
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. GLENN STONE
(AC 21429)

Foti, Landau and Flynn, Js.

Submitted on briefs June 13—officially released August 28, 2001

Counsel

James M. Fox, special public defender, filed a brief for the appellant (defendant).

Scott J. Murphy, state’s attorney, *Susan C. Marks*, supervisory assistant state’s attorney, and *Terri Son-nemann*, assistant state’s attorney, filed a brief for the appellee (state).

Opinion

PER CURIAM. The defendant, Glenn Stone, appeals from the trial court’s judgment, rendered pursuant to General Statutes § 53a-32, revoking his probation and committing him to the custody of the commissioner of correction to serve thirty-two months, the remaining suspended portion of his previously imposed sentence. On appeal, the defendant asserts that the trial court improperly denied him the right of allocution after it found that he had violated the terms of his probation and before it imposed his sentence. We agree. There-

fore, we reverse the court's judgment and remand the matter to the trial court for a new dispositional hearing.

In 1995, the defendant, after pleading guilty to a violation of General Statutes § 14-227a, operating a motor vehicle while under the influence, received a total effective sentence of three years, execution suspended after 120 days, followed by four years probation. On February 23, 1999, the defendant pleaded guilty to a violation of § 14-227a. As a result of the conviction, he was charged with a violation of probation. Following a hearing, the court found that the defendant was in violation of the terms of his probation. Thereafter, the court revoked his probation and imposed his sentence. The defendant did not have an opportunity to allocute prior to sentencing. The court declined to hear remarks by the defendant or the witnesses presented on his behalf.

We review the defendant's unpreserved claim under the plain error doctrine. Practice Book § 60-5; see *State v. McDuffie*, 51 Conn. App. 210, 216-17, 721 A.2d 142 (1998), cert. denied, 247 Conn. 958, 723 A.2d 814 (1999).

A defendant has the right personally to address the court at the time of sentencing in the dispositional phase of a probation revocation hearing. See *State v. Strickland*, 243 Conn. 339, 354, 703 A.2d 109 (1997); see also Practice Book § 43-10 (3).

The judgment is reversed only as to the imposition of the sentence and the case is remanded for further proceedings, before a different judge.¹ At that time, the court should allow the defendant to exercise his right of allocution prior to the court's imposition of sentence. The judgment is affirmed in all other respects.

¹ On appeal, both parties seek resentencing before a different judicial authority. See *State v. Hedman*, 62 Conn. App. 403, 415, 772 A.2d 603, cert. granted on other grounds, 256 Conn. 909, 772 A.2d 602 (2001).
