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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.

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MCDONALD, J., dissenting in part, concurring in part. I agree with the result.

In this case, the state relies on a frisk or patdown for weapons under *Terry* v. *Ohio*, 392 U.S. 1, 24, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968), and *State* v. *Kyles*, 221 Conn. 643, 661, 607 A.2d 355 (1992). I agree that the state has failed to meet its burden of establishing facts supporting a legal search and seizure without a warrant. See *United States* v. *Jeffers*, 342 U.S. 48, 51, 72 S. Ct. 93, 96 L. Ed. 59 (1951); *State* v. *Keeby*, 159 Conn. 201, 268 A.2d 652 (1970), cert. denied, 400 U.S. 1010, 91 S. Ct. 569, 27 L. Ed. 2d 623 (1971). I would conclude that the state did not present sufficient evidence of the nature and extent of the ''patdown'' of the defendant. Our Supreme Court has held that such a patdown search does not exceed constitutionally permissible bounds if the officer limits the search to an open, flat-handed patdown of the exterior of a suspect's clothing for weapons and does not manipulate the object that he discovers or otherwise extend the scope of the search. *State* v. *Trine*, 236 Conn. 216, 227, 673 A.2d 1098 (1996); see also *Minnesota* v. *Dickerson*, 508 U.S. 366, 373, 113 S. Ct. 2130, 124 L. Ed. 2d 334 (1993). State police Trooper Stevens, who patted down the defendant, did not testify at the hearing and, thus, did not describe his patdown of the defendant. Another officer, state police Detective Contre, who was present at the time, testified that Stevens had the defendant put his hands on a fence and then patted down the defendant. Stevens felt a hard object that he ''thought'' was a weapon and had the defendant empty his pockets. Consequently, the trial court could not find that the patdown frisk was limited and did not exceed constitutionally permissible bounds. See *State* v. *Mann*, 271 Conn. 300, 319–20, A.2d (2004).

The majority also concludes that the officers did not have a reasonable and articulable suspicion to justify stopping the defendant and reasonable grounds to believe that the defendant might be armed to justify a patdown for weapons. Although the state presented scant evidence on the issues and, as a result, the court's factual findings were sparse, I would hold that there was sufficient evidence for the court to conclude that a stop and frisk was permissible.[1] There was evidence that in hot weather, the defendant was wearing a hooded sweatshirt, which covered his head. The defendant aroused the convenience store clerk's suspicions by entering and leaving the store after looking around. When, as part of a robbery deterrence program, the store notified the police, it would have been ''poor police work indeed''; *Terry* v. *Ohio*, supra, 392 U.S. 23; if the police ignored that call. Wearing a hooded

sweatshirt in a convenience store, under such circumstances, may constitute reasonable grounds for suspicion that the store is being, in police parlance, ''cased,''[2] and that the suspect may be armed. All too common are convenience store robberies in which a hood serves as a disguise.

[1] Neither party requested an articulation of the court's memorandum of decision.

[2] Merriam-Webster's Collegiate Dictionary (10th Ed.) defines ''casing'' as: ''to inspect or study esp. with intent to rob.''