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STATE OF CONNECTICUT *v.* MICHAEL MCCLEAN
(AC 37380)

Lavine, Alvord and Beach, Js.*

Reconsidered April 13—officially released May 9, 2017**

(Appeal from Superior Court, judicial district of
Hartford, Clifford, J. [judgment]; Alexander, J. [motion
to correct].)

Heather Clark, assigned counsel, for the appellant
(defendant).

Melissa Patterson, assistant state's attorney, with
whom, on the brief, were *Gail P. Hardy*, state's attorney,
and *Michele C. Lukban* and *John F. Fahey*, senior
assistant state's attorneys, for the appellee (state).

PER CURIAM. This court originally issued its decision in the present case on August 23, 2016. See *State v. McClean*, 167 Conn. App. 781, 144 A.3d 490 (2016), *petition for cert. filed* (Conn. September 12, 2016) (No. 160155). In our decision, we concluded that the form of the trial court's judgment was improper and remanded the case "with direction to render judgment denying the defendant's motion to correct an illegal sentence." *Id.*, 786.

Several months later, our Supreme Court issued its decision in *State v. Delgado*, 323 Conn. 801, 151 A.3d 345 (2016), and thereafter, on February 7, 2017, issued the following order. "No action is taken on the defendant-appellant [Michael McClean's] petition for certification to appeal filed September 12, 2016, at this time. It is hereby ordered, sua sponte, that the Appellate Court's decision in *State v. Michael McClean*, 167 [Conn. App.] 781 (2016), is remanded to that court with direction to reconsider its ruling that the trial court did have jurisdiction over the motion to correct an illegal sentence in light of our holding in *State v. Delgado*, 323 Conn. 801 (2016), and *State v. Boyd*, 323 Conn. 816 [151 A.3d 355] (2016)."

Upon reconsideration, we are constrained by *Delgado* to conclude that the trial court properly dismissed the defendant's motion to correct an illegal sentence and that its judgment should be affirmed. See *State v. Delgado*, *supra*, 323 Conn. 801.

The trial court's dismissal of the defendant's motion to correct an illegal sentence is affirmed.

* The listing of judges reflects their seniority status on this court as of the date of reconsideration.

** This case was originally decided on August 23, 2016, by the same three member panel of this court. Thereafter, our Supreme Court, sua sponte, directed this court to "reconsider its ruling that the trial court did have jurisdiction over the motion to correct an illegal sentence in light of our holding in *State v. Delgado*, 323 Conn. 801 [151 A.3d 345] (2016), and *State v. Boyd*, 323 Conn. 816 [151 A.3d 355] (2016)."
