thefts committed in 1991.

## SELECTED OTHER CLINIC CASES (continued)

*Groomes v. Commissioner of Correction*, CV94-2114, *Rockville Superior Court*, Judge Edward Graziani. Twelve-day state habeas corpus trial, from December 2001, to July 2003. Twelve Clinic students worked on the case from 1996-2003. Partially favorable habeas judgment to reinstatement of right to sentence review, which led to 25-year reduction in prison term; other issues appealed.

*Johnson v. Commissioner of Correction*, CV99-549240, *New London Superior Court*, Judge Richard Dyer. State habeas corpus trial, June 2000. Two students on case. Won trial on *ex post facto* grounds and later prevailed on appeal in Connecticut Supreme Court on statutory grounds, *Johnson v. Commissioner of Correction*, 258 Conn. 804 (2002). Precedent affected over 800 inmates who would have had to serve 35% longer prison terms to become eligible for parole.

*State v. Copas*, CR86-28341. Murder trial before jury in *Rockville Superior Court*. 44 days of pretrial and trial hearings from February to July, 1997. Co-counsel with Public Defender Phillip Armentano. Four clinic students assisted at trial.

*Beasley v. Commissioner of Correction* [“*Beasley II*”], CV95-2059, and companion case, *Narducci v. Commissioner of Correction*, CV96-2176, *Rockville Superior Court*, Judge Thomas Bishop. State habeas corpus trial, 7 days of evidence, from May to November, 1996. Students co-tried and briefed case.

*Beasley v. Commissioner of Correction* [“*Beasley I*”], CV91-1177, *Rockville Superior Court*, Judge Thomas Bishop. State habeas corpus trial April, 1996, 2 days of evidence. Two students co-tried case.

*Blakeney v. Commissioner of Correction*, CV93-1744, *Rockville Superior Court*, Judge Thomas Bishop. State habeas corpus trial Nov.-Dec. 1995 (student represented petitioner on one issue).

*Walton v. Commissioner of Correction* (1995), *United States Federal District Court*. Federal habeas corpus petition for state inmate. Challenged adoption and retroactive application of *Pinkerton* liability to petitioner’s direct appeal, *State v. Walton*, 227 Conn. 32 (1995). Two students on brief.

*Bunkley v. Commissioner of Correction*, CV95-2057, *United States Federal District Court*. Federal habeas corpus petition for state inmate, 1993-94. Two students on case. Issue was prejudice standard for an ineffective assistance of appellate counsel claim.

*D’Onofrio v. Commissioner of Correction*, CV91-1245, *Rockville Superior Court*, Judge Lawrence Klaczak. State habeas corpus trial, 2 days of evidence. One student on case.

## SELECTED OTHER CLINIC CASES (continued)

*Chapman v. Commissioner of Correction*, N-90-0003, 1992 U.S., Dist. LEXIS 14704, 790 F. Supp. 63 (D. Conn.) (Cabranes, D.J.), *aff'd mem.*, 979 F.2d 846 (2d Cir. 1992). Federal habeas corpus petition for state inmate claiming due process violation where court permitted an eyewitness to make an identification of accused before the trial jury even though the witness had not been able to identify the defendant before trial.

*Huff v. Meachum*, H-90-347 (PCD), Judge Peter C. Dorsey. Federal habeas corpus petition for state inmate, 1991-92. Two students on case. Challenge to state court holding that the constitution requires a jury instruction on the statutory definition of an essential element of the crime charged but not on a "definitional component of an essential element."

*Sekou (Saia) v. Commissioner of Correction*, CV81-232876, *Bridgeport Superior Court*, Judge Bruce Thompson. State habeas corpus trial, evidence presented March 1989. Two students co-tried case. Claim of ineffective assistance of appellate counsel where counsel failed to challenge defendant's removal from courtroom at his trial and court permitted his return on condition that he remain in strait jacket and shackles.

*State v. James Kristy*, CR88-71787, *Derby Superior Court*, Judge Leander Gray. Prosecution for vehicular homicide. After defendant won appellate reversal of original convictions in 1987, state had obtained warrant and prosecuted defendant on new charges stemming from original incident. With student successfully argued for dismissal of charges on double jeopardy grounds, January 1989. Prevailed again on appeal. *State v. Kristy* ["*Kristy II*"], 20 Conn. App. 495 (1990), *cert. denied*, 214 Conn. 808 (1990), *cert. denied*, *Connecticut v. Kristy*, 498 U.S. 818 (1990).

*Phillips v. Warden*, CV86-335s, *Rockville Superior Court (at Somers Prison)*. Judge Sidney Axelrod. State habeas corpus trial, evidence presented over the course of seven days in 1988. Two students co-tried case. Third student led fact investigation. Claim was that trial attorney had conflict of interest in representing client in same courthouse in which attorney remained at liberty while appealing his own conviction of murder in a highly publicized case. Relief denied by habeas court but granted on appeal, *Phillips v. Warden*, 220 Conn. 112 (1991).

*Floyd v. Meachum*, H-88-420 (PCD). Federal habeas corpus petition for state inmate denied by Connecticut District Court but later prevailed in Second Circuit Court of Appeals, *Floyd v. Meachum*, 907 F.2d 347 (2d. Cir. 1990).

*Ghere v. Commission of Correction*, CV88-635, *Rockville Superior Court (habeas docket held at Somers Prison)*, Judge Sidney Axelrod. On August 4, 1989, by stipulation of the parties, judgment was entered for petitioner and a new trial ordered based on proof of perjury by "victim" at petitioner's criminal trial. Petitioner's trial attorney from Office of Public Defender, Susan Hankins, led investigation and obtained proof needed to obtain stipulated judgment in habeas court.